



NORTHWEST ENVIRONMENTAL DEFENSE CENTER
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Dear Chair Marsh, Vice-Chairs Levy and Levy, and all members of the committee:

I am writing on behalf of the Northwest Environmental Defense Center, an Oregon-based non-profit committed to protecting and enhancing the natural environment of the Pacific Northwest. We, as an organization, urge you to pass HB 3229. The legislation is critical to ensure that Oregon communities and ecosystems are protected from the harms of air pollution, as it enables Oregon Department of Environmental Quality (DEQ) to secure proper funding for the Title V Program.

Raising Title V fees is imperative to ensure that DEQ can continue to meet its statutory obligations under the Federal Clean Air Act. Per the Clean Air Act and its implementing regulations, Oregon is required to fund the Title V Program through the collection of fees from regulated sources. *See* 42 U.S.C. § 7661a(b); 40 C.F.R. § 70.9. Because federal law requires that fees fund the Title V Program, legislation that allows for fee increases ensures that DEQ has proper funding to implement the program. These fees fund not only the issuance, monitoring and enforcement of permits, but also provide funding that assists regulated entities in both property facility training, as well as assistance programs including Small Business Stationary Source Technical and Environmental Compliance Assistance Program. Each of these program elements is necessary to ensure that Oregon's Title V Program runs efficiently and effectively in order to protect public health and welfare.

A recent report from the Environmental Protection Agency Office of Inspector General explained that insufficient fee structures cause permit backlogs, staffing challenges, and reduced funds for Clean Air monitoring and compliance. These insufficiencies ultimately undermine the DEQ's authority to conduct effective Title V programming and increases the likelihood of statewide noncompliance with Title V regulations. These failures perpetuate a race to the bottom at the expense of public health.

Raising fees is necessary to ensure that DEQ can continue to implement the Title V Program: absent passage of this legislation, DEQ could be forced to eliminate nearly 1/3 of the Title V Program. The agency has continued to make strides forward that have resulted in demonstrable benefits to air quality, and a failure to increase fees would be an unacceptable step back. We as a state cannot afford to backslide. After the Owens-Brockway Glass Recycling Plant Enforcement Action, we know all too well what happens when agencies are not equipped to monitor industry effectively and efficiently. In the case of Owens-Brockway, a culturally rich and diverse community was subjected to hundreds of pounds of pollutants that were harmful to environmental and public health. We must protect our frontline communities, and empower DEQ with the resources to do so.

A failure to increase fees not only raises the risk that Oregon loses its authority to carry out the Title V Program in the state, but it poses a substantial threat to community and environmental health. Industries themselves are responsible for ensuring that their activities do not cause harm to neighboring communities. Accordingly, there must be a mechanism to ensure that DEQ has the authority to properly fund the Title V Program through a sufficient fee structure. The passage of HB 3229 is critical to ensure that DEQ is equipped to continue to efficiently and effectively work to protect air quality and our Oregon communities. Thank you for your time.

Sincerely,

Mary Stites

Legal Fellow, Northwest Environmental Defense Center