



State of Oregon Department of Environmental Quality

Oregon DEQ Staff Report

Cleaner Air Oregon and Asbestos Fees 2024

Sept. 2, 2024

Table of Contents

DEQ recommendation to the DEQ Director.....	2
Introduction	3
Statement of need	4
Federal relationship.....	4
Rules affected, authorities, supporting documents.....	6
Documents relied on for rulemaking.....	6
Rules summary	7
Fee analysis	8
Statement of fiscal and economic impact.....	18
Racial equity.....	26
Environmental justice considerations	27
Land use	28
EQC prior involvement	29
Advisory committee	30
Public engagement.....	32
Notification	37
Five-year review	38
Non-discrimination statement.....	38
Draft Rules – Edits Highlighted	39
Draft Rules – Edits Incorporated	55

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DEQ recommendation to the DEQ Director

DEQ recommends that Director Feldon, on behalf of the Environmental Quality Commission adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.

Introduction

DEQ is proposing a 3% fee increases in the Cleaner Air Oregon and Asbestos programs as authorized under ORS 468A.345(3) and 468A.750(4). On Jan. 24, 2024, EQC delegated authority to the DEQ director to approve fee increases for both the Cleaner Air Oregon and the Asbestos programs.

DEQ is held one public comment period for this rulemaking starting on July 22,2024, until Aug. 26, 2024 and a public comment period on Aug 15, 2024. DEQ drafted a response to comments, included in this staff report, along with proposed draft rules and is submit to DEQ Director Leah Feldon for final consideration.

Statement of need

What need would the proposed rule address?

Asbestos

Approval of this fee increase will allow the Asbestos program to maintain current service levels, operating in a way that protects public and worker health by providing technical assistance, collaborating with local, state, and federal agencies, conducting abatement project inspections, and investigating and addressing violations that endanger public health.

Cleaner Air Oregon

Approval of this fee increase will allow the Cleaner Air Oregon program to cover DEQ's costs to operate the Cleaner Air Oregon program. Costs include a portion of air quality monitoring, planning and agency central services, such as accounting and human resources. State law authorize DEQ to increase fees by the annual change in the consumer price index to meet funding requirements by considering inflation.

How would the proposed rule address the need?

Because ORS 468A.345 and ORS 468A.750 provide for an increase in fees up to 3% to accommodate anticipated costs associated with administering the Asbestos and CAO programs, and because costs associated with these programs have risen by more than 3%, this rulemaking will help to maintain necessary service levels for these programs program until [one year after Date of increase].

How will DEQ know the rule addressed the need?

By increasing fees, DEQ can offset the increased costs of administering the Asbestos and Cleaner Air Oregon Programs. This rulemaking will help maintain necessary service levels for these programs

Federal relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. In this case, the proposed rules differ from applicable federal requirements. As required by OAR 340-011-0029(1)(a), DEQ provides the following reasoning and alternatives analysis for adopting these rules.

What are the scientific, economic, technological, administrative and other reasons for exceeding applicable federal requirements?

Oregon is required to operate an air quality permitting program and an asbestos program

in order to protect air quality, land and water throughout the state. Although there are no federal stipulations that outline fee structures or fee increases, Oregon's air quality programs are required to implement rules associated with federal requirements. In order to meet federal requirements, these programs must maintain adequate operating budgets.

These fees are not required by federal rules and as such, are in addition to federal requirements. For the asbestos program, the fee increase in this rulemaking is in addition to federal requirements, as there are no federal stipulations regarding asbestos fees, but DEQ's program is designed to meet federal requirements around asbestos. The Cleaner Air Oregon program already imposes requirements that are different from or in addition to federal requirements in terms of monitoring and reporting. Cleaner Air Oregon is a state health risk-based air toxics regulatory program that adds requirements to DEQ's existing air permitting framework designed to meet federal requirements. The Environmental Quality Commission adopted Cleaner Air Oregon rules in November 2018 to close the regulatory gaps left after the implementation of federal air toxics regulations. More information around the impetus for administering the Cleaner Air Oregon program are outlined in the staff report for the 2018 rulemaking that established the Cleaner Air Oregon program.

Both Cleaner Air Oregon and the DEQ Asbestos program rely on fees to support continuation of these programs. For the Asbestos program, the proposed fee increase is necessary to help ensure that federal requirements continue to be met. For the Cleaner Air Oregon program, fee increases support the continuation of a program that goes beyond federal requirements to reduce public health risks from toxics exposure for Oregonians.

What alternatives did DEQ consider and why is DEQ not pursuing them?

DEQ considered not proposing adoption of the fee increase for CAO and Asbestos program. However, this alternative would pose strain on the programs and make maintenance of existing levels of service in these programs impossible.

DEQ did not pursue these alternatives because of the following.

DEQ did not pursue this alternative because it would not achieve the purpose of accommodating routine increases in service costs associated with these programs. For both programs, the legislature provided authority to annually increase fees by the amount associated with the anticipated increase in the cost of administering the programs, or by 3% whichever is lower. DEQ has determined that costs associated with administering both programs have actually increased by much more than 3%, according to bi-annual budgets. Therefore, a fee increase is necessary to maintain current service levels.

Rules affected, authorities, supporting documents

Lead division

Air Quality Planning

Program or activity

Cleaner Air Oregon and Asbestos Programs

Chapter 340 action

Amend				
340-216-8020	340-216-8030	340-248-0180	340-248-0260	

Statutory Authority - ORS				
468.020	468.065	468.345	468A.040	468A.050
468A.750				

Statutes Implemented - ORS				
468.020	468.065	468A.040	468A.050	468A.345
468A.750				

Documents relied on for rulemaking

Document title	Document location
2023-2025 Legislatively approved budget	Oregon Legislature Website
Oregon Revised Statutes	Oregon Laws Website
U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index	Bureau of Labor Statistics Website

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

OAR chapter 340, division 216, 220, and 248

Rule Number	Rule Title	Explanation
340-216-8020	Table 2 – Air Contaminant Discharge Permits	Increase to Cleaner Air Oregon program fees by 3%
340-216-8030	Table 3 – Cleaner Air Oregon Specific Activity Fees	Increase to Cleaner Air Oregon program fees by 3%
340-220-0050	Specific Activity Fees	Increase to Cleaner Air Oregon program fees 3%
340-248-0180	Licensing and Certification Requirements: Fees	Increase to Asbestos program fees by 3%
340-248-0260	Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements	Increase to Asbestos program fees by 3%

Fee analysis

These proposed rules would increase existing fees. The EQC met on Jan. 24, 2024 and delegated authority to DEQ's director to adopt a fee increase for the Asbestos and Cleaner Air Oregon programs. ORS 468A.750(4) and ORS 468A.345(3) authorize these fee increases.

Asbestos

ORS 468A.750(4) authorizes EQC to act on the proposed fees below

(4) Not more than once each calendar year, the commission may increase the fees established under this section. The amount of the annual increase may not exceed the anticipated increase in the cost of carrying out the asbestos abatement program or three percent, whichever is lower, unless a larger increase is provided for in the department's legislatively approved budget.

Cleaner Air Oregon

ORS 468A.345(3) authorizes EQC to act on the proposed fees below

(3) Not more than once each calendar year, the Environmental Quality Commission may increase the fees authorized under this section. The amount of the annual increase may not exceed the anticipated increase in the cost of implementing ORS 468A.335 to 468A.343 and section 7, chapter 102, Oregon Laws 2018, or three percent, whichever is lower, unless a larger increase is provided for in the Department of Environmental Quality's legislatively approved budget.

Brief description of proposed fees

DEQ is proposing a fee increase to support air quality program fees for Fiscal Year 2025 by 3% above the FY 2024 fees. These fees apply to:

- Asbestos Program Fees
- Cleaner Air Oregon Fees

The fee increase rulemaking consists of the following:

OAR 340-248-0180 and 340-248-0260:

- Asbestos Program Fees

OAR 340-216-8020, 340-216-8030 and 340-220-0050

- Cleaner Air Oregon Program Fees

Reasons

The proposed fee increase is necessary to maintain current service levels for the Asbestos and CAO programs. DEQ's goal is to incrementally raise fees annually, when appropriate, rather than adopt larger fee adjustments less frequently. However, the regular 3% fee increase does not always keep pace with inflation and the increasing cost of services, especially for programs that are all or predominantly fee funded. Therefore, DEQ may periodically seek larger fee increases.

Services the fee increase would support include a portion of air quality monitoring, planning and agency central services, such as accounting and human resources. The fees would also address increased program and staff costs to maintain current service and staff levels.

Fee proposal alternatives considered

DEQ considered the following alternatives:

- No fee increases, which could require DEQ to reduce program staffing. Without a fee increase, the program will eliminate legislatively approved positions over the next few years, impacting the agency's ability to deliver on core responsibilities.
- Increasing annual fees at differing rates and in differing amounts in order to reduce fiscal impacts to source categories that have lower emissions levels.
- Increasing all annual fee categories a proportionately equivalent amount equal to the change in the Consumer Price Index.

Fee payer

Asbestos

Fee payers for asbestos program are asbestos abatement contractors, certified asbestos workers and supervisors, and accredited asbestos training providers.

Fee payers may also include homeowners and/or property owners who are indirectly affected when hiring asbestos abatement contractors if contractors decide to pass fee onto customers.

Cleaner Air Oregon

Fee payers are air quality permit-holders from across the state including, but not limited to, large industrial facilities subject to the Title V operating permitting program, and other facilities, activities and operations listed in Oregon Administrative Rules Chapter 340 Division 216 Table 1.

Affected party involvement in fee-setting process

DEQ convened a Fiscal Advisory Committee including appointees representing a variety of industries directly and indirectly affected by the proposed fee increase. The RAC/FAC met on Jun. 18, 2024 to discuss ways to employ the fee increase to allow DEQ to generate the required revenue.

Summary of impacts

The proposed Asbestos program fee increases would affect approximately 73 licensees, 6 training providers, and 1,222 certificate holders directly by increasing all fee categories by 3%. This includes notification fees, certification fees, licensing fees, and accreditation fees.

The proposed Cleaner Air Oregon fee increase would affect the 2,568 facilities that currently have an Air Contaminant Discharge Permit (ACDP) or a Title V permit and are therefore subject to the CAO program, and any facility that applies for this type of permit in the future. This increase applies to annual fees, specific activity fees associated with completing a Risk Assessment, and permit modification fees.

Fee payer agreement with fee proposal

DEQ has increased Title V fees by the change in the Consumer Price Index regularly since the Title V program began in the early nineties. Fee payers have generally not opposed this annual fee increase equal to the rate of inflation. This is the first rulemaking in which Cleaner Air Oregon program fees would be increased. The RAC members who represented fee payers did not express opposition to the increased fee.

How long will the current fee sustain the program?

Current fees are not sufficient to sustain the Asbestos and Cleaner Air Oregon Programs covered by the 3% fee increase. The cost to administer the programs increases every biennium while the total amount of fees paid remains relatively constant, with some fluctuation in fee revenue for activities that are influenced by economic conditions. In addition, Cost of Living Adjustments (COLA) from the 2023 state collective bargaining reflect the recent high inflation and will result in increased costs. During the 2023-25 biennium, the increased salary costs from these COLAs will exceed the amount of revenue generated from existing fees plus the amount of new revenue generated from the proposed 3% fee increases. There was one COLA implemented in December 2023 and there will be a second COLA in January 2025. While some of these costs will be borne in this biennium, the full impact of the 2023-25 COLAs will be experienced in the 2025-27 biennium.

The average cost per full-time employee (FTE) across the program covered by the 3 percent fee increase has increased 16.32% over a two-year period, which is 8.16% over

a one-year period. This rate of increase is based on a calculation of the current service level in the 2023-25 Legislatively Adopted Budget compared to the 2021-23 Legislatively Adopted Budget.

Budgeted Cost Increase – Asbestos Program	
Budget Period	Costs Per FTE
2021-23 Legislatively Adopted Budget	\$349,822
2023-25 Legislatively Adopted Budget	\$406,911
Budget increase over two- year period	16.32%

Current Fees – Asbestos Program		
Program biennial costs covered by fees	\$3,359,334	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	2022 (Notifications, Licensing, Certification, Training Provider Accreditation)	

Proposed Fees – Asbestos Program		
Expected change in revenue (+/-)	\$50,390	3%
Main General Fund required by statute/rule to fund program	\$0	0%
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	September 2024	

Transactions and Revenue* - Asbestos Program				
Biennium	Number of transactions	Number of fee payers	Impact on revenue (+/-)	Total revenue (+/-)
Current Biennium 2021-23	5472	5472	\$50,390	\$3,409,724
Next Biennium 2023-25	5472	5472	\$102,290	\$3,512,014

Specific Activity Fees		
Notification Fee	Current Fee	3% Fee Increase
Residential	\$126	\$130
Non-Friable	\$126	\$130
<40 Linear Ft.	\$126	\$130
40-249 Linear Ft.	\$252	\$260
250-1,299 Linear Ft.	\$504	\$519
1,300-2,599 Linear Ft.	\$662	\$682
2,600-4,999 Linear Ft.	\$1,134	\$1,168
5,000-9,999 Linear Ft.	\$1,323	\$2,363
10,000-25,999 Linear Ft.	\$2,142	\$2,206
26,000-259,999 Linear Ft.	\$3,528	\$3,634
>260,000 Linear Ft.	\$4,410	\$4,542
Friable (Annual)	\$945	\$973
Non-Friable (Annual)	\$630	\$649
Worker and Supervisor Cards	Current Fee	3% Fee Increase
Initial Worker Certification	\$57	\$59
Refresher Worker Certification	\$57	\$59
Initial Supervisor Certification	\$82	\$84
Refresher Supervisor Certification	\$82	\$84
Abatement Contractor License	Current Fee	3% Fee Increase
New Contractor License	\$1,270	\$1,308
Contractor License Renewal	\$1,270	\$1,308
Contractor License Modification	\$1,270	\$1,308

Training Provider Accreditation	Current Fee	3% Fee Increase
Initial Worker Training	\$394	\$406
Refresher Worker Training	\$394	\$406
Initial Supervisor Training	\$394	\$406
Refresher Supervisor Training	\$394	\$406

The average cost per full-time employee across the Cleaner Air Oregon Program, covered by the 3 percent fee increase, has increased 24.97% over a two-year period. This rate of increase is based on a calculation of the current service level in the 2023-25 Legislatively Adopted Budget compared to the 2021-23 Legislatively Adopted Budget.

Budgeted Cost Increase – Cleaner Air Oregon	
Budget Period	Costs Per FTE
2021-23 Legislatively Adopted Budget	\$411,380
2023-25 Legislatively Adopted Budget	\$514,089
Budget increase over two- year period	24.97%

Current Fees – Cleaner Air Oregon		
Program biennial costs covered by fees	\$5,200,000	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	11/16/2018	

Proposed Fees – Cleaner Air Oregon		
Expected change in revenue (+/-) (FY2025)	\$75,000	1.5%
Main General Fund required by statute/rule to fund program	\$0	0%
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	September 2024	

Transactions and Revenue – Cleaner Air Oregon				
Biennium	Number of transactions	Number of fee Payers	Impact on revenue (+/-)	Total revenue (+/-)
Current biennium 2021-23	3266	2568	\$75,000	\$5,275,000
Next biennium 2023-25	3266	2568	\$153,000	\$5428,000

Fee schedule

Proposed Fees		
Fee Category	Current 2023 Fees	Proposed 2024 Fees
Annual Fees		
Basic ACDP (A)	\$151	\$156
Basic ACDP (B)	\$302	\$311
General ACDP – Class One	\$302	\$311
General ACDP – Class Two	\$544	\$560
General ACDP – Class Three	\$786	\$810
General ACDP – Class Four	\$151	\$156
General ACDP – Class Five	\$50	\$52
General ACDP – Class Six	\$100	\$103
Simple ACDP – Low Fee	\$806	\$830
Simple ACDP – High Fee	\$1,612	\$1,660
Standard ACDP	\$3,215	\$3,322
Title V – Annual Base Fee	\$2,859	\$2,945
Title V – Annual Emission Fee	\$21.61/ton	\$22.26/ton
Toxic Air Contaminant Permit Addendum Modification Fees		
(A) Non-Technical	\$432	\$445
(B) Basic Technical	\$432	\$445
(C) Simple Technical	\$1,440	\$1,483
(D) Moderate Technical	\$7,200	\$7,416
(E) Complex Technical	\$14,440	\$14,873

Specific Activity Fees								
ACTIVITY	Permit Type							
	Title V		Standard ACDP		Simple ACDP		General or Basic ACDP	
	2023	2024	2023	2024	2023	2024	2023	2024
(1) Existing Source Call-In Fee	\$10,000	\$10,300	\$10,000	\$10,300	\$1,000	\$1,030	\$500	\$515
(2) New Source Consulting Fee	\$12,000	\$12,360	\$12,000	\$12,360	\$1,900	\$1,957	\$1,000	\$1,030
(3) Submittal Document Modification Fee	\$2,500	\$2,575	\$2,500	\$2,575	\$500	\$515	\$250	\$258
(4) Level 1 Risk Assessment - de minimis (no permit required)	\$1,500	\$1,545	\$1,500	\$1,545	\$1,000	\$1,030	\$800	\$824
(5) Level 1 Risk Assessment – not de minimis	\$2,000	\$2,060	\$2,000	\$2,060	\$1,500	\$1,545	\$1,100	\$1,133
(6) Level 2 Risk Assessment - de minimis (no permit required)	\$3,100	\$3,193	\$3,100	\$3,193	\$2,300	\$2,369	\$2,000	\$2,060
(7) Level 2 Risk Assessment – not de minimis	\$3,600	\$3,708	\$3,600	\$3,708	\$2,800	\$2,884	\$2,300	\$2,369
(8) Level 3 Risk Assessment - de minimis (no permit required)	\$8,800	\$9,064	\$8,200	\$8,446	\$5,300	\$5,459	\$4,500	\$4,635
(9) Level 3 Risk Assessment – not de minimis	\$19,900	\$20,497	\$11,300	\$11,639	\$7,000	\$7,931	\$6,300	\$6,489
(10) Level 4 Risk Assessment - de minimis (no permit required)	\$21,400	\$22,042	\$18,500	\$19,055	\$11,700	\$12,051	NA	NA
(11) Level 4 Risk Assessment – not de minimis	\$34,600	\$35,638	\$25,800	\$26,574	\$15,500	\$15,965	NA	NA
(12) Risk Reduction Plan Fee	\$6,700	\$6,901	\$6,700	\$6,901	\$2,600	\$2,678	\$2,600	\$2,678
(13) Air Monitoring Plan Fee (includes risk assessment)	\$25,900	\$26,667	\$25,900	\$26,667	NA	NA	NA	NA
(14) Postponement	\$4,400	\$4,532	\$4,400	\$4,532	\$4,400	\$4,532	\$2,000	\$2,060

of Risk Reduction Fee								
(15) TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	\$3,000	\$3,090	\$3,000	\$3,090	\$1,500	\$1,545	\$1,500	\$1,545
(16) TEU Risk Assessment – no permit mod	\$1,000	\$1,030	\$1,000	\$1,030	\$500	\$515	\$500	\$515
(17) TEU Risk Assessment – permit mod	\$4,000	\$4,120	\$4,000	\$4,120	\$2,000	\$2,060	\$1,000	\$1,030
(18) Level 2 Modeling review only for TEU approval	\$1,900	\$1,957	\$1,300	\$1,339	\$800	\$824	\$700	\$721
(19) Level 3 Modeling review only for TEU approval	\$3,800	\$3,914	\$3,800	\$3,914	\$3,500	\$3,605	\$3,500	\$3,605
(20) Community Engagement Meeting Fee – high	\$8,000	\$8,240	\$8,000	\$8,240	\$8,000	\$8,240	\$8,000	\$8,240
(21) Community Engagement Meeting Fee – medium	\$4,000	\$4,120	\$4,000	\$4,120	\$4,000	\$4,120	\$4,000	\$4,120
(22) Community Engagement Meeting Fee - low	\$1,000	\$1,030	\$1,000	\$1,030	\$1,000	\$1,030	\$1,000	\$1,030
(23) Source Test Review Fee (plan and data review) – complex	\$6,000	\$6,180	\$6,000	\$6,180	\$6,000	\$6,180	\$6,000	\$6,180
(24) Source Test Review Fee (plan and data review) – moderate	\$4,200	\$4,326	\$4,200	\$4,326	\$4,200	\$4,326	\$4,200	\$4,326
(25) Source Test Review Fee (plan and data review) – simple	\$1,400	\$1,442	\$1,400	\$1,442	\$1,400	\$1,442	\$1,400	\$1,442

Asbestos Fees		
Notification Fee	Current Fee	3% Fee Increase
Residential	\$126	\$130
Non-Friable	\$126	\$130
<40 Linear Ft.	\$126	\$130
40-249 Linear Ft.	\$252	\$260
250-1,299 Linear Ft.	\$504	\$519
1,300-2,599 Linear Ft.	\$662	\$682
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Refresher Worker Training	\$394	\$406
Initial Supervisor Training	\$394	\$406
Refresher Supervisor Training	\$394	\$406

Statement of fiscal and economic impact

Fiscal and economic impact

Increasing permitting fees will benefit the Cleaner Air Oregon and Asbestos Program through increased financial support, helping the program maintain current service levels. The fee change will increase costs for entities that hold the affected permits or require fee-based services.

Asbestos

For the Asbestos program, an increase in asbestos notification fees, certification fees, accreditation fees, and licensing fees would affect approximately 72 licensees, 6 training providers, and 1,222 certificate holders directly. This increase would increase program revenue by approximately \$50,000 annually.

Cleaner Air Oregon

The increase in Cleaner Air Oregon fees would affect approximately 2,565 Title V Permit and Air Contaminant Discharge Permit holders directly and increase annual program revenue by approximately \$75,000 in the 2025 fiscal year. The direct impact of the fee increase on permit holders is based on an assumption that emissions will remain the same in future years.

Statement of cost of compliance

State agencies

Asbestos

Federal and state agencies should not be affected by this fee increase rulemaking unless they employ asbestos staff or require asbestos abatement work in an agency building.

Cleaner Air Oregon

Direct Impacts: Oregon Health Sciences University is an example of a state and federal agency that is subject to the Cleaner Air Oregon Program and paid annual Cleaner Air Oregon Program fees of \$5,085 in 2023. The proposed rules would increase their permit fees by about \$153 for 2024.

Indirect Impacts: Changes to Cleaner Air Oregon Program fees could affect state and federal agencies indirectly if businesses subject to the program change the price of goods and services to offset any increased costs from paying increased program fees.

Local governments

Asbestos

Local government should not be affected by this fee increase rulemaking unless they employ asbestos staff or require asbestos abatement work in a government building, in which case, the cost of these fees may be passed on and show up as marginal increases in service line items.

Cleaner Air Oregon

Direct Impacts: Oregon county and city local governments subject to Cleaner Air Oregon Program include municipal waste landfills. The following is a summary of Cleaner Air Oregon Program fees increases for three landfills operated by local governments:

- Metropolitan Service District, St. Johns Landfill paid annual Cleaner Air Oregon Program fees of \$2,989 in 2023. The proposed rules would increase their 2024 fees by about \$90.
- Deschutes County Solid Waste Department, Knott Landfill paid annual Cleaner Air Oregon Program Title V annual permit fees of \$4,112 in 2023. The proposed rules would increase their 2024 fees by about \$124.
- Douglas County Public Works Department, Roseburg Landfill paid annual Cleaner Air Oregon Program fees of \$3,205 in 2023. The proposed rules would increase their 2024 fees by about \$96.

Indirect Impacts: Changes to Cleaner Air Oregon Program fees could affect county and city local governments indirectly if businesses subject to the program change the price of goods and services to offset any increased costs from paying increased program fees.

Public

Asbestos

For Asbestos program, the proposed rules may affect the public indirectly. Homeowners, property owners, and facility owners/operators hire asbestos abatement contractors to perform asbestos abatement projects during renovation or demolition activities.

Cleaner Air Oregon

Direct Impacts: Air pollution creates public health problems that can have negative economic impacts. The proposed rules could affect the public directly and positively if the proposed fee increases provide adequate resources for compliance and technical assistance and help avoid public health costs associated with lower compliance and increased air pollution.

Indirect Impacts: Changes to Cleaner Air Oregon Program fees could affect the public indirectly if businesses subject to the program change the price of goods and services to offset any increased costs from paying increased program fees. DEQ expects any such price increases to be small and lacks available information upon which it could accurately estimate actual potential increases.

Large businesses - businesses with more than 50 employees

Asbestos

Most asbestos abatement contractors and training providers are small businesses, however there are some that employ more than 50 individuals. Those businesses will be directly affected by the asbestos notification fee increase, worker and supervisor certification fee increase, licensing fee increase, and in some cases, the training provider accreditation fee increase.

Large businesses who require asbestos abatement may be affected indirectly by the increase of asbestos fees. Because training providers and asbestos abatement contractors will be required to pay higher fees, these entities may increase prices to offset costs.

Cleaner Air Oregon

Direct Impacts: Approximately 1,600 large businesses are subject to the Cleaner Air Oregon Program and a fee increase would affect these businesses directly. Estimated impacts are based on the assumption that DEQ identified all facilities subject to the Cleaner Air Oregon Program and that the number of affected businesses and facility emissions remain constant.

The proposed annual Cleaner Air Oregon Program base and emission fees are provided in the following table. Cleaner Air Oregon Program specific activities, which represent approximately 14% of program revenues, would also increase by 3% in 2024.

Fee Category	2023 Fees	Proposed 2024 Fees (to be invoiced)	Increase over 2023 Fees
Basic ACDP (A)	\$151	\$156	\$5
Basic ACDP (B)	\$302	\$311	\$9

General ACDP – Class One	\$302	\$311	\$9
General ACDP – Class Two	\$544	\$560	\$16
General ACDP – Class Three	\$786	\$810	\$24
General ACDP – Class Four	\$151	\$156	\$5
General ACDP – Class Five	\$50	\$52	\$2
General ACDP – Class Six	\$100	\$103	\$3
Simple ACDP – Low Fee	\$806	\$830	\$24
Simple ACDP – High Fee	\$1,612	\$1,660	\$48
Standard ACDP	\$3,215	\$3,322	\$97
Title V – Annual Base Fee	\$2,859	\$2,945	\$86
Title V – Annual Emission Fee	\$21.61/ton	\$22.26/ton	\$0.65/ton

The requirement for a Title V permit is most often based on quantity of emissions from a facility. In general, lower emitting sources with less complex permits would experience a smaller annual dollar impact from the proposed fee increases. The table below shows the effect of the proposed fees on invoices issued to sources emitting 50, 250, 500 or 5,000 tons per year.

Emissions per calendar year	2023 Fees	Proposed 2024 Fees (to be invoiced)	Increase in fees
50 tons/yr.	\$3,940	\$4,058	\$119
250 tons/yr.	\$8,262	\$8,510	\$249
500 tons/yr.	\$13,664	\$14,075	\$411
5,000 tons/yr.	\$110,909	\$114,245	\$3,336

Indirect Impacts: Changes to Cleaner Air Oregon Program fees could affect large businesses indirectly if businesses subject to the program change the price of goods and services to offset any increased costs from paying increased program fees.

Small businesses – businesses with 50 or fewer employees

Neither the asbestos nor the Cleaner Air Oregon fee increases will have a significant adverse effect on small businesses, as described further below.

Asbestos

Most asbestos abatement contractors are small businesses. The increase in worker and supervisor certification fees, licensing fees, and notification fees will affect them directly. Most accredited asbestos training providers are also small businesses, and the increase of training provider fees will affect them directly.

Small businesses who require asbestos abatement may be affected indirectly by the increase of asbestos fees. Because training providers and asbestos abatement contractors will be required to pay higher fees, these entities may increase prices to offset costs.

Cleaner Air Oregon

Direct Impacts: Generally, facilities with less complex permits would experience a smaller economic impact from Cleaner Air Oregon Program fee increases than larger facilities with more complex permits. Small businesses often fall into the Basic or General Air Contaminant Discharge Permit categories (about 87 percent of permittees), where the cost of the Cleaner Air Oregon Program fee increases range from about \$5 to \$24 per year based on the industry or activity type. Examples of these small businesses are dry cleaners, automotive body shops, chrome plating facilities, and sawmills. Some small businesses (about 68), that hold more complex Simple and Standard Air Contaminant Discharge Permits and Title V permits, would experience higher fee increases per year, but none of the small businesses subject to the Cleaner Air Oregon Program emit more than 250 tons per year in a typical year. Businesses emitting 250 tons per year would experience a fee increase of \$249 in 2024 over existing fees. Additional proposed fee increases would affect small businesses required to apply for a new permit or a modification to an existing permit, by increasing most specific activity fees by 3 percent.

Indirect Impacts: Changes to Cleaner Air Oregon Program fees could affect small businesses indirectly if businesses subject to the program change the price of goods and services to offset any increased costs from paying increased program fees.

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

Asbestos

Based on the list of existing licensed asbestos abatement contractors and accredited asbestos training providers, 77 small businesses will be subject to the fee increase.

- 72 asbestos abatement contractors
- 6 accredited asbestos training providers

Cleaner Air Oregon

DEQ estimates that approximately 38 percent of sources subject to the Cleaner Air Oregon Program (about 966 businesses) are small businesses with 50 or fewer employees, such as such as dry cleaners and gasoline dispensing facilities.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

Asbestos

The proposed rules should not require any additional administrative activities. All affected parties already have systems in place to comply with the proposed fee increase.

Cleaner Air Oregon

The proposed rule amendments do not establish any additional reporting, recordkeeping or other administrative activities.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

Asbestos

The proposed rules will not require any additional resources. There should be no changes to administration requirements to comply with the proposed fee increase.

Cleaner Air Oregon

The proposed rule amendments do not require any additional equipment, supplies, labor or increased administration.

d. Describe how DEQ involved small businesses in developing this proposed rule.

Asbestos

The Fiscal Advisory Committee includes representatives from a variety of asbestos industry types, including abatement contractors, training providers, local government agencies, and community organizations.

Cleaner Air Oregon

DEQ provided notice of the proposed rules to all sources subject to the Cleaner Air Oregon Program, including those that are small businesses.

Documents relied on for fiscal and economic impact

The requirement to list the documents relied on to determine fiscal impact is separate from and in addition to the similar list in the Rules affected, authorities, supporting documents section above.

Asbestos

Document title	Document location
List of Accredited Training Providers	https://www.oregon.gov/deq/FilterDocs/asb-Trainers.pdf
List of Licensed Asbestos Abatement Contractors	https://www.oregon.gov/deq/FilterDocs/asb-contr.pdf

Cleaner Air Oregon

Document title	Document location
2023-2025 Legislatively approved budget	Oregon Legislature Website
Oregon Revised Statutes – Air Quality	Oregon Laws Website
U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index	Bureau of Labor Statistics Website

Advisory committee fiscal review

As ORS 183.333 requires, DEQ asked for the committee’s recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement. .

The FAC discussed,

Per ORS 183.33, committee's recommendations on:

1. Whether the proposed rules would have a fiscal impact,
2. The extent of the impact, and
3. Whether the proposed rules would have significant adverse impact on small businesses;
 - a) If so, then how DEQ can comply with ORS 183.540 reduce that impact.

The FAC responded,

1. Yes, the proposed rules would have a fiscal impact.
2. The extent of the impact would be minimal but would likely be felt by smaller companies/contractors when adding all the fees together. For example, asbestos contractor fees can add up once you include the cost for contracting, certification,

and training. Representatives of fee payers for CAO expressed the same concern of multiple fees adding up.

3. No, the proposed fees would not have a significant adverse impact on small businesses. One concern brought up was the asbestos program being at a disadvantage due to undocumented asbestos contractors and trainers not paying program dues.

Racial equity

ORS 183.335(2)(a)(F) requires agencies to provide a statement identifying how adoption of the rule will affect racial equity in this state.

Asbestos

DEQ has determined that the increase of fees may affect racial equity in the state. Many certified asbestos workers and certified asbestos supervisors are BIPOC. Frequently, they are responsible for their own certification fees. To minimize the impact of the fee increase, DEQ consulted the Rulemaking Advisory Committee and the Fiscal Advisory Committee June 18, 2024.

Cleaner Air Oregon

Adoption of the proposed rule would affect Cleaner Air Oregon program fees statewide - across various sectors, public and private. Since the fee increase will apply equally across all permit categories and tiers, and there are no expected changes to practical implementation of the program activities as a result of this rule adoption, and there is no expected impact on racial equity in the state. Increasing the fees, as proposed, will help maintain program services critical to protecting public health and the environment (such as permit compliance assurance, inspections, and enforcement) which may be particularly important in BIPOC or historically underserved communities

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues.

182.545 Duties of natural resource agencies. In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

(1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.

(2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.

(3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.

(4) Create a citizen advocate position that is responsible for:

(a) Encouraging public participation;

(b) Ensuring that the agency considers environmental justice issues; and

(c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.

Environmental Justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

Asbestos

The Asbestos Program engages in public outreach to inform communities and associations about the hazards of asbestos using various communication channels like social media, local media, and by hosting educational workshops and information sessions in affected communities.

Additionally, the program staff serve as citizen advocates, providing education and outreach, and ensuring the agency is informed about the impact on communities that are traditionally underrepresented in the public process.

Cleaner Air Oregon

The Cleaner Air Oregon program is designed to regulate and reduce emissions from major and non-major sources of toxic air contaminants in Oregon. Environmental justice communities are often fence-line communities near these toxic air contaminant sources. Adopting the fee increases provides the necessary funding for DEQ to regulate these facilities in traditionally overburdened communities.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

The EQC met on Jan. 24, 2024 and delegated authority for DEQs director for a one-time fee increase. ORS 468A.315, 468A.345(3), and 468A.750(4), and OAR 340-248-0180 authorize these fee increases.

Advisory committee

Background

DEQ convened the Cleaner Air Oregon and Asbestos Fee 2024 advisory committee. The committee included representatives from air consultants, engineers, industry, environmental advocacy, research and minority focused non-profit and met one time. The committee’s web page is located at: [Cleaner Air Oregon and Asbestos Fees 2024](#)

The committee members were:

Advisory Committee Membership	
Name	Affiliation
Andy Fridley	PBS Engineering and Environmental Inc
Brian Eagle	Maul Foster Alongi
Jace Jones	AmeriTies West
Joshua Beauchamp	GDSI
Mason Leavitt	Beyond Toxics
Rosa Martinez	Professional Minority Group, Inc
Sharla Moffett	Oregon Business Industry

Meeting notifications

To notify people about the advisory committee’s activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Air Quality Permit Fee Increases
 - Asbestos Issues
 - Cleaner Air Oregon
 - DEQ Public Notices
- Added advisory committee announcements to DEQ’s calendar of public meetings at [DEQ Calendar](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee (summarize committee charter, topics, discussions, conclusions, recommendations).

This year’s 3% fee increase affects Cleaner Air Oregon Title V and ACDP permit holders. The fees cover DEQ’s cost to operate the CAO program. Agency costs include

a portion of air quality monitoring, planning and agency central services, such as accounting and human resources.

This year's 3% fee increase affects the Asbestos program by increasing fees for project notification, certification of asbestos workers and supervisors, licensing of asbestos abatement contractors, and accreditation of asbestos training providers. The proposed fees would address increased program and staff costs to maintain current service levels. Agency costs include planning and agency central services, such as accounting and human resources.

The rules advisory committee also discussed the cost and benefits of this fee increase and how it affects environmental justice communities. It was mentioned that the increase in fees will most likely be passed onto the consumer. The committee discussed that the fees are spread out amongst larger portions of the population and programs like CAO and Asbestos benefit communities most at risk, those located close to facilities with large emissions and people in close proximity to buildings contaminated with asbestos. The consensus was the benefits of the fee increase outweigh the cost of the fee and benefit marginalized communities.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On July 22, 2024 filing notice with the Oregon Secretary of State for publication in the August 2024 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Cleaner Air Oregon and Asbestos Fees 2024](#);
- Emailing approximately 25,015 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Air Quality Permit Fee Increases
 - Asbestos Issues
 - Cleaner Air Oregon
 - DEQ Public Notices
- Emailing the following key legislators required under [ORS 183.335](#):
 - Representative Paul Holvey
 - Representative Pam Marsh
 - Senator Fred Girod
 - Senator Elizabeth Steiner
 - Representative Tawna Sanchez
 - Speaker of the House Julie Fahey
 - President of the Senate Rob Wagner
- Emailing advisory committee members,
- Posting on the DEQ event calendar: [DEQ Calendar](#)

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

- Email: Send comments by email to AQ.Fees@DEQ.oregon.gov
- Postal mail: Oregon DEQ, Attn: Megan Duenas, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At the public hearing: 5 p.m., Monday, Aug. 15, 2024

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on Aug. 26, 2024.**

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Public hearing

DEQ held one public hearing. DEQ received 0 comments at the hearing. Later sections of this document include a summary of the 3 comments received during the open public comment period, DEQ's responses, and a list of the commenters. Original comments are on file with DEQ.

Presiding officers' record

Hearing 1

Date	Aug. 15, 2024
Place	Virtual Meeting, Zoom
Start Time	5 p.m.
End Time	5:28 p.m.
Presiding Officer	Farrah Fatemi

Presiding officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

1 person attended by teleconference or webinar. 0 number of people commented orally and 0 number of people submitted written comments at the hearing. 2 comments were received via email during the public comment period.

Summary of public comments and DEQ responses

Public comment period

DEQ accepted public comment on the proposed rulemaking from July 22, 2024 until 4 p.m. on Aug. 26, 2024.

The Oregon Department of Environmental Quality received three comments during the public comment period for the Cleaner Air Oregon and Asbestos Fees 2024 rulemaking.

Response

Comments received by close of public comment period

The list below shows people and organizations that submitted public comments about the proposed rules by the deadline. Original comments are on file with DEQ.

Commenter 1 Chuck Erickson

Affiliation Citizen

Comment suggests that Cleaner Air Oregon and Asbestos do not do enough. Comment suggests that burn barrels should be banned inside city limits.

Commenter 2 Lynda Jasso-Thomas

Affiliation Citizen

Comment suggests that the regulations for residential use of bark chips on properties cause air pollution including particulate matter and respiratory issues. Comment also suggests that there should be penalties for businesses who distribute products as well as homeowners and renters who use bark chips.

Response

DEQ appreciates your comments and concern about the health of the community and environment. This rulemaking is for fee increases associated with the Cleaner Air Oregon and Asbestos programs. Regulating burn barrels and bark chips are not within the scope of this particular rulemaking.

Commenter 3 Jackie White

Affiliation Northwest Pulp and Paper Association

Comment mentions serious concerns with compounding effects of multi-program fee increases impacting the same facilities, as well as inadequate stakeholder inclusion in the RAC process.

Response

DEQ appreciates your comment regarding the cumulative impact of multi-program fee increases, the adequacy of stakeholder inclusion in the Regulatory Advisory Committee process, and the broader implications for your member mills and the communities they support. The representation on the RAC was made up of a broad set of interests with background in the Cleaner Air Oregon program and Asbestos program, including members from industry, contractors, and organizations that represent industry in Oregon, as well as environmental advocacy members. Additionally, notice was provided to all permit holders about the public comment period, allowing for permitted facilities to review the public notice and provide comment on the rule. DEQ held a public hearing on Aug. 15, 2024.

In prior rulemakings, DEQ has received feedback that the agency was conducting too many rulemakings at one time, stretching the capacity of the stakeholder community and those that represented them on the RAC. These fee increase rulemakings were combined in part to address past feedback and also to reduce the impact on agency rulemaking resources.

DEQ has also received feedback in the past that our fee increase rulemakings have been inconsistent and unpredictable. To address those concerns, DEQ expects to undergo annual 3% fee increases. Each fee type comes with their own limitations on which programs they can fund, and will take into consideration your comments and how best to balance the use of agency resources on rulemaking activities.

Notification

The proposed rules would become effective upon filing on approximately Sept 10, 2024. DEQ would notify affected parties by:

- Emailing permit holders
- Emailing asbestos contractors and training providers
- Forwarding the GovDelivery notice to the following topic lists:
 - Asbestos
 - Rulemaking
- Air Quality Permit Fee Increases

Five-year review Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).
- Adopt a federal law or rule by reference. ORS 183.405((5)(b)).
- Implement legislatively approved fee changes. ORS 183.405(5)(c).

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

Draft Rules – Edits Highlighted - Asbestos

Key to Identifying Changed Text:

~~Strikethrough: Deleted Text~~

Underline: New/inserted text

Division 248 ASBESTOS REQUIREMENTS

340-248-0180

Licensing and Certification Requirements: Fees

(1) DEQ may assess the following fees to provide revenues to operate the asbestos control program.

(a) Contractor Licenses: A non-refundable license application fee of ~~\$1,270~~1,308 for a one-year Asbestos Abatement Contractor license;

(b) Worker and Supervisor Certifications: A non-refundable application fee of ~~\$82~~84 for a one-year certification as an asbestos supervisor and ~~\$57~~59 for a one-year certification as an asbestos worker;

(c) Training Provider Accreditation: A non-refundable accreditation application fee of:

(A) ~~\$394~~406 for a one-year accreditation to provide a course for training asbestos supervisors;

(B) ~~\$394~~406 for a one-year accreditation to provide a course for training asbestos workers; and

(C) ~~\$394~~406 each for a one-year accreditation to provide a course for refresher training for Oregon asbestos certification.

(d) Asbestos Abatement Project Notification fee required under OAR 340-248-0260.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.745

340-248-0260

Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements

(1) Except as provided under OAR 340-248-0250, written notification of an asbestos abatement project must be submitted to DEQ on a DEQ-approved form, accompanied by the appropriate fee. The notification must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or by the contractor as required by sections (2) through (5) of this rule, except as provided in sections (6), (7), and (8). A notification revision must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor in accordance with section (10) of this rule.

(2) DEQ must receive notifications as specified in section (5) of this rule and the project notification fee at least 10 days before beginning a friable asbestos abatement project and at least five days before beginning a nonfriable asbestos abatement project.

(a) The project notification fee is:

(A) ~~\$126~~ \$130 for each project that will abate less than 40 linear feet or 80 square feet of asbestos-containing material, is at a residential building, or is a nonfriable asbestos abatement project not subject to paragraph (K).

(B) ~~\$252~~ \$260 for each project that will abate more than or equal to 40 linear feet or 80 square feet but less than 260 linear feet or 160 square feet of asbestos-containing material.

(C) ~~\$504~~ \$519 for each project that will abate more than or equal to 260 linear feet or 160 square feet, and less than 1300 linear feet or 800 square feet of asbestos-containing material.

(D) ~~\$662~~ \$682 for each project that will abate more than or equal to 1300 linear feet or 800 square feet, and less than 2600 linear feet or 1600 square feet of asbestos-containing material.

(E) ~~\$1,134~~ \$1,168 for each project that will abate more than or equal to 2600 linear feet or 1600 square feet, and less than 5000 linear feet or 3500 square feet of asbestos-containing material.

(F) ~~\$1,323~~ \$1,363 for each project that will abate more than or equal to 5000 linear feet or 3500 square feet, and less than 10,000 linear feet or 6000 square feet of asbestos-containing material.

(G) ~~\$2,142~~ \$2,206 for each project that will abate more than or equal to 10,000 linear feet or 6000 square feet, and less than 26,000 linear feet or 16,000 square feet of asbestos-containing material.

(H) ~~\$3,528~~3,634 for each project that will abate more than or equal to 26,000 linear feet or 16,000 square feet, and less than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(I) ~~\$4,410~~4,542 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(J) ~~\$945~~973 for annual notifications for friable asbestos abatement projects that will abate 40 linear feet or 80 square feet or less of asbestos-containing material.

(K) ~~\$630~~649 for annual notifications for nonfriable asbestos abatement projects performed at schools, colleges, and facilities.

(b) Project notification fees must accompany the project notification form. Notification has not occurred until DEQ receives the completed notification form and appropriate fee.

(c) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule in emergencies that directly affect human life, health, and property. This includes:

(A) Emergencies where there is an imminent threat of loss of life or severe injury;

(B) Emergencies where the public is potentially exposed to air-borne asbestos fibers;
and

(C) Emergencies where significant property damage will occur if repairs are not made immediately.

(d) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule for asbestos abatement projects that were not planned, resulted from unexpected events, and will cause damage to equipment or impose unreasonable financial burden if not performed immediately. This includes the non-routine failure of equipment.

(e) In either subsection (c) or (d) of this section persons responsible for such asbestos abatement projects must submit an emergency or unexpected event abatement request to DEQ before starting work or by 9:00 am of the next working day if the work was performed on a weekend, evening, or holiday. The request must include a copy of the completed and appropriate notification form. Notification as specified in section (5) of this rule and the appropriate fee must be submitted to DEQ within three days of starting emergency or unexpected event asbestos abatement projects.

(f) The duration of an asbestos abatement notification may not exceed one year beyond the original starting date. The project starting and completion date provided in a notification for an asbestos abatement project must be commensurate with the amount

of asbestos-containing material involved. If a project exceeds one year in duration, a new notification must be provided as described in this rule, including payment of a new notification fee.

(3) The facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor may submit annual notification for friable asbestos abatement projects where no more than 40 linear or 80 square feet of asbestos-containing material is removed at each project. Friable asbestos abatement projects subject to an annual notification may be conducted at multiple facilities by a single licensed asbestos contractor, or at a facility that has a centrally controlled asbestos operation and maintenance program where the facility owner uses appropriately trained and certified personnel to remove asbestos. The contractor owner or operator must submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form a summary report of all asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Provide to DEQ, upon request, a list of asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(e) Submit project notification and fee prior to use of this notification procedure.

(f) Failure to provide payment for use of this notification procedure will void the notification and each subsequent abatement project will be individually assessed a project notification fee.

(4) Annual nonfriable asbestos abatement projects may only be performed at schools, colleges, and facilities where certified asbestos abatement workers perform the removal work. Submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form, a summary report of all nonfriable asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

- (d) Submit project notification and fee before using this notification procedure.
- (e) Failure to provide payment for use of this notification procedure will void the notification and DEQ will individually assess each subsequent nonfriable abatement project a project notification fee.
- (f) Provide to DEQ, upon request, a list of nonfriable asbestos abatement projects that are scheduled or are being conducted at the time of the request.
- (5) The following information must be provided for each notification:
 - (a) Name, phone number, and address of person conducting asbestos abatement project.
 - (b) The Oregon asbestos abatement contractor's license number and certification number of the supervisor for the asbestos abatement project or, for nonfriable asbestos abatement projects, the name of the supervising person that meets Oregon OSHA's competent person qualifications as required in 29 C.F.R. 1926.1101(b), adopted by reference under OAR 437-003-0001(25).
 - (c) Method of asbestos abatement to be employed.
 - (d) Procedures to be employed to insure compliance with OAR 340-248-0270 through 340-248-0280.
 - (e) Names, addresses, and phone numbers of waste transporters.
 - (f) Name and address or location of the permitted disposal site where the asbestos-containing waste material will be deposited.
 - (g) Description of asbestos disposal procedure.
 - (h) Description of building, structure, facility, installation, vehicle, equipment, or vessel to be demolished or renovated, including:
 - (A) The construction or manufacture date, and the present and prior use of the facility; and
 - (B) Address or location where the asbestos abatement project is to be accomplished, including building, floor, and room numbers.
 - (i) Full name, address, and phone number of the owner or operator of a demolition or renovation activity.
 - (j) Starting and completion dates of asbestos abatement work.

(k) Description of the asbestos-containing material, type of asbestos, percent asbestos, and location of the asbestos-containing material.

(l) Amount of asbestos-containing material to be abated: linear feet or square feet.

(m) For facilities described in OAR 340-248-0270(8)(f) provide the name, title and authority of the State or local government official who ordered the demolition, date the order was issued, and the date demolition is to begin.

(n) Other information requested on the DEQ form.

(6) The project notification fees specified in this section will be increased by 50% when an asbestos abatement project is commenced without filing a project notification, submittal of a notification fee, or when notification is provided less than 10 days or five days prior to commencement of work, as applicable, under subsections (2)(c) and (d) of this rule.

(7) DEQ may waive part or all of a notification fee, on a case-by-case basis, based upon financial hardship. Requests for waiver of fees must be made in writing to DEQ. Applicants for waivers must describe the reason for the request and certify financial hardship.

(8) Subject to OAR 340-200-0010(3), a regional authority may adopt project notification fees for asbestos abatement projects in different amounts than are set forth in this rule. The regional authority will base the fees on its costs in carrying out the delegated asbestos program. The regional authority may collect, retain, and expend such project notification fees for asbestos abatement projects within its jurisdiction.

(9) Notification fee refunds. DEQ will consider a refunding a notification fee only as this section provides. A request for a refund of fees must be made in writing to DEQ, and must be submitted prior to the project's original start date. DEQ will not consider a refund request that does not include all required information described in this section. If DEQ receives a complete request for refund under this section, then DEQ may refund the notification fee the requestor paid if it determines that a refund is warranted based on the reason the refund is requested. Requests for refunds must include the following written information and documentation:

(a) A description of the reason that a refund is requested;

(b) A copy of the original notification and the most recent revision;

(c) Proof that the requester was awarded the contract for the project prior to submitting the notification to DEQ;

(d) Verification of payment to DEQ; and

(e) Proof that asbestos-containing material or asbestos-containing waste material was present at the project site, such as laboratory results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and laboratory costs, a depiction of the material.

(10) DEQ must receive notification revisions before changes are made to the start date or completion date of the project or immediately upon discovery that other changes to the project notification form are necessary. A notification of a revision under this section must indicate that it is a revised notification.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468.020 & 468A.025

Draft Rules – Edits Highlighted - CAO

Key to Identifying Changed Text:

~~Strikethrough: Deleted Text~~

Underline: New/inserted text

Department of Environmental Quality

Chapter 340

Division 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-8020

Table 2 — Air Contaminant Discharge Permits

(1) Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2. Title V sources may be subject to the Cleaner Air Oregon annual fees and the specific activity permit fees in Table 2, if applicable.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

[NOTE: For the history of these tables prior to 2014 see the history under OAR 340-216-0020.]

[\[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.\]](#)

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

DEQ 17-2023, amend filed 11/16/2023, effective 11/16/2023

DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023

DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020

DEQ 15-2019, amend filed 06/25/2019, effective 06/25/2019

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018

DEQ 60-2017, minor correction filed 12/20/2017, effective 12/20/2017

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)

Short Term Activity ACDP	\$4,500.00
Basic ACDP	\$180.00
Assignment to General ACDP ¹	\$1,800.00
Simple ACDP	\$9,000.00
Construction ACDP	\$14,400.00
Standard ACDP	\$18,000.00
Standard ACDP (Major NSR or Type A State NSR)	\$63,000.00

1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.

Part 2. Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)
(applicable July 1, 2022)

Registration – Motor vehicle surface coating operations	\$288.00
Registration - Dry cleaners using perchloroethylene	\$216.00
Short Term Activity ACDP	\$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table ¹ Part A \$648.00
	(B) #8-9 OAR 340-216-8010 Table ¹ Part A \$1,469.00
General ACDP	(A) Fee Class One \$1,469.00
	(B) Fee Class Two \$2,644.00
	(C) Fee Class Three \$3,818.00
	(D) Fee Class Four \$734.00
	(E) Fee Class Five \$245.00



**OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits**

	(F) Fee Class Six	\$490.00
Simple ACDP	(A) Low Fee	\$3,917.00
	(B) High Fee	\$7,834.00
Standard ACDP		\$15,759.00
Greenhouse Gas Reporting, as required by OAR chapter 340, Division 215		7.31% of the applicable ACDP annual fee in Part 2
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)		
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$156.00 \$151.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	\$311.00 \$302.00
General ACDP	(A) Fee Class One	\$310.00 \$302.00
	(B) Fee Class Two	\$560.00 \$544.00
	(C) Fee Class Three	\$810.00 \$786.00
	(D) Fee Class Four	\$156.00 \$151.00
	(E) Fee Class Five	\$52.00 \$50.00
	(F) Fee Class Six	\$103.00 \$100.00
Simple ACDP	(A) Low Fee	\$830.00 \$806.00
	(B) High Fee	\$1,660.00 \$1,612.00 0
Standard ACDP		\$3,322.00 \$3,225.00 0

1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

Part 4. Specific Activity Fees:

Notice of Intent to Construct Type 2 ¹		\$720.00
Permit Modification	(A) Non-Technical	\$432.00
	(B) Basic Technical	\$540.00
	(C) Simple Technical	\$1,800.00
	(D) Moderate Technical	\$9,000.00
	(E) Complex Technical	\$18,000.00
Toxic Air Contaminant Permit Addendum Modification	(A) Non-Technical	\$432.00 <u>\$445.00</u>
	(B) Basic Technical	\$432.00 <u>\$445.00</u>
	(C) Simple Technical	\$1,440.00 <u>\$1,483.00</u> 0
	(D) Moderate Technical	\$7,200.00 <u>\$7,416.00</u> 0
	(E) Complex Technical	\$14,440.00 <u>\$14,873.00</u> -00
Major NSR or Type A State NSR Permit Modification		\$63,000.00
Modeling Review (outside Major NSR or Type A State NSR)		\$9,000.00
Public Hearing at Source's Request		\$3,600.00
State MACT Determination		\$9,000.00
Compliance Order Monitoring ²		\$180.00/month
Part 5. Late Fees:		
8-30 days late		5%
31-60 days late		10%



OAR 340-216-8020

Table 2

Air Contaminant Discharge Permits

61 or more days late

20%

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.

2. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.

NOTE: See history of this table under OAR 340-216-0020.



OAR 340-216-8030

Table 3

Cleaner Air Oregon Specific Activity Fees

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
1	Existing Source Call-In Fee	\$10,300 \$10,000	\$10,300 \$10,000	\$1,030 \$1,000	\$515 \$500
2	New Source Consulting Fee	\$12,360 \$12,000	\$12,360 \$12,000	\$1,957 \$1,900	\$1,030 \$1,000
3	Submittal Document Modification Fee	\$2,575 \$2,500	\$2,575 \$2,500	\$515 \$500	\$258 \$250
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	\$1,545 \$1,500	\$1,545 \$1,500	\$1,030 \$1,000	\$824 \$800
5	Level 1 Risk Assessment – not de minimis	\$2,060 \$2,000	\$2,060 \$2,000	\$1,545 \$1,500	\$1,133 \$1,100
6	Level 2 Risk Assessment - de minimis (no permit required)	\$3,193 \$3,100	\$3,193 \$3,100	\$2,369 \$2,300	\$2,060 \$2,000
7	Level 2 Risk Assessment – not de minimis	\$3,708 \$3,600	\$3,708 \$3,600	\$2,884 \$2,800	\$2,369 \$2,300



OAR 340-216-8030
Table 3
Cleaner Air Oregon Specific Activity Fees

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
8	Level 3 Risk Assessment - de minimis (no permit required)	<u>\$9,064</u> \$8,800	<u>\$8,446</u> \$8,200	<u>\$5,459</u> \$5,300	<u>\$4,635</u> \$4,500
9	Level 3 Risk Assessment – not de minimis	<u>\$20,497</u> \$19,900	<u>\$11,639</u> \$11,300	<u>\$7,931</u> \$7,700	<u>\$6,489</u> \$6,300
10	Level 4 Risk Assessment - de minimis (no permit required)	<u>\$22,042</u> \$21,400	<u>\$19,055</u> \$18,500	<u>\$12,051</u> \$11,700	NA
11	Level 4 Risk Assessment – not de minimis	<u>\$35,638</u> \$34,600	<u>\$26,574</u> \$25,800	<u>\$15,965</u> \$15,500	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	<u>\$6,901</u> \$6,700	<u>\$6,901</u> \$6,700	<u>\$2,678</u> \$2,600	<u>\$2,678</u> \$2,600
13	Air Monitoring Plan Fee (includes risk assessment)	<u>\$25,900</u> \$25,900	<u>\$25,900</u> \$25,900	NA	NA
14	Postponement of Risk Reduction Fee	<u>\$4,532</u> \$4,400	<u>\$4,532</u> \$4,400	<u>\$4,532</u> \$4,400	<u>\$2,060</u> \$2,000
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	<u>\$3,090</u> \$3,000	<u>\$3,090</u> \$3,000	<u>\$1,545</u> \$1,500	<u>\$1,545</u> \$1,500
Other Fees					
16	TEU Risk Assessment – no permit mod	<u>\$1,030</u> \$1,000	<u>\$1,030</u> \$1,000	<u>\$515</u> \$500	<u>\$515</u> \$500
17	TEU Risk Assessment – permit mod	<u>\$4,120</u> \$4,000	<u>\$4,120</u> \$4,000	<u>\$2,060</u> \$2,000	<u>\$1,030</u> \$1,000
18	Level 2 Modeling review only for TEU approval	<u>\$1,957</u> \$1,900	<u>\$1,339</u> \$1,300	<u>\$824</u> \$800	<u>\$721</u> \$700
19	Level 3 Modeling review only for TEU approval	<u>\$3,914</u> \$3,800	<u>\$3,914</u> \$3,800	<u>\$3,605</u> \$3,500	<u>\$3,605</u> \$3,500
20	Community Engagement Meeting Fee – high	<u>\$8,240</u> \$8,000	<u>\$8,240</u> \$8,000	<u>\$8,240</u> \$8,000	<u>\$8,240</u> \$8,000
21	Community Engagement Meeting Fee – medium	<u>\$4,120</u> \$4,000	<u>\$4,120</u> \$4,000	<u>\$4,120</u> \$4,000	<u>\$4,120</u> \$4,000
22	Community Engagement Meeting Fee - low	<u>\$1,030</u> \$1,000	<u>\$1,030</u> \$1,000	<u>\$1,030</u> \$1,000	<u>\$1,030</u> \$1,000



OAR 340-216-8030
Table 3
Cleaner Air Oregon Specific Activity Fees

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
23	Source Test Review Fee (plan and data review) - complex	\$6,180 \$6,000	\$6,180 \$6,000	\$6,180 \$6,000	\$6,180 \$6,000
24	Source Test Review Fee (plan and data review) – moderate	\$4,326 \$4,200	\$4,326 \$4,200	\$4,326 \$4,200	\$4,326 \$4,200
25	Source Test Review Fee (plan and data review) — simple	\$1,442 \$1,400	\$1,442 \$1,400	\$1,442 \$1,400	\$1,442 \$1,400

Division 220
OREGON TITLE V OPERATING PERMIT FEES

340-220-0050
Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of July 27, 2023 to August 1, 2024 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$762;

(B) Simple — \$3,050;

(C) Moderate — \$22,873;

(D) Complex — \$45,744; and

(b) Ambient air monitoring review — \$6,099.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2024 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$975;

(B) Simple — \$3,903;

(C) Moderate — \$29,276;

(D) Complex — \$58,552; and

(b) Ambient air monitoring review — \$7,807.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 15 percent of the following, not to exceed \$4,500*:

(a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040.

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of ~~\$2,945~~\$2,859; and

(b) The annual emission fee of ~~\$22.26~~\$21.61 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

[NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.]

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468 & 468A

Draft Rules – Edits Incorporated - Asbestos

Division 248 ASBESTOS REQUIREMENTS

340-248-0180

Licensing and Certification Requirements: Fees

(1) DEQ may assess the following fees to provide revenues to operate the asbestos control program.

(a) Contractor Licenses: A non-refundable license application fee of \$1,308 for a one-year Asbestos Abatement Contractor license;

(b) Worker and Supervisor Certifications: A non-refundable application fee of \$84 for a one-year certification as an asbestos supervisor and \$59 for a one-year certification as an asbestos worker;

(c) Training Provider Accreditation: A non-refundable accreditation application fee of:

(A) \$406 for a one-year accreditation to provide a course for training asbestos supervisors;

(B) \$406 for a one-year accreditation to provide a course for training asbestos workers; and

(C) \$406 each for a one-year accreditation to provide a course for refresher training for Oregon asbestos certification.

(d) Asbestos Abatement Project Notification fee required under OAR 340-248-0260.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.745

340-248-0260

Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements

(1) Except as provided under OAR 340-248-0250, written notification of an asbestos abatement project must be submitted to DEQ on a DEQ-approved form, accompanied by the appropriate fee. The notification must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or by the

contractor as required by sections (2) through (5) of this rule, except as provided in sections (6), (7), and (8). A notification revision must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor in accordance with section (10) of this rule.

(2) DEQ must receive notifications as specified in section (5) of this rule and the project notification fee at least 10 days before beginning a friable asbestos abatement project and at least five days before beginning a nonfriable asbestos abatement project.

(a) The project notification fee is:

(A) \$130 for each project that will abate less than 40 linear feet or 80 square feet of asbestos-containing material, is at a residential building, or is a nonfriable asbestos abatement project not subject to paragraph (K).

(B) \$260 for each project that will abate more than or equal to 40 linear feet or 80 square feet but less than 260 linear feet or 160 square feet of asbestos-containing material.

(C) \$519 for each project that will abate more than or equal to 260 linear feet or 160 square feet, and less than 1300 linear feet or 800 square feet of asbestos-containing material.

(D) \$682 for each project that will abate more than or equal to 1300 linear feet or 800 square feet, and less than 2600 linear feet or 1600 square feet of asbestos-containing material.

(E) \$1,168 for each project that will abate more than or equal to 2600 linear feet or 1600 square feet, and less than 5000 linear feet or 3500 square feet of asbestos-containing material.

(F) \$1,363 for each project that will abate more than or equal to 5000 linear feet or 3500 square feet, and less than 10,000 linear feet or 6000 square feet of asbestos-containing material.

(G) \$2,206 for each project that will abate more than or equal to 10,000 linear feet or 6000 square feet, and less than 26,000 linear feet or 16,000 square feet of asbestos-containing material.

(H) \$3,634 for each project that will abate more than or equal to 26,000 linear feet or 16,000 square feet, and less than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(I) \$4,542 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(J) \$973 for annual notifications for friable asbestos abatement projects that will abate 40 linear feet or 80 square feet or less of asbestos-containing material.

(K) \$649 for annual notifications for nonfriable asbestos abatement projects performed at schools, colleges, and facilities.

(b) Project notification fees must accompany the project notification form. Notification has not occurred until DEQ receives the completed notification form and appropriate fee.

(c) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule in emergencies that directly affect human life, health, and property. This includes:

(A) Emergencies where there is an imminent threat of loss of life or severe injury;

(B) Emergencies where the public is potentially exposed to air-borne asbestos fibers; and

(C) Emergencies where significant property damage will occur if repairs are not made immediately.

(d) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule for asbestos abatement projects that were not planned, resulted from unexpected events, and will cause damage to equipment or impose unreasonable financial burden if not performed immediately. This includes the non-routine failure of equipment.

(e) In either subsection (c) or (d) of this section persons responsible for such asbestos abatement projects must submit an emergency or unexpected event abatement request to DEQ before starting work or by 9:00 am of the next working day if the work was performed on a weekend, evening, or holiday. The request must include a copy of the completed and appropriate notification form. Notification as specified in section (5) of this rule and the appropriate fee must be submitted to DEQ within three days of starting emergency or unexpected event asbestos abatement projects.

(f) The duration of an asbestos abatement notification may not exceed one year beyond the original starting date. The project starting and completion date provided in a notification for an asbestos abatement project must be commensurate with the amount of asbestos-containing material involved. If a project exceeds one year in duration, a new notification must be provided as described in this rule, including payment of a new notification fee.

(3) The facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor may submit annual notification for friable asbestos abatement projects where no more than 40 linear or 80 square feet of asbestos-containing material

is removed at each project. Friable asbestos abatement projects subject to an annual notification may be conducted at multiple facilities by a single licensed asbestos contractor, or at a facility that has a centrally controlled asbestos operation and maintenance program where the facility owner uses appropriately trained and certified personnel to remove asbestos. The contractor owner or operator must submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form a summary report of all asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Provide to DEQ, upon request, a list of asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(e) Submit project notification and fee prior to use of this notification procedure.

(f) Failure to provide payment for use of this notification procedure will void the notification and each subsequent abatement project will be individually assessed a project notification fee.

(4) Annual nonfriable asbestos abatement projects may only be performed at schools, colleges, and facilities where certified asbestos abatement workers perform the removal work. Submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form, a summary report of all nonfriable asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Submit project notification and fee before using this notification procedure.

(e) Failure to provide payment for use of this notification procedure will void the notification and DEQ will individually assess each subsequent nonfriable abatement project a project notification fee.

(f) Provide to DEQ, upon request, a list of nonfriable asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(5) The following information must be provided for each notification:

(a) Name, phone number, and address of person conducting asbestos abatement project.

(b) The Oregon asbestos abatement contractor's license number and certification number of the supervisor for the asbestos abatement project or, for nonfriable asbestos abatement projects, the name of the supervising person that meets Oregon OSHA's competent person qualifications as required in 29 C.F.R. 1926.1101(b) , adopted by reference under OAR 437-003-0001(25).

(c) Method of asbestos abatement to be employed.

(d) Procedures to be employed to insure compliance with OAR 340-248-0270 through 340-248-0280.

(e) Names, addresses, and phone numbers of waste transporters.

(f) Name and address or location of the permitted disposal site where the asbestos-containing waste material will be deposited.

(g) Description of asbestos disposal procedure.

(h) Description of building, structure, facility, installation, vehicle, equipment, or vessel to be demolished or renovated, including:

(A) The construction or manufacture date, and the present and prior use of the facility;
and

(B) Address or location where the asbestos abatement project is to be accomplished, including building, floor, and room numbers.

(i) Full name, address, and phone number of the owner or operator of a demolition or renovation activity.

(j) Starting and completion dates of asbestos abatement work.

(k) Description of the asbestos-containing material, type of asbestos, percent asbestos, and location of the asbestos-containing material.

(l) Amount of asbestos-containing material to be abated: linear feet or square feet.

(m) For facilities described in OAR 340-248-0270(8)(f) provide the name, title and authority of the State or local government official who ordered the demolition, date the order was issued, and the date demolition is to begin.

(n) Other information requested on the DEQ form.

(6) The project notification fees specified in this section will be increased by 50% when an asbestos abatement project is commenced without filing a project notification, submittal of a notification fee, or when notification is provided less than 10 days or five days prior to commencement of work, as applicable, under subsections (2)(c) and (d) of this rule.

(7) DEQ may waive part or all of a notification fee, on a case-by-case basis, based upon financial hardship. Requests for waiver of fees must be made in writing to DEQ. Applicants for waivers must describe the reason for the request and certify financial hardship.

(8) Subject to OAR 340-200-0010(3), a regional authority may adopt project notification fees for asbestos abatement projects in different amounts than are set forth in this rule. The regional authority will base the fees on its costs in carrying out the delegated asbestos program. The regional authority may collect, retain, and expend such project notification fees for asbestos abatement projects within its jurisdiction.

(9) Notification fee refunds. DEQ will consider a refunding a notification fee only as this section provides. A request for a refund of fees must be made in writing to DEQ, and must be submitted prior to the project's original start date. DEQ will not consider a refund request that does not include all required information described in this section. If DEQ receives a complete request for refund under this section, then DEQ may refund the notification fee the requestor paid if it determines that a refund is warranted based on the reason the refund is requested. Requests for refunds must include the following written information and documentation:

(a) A description of the reason that a refund is requested;

(b) A copy of the original notification and the most recent revision;

(c) Proof that the requester was awarded the contract for the project prior to submitting the notification to DEQ;

(d) Verification of payment to DEQ; and

(e) Proof that asbestos-containing material or asbestos-containing waste material was present at the project site, such as laboratory results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and laboratory costs, a depiction of the material.

(10) DEQ must receive notification revisions before changes are made to the start date or completion date of the project or immediately upon discovery that other changes to the project notification form are necessary. A notification of a revision under this section must indicate that it is a revised notification.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468.020 & 468A.025

Draft Rules – Edits Incorporated – CAO

Department of Environmental Quality

Chapter 340

Division 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-8020

Table 2 — Air Contaminant Discharge Permits

(1) Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2. Title V sources may be subject to the Cleaner Air Oregon annual fees and the specific activity permit fees in Table 2, if applicable.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

[NOTE: For the history of these tables prior to 2014 see the history under OAR 340-216-0020.]

[\[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.\]](#)

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

DEQ 17-2023, amend filed 11/16/2023, effective 11/16/2023

DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023

DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020

DEQ 15-2019, amend filed 06/25/2019, effective 06/25/2019

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018

DEQ 60-2017, minor correction filed 12/20/2017, effective 12/20/2017

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)

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Basic ACDP	\$180.00
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Simple ACDP	\$9,000.00
Construction ACDP	\$14,400.00
Standard ACDP	\$18,000.00
Standard ACDP (Major NSR or Type A State NSR)	\$63,000.00

1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.

Part 2. Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)
(applicable July 1, 2022)

Registration – Motor vehicle surface coating operations	\$288.00
Registration - Dry cleaners using perchloroethylene	\$216.00
Short Term Activity ACDP	\$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A \$648.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A \$1,469.00
General ACDP	(A) Fee Class One \$1,469.00
	(B) Fee Class Two \$2,644.00
	(C) Fee Class Three \$3,818.00
	(D) Fee Class Four \$734.00
	(E) Fee Class Five \$245.00



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

	(F) Fee Class Six	\$490.00
Simple ACDP	(A) Low Fee	\$3,917.00
	(B) High Fee	\$7,834.00
Standard ACDP		\$15,759.00
Greenhouse Gas Reporting, as required by OAR chapter 340, Division 215		7.31% of the applicable ACDP annual fee in Part 2
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)		
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$156.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	\$311.00
General ACDP	(A) Fee Class One	\$310.00
	(B) Fee Class Two	\$560.00
	(C) Fee Class Three	\$810.00
	(D) Fee Class Four	\$156.00
	(E) Fee Class Five	\$52.00
	(F) Fee Class Six	\$103.00
Simple ACDP	(A) Low Fee	\$830.00
	(B) High Fee	\$1,660.00
Standard ACDP		\$3,322.00
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 4. Specific Activity Fees:		



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

Notice of Intent to Construct Type 2 ¹		\$720.00
Permit Modification	(A) Non-Technical	\$432.00
	(B) Basic Technical	\$540.00
	(C) Simple Technical	\$1,800.00
	(D) Moderate Technical	\$9,000.00
	(E) Complex Technical	\$18,000.00
Toxic Air Contaminant Permit Addendum Modification	(A) Non-Technical	\$445.00
	(B) Basic Technical	\$445.00
	(C) Simple Technical	\$1,483.00
	(D) Moderate Technical	\$7,416.00
	(E) Complex Technical	\$14,873.00
Major NSR or Type A State NSR Permit Modification		\$63,000.00
Modeling Review (outside Major NSR or Type A State NSR)		\$9,000.00
Public Hearing at Source's Request		\$3,600.00
State MACT Determination		\$9,000.00
Compliance Order Monitoring ²		\$180.00/month
Part 5. Late Fees:		
8-30 days late		5%
31-60 days late		10%
61 or more days late		20%



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

3. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.

4. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.
NOTE: See history of this table under OAR 340-216-0020.



OAR 340-216-8030
Table 3
Cleaner Air Oregon Specific Activity Fees

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
1	Existing Source Call-In Fee	\$10,300	\$10,300	\$1,030	\$515
2	New Source Consulting Fee	\$12,360	\$12,360	\$1,957	\$1,030
3	Submittal Document Modification Fee	\$2,575	\$2,575	\$515	\$258
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	\$1,545	\$1,545	\$1,030	\$824
5	Level 1 Risk Assessment – not de minimis	\$2,060	\$2,060	\$1,545	\$1,133
6	Level 2 Risk Assessment - de minimis (no permit required)	\$3,193	\$3,193	\$2,369	\$2,060
7	Level 2 Risk Assessment – not de minimis	\$3,708	\$3,708	\$2,884	\$2,369
8	Level 3 Risk Assessment - de minimis (no permit required)	\$9,064	\$8,446	\$5,459	\$4,635
9	Level 3 Risk Assessment – not de minimis	\$20,497	\$11,639	\$7,931	\$6,489



OAR 340-216-8030
Table 3
Cleaner Air Oregon Specific Activity Fees

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
10	Level 4 Risk Assessment - de minimis (no permit required)	\$22,042	\$19,055	\$12,051	NA
11	Level 4 Risk Assessment – not de minimis	\$35,638	\$26,574	\$15,965	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	\$6,901	\$6,901	\$2,678	\$2,678
13	Air Monitoring Plan Fee (includes risk assessment)	\$25,900	\$25,900	NA	NA
14	Postponement of Risk Reduction Fee	\$4,532	\$4,532	\$4,532	\$2,060
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	\$3,090	\$3,090	\$1,545	\$1,545
Other Fees					
16	TEU Risk Assessment – no permit mod	\$1,030	\$1,030	\$515	\$515
17	TEU Risk Assessment – permit mod	\$4,120	\$4,120	\$2,060	\$1,030
18	Level 2 Modeling review only for TEU approval	\$1,957	\$1,339	\$824	\$721
19	Level 3 Modeling review only for TEU approval	\$3,914	\$3,914	\$3,605	\$3,605
20	Community Engagement Meeting Fee – high	\$8,240	\$8,240	\$8,240	\$8,240
21	Community Engagement Meeting Fee – medium	\$4,120	\$4,120	\$4,120	\$4,120
22	Community Engagement Meeting Fee - low	\$1,030	\$1,030	\$1,030	\$1,030
23	Source Test Review Fee (plan and data review) - complex	\$6,180	\$6,180	\$6,180	\$6,180
24	Source Test Review Fee (plan and data review) – moderate	\$4,326	\$4,326	\$4,326	\$4,326



OAR 340-216-8030
Table 3
Cleaner Air Oregon Specific Activity Fees

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
25	Source Test Review Fee (plan and data review) – simple	\$1,442	\$1,442	\$1,442	\$1,442

Division 220
OREGON TITLE V OPERATING PERMIT FEES

340-220-0050
Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of July 27, 2023 to August 1, 2024 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$762;

(B) Simple — \$3,050;

(C) Moderate — \$22,873;

(D) Complex — \$45,744; and

(b) Ambient air monitoring review — \$6,099.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2024 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$975;

(B) Simple — \$3,903;

(C) Moderate — \$29,276;

(D) Complex — \$58,552; and

(b) Ambient air monitoring review — \$7,807.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 15 percent of the following, not to exceed \$4,500*:

(a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040.

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of \$2,945; and

(b) The annual emission fee of \$22.26 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

[NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.]

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468 & 468A