

B-Engrossed
House Bill 2748

Ordered by the Senate May 5
Including House Amendments dated April 7 and Senate Amendments
dated May 5

Sponsored by Representatives JOHNSON, KENY-GUYER; Representative GREENLICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies sources of moneys deposited in Residential Solid Fuel Heating Air Quality Improvement Fund.

Allows moneys in fund to be used for funding programs for replacing or removing solid fuel burning devices that are not certified by Department of Environmental Quality.

Adds rebates to permissible types of subsidies available under solid fuel burning device replacement or removal program.

Requires Department of Environmental Quality to establish program for providing grants, loans, rebates or other subsidies to make dry wood or cleaner fuel available to communities or individuals.

Requires Department of Environmental Quality to prioritize allocation of grants, loans, rebates or other subsidies under solid fuel burning device replacement or removal program **and dry wood or cleaner fuel provision program** to be used in nonattainment areas for particulate matter or areas at substantial risk of being designated nonattainment areas for particulate matter.

Declares emergency, effective July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to the Residential Solid Fuel Heating Air Quality Improvement Fund; amending ORS
3 468A.490; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 468A.490 is amended to read:

6 468A.490. (1) There is established within the State Treasury a fund known as the Residential
7 Solid Fuel Heating Air Quality Improvement Fund, separate and distinct from the General Fund.

8 (2) All moneys appropriated or received [*as gifts or grants for the purposes of this section*] **from**
9 **any source, public or private, for the purpose of reducing the emission of air contaminants**
10 **from solid fuel burning devices** shall be credited to the Residential Solid Fuel Heating Air Quality
11 Improvement Fund.

12 (3) The State Treasurer may invest and reinvest the moneys in the fund as provided in ORS
13 293.701 to 293.857. Interest from the moneys deposited in the fund and earnings from investment of
14 the moneys in the fund shall accrue to the fund.

15 (4) All moneys in the fund are continuously appropriated to the Department of Environmental
16 Quality to:

17 (a) Pay all costs incurred by the department for evaluating projects and programs, including
18 projects and programs proposed by local communities or qualifying organizations, for project man-
19 agement and oversight of funds awarded for projects and programs selected in accordance with this
20 section and for documenting the benefit to air quality from such projects;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) Fund the *[program]* **programs** established under *[subsection (5)]* **subsections (5) and (6)** of
2 this section;

3 (c) Fund activities to enhance enforcement of ORS 468A.460 to 468A.515;

4 (d) Fund public education programs related to compliance with ORS 468A.460 to 468A.515;
5 *[and]*

6 (e) Fund public education programs related to the benefits of the use of solid fuel burning de-
7 vices certified pursuant to ORS 468A.460 to 468A.515~~].~~; **and**

8 **(f) Fund programs for replacing or removing solid fuel burning devices that are not cer-**
9 **tified by the department pursuant to ORS 468A.465.**

10 (5) The department shall use moneys available under subsection (4) of this section to establish
11 a program designed to reduce the emission of air contaminants by providing grants, loans, **rebates**
12 or other subsidies for the replacement or removal of solid fuel burning devices that were not certi-
13 fied by the department pursuant to ORS 468A.465. In addition to any other requirements established
14 by rules adopted by the Environmental Quality Commission, the program shall provide that:

15 (a) *[All]* Forms of new high-efficiency, low air contaminant-emitting heating systems are allowed,
16 *[except vent-free heating appliances]* **as determined by the department;**

17 (b) Any solid fuel burning device removed under the program must be destroyed;

18 (c) Any replacement device selected under the program must be installed in conformance with
19 building code requirements and the manufacturer's specifications including but not limited to vent-
20 ing specifications; and

21 (d) To be eligible, program participants shall participate in any home energy audit program
22 provided at no charge to the homeowner and shall obtain all information available regarding subsi-
23 dies for cost-effective weatherization. The department shall make the information required in this
24 subsection readily available to program participants.

25 **(6) The department shall use moneys available under subsection (4) of this section to**
26 **establish a program designed to reduce the emission of air contaminants from solid fuel**
27 **burning devices by providing grants, loans, rebates or other subsidies to make dry wood or**
28 **cleaner fuel available to communities or individuals.**

29 **(7) In establishing the programs pursuant to subsections (5) and (6) of this section, the**
30 **department shall prioritize allocating grants, loans, rebates or other subsidies within:**

31 **(a) Nonattainment areas in this state that do not attain compliance with the standards**
32 **for particulate matter established by the commission pursuant to ORS 468A.025; and**

33 **(b) Areas in this state that the department determines are at substantial risk of being**
34 **designated nonattainment areas due to particulate matter emissions.**

35 ~~[(6)]~~ **(8)** The department may:

36 **(a) Enter into an agreement with a local government or a regional authority in order to imple-**
37 **ment the program established under subsection (5) of this section~~].~~; **and****

38 **(b) Enter into an agreement with a local government in order to implement the program**
39 **established under subsection (6) of this section.**

40 **SECTION 2. This 2017 Act being necessary for the immediate preservation of the public**
41 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
42 **July 1, 2017.**