

**DEQ's 2011 Legislative Concepts
Summary Sheet**

| Leg Concept Number | Agency Number / DEQ Pkg # | Title | Description |
|---------------------------|----------------------------------|--|--|
| 842 | 34000/1 | Greenhouse Gas Permitting | EPA's decision to regulate greenhouse gas under the Clean Air Act means that some sources not currently subject to a Title V permit will become Title V sources due to the level of greenhouse gases emitted. Title V fees are set in statute and this legislative concept will add fees for greenhouse gas permitting - \$600 for existing Title V sources and \$4,000 for new Title V sources due to greenhouse gases. DEQ is proposing an associated policy package of 1 FTE for the new greenhouse gas permitting work. |
| 843 | 34000/2 | Truck Efficiencies to Reduce GHG Emissions | In HB 2186, the 2009 Legislature directed DEQ to research potential legislation to reduce greenhouse gas emissions by reducing aerodynamic drag for trucks and unnecessary long duration idling by commercial vehicles and report back to an interim legislative committee by October 2010. This is a legislative concept to implement DEQ's proposal. There is no associated policy package. |
| 844 | 34000/3 | Expand GHG Reporting Fee Authority | SB 38 (2009) added greenhouse gas reporting requirements for electricity importers and fuel distributors, but DEQ does not have the authority to assess fees to these groups. The bill also directed DEQ to evaluate and report back whether a schedule of fees should be established for electricity importers and fuel distributors. This legislative concept provides fee authority. Consumer owned utilities, gasoline/diesel dealers and propane importers would all pay \$100 per year while the large electric and natural gas companies would pay an amount equal to the greenhouse gas reporting fee cap paid by large industrial sources with high greenhouse gas emissions. The current cap is \$4,500 and the new cap would be somewhat less. Current fee payers would see their fee decrease as these new fee payers are added and DEQ revenue would remain the same. There is no associated policy package. |
| 845 | 34000/4 | Ballast Water / Vessel Fee Authority | The proposed concept would establish a statutory fixed fee to be levied on regulated vessels arriving in OR waters. If approved, the fee revenue would decrease reliance on General Fund dollars, provide funding for water quality equipment, etc. and fund a 0.5 FTE to increase compliance and enhance technical assistance. |
| 846 | 34000/5 | Cleanup changes / Economic Development | The proposed concept would amend the prospective purchaser statute to encourage the cleanup of small brownfields and other sites by streamlining approval and providing additional liability protection under certain circumstances. |
| 847 | 34000/6 | E-Waste | The proposed concept would increase registration fees to address loss of revenue, provide for a database for tracking and invoicing, and improve cash management. Also, to better manage collection and recycling between different years, the concept would allow manufacturers collecting beyond their minimum recycling obligations to transfer or bank the excess as "credits." Finally, the concept would change the law so sampling for return share can be done consistent with the adopted methodology. |
| 848 | 34000/7 | Onsite Sewage Disposal System Funds | Implementation of Advisory Committee recommendations. LC to revert civil penalty fines back into the program for area-wide pollution issues from septic systems to assist communities in addressing health or water quality problems associated with individual onsite septic systems. |
| 849 | 34000/8 | Enforcement Language Clarification | This placeholder legislative concept is a proactive attempt to reduce ambiguity and incongruity in statutes so that the regulated public will better understand the requirements and to eliminate certain litigation risks. Specifics include: (1) Correct confusing organization and erroneous references; (2) Eliminate an onsite sewage statute (454.635) which implies a requirement that DEQ hold contested case hearings on informal warning letters; (3) Correct a likely inadvertent omission in ORS 465.992 that directs the Department of Revenue, rather than DEQ, to issue and collect penalties for failure to pay drycleaner fees; (4) Clarify that the definition of "hazardous waste generator" at ORS 466.005(6) is the same in scope and effect to the federal definition, consistent with legal positions we have taken and with how we have been implementing the program; (5) Correct a grammatical error that confuses the authority of the EQC in defining hazardous waste under ORS 466.005(7) and therefore confuses whether certain wastes are hazardous waste; (6) Clarify that each occurrence of a violation is subject to a possible separate penalty; (7) Clarify that DEQ may issue and enforce orders in all programs; (8) Clarify that DEQ may seek judicial enforcement; (9) Consistent with Oregon appellate decision, clarify that ORS 468A.030 does not require a showing of negligence for any penalty; and (10) Clarify that air contaminant sources operating under an existing air permit must comply with the conditions of an existing permit. |