

Heating Oil Tank Program Fee Increases 2019 Rulemaking

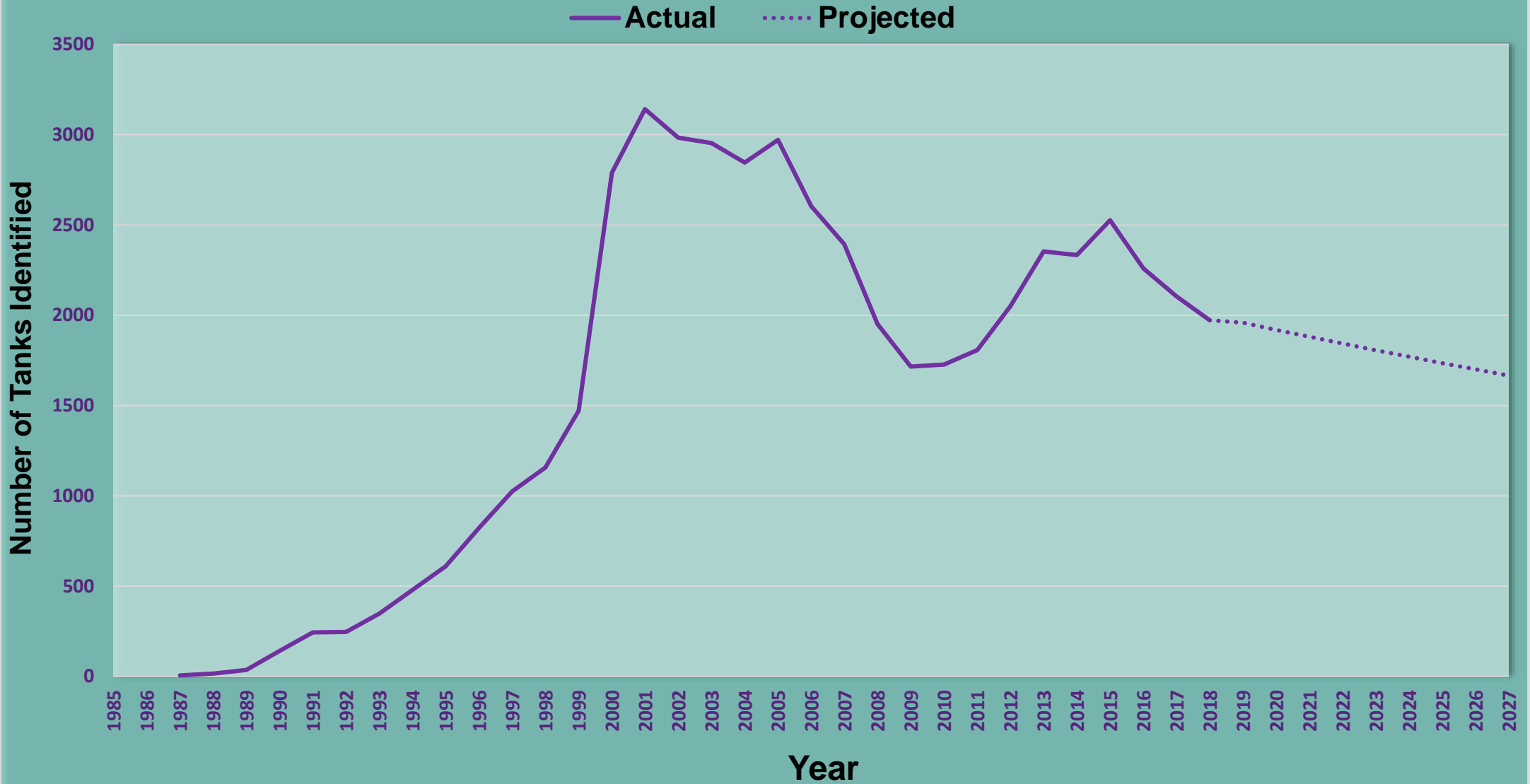
Oregon Environmental Quality Commission Meeting Nov. 14-15, 2019

Oregon DEQ, 3rd Floor Conference Room
700 NE Multnomah St.
Portland, OR 97232

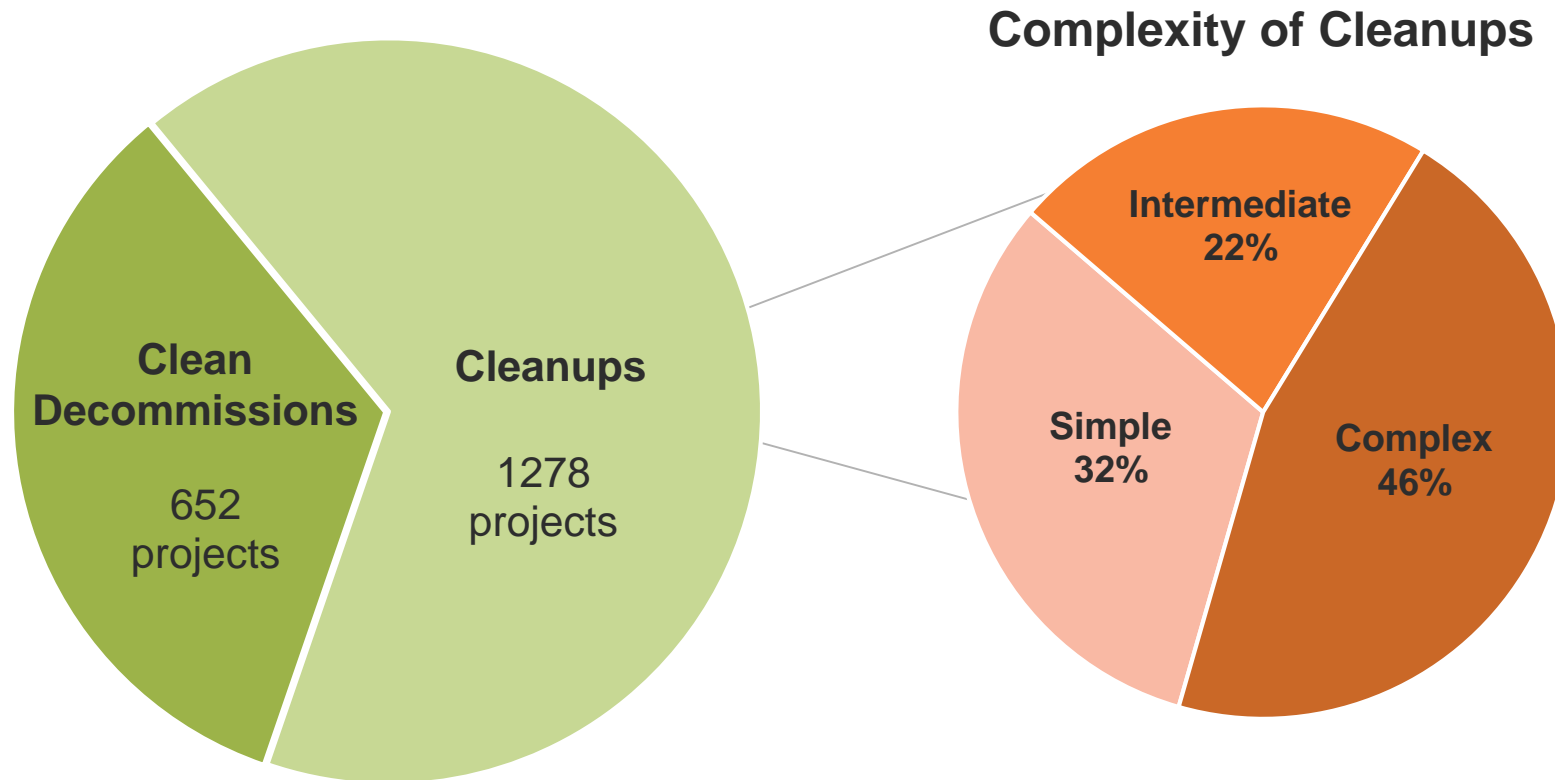


Heating Oil Tank Program Workload

Features an estimated 2% decline for each year after 2018



Heating Oil Tank Projects (2018)



- DEQ received and reviewed 1,930 project certifications in 2018.
- The HOT Program is designed to function with 4.3 FTE.
- Current fees only fund 3.2 FTE.

OAR 340-177-0065

- Three cleanup options:
 - **Soil Matrix:** Removes contamination above threshold (usually 500 milligrams/kilogram total petroleum hydrocarbons)
 - **Considered relatively “Simple” in complexity**
 - **Generic Remedy:** Allows leaving up to 10,000 mg/kg TPH if less than 65 cubic yards in volume
 - **Considered relatively “Intermediate” in complexity**
 - **Risk-Based:** Allows leaving larger areas of contamination if detailed testing shows no risk of significant exposure
 - **Considered the most complex of the cleanup options**

Current Fees

- **Report Filing Fees**

- Last updated in 2007
- Clean Decommission Report: \$75/project
- Cleanup Report: \$200/project (regardless of complexity)

- **Licensure Fees**

- Established in 1999
- Service Provider License: \$750/year
- Service Provider Supervisor License: \$75/year

Senate Bill 40 – Statutory Amendments

- Modifies license fees for HOT regulatory program
- Modifies HOT decommissioning certification fees and HOT corrective action certification fees
- Requires the Environmental Quality Commission to define Simple, Intermediate and Complex corrective actions by rule
- Applies to fees assessed on and after **January 1, 2020**
- Passed by Senate and House in June 2019

Rule Language (Differences Underlined)

- **Certified Reports, OAR 340-177-0095 (3)**

Current language: *Certified reports submitted to the Department must be accompanied by the required filing fee of \$50 for decommissioning of a tank with no confirmed release and \$125 for decommissioning of a tank with a confirmed release. Filing fees are non-refundable.*

Proposed language with table: *Certified reports submitted to the Department must include the required filing fee. Table 2 below specifies the fee amounts for each type of project. Filing fees are non-refundable.*

OAR 340-177-0095 Table 2 Report Submission Fees	
Type of Project	Fee
Decommissioning, no confirmed release	\$100
Decommissioning, with confirmed release, using Soil Matrix Option (Simple Complexity)	\$250
Using Generic Remedy Option (Intermediate Complexity)	\$350
Using Risk-Based Option (OAR 340-163-0060(1)) (Complex)	\$450

Rule Language (Differences Underlined)

- **Fees, OAR 340-163-0150 (1)**

Current language: Heating oil tank service providers must pay a non-refundable license fee of \$750 for a twelve (12) month license.

Proposed language with table: Heating oil tank service providers must pay a non-refundable license fee for a twelve (12) month license as listed in Table 1.

OAR 340-163-0150 Table 1 Service Providers Fee Schedule	
Date License Application Received	Fee
On or before December 31, 2019	\$750
On or After January 1 to December 31, 2020	\$800
On or After January 1 to December 31, 2021	\$900
On or after January 1, 2022	\$1000

Rule Language (Differences Underlined)

- Fees, OAR 340-163-0150 (2)

Current language: Heating oil tank supervisors must pay a non-refundable license fee of \$150 for a twenty-four (24) month license.

Proposed language: Heating oil tank supervisors must pay a non-refundable license fee for a twenty-four (24) month license according to the following schedule:

- (a) \$150 for license applications received on or before December 31, 2019;
- (b) \$200 for license applications received January 1, 2020 or later.

Heating Oil Tank Fees

DEQ recommends the Environmental Quality Commission adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.