



State of Oregon Department of Environmental Quality

Staff Report

Cleaner Air Oregon, Asbestos and Title V Program

Fees 2025

June 24, 2025

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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 to increase fees for the Title V and Asbestos programs by 3%, and the Cleaner Air Oregon (CAO) by 1.65% as authorized under ORS 468A.315(2), 468A.345(3) and 468A.750(4). On Jan. 10, 2025, the EQC delegated authority to the DEQ director to approve fee increases for the Title V, Cleaner Air Oregon and the Asbestos programs.

Overview

DEQ is conducting a rulemaking to increase fees for the Title V and Asbestos programs by 3%, and the Cleaner Air Oregon program by 1.65%. The federal Clean Air Act and state law authorize DEQ to increase Title V fees to meet funding requirements by considering inflation. DEQ as the administrator of the Cleaner Air Oregon and Asbestos programs was authorized by the Oregon Legislature in 2018 and 2023 respectively to increase fees in order to accommodate routine increases in service costs associated with these programs. For all three programs, the legislature provided authority to increase fees annually by the amount associated with the anticipated increase in the cost of administering the programs, or by 3%, whichever is lower. DEQ determined that costs associated with administering the Title V and Asbestos programs have increased by more than 3% and the Cleaner Air Oregon program has increased by 1.65%, according to biannual budgets. Therefore, a fee increase is necessary to maintain current service levels.

EPA delegates authority to DEQ to operate the Title V program in Oregon and regularly reviews Oregon's program for compliance with federal requirements. The federal Clean Air Act requires each state to fully fund its Title V program through permit fees. The Oregon Legislature established Oregon's Title V fees in three categories:

- An annual base fee assessed to all Title V sources regardless of emission quantities;
- Emission fees assessed per ton of emissions from individual sources per calendar year; and
- Specific activity fees assessed when a source owner or operator modifies a permit.

The fees cover DEQ's costs to operate the Title V program. Costs primarily support staff who write permits and conduct compliance reviews, but also include a portion of air

quality monitoring, planning, and agency central services such as accounting and human resources.

Oregon's Title V operating permit program requires the proposed funding increases to maintain essential program services. Costs to operate the program have increased over the last two years due to inflation. The Environmental Quality Commission last increased Title V fees in 2024 to provide requisite program services up to August 2025. The proposed fees would allow Oregon to provide requisite program services up to August 2026. Failure to increase Title V fees could affect DEQ's ability to maintain adequate program staff and would jeopardize effective program administration.

The Title V program's average cost per full-time employee has increased by 8% over a two-year period. This rate of increase is based on a calculation using the current service level from the 2023-2025 legislatively adopted budget as compared to the 2025-27 modified current service level in the Governor's Recommended Budget.

Cleaner Air Oregon is a health risk-based air toxics regulatory program run by the state that adds requirements to DEQ's existing air permitting framework. Facilities are required to report emissions of toxic air contaminants and calculate potential health risks to people nearby. 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.

The Cleaner Air Oregon program's average cost per full-time employee has increased by 3.30% over a two-year period, or 1.65% over one year. This rate of increase is based on a calculation using the current service level from the 2023-2025 legislatively adopted budget as compared to the 2025-27 modified current service level in the Governor's Recommended Budget.

The Oregon Department of Environmental Quality regulates the handling, removal, and disposal of asbestos-containing material to protect public health and the environment. Before any building is renovated or demolished, all asbestos-containing materials must be identified and properly abated. Abatement includes handling, removing, disposing, repairing, salvaging, enclosing or encapsulating any asbestos-containing materials. DEQ requires that asbestos-containing waste material from homeowners requires special packaging, a completed asbestos waste shipment form, and must be disposed of at a landfill permitted to accept asbestos waste.

All commercial buildings regardless of construction date and residential buildings constructed before Jan. 1, 2004, must have an asbestos survey conducted by an accredited inspector prior to any demolition or renovation activities. A complete copy of the asbestos survey report must be on-site during all renovation or demolition activities and must be provided to DEQ upon request. The Asbestos program at DEQ must keep appropriate documentation for homeowners and businesses, ensure all applicable requirements are met, and provide technical assistance to homeowners and businesses

in order to ensure proper disposal of asbestos. The Asbestos program is fully funded by fees and helps protect public health.

The Asbestos program's average cost per full-time employee has increased by 6.4% over a two-year period. This rate was also calculated using the current service level from the 2023-25 legislatively adopted budget as compared to the 2025-27 modified current service level in the Governor's Recommended Budget. The proposed fees would address the increase to program and staff costs in order to maintain current service and staff levels.

During the EQC meeting on Jan. 10, 2025, the EQC delegated adoption authority to the DEQ Director for the Title V, CAO and Asbestos programs for the 2025 fee rulemaking. As part of the rulemaking process, DEQ is required to hold a rules advisory and fiscal impact meeting with a committee representing impacted industry, individuals and communities, and open a public comment period. Once the public comment period has ended and recommendations are worked into the rule, the final rulemaking will be presented to DEQ Director for possible approval and adoption.

Statement of need

What need would the proposed rule address?

Title V

Approval of this fee increase will allow the Title V program to cover DEQ's costs to operate the Title V program. Costs include a portion of air quality monitoring, planning and agency central services, such as accounting and human resources.

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 authorizes DEQ to increase fees by the annual change in the consumer price index, not to exceed three percent, to meet funding requirements by considering inflation.

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.

How would the proposed rule address the need?

ORS 468A.315, 468A.345 and ORS 468A.750 allows DEQ to increase fees up to 3% to accommodate anticipated costs associated with administering the Title V, Asbestos and CAO programs. Annual costs associated with administering the Title V and Asbestos programs have risen by more than 3% and the cost associated with administering the CAO program has risen by 1.65%. This rulemaking will help to maintain necessary service levels for these programs until August 2026.

How will DEQ know the rule addressed the need?

By increasing fees, DEQ can offset the increased costs of administering the Title V, 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 requires 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?

Title V

The Title V Program is not different from, or in addition to, applicable federal requirements and impose stringency equivalent to federal requirements. The proposed rules implement federal requirements of the Clean Air Act and EPA rules (40 CFR Part 70) that Oregon's Title V operating permit program be fully funded through permit fees.

Asbestos and Cleaner Air Oregon

Oregon is required to operate an asbestos program. In order to address federal requirements, the asbestos program must maintain an adequate operating budget. There are no federal stipulations regarding asbestos fees, but DEQ's program is designed to meet federal asbestos requirements and be a fee-based program. The fee increase in this rulemaking ensures DEQ can fulfill our obligations to maintain an effective asbestos program.

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.

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 air toxics.

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

Federal law requires DEQ to perform requisite program services to retain delegation of the Title V program. Federal law also requires DEQ to fund the permit program entirely by permit fees. DEQ could decline to administer the program, shifting the program from DEQ to EPA; however, DEQ has chosen not to pursue this alternative to maintain regulatory consistency for the regulated public and people of Oregon.

DEQ considered not proposing adoption of the fee increases for CAO and Asbestos programs. DEQ determined that failure to raise fees by inflation would undermine the effectiveness of these programs and compromise existing levels of service.

DEQ did not pursue these alternatives because of the following.

DEQ did not pursue these alternatives 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, Title V and Asbestos Programs

Chapter 340 action

Amend				
340-216-8020	340-216-8030	340-220-0030	340-220-0040	340-220-0050
340-248-0180	340-248-0260			

Statutory Authority - ORS						
468.020	468.065	468.345	468A.025	468A.040	468A.050	468A.310
468A.315	468A.345	468A.750				

Statutes Implemented – ORS						
468.020	468.065	468A.040	468A.050	468A.315	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 1.65%
340-216-8030	Table 3 – Cleaner Air Oregon Specific Activity Fees	Increase to Cleaner Air Oregon program fees by 1.65%
340-220-0030	Annual Base Fee	Increase to Title V program fees by 3%
340-220-0040	Emission Fee	Increase to Title V program fees by 3%
340-220-0050	Specific Activity Fees	Increase to Title V and 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

The proposed rule changes would increase existing fees. The EQC met on Jan. 10, 2025, and delegated authority to DEQ's Director to adopt a fee increase for the Asbestos, Title V and Cleaner Air Oregon programs. ORS 468A.315(2), 468A.345(3) and 468A.750(4) authorize these fee increases.

Title V

ORS 468A.315(2) authorizes EQC to act on the proposed fees below:

(2) 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 administering the federal operating permit 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.

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.

Brief description of proposed fees

DEQ is proposing a fee increase to support air quality program fees for Fiscal Year 2026 by 3% above the FY 2025 fees for the Title V and Asbestos programs and by 1.65% above FY 2025 fees for the Cleaner Air Oregon program.

The fee increase rulemaking consists of the following:

OAR 340-220-0030, 340-220-0040 and 340-220-0050

- Title V Operating Permit Program Fees

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

- Cleaner Air Oregon Program Fees

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

- Asbestos Program Fees

Reasons

The proposed fee increase is necessary to maintain current service levels for the Title V, CAO and Asbestos 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

Title V

Fee payers are Title V permit holders from across the state including many of the largest industrial facilities in the state and are the largest point sources of air pollution in the state. These facilities are mainly large employers and produce items for local, regional and national consumption. Title V permit holders are an important part of the Oregon economy.

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.

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 on to customers.

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 April 28, 2025. to discuss ways to employ the fee increase to allow DEQ to generate the required revenue.

Summary of impacts

The proposed Title fee increases would affect the 105 facilities that currently have a Title V permit and any facility that applies for this type of permit in the future. This increase applies to the annual base fee, annual emission fees, and specific activity fees associated with permit modification fees.

The proposed Cleaner Air Oregon fee increases would affect the 2,668 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.

The proposed Asbestos program fee increases would affect approximately 75 licensees, 6 training providers, and 750 certificate holders directly by increasing all fee categories by 3%. This includes project notification fees, asbestos worker and supervisor certification fees, contractor licensing fees, and training provider accreditation fees.

Fee payer agreement with fee proposal

Fee payers provided feedback stating that smaller, incremental annual fee increases are preferred over infrequent, unpredictable larger fee increases.

This is the second rulemaking in which Cleaner Air Oregon and Asbestos program fees would be increased to account for the rate of change to operate individual programs.

The RAC members who represented fee payers did not express opposition to the increased fees.

How long will the current fee sustain the program?

Current fees are not sufficient to sustain the Title V, Cleaner Air Oregon and Asbestos programs covered fee increases. 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 fee increases. There was one COLA implemented in December 2023 and there was 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 Title V program's average cost per full-time employee has increased by 8% over a two-year period. This rate of increase is based on a calculation using the current service level from the 2023-2025 legislatively adopted budget as compared to the 2025-27 modified current service level in the Governor's Recommended Budget.

The Cleaner Air Oregon program's average cost per full-time employee has increased by 3.30% over a two-year period. This rate of increase is based on a calculation using the current service level from the 2023-2025 legislatively adopted budget as compared to the 2025-27 modified current service level in the Governor's Recommended Budget.

The Asbestos program's average cost per full-time employee has increased by 6.4% over a two-year period. This rate was also calculated using the current service level from the 2023-25 legislatively adopted budget as compared to the 2025-27 modified current service level in the Governor's Recommended Budget.

Budgeted Cost Increase – Title V	
Budget Period	Costs Per FTE
2023-25 Legislatively Adopted Budget	\$434,043
2025-27 Modified Current Service Level in Governor's Recommended Budget	\$468,676
Budget increase over two- year period	8%

Current Fees – Title V

Program costs covered by fees	\$5,921,000	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	01/25/2024	

Proposed Fees – Title V		
Expected change in revenue (+/-) (FY2026)	\$177,000	3.00%
Main General Fund required by statute/rule to fund program	\$0	0%
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	August 2025	

Transactions and Revenue				
Fiscal Year	Number of transactions	Number of fee payers	Impact on revenue (+/-)	Total revenue (+/-)
FY2024-2025	138	105		\$5,921,000
FY2025-2026	138	105	\$177,000	\$6,098,000

Budgeted Cost Increase – Cleaner Air Oregon	
Budget Period	Costs Per FTE
2023-25 Legislatively Adopted Budget	\$514,089
2025-27 Modified Current Service Level in Governor's Recommended Budget	\$530,856
Budget increase over two- year period	3.3%

Current Fees – Cleaner Air Oregon		
Program costs covered by fees	\$2,771,000	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	Sep. 2, 2024	

Proposed Fees – Cleaner Air Oregon		
Expected change in revenue (+/-) (FY2026)	\$46,000	1.65%
Main General Fund required by statute/rule to fund program	\$0	0%
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	Aug. 2025	

Transactions and Revenue – Cleaner Air Oregon				
Biennium	Number of transactions	Number of fee Payers	Impact on revenue (+/-)	Total revenue (+/-)
FY2024-25	2,791	2,668		\$2,771,000
FY2025-26	2,791	2,668	\$46,000	\$2,817,000

Budgeted Cost Increase – Asbestos Program	
Budget Period	Costs Per FTE
2023-25 Legislatively Adopted Budget	\$406,911
2025-27 Modified Current Service Level in Governor's Recommended Budget	\$432,937
Budget increase over two- year period	6.4%

Current Fees – Asbestos Program		
Program costs covered by fees	\$1,523,000	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	2024 (Notifications, Licensing, Certification, Training Provider Accreditation)	

Proposed Fees – Asbestos Program		
Expected change in revenue (+/-)	\$45,000	3%
Main General Fund required by statute/rule to fund program	\$0	0%

Proposed Fees – Asbestos Program		
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	Aug. 2025	

Transactions and Revenue - Asbestos Program				
Biennium	Number of transactions	Number of fee payers	Impact on revenue (+/-)	Total revenue (+/-)
FY2024-25	2,813	2,813		\$1,523,000
FY2025-26	2,813	2,813	\$45,000	\$1,568,000

Fee schedule

Proposed Fees – Title V		
Fee category	2024 Fees	Proposed 2025 Fees
Annual Title V Fees		
Emission Fee	\$121.00	\$124.63
Annual Base Fee	\$16,002	\$16,482
Specific Activity Fees		
Administrative Amendment	\$975	\$1,004
Simple Modification	\$3,903	\$4,020
Moderate Modification	\$29,276	\$30,154
Complex Modification	\$58,552	\$60,308
Air Monitoring Review	\$7,807	\$8,041

Proposed Fees – Cleaner Air Oregon		
Fee Category	Current 2024 Fees	Proposed 2025 Fees
Annual Fees		
Basic ACDP (A)	\$156	\$159
Basic ACDP (B)	\$311	\$316
General ACDP – Class One	\$310	\$315
General ACDP – Class Two	\$560	\$569

General ACDP – Class Three	\$810		\$823					
General ACDP – Class Four	\$156		\$159					
General ACDP – Class Five	\$52		\$53					
General ACDP – Class Six	\$103		\$105					
Simple ACDP – Low Fee	\$830		\$844					
Simple ACDP – High Fee	\$1,660		\$1,687					
Standard ACDP	\$3,322		\$3,377					
Title V – Annual Base Fee	\$2,945		\$2,994					
Title V – Annual Emission Fee	\$22.26/ton		\$22.63/ton					
Toxic Air Contaminant Permit Addendum Modification Fees								
(A) Non-Technical	\$445		\$452					
(B) Basic Technical	\$445		\$452					
(C) Simple Technical	\$1,483		\$1,507					
(D) Moderate Technical	\$7,416		\$7,538					
(E) Complex Technical	\$14,873		\$15,118					
Specific Activity Fees – Cleaner Air Oregon								
ACTIVITY	Permit Type							
	Title V		Standard ACDP		Simple ACDP		General or Basic ACDP	
	2024	2025	2024	2025	2024	2025	2024	2025
(1) Existing Source Call-In Fee	\$10,300	\$10,470	\$10,300	\$10,470	\$1,030	\$1,047	\$515	\$523
(2) New Source Consulting Fee	\$12,360	\$12,564	\$12,360	\$12,564	\$1,957	\$1,989	\$1,030	\$1,047
(3) Submittal Document Modification Fee	\$2,575	\$2,617	\$2,575	\$2,617	\$515	\$523	\$258	\$262
(4) Level 1 Risk Assessment - de minimis (no permit required)	\$1,545	\$1,570	\$1,545	\$1,570	\$1,030	\$1,047	\$824	\$838

(5) Level 1 Risk Assessment – not de minimis	\$2,060	\$2,094	\$2,060	\$2,094	\$1,545	\$1,570	\$1,133	\$1,152
(6) Level 2 Risk Assessment - de minimis (no permit required)	\$3,193	\$3,246	\$3,193	\$3,246	\$2,369	\$2,408	\$2,060	\$2,094
(7) Level 2 Risk Assessment – not de minimis	\$3,708	\$3,769	\$3,708	\$3,769	\$2,884	\$2,932	\$2,369	\$2,408
(8) Level 3 Risk Assessment - de minimis (no permit required)	\$9,064	\$9,214	\$8,446	\$8,585	\$5,459	\$5,549	\$4,635	\$4,711
(9) Level 3 Risk Assessment – not de minimis	\$20,497	\$20,835	\$11,639	\$11,831	\$7,931	\$8,062	\$6,489	\$6,596
(10) Level 4 Risk Assessment - de minimis (no permit required)	\$22,042	\$22,406	\$19,055	\$19,369	\$12,051	\$12,250	NA	NA
(11) Level 4 Risk Assessment – not de minimis	\$35,638	\$36,226	\$26,574	\$27,012	\$15,965	\$16,228	NA	NA
(12) Risk Reduction Plan Fee	\$6,901	\$7,015	\$6,901	\$7,015	\$2,678	\$2,722	\$2,678	\$2,722
(13) Air Monitoring Plan Fee (includes risk assessment)	\$25,900	\$26,327	\$25,900	\$26,327	NA	NA	NA	NA
(14) Postponement of Risk Reduction Fee	\$4,532	\$4,607	\$4,532	\$4,607	\$4,532	\$4,607	\$2,060	\$2,094

(15) TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	\$3,090	\$3,141	\$3,090	\$3,141	\$1,545	\$1,570	\$1,545	\$1,570
(16) TEU Risk Assessment – no permit mod	\$1,030	\$1,047	\$1,030	\$1,047	\$515	\$523	\$515	\$523
(17) TEU Risk Assessment – permit mod	\$4,120	\$4,188	\$4,120	\$4,188	\$2,060	\$2,094	\$1,030	\$1,047
(18) Level 2 Modeling review only for TEU approval	\$1,957	\$1,989	\$1,339	\$1,361	\$824	\$838	\$721	\$733
(19) Level 3 Modeling review only for TEU approval	\$3,914	\$3,979	\$3,914	\$3,979	\$3,605	\$3,664	\$3,605	\$3,664
(20) Community Engagement Meeting Fee – high	\$8,240	\$8,376	\$8,240	\$8,376	\$8,240	\$8,376	\$8,240	\$8,376
(21) Community Engagement Meeting Fee – medium	\$4,120	\$4,188	\$4,120	\$4,188	\$4,120	\$4,188	\$4,120	\$4,188
(22) Community Engagement Meeting Fee - low	\$1,030	\$1,047	\$1,030	\$1,047	\$1,030	\$1,047	\$1,030	\$1,047
(23) Source Test Review Fee (plan and data review) – complex	\$6,180	\$6,282	\$6,180	\$6,282	\$6,180	\$6,282	\$6,180	\$6,282
(24) Source Test Review Fee (plan and	\$4,326	\$4,397	\$4,326	\$4,397	\$4,326	\$4,397	\$4,326	\$4,397

data review) – moderate								
(25) Source Test Review Fee (plan and data review) – simple	\$1,442	\$1,466	\$1,442	\$1,466	\$1,442	\$1,466	\$1,442	\$1,466

Asbestos Fees		
Notification Fee	Current Fee	3% Fee Increase
Residential	\$130	\$133
Non-Friable	\$130	\$133
<40 linear feet <80 square feet	\$130	\$133
40-259 linear feet 80-159 square feet	\$260	\$267
260-1299 linear feet 160-799 square feet	\$519	\$534
1300-2599 linear feet 800-1599 square feet	\$682	\$702
2600-4999 linear feet 1600-3499 square feet	\$1,168	\$1,203
5000-9999 linear feet 3500-5999 square feet	\$1,363	\$1,403
10,000-25,999 linear feet 6000-15,999 square feet	\$2,206	\$2,272
26,000-259,999 linear feet 16,000-159,999 square feet	\$3,634	\$3,743
>260,000 linear feet >160,000 square feet	\$4,542	\$4,678
Annual Friable Notification for <40 linear feet or <80 square feet	\$973	\$1,002
Annual Nonfriable Notification for Schools, Colleges, Facilities	\$649	\$668
Worker and Supervisor Cards	Current Fee	3% Fee Increase
Initial Worker Certification	\$59	\$60
Refresher Worker Certification	\$59	\$60
Initial Supervisor Certification	\$84	\$86

Refresher Supervisor Certification	\$84	\$86
Abatement Contractor License	Current Fee	3% Fee Increase
New Contractor License	\$1,308	\$1,347
Contractor License Renewal	\$1,308	\$1,347
Contractor License Modification	\$1,308	\$1,347
Training Provider Accreditation	Current Fee	3% Fee Increase
Initial Worker Training	\$406	\$418
Refresher Worker Training	\$406	\$418
Initial Supervisor Training	\$406	\$418
Refresher Supervisor Training	\$406	\$418

Statement of fiscal and economic impact

Fiscal and economic impact

Increasing fees will benefit the Title V, Cleaner Air Oregon and Asbestos programs 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.

Title V

The increase in Title V permit fees would affect approximately 105 permit holders directly and increase annual program revenue by approximately \$177,000 in the 2026 fiscal year. The direct impact of the fee increase on permit holders is based on an assumption that emissions remained the same in 2024 as they were in and 2023 and reflects adjustments to Plant Site Emission Limit changes in recently amended and renewed Title V permits.

Title V permit holders are subject to Oregon's greenhouse gas reporting program and most of the permit holders are subject to the greenhouse gas reporting fees. The greenhouse gas reporting fee is equal to 15 percent of their Title V annual base and emission fees, up to a maximum greenhouse gas reporting fee of \$4,500. Because the greenhouse gas reporting fee calculation is a percentage of the Title V fees, the proposed increase in Title V permit fees would result in a 3% increase in the greenhouse gas reporting fees for these permit holders in the invoices DEQ will issue in 2025. The cap of \$4,500 remains unchanged.

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 \$46,000 in the 2026 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.

Asbestos

For the Asbestos program, an increase in asbestos notification fees, certification fees, accreditation fees, and licensing fees would affect approximately 75 licensees, 6 training providers, and 750 certificate holders directly. This increase would increase program revenue by approximately \$45,000 annually.

Statement of cost of compliance

State agencies

Title V

Direct Impacts: Oregon Health Sciences University is an example of a state and federal agency that is subject to the Title V Program and paid annual Title V Program fees of \$26,045 in 2024. The proposed rules would increase their permit fees by about \$781 for 2025.

Indirect Impacts: Changes to Title V 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.

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 \$4,793 in 2024. The proposed rules would increase their permit fees by about \$79 for 2025.

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.

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.

Local governments

Title V

Direct Impacts: Oregon county and city local governments subject to the Title V 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 Title V Program fees of \$16,728 in 2024. The proposed rules would increase their 2025 fees by about \$502.

Deschutes County Solid Waste Department, Knott Landfill paid annual Title V Program Title V annual permit fees of \$22,899 in 2024. The proposed rules would increase their 2025 fees by about \$687.

Douglas County Public Works Department, Roseburg Landfill paid annual Title V Program fees of \$17,938 in 2024. The proposed rules would increase their 2025 fees by about \$538.

Indirect Impacts: Changes to Title V 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.

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 \$3,079 in 2024. The proposed rules would increase their 2025 fees by about \$51.
- Deschutes County Solid Waste Department, Knott Landfill paid annual Cleaner Air Oregon Program Title V annual permit fees of \$4,214 in 2024. The proposed rules would increase their 2025 fees by about \$70.
- Douglas County Public Works Department, Roseburg Landfill paid annual Cleaner Air Oregon Program fees of \$3,301 in 2024. The proposed rules would increase their 2025 fees by about \$55.

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.

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.

Public

Title V

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 Title V 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.

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.

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.

Large businesses - businesses with more than 50 employees

Title V

Direct Impacts: Approximately 91 large businesses hold Title V permits and a fee increase would affect these permit holders directly. Estimated impacts are based on the assumption that DEQ identified all facilities subject to the Title V program and that the number of Title V permits and facility emissions remain constant.

The proposed annual base fees and emission fees are provided in the following table. The annual base fee is small in comparison to the emission fees paid by most sources. The rulemaking would also increase specific activity fees. Specific activity fees contribute a small portion of Title V program revenue.

Proposed Title V Fees For 2025			
Fee Category	2024 Fees	2025 Fees	Increase over 2024 Fees
Annual Base Fee	\$16,002	\$16,482	\$480

Emission Fee	\$121.00	\$124.63	\$3.63
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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	2024 Fees	2025 Fees	Increase in fees
50 tons/yr.	\$22,052	\$22,714	\$662
250 tons/yr.	\$46,252	\$47,640	\$1,388
500 tons/yr.	\$76,502	\$78,797	\$2,295
5,000 tons/yr.	\$621,002	\$639,632	\$18,630

Indirect Impacts: Changes to fees could affect businesses indirectly if other businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

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 sources subject to the Cleaner Air Oregon Program and that the number of affected businesses and source emissions remain constant.

The proposed annual Cleaner Air Oregon Program base and emission fees are provided in the following tables. Cleaner Air Oregon Program specific activities, which represent approximately 14% of program revenues, would also increase by 1.65% in 2024.

Fee Category	2024 Fees	Proposed 2025 Fees (to be invoiced)	Increase over 2024 Fees
Basic ACDP (A)	\$156	\$159	\$3
Basic ACDP (B)	\$311	\$316	\$5
General ACDP – Class One	\$310	\$315	\$5
General ACDP – Class Two	\$560	\$569	\$9
General ACDP – Class Three	\$810	\$823	\$13
General ACDP – Class Four	\$156	\$159	\$3

General ACDP – Class Five	\$52	\$53	\$1
General ACDP – Class Six	\$103	\$105	\$2
Simple ACDP – Low Fee	\$830	\$844	\$14
Simple ACDP – High Fee	\$1,660	\$1,687	\$27
Standard ACDP	\$3,322	\$3,377	\$55
Title V – Annual Base Fee	\$2,945	\$2,994	\$49
Title V – Annual Emission Fee	\$22.26/ton	\$22.63/ton	\$0.37/ton

Cleaner Air Oregon Fees are based on the type of permit, and for Title V sources, the quantity of emissions from a source. 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 Title V sources emitting 50, 250, 500 or 5,000 tons per year.

Emissions per calendar year	2024 Fees	Proposed 2025 Fees (to be invoiced)	Increase in fees
50 tons/yr.	\$4,058	\$4,126	\$68
250 tons/yr.	\$8,510	\$8,652	\$142
500 tons/yr.	\$14,075	\$14,309	\$234
5,000 tons/yr.	\$114,245	\$116,144	\$1,899

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.

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.

Small businesses – businesses with 50 or fewer employees

The fee increases will not have a significant adverse effect on small businesses, as described further below.

Title V

Direct Impacts: Most Title V permit holders are large businesses, but the requirement to hold a Title V permit is most often based on potential emission levels rather than business size. Approximately 11 small businesses are required to hold Title V permits because their potential emissions exceed Title V applicability thresholds. None of the small businesses holding Title V permits emit more than 250 tons per year in a typical year. Businesses emitting 250 tons per year would experience a fee increase of \$1,388 in 2025 over existing fees.

Indirect Impacts: Changes to fees could affect small businesses if other businesses holding Title V permits change the price of goods and services to offset any increased costs from paying a permit fee.

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 \$3 to \$13 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 \$142 in 2025 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 three 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.

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.

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.

Title V

DEQ estimates that approximately 10 percent of sources subject to the Title V Program (about 11 businesses) are small businesses with 50 or fewer employees.

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.

Asbestos

Based on the list of existing licensed asbestos abatement contractors, accredited asbestos training providers, and the number of issued worker and supervisor certification cards, 81 small businesses and approximately 750 individuals will be subject to the fee increase.

- 75 asbestos abatement contractors
- 6 accredited asbestos training providers
- 750 worker and supervisor certification cards

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

Title V

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

Cleaner Air Oregon

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

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.

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

Title V

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

Cleaner Air Oregon

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

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.

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

Title V

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

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.

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.

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.

Title V and 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

Asbestos

Document title	Document location
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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

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.
 - a) One suggestion by a RAC member was to provide a hardship policy for smaller businesses when paying fees. A DEQ team member responded that there is a hardship policy that is a payment plan you can request through a hardship request letter.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

Title V and Cleaner Air Oregon

DEQ has determined, while the costs associated with the fee increases could be passed through by businesses providing products and services for such development and construction, the possible impact of these potential changes appears to be minimal. DEQ has determined the proposed rules would have little to no effect on development costs. DEQ cannot accurately quantify the impact at this time because the available information does not indicate whether the costs would be passed on to consumers and any such estimate would be speculative.

Asbestos

DEQ has determined the proposed rules might influence development costs. A vacant parcel would not be affected, but a parcel with required demolition would be affected as the standing structure may be subject to the asbestos regulations in OAR 340-248. Property owners may be subject to potentially increased costs due to fee increases paid by asbestos abatement service providers. Any estimate of possible financial impact would be speculative as individual abatement contractors set their own pricing for services.

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.

Title V

The Title V fee increase will not have an impact on racial equity in the state. Adoption of the proposed rule would affect Title V program fees statewide - across various sectors, public and private. The fee increase will apply equally across all permit holders and there are no expected changes to practical implementation of the program activities as a result of this rule adoption.

Cleaner Air Oregon

The Cleaner Air Oregon fee increase will not have an impact on racial equity in the state. Adoption of the proposed rule would affect Cleaner Air Oregon program fees statewide - across various sectors, public and private. 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.

Asbestos

The asbestos fee increase will not have an impact on racial equity in the state. Adoption of the proposed rule would affect Asbestos program fees statewide - across various sectors, public and private. The fee increase will apply equally across this sector, and there are no expected changes to practical implementation of the program activities as a result of this rule adoption.

Environmental Justice considerations

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

ORS 182.54: 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.

Title V

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

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.

Asbestos

The Asbestos Program conducts public outreach to inform communities and associations about asbestos hazards. This outreach utilizes various communication channels, including social media, local media, and educational workshops/information sessions in affected communities.

Program staff also provide education and outreach, and ensure the agency is informed about the impacts on communities that are traditionally underrepresented in the public process. Adopting the fee increases provides the necessary funding for DEQ to conduct these program activities 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 statewide 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. 10, 2025 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, Title V and Asbestos Fee 2025 advisory committee. The committee included representatives from consultants, engineers, industry, environmental advocacy, research and minority focused non-profit and met one time. The committee's web page is located at: [Air Quality Fees 2025](#)

The committee members were:

Advisory Committee Membership	
Name	Affiliation
Raegan Conroy	PBS Engineering and Environmental Inc
Brian Eagle	Maul Foster Alongi
Jace Jones	AmeriTies West
Nick Sichenzia	GDSI
Mason Leavitt	Beyond Toxics
Mary Peveto	Neighbors for Clean Air
Sharla Moffett	Oregon Business Industry
David Kahn	PBS Engineering and Environmental Inc (alternate)

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 discussed other avenues for DEQ to evaluate their fee structure programs. The RAC recommended DEQ look at other states to compare programs and fee structures. They also suggested documenting a timeline

of fee increases to create more transparency and communicate how the additional fees maintain program service levels.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and hearing by:

- On April 30, 2025, filing notice with the Oregon Secretary of State for publication in the May 2025 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: Air Quality Fees [2025](#);
- 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 John Lively
 - Senator Fred Girod
 - Senator Katie Leiber
 - Senator Rob Nosse
 - Representative Tawna Sanchez
 - Speaker of the House Julie Fahey
 - President of the Senate Rob Wagner
- Emailing asbestos-related businesses, contractors and employees through YDO;
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public hearing

DEQ held one public hearing. DEQ received no oral comments at the hearing. Later sections of this document include a summary of the five written 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	May 19, 2025
Place	Zoom Virtual Meeting, Zoom
Start Time	5:02 p.m.
End Time	5:32 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.

One person attended the public hearing by teleconference or webinar. No person commented orally and no person submitted written comments at the hearing. Five 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 May 1 until 4 p.m. May 21, 2025.

The Oregon Department of Environmental Quality received five comments during the public comment period for the Title V, Cleaner Air Oregon and Asbestos Fees 2025 rulemaking.

Comments received by close of public comment period

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

Commenter 1 Nancy Hiser **and Commenter 2** Kainalu Bailey on behalf of Neighbors for Clean Air

Member of the public and Neighbors for Clean Air

Both commenters supported DEQ's increase of fees of Title V, Cleaner Air Oregon, and Asbestos to keep up with service. Commenter 2 also highlighted the importance of a fee increase to allow for adequate funding to maintain delegated status for the Title V program.

Response

DEQ appreciates the input and thanks you for your comment.

Commenter 3 Chuck Erickson

Member of the public

Stated that DEQ needs to ban burn barrels in North Bend, Oregon because of the negative health effects of this source of air pollution.

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, Asbestos and Title V programs. Regulating burn barrels are not within the scope of this particular rulemaking.

Commenter 4 Brian Earls

Member of the public

Expressed strong concern about negative economic impacts of fee and tax increases on Oregonian residents and business owners. Commented that Oregon should not be following suit after Washington and California with environmental regulations. Pointed to their opinion that pollution sources abroad are also important.

Commenter 5 Loren Emang

Member of the public

Stated that they think it would be better for the State to reduce administrative costs, rather than increase fees.

Commenter 6 Jackie White

Northwest Pulp and Paper Association

Expressed concerns with compounding effects of multi-program fee increases impacting the same facilities. Took issue with facilities having to contend with fee increases for existing programs as well as newly implemented programs such as Cleaner Air Oregon and fees such as those for Your DEQ Online. Also expressed concern about the cumulative effects of facility permit and program fees and costs to comply with programs such as Regional Haze. Commenter argued that taken together, fees and costs put facilities at a disadvantage in Oregon compared to other states; and causes them to consider whether Oregon is where they should allocate resources to their businesses.

Commenter also expressed concerns about lack of clarity around DEQ's ongoing process to review and update the fee structure for Title V and ACDP permits; requests that DEQ conclude the process of updating these fee structures prior to implementing fee increases.

Response to Commenters 4, 5 and 6

DEQ understands the concern about the cumulative impact of multi-program fee increases and the broader implications for facilities and the businesses associated with those facilities. The proposed fee increases align with legislative authority. The smaller, more incremental fee increases authorized by the legislature are necessary to maintain the services these programs provide. The smaller more frequent fee increases are designed to provide more certainty to businesses. In some cases, the proposed fee increases do not sufficiently cover the increased costs to operating these programs. DEQ's fee structure for these programs consider business size and emissions, minimizing the impact on small businesses and facilities that have lower emissions.

Implementation

Notification

The proposed rules would become effective upon filing on approximately July 1, 2025. DEQ would notify affected parties through:

- Govdelivery, a web-based subscription service that allows DEQ to provide news and information updates to the public via email and/or text messages;
- Emailing interested parties through program lists;
- Emailing to registered sources using contacts from DEQ's Your DEQ Online permitting platform; and
- Annual invoicing that will include an overview of the adopted fee increase.

Compliance and enforcement

While program fees are increased, no additional compliance and enforcement requirements are part of the adopted fee increase. DEQ Air Quality staff will receive an email update on the adopted fee increase and templated communication materials on the fee increase to share with interested parties.

Measuring, sampling, monitoring and reporting

No additional measuring, sampling, monitoring or reporting will be required as part of the adopted fee increase.

Systems

DEQ will update its Your DEQ Online permitting platform with the adopted fee increases for our annual invoicing process. DEQ will also update its rules and fees listed on its external air quality permitting website.

Training

No additional training is needed. DEQ staff will receive notice of the adopted fee increases and communication materials to inform interested parties.

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).
- 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 ~~\$1,308~~\$1,347 for a one-year Asbestos Abatement Contractor license;

(b) Worker and Supervisor Certifications: A non-refundable application fee of ~~\$84~~\$86 for a one-year certification as an asbestos supervisor and ~~\$59~~\$60 for a one-year certification as an asbestos worker;

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

(A) ~~\$406~~\$418 for a one-year accreditation to provide a course for training asbestos supervisors;

(B) ~~\$406~~\$418 for a one-year accreditation to provide a course for training asbestos workers; and

(C) ~~\$406~~\$418 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

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~~ \$133 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~~ \$267 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~~ \$534 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~~ \$702 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~~ \$1,203 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~~ \$1,403 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~~ \$2,272 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~~ \$3,743 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~~ \$4,678 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(J) ~~\$973~~ \$1,002 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~~ \$668 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 and Title V

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

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 12/1 ¹ 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

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

	(E) Fee Class Five	\$245.00
	(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 12/1 for 1/1 to 12/31 of the following year)

Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$159.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	\$316.00
General ACDP	(A) Fee Class One	\$315.00
	(B) Fee Class Two	\$569.00
	(C) Fee Class Three	\$823.00
	(D) Fee Class Four	\$159.00
	(E) Fee Class Five	\$53.00
	(F) Fee Class Six	\$105.00
Simple ACDP	(A) Low Fee	\$844.00
	(B) High Fee	\$1,687.00
Standard ACDP		\$3,377.00

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	\$452.00
	(B) Basic Technical	\$452.00
	(C) Simple Technical	\$1,507.00
	(D) Moderate Technical	\$7,538.00
	(E) Complex Technical	\$15,118.00
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%
<p>. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.</p> <p>. 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.</p> <p>NOTE: See history of this table under OAR 340-216-0020.</p>		

340-216-8030

Table 3 — Cleaner Air Oregon Specific Activity Fees

Sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

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

Statutory/Other Authority: ORS 468.020, 468.065, 468A.040, 468A.050 & 468A.315

Statutes/Other Implemented: ORS 468.020, 468.065, 468A.040, 468A.050 & 468A.315

History:

DEQ 14-2024, amend filed 09/10/2024, effective 09/10/2024

DEQ 20-2019, amend filed 09/05/2019, effective 09/05/2019

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

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



OAR 340-216-8030

Table 3: Cleaner Air Oregon Specific Activity Fees

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	\$10,470	\$10,470	\$1,047	\$523
2	New Source Consulting Fee	\$12,564	\$12,564	\$1,989	\$1,047
3	Submittal Document Modification Fee	\$2,617	\$2,617	\$523	\$262
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	\$1,570	\$1,570	\$1,047	\$838
5	Level 1 Risk Assessment – not de minimis	\$2,094	\$2,094	\$1,570	\$1,152
6	Level 2 Risk Assessment - de minimis (no permit required)	\$3,246	\$3,246	\$2,408	\$2,094
7	Level 2 Risk Assessment – not de minimis	\$3,769	\$3,769	\$2,932	\$2,408
8	Level 3 Risk Assessment - de minimis (no permit required)	\$9,214	\$8,585	\$5,549	\$4,711
9	Level 3 Risk Assessment – not de minimis	\$20,835	\$11,831	\$8,062	\$6,596
10	Level 4 Risk Assessment - de minimis (no permit required)	\$22,406	\$19,369	\$12,250	NA
11	Level 4 Risk Assessment – not de minimis	\$36,226	\$27,012	\$16,228	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	\$7,015	\$7,015	\$2,722	\$2,722
13	Air Monitoring Plan Fee (includes risk assessment)	\$26,327	\$26,327	NA	NA
14	Postponement of Risk Reduction Fee	\$4,607	\$4,607	\$4,607	\$2,094
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	\$3,141	\$3,141	\$1,570	\$1,570

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
Other Fees					
16	TEU Risk Assessment – no permit mod	\$1,047	\$1,047	\$523	\$523
17	TEU Risk Assessment – permit mod	\$4,188	\$4,188	\$2,094	\$1,047
18	Level 2 Modeling review only for TEU approval	\$1,989	\$1,361	\$838	\$733
19	Level 3 Modeling review only for TEU approval	\$3,979	\$3,979	\$3,664	\$3,664
20	Community Engagement Meeting Fee – high	\$8,376	\$8,376	\$8,376	\$8,376
21	Community Engagement Meeting Fee – medium	\$4,188	\$4,188	\$4,188	\$4,188
22	Community Engagement Meeting Fee - low	\$1,047	\$1,047	\$1,047	\$1,047
23	Source Test Review Fee (plan and data review) - complex	\$6,282	\$6,282	\$6,282	\$6,282
24	Source Test Review Fee (plan and data review) – moderate	\$4,397	\$4,397	\$4,397	\$4,397
25	Source Test Review Fee (plan and data review) – simple	\$1,466	\$1,466	\$1,466	\$1,466

Division 220
OREGON TITLE V OPERATING PERMIT FEES

340-220-0030
Annual Base Fee

(1) DEQ will assess an annual base fee of \$12,879 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2024 to November 14, 2025.

(2) DEQ will assess an annual base fee of \$16,482 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2025 to November 14, 2026, and for each annual period thereafter.

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 2-2024, amend filed 01/25/2024, effective 01/25/2024

DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024

DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022

DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14

DEQ 9-2012, f. & cert. ef. 12-11-12

DEQ 5-2012, f. & cert. ef. 7-2-12

DEQ 16-2010, f. & cert. ef. 12-20-10

Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08

DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

DEQ 10-2008, f. & cert. ef. 8-25-08

Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08

DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2005, f. & cert. ef. 7-11-05

DEQ 6-2004, f. & cert. ef. 7-29-04

DEQ 11-2003, f. & cert. ef. 7-23-03

DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 8-2000, f. & cert. ef. 6-6-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2580

DEQ 10-1999, f. & cert. ef. 7-1-99

DEQ 12-1998, f. & cert. ef. 6-30-98

DEQ 9-1997, f. & cert. ef. 5-9-97

DEQ 7-1996, f. & cert. ef. 5-31-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

340-220-0040
Emission Fee

(1) For operations during the period of November 15, 2024 to November 14, 2025, DEQ will assess an emission fee of \$121 per ton of each regulated pollutant emitted during calendar year 2023 to each source subject to the Oregon Title V Operating Permit Program.

(2) For operations during the period of November 15, 2025 to November 14, 2026, DEQ will assess an emission fee of \$124.63 per ton of each regulated pollutant emitted during calendar year 2024 to each source subject to the Oregon Title V Operating Permit Program. DEQ will assess the same per ton emission fee for operations in subsequent comparable November 15 to November 14 operating periods, based on subsequent calendar year's emissions of regulated pollutants, respectively, to each source subject to the Oregon Title V Operating Permit Program.

(3) The emission fee will be applied to emissions based on the elections made according to OAR 340-220-0090.

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 2-2024, amend filed 01/25/2024, effective 01/25/2024
DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024
DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022
DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021
DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018
DEQ 1-2017, f. & cert. ef. 1-19-17
DEQ 7-2016, f. & cert. ef. 6-9-16
DEQ 2-2015, f. & cert. ef. 1-7-15
DEQ 10-2014, f. & cert. ef. 9-4-14
DEQ 9-2012, f. & cert. ef. 12-11-12
DEQ 16-2010, f. & cert. ef. 12-20-10
DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10
DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2005, f. & cert. ef. 7-11-05
DEQ 6-2004, f. & cert. ef. 7-29-04

DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 7-1996, f. & cert. ef. 5-31-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

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 August 1, 2024 to July 31, 2025 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.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2025 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$1,004;

(B) Simple — \$4,020;

(C) Moderate — \$30,154;

(D) Complex — \$60,308; and

(b) Ambient air monitoring review — \$8,041.

(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 \$2,994; and

(b) The annual emission fee of \$22.63 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

History:

DEQ 14-2024, amend filed 09/10/2024, effective 09/10/2024

DEQ 2-2024, amend filed 01/25/2024, effective 01/25/2024

DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024

DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022

DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 23-2019, amend filed 10/08/2019, effective 10/08/2019

DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 7-2019, amend filed 02/15/2019, effective 02/15/2019

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

DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14

DEQ 9-2012, f. & cert. ef. 12-11-12

DEQ 5-2012, f. & cert. ef. 7-2-12

DEQ 12-2011, f. & cert. ef. 7-21-11

DEQ 11-2011, f. & cert. ef. 7-21-11

DEQ 16-2010, f. & cert. ef. 12-20-10

DEQ 12-2010, f. & cert. ef. 10-27-10

Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08

DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10

DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

DEQ 10-2008, f. & cert. ef. 8-25-08
Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2005, f. & cert. ef. 7-11-05
DEQ 6-2004, f. & cert. ef. 7-29-04
DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

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 \$1,347 for a one-year Asbestos Abatement Contractor license;

(b) Worker and Supervisor Certifications: A non-refundable application fee of \$86 for a one-year certification as an asbestos supervisor and \$60 for a one-year certification as an asbestos worker;

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

(A) \$418 for a one-year accreditation to provide a course for training asbestos supervisors;

(B) \$418 for a one-year accreditation to provide a course for training asbestos workers; and

(C) \$418 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) \$133 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) \$267 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) \$534 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) \$702 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) \$1,203 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) \$1,403 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) \$2,272 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) \$3,743 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) \$4,678 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(J) \$1,002 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) \$668 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 and Title V

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

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 12/1 ¹ 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	\$159.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	\$316.00
General ACDP	(A) Fee Class One	\$315.00
	(B) Fee Class Two	\$569.00
	(C) Fee Class Three	\$823.00
	(D) Fee Class Four	\$159.00
	(E) Fee Class Five	\$53.00
	(F) Fee Class Six	\$105.00
Simple ACDP	(A) Low Fee	\$844.00
	(B) High Fee	\$1,687.00
Standard ACDP		\$3,377.00

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

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

OAR 340-216-8020

Table 2

Air Contaminant Discharge Permits

	(D) Moderate Technical	\$9,000.00
	(E) Complex Technical	\$18,000.00
Toxic Air Contaminant Permit Addendum Modification	(A) Non-Technical	\$452.00
	(B) Basic Technical	\$452.00
	(C) Simple Technical	\$1,507.00
	(D) Moderate Technical	\$7,538.00
	(E) Complex Technical	\$15,118.00
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%
<p>3. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.</p> <p>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.</p> <p>NOTE: See history of this table under OAR 340-216-0020.</p>		

340-216-8030

Table 3 — Cleaner Air Oregon Specific Activity Fees

Sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

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

Statutory/Other Authority: ORS 468.020, 468.065, 468A.040, 468A.050 & 468A.315

Statutes/Other Implemented: ORS 468.020, 468.065, 468A.040, 468A.050 & 468A.315

History:

DEQ 14-2024, amend filed 09/10/2024, effective 09/10/2024

DEQ 20-2019, amend filed 09/05/2019, effective 09/05/2019

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

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



OAR 340-216-8030

Table 3: Cleaner Air Oregon Specific Activity Fees

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	\$10,470	\$10,470	\$1,047	\$523
2	New Source Consulting Fee	\$12,564	\$12,564	\$1,989	\$1,047
3	Submittal Document Modification Fee	\$2,617	\$2,617	\$523	\$262
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	\$1,570	\$1,570	\$1,047	\$838
5	Level 1 Risk Assessment – not de minimis	\$2,094	\$2,094	\$1,570	\$1,152
6	Level 2 Risk Assessment - de minimis (no permit required)	\$3,246	\$3,246	\$2,408	\$2,094
7	Level 2 Risk Assessment – not de minimis	\$3,769	\$3,769	\$2,932	\$2,408
8	Level 3 Risk Assessment - de minimis (no permit required)	\$9,214	\$8,585	\$5,549	\$4,711
9	Level 3 Risk Assessment – not de minimis	\$20,835	\$11,831	\$8,062	\$6,596
10	Level 4 Risk Assessment - de minimis (no permit required)	\$22,406	\$19,369	\$12,250	NA
11	Level 4 Risk Assessment – not de minimis	\$36,226	\$27,012	\$16,228	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	\$7,015	\$7,015	\$2,722	\$2,722
13	Air Monitoring Plan Fee (includes risk assessment)	\$26,327	\$26,327	NA	NA
14	Postponement of Risk Reduction Fee	\$4,607	\$4,607	\$4,607	\$2,094
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	\$3,141	\$3,141	\$1,570	\$1,570
Other Fees					
16	TEU Risk Assessment – no permit mod	\$1,047	\$1,047	\$523	\$523
17	TEU Risk Assessment – permit mod	\$4,188	\$4,188	\$2,094	\$1,047

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
18	Level 2 Modeling review only for TEU approval	\$1,989	\$1,361	\$838	\$733
19	Level 3 Modeling review only for TEU approval	\$3,979	\$3,979	\$3,664	\$3,664
20	Community Engagement Meeting Fee – high	\$8,376	\$8,376	\$8,376	\$8,376
21	Community Engagement Meeting Fee – medium	\$4,188	\$4,188	\$4,188	\$4,188
22	Community Engagement Meeting Fee - low	\$1,047	\$1,047	\$1,047	\$1,047
23	Source Test Review Fee (plan and data review) - complex	\$6,282	\$6,282	\$6,282	\$6,282
24	Source Test Review Fee (plan and data review) – moderate	\$4,397	\$4,397	\$4,397	\$4,397
25	Source Test Review Fee (plan and data review) – simple	\$1,466	\$1,466	\$1,466	\$1,466

Division 220
OREGON TITLE V OPERATING PERMIT FEES

340-220-0030
Annual Base Fee

(1) DEQ will assess an annual base fee of \$12,879 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2024 to November 14, 2025.

(2) DEQ will assess an annual base fee of \$16,482 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2025 to November 14, 2026, and for each annual period thereafter.

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 2-2024, amend filed 01/25/2024, effective 01/25/2024

DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024

DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022

DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14

DEQ 9-2012, f. & cert. ef. 12-11-12

DEQ 5-2012, f. & cert. ef. 7-2-12

DEQ 16-2010, f. & cert. ef. 12-20-10

Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08

DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

DEQ 10-2008, f. & cert. ef. 8-25-08

Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08

DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2005, f. & cert. ef. 7-11-05

DEQ 6-2004, f. & cert. ef. 7-29-04

DEQ 11-2003, f. & cert. ef. 7-23-03

DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 8-2000, f. & cert. ef. 6-6-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2580

DEQ 10-1999, f. & cert. ef. 7-1-99

DEQ 12-1998, f. & cert. ef. 6-30-98

DEQ 9-1997, f. & cert. ef. 5-9-97

DEQ 7-1996, f. & cert. ef. 5-31-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

340-220-0040

Emission Fee

(1) For operations during the period of November 15, 2024 to November 14, 2025, DEQ will assess an emission fee of \$121 per ton of each regulated pollutant emitted during calendar year 2023 to each source subject to the Oregon Title V Operating Permit Program.

(2) For operations during the period of November 15, 2025 to November 14, 2026, DEQ will assess an emission fee of \$124.63 per ton of each regulated pollutant emitted during calendar year 2024 to each source subject to the Oregon Title V Operating Permit Program. DEQ will assess the same per ton emission fee for operations in subsequent comparable November 15 to November 14 operating periods, based on subsequent calendar year's emissions of regulated pollutants, respectively, to each source subject to the Oregon Title V Operating Permit Program.

(3) The emission fee will be applied to emissions based on the elections made according to OAR 340-220-0090.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 2-2024, amend filed 01/25/2024, effective 01/25/2024
DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024
DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022
DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021
DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018
DEQ 1-2017, f. & cert. ef. 1-19-17
DEQ 7-2016, f. & cert. ef. 6-9-16
DEQ 2-2015, f. & cert. ef. 1-7-15
DEQ 10-2014, f. & cert. ef. 9-4-14
DEQ 9-2012, f. & cert. ef. 12-11-12
DEQ 16-2010, f. & cert. ef. 12-20-10
DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10
DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2005, f. & cert. ef. 7-11-05

DEQ 6-2004, f. & cert. ef. 7-29-04
DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 7-1996, f. & cert. ef. 5-31-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

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 August 1, 2024 to July 31, 2025 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.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2025 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$1,004;

(B) Simple — \$4,020;

(C) Moderate — \$30,154;

(D) Complex — \$60,308; and

(b) Ambient air monitoring review — \$8,041.

(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 \$2,994; and

(b) The annual emission fee of \$22.63 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

History:

DEQ 14-2024, amend filed 09/10/2024, effective 09/10/2024

DEQ 2-2024, amend filed 01/25/2024, effective 01/25/2024

DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024

DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022

DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 23-2019, amend filed 10/08/2019, effective 10/08/2019

DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 7-2019, amend filed 02/15/2019, effective 02/15/2019

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

DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14

DEQ 9-2012, f. & cert. ef. 12-11-12

DEQ 5-2012, f. & cert. ef. 7-2-12

DEQ 12-2011, f. & cert. ef. 7-21-11

DEQ 11-2011, f. & cert. ef. 7-21-11

DEQ 16-2010, f. & cert. ef. 12-20-10

DEQ 12-2010, f. & cert. ef. 10-27-10
Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10
DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10
DEQ 10-2008, f. & cert. ef. 8-25-08
Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2005, f. & cert. ef. 7-11-05
DEQ 6-2004, f. & cert. ef. 7-29-04
DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93