

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.248 Name of Bill: An Act relating to misc revisions to air pollution statutes

Agency/ Dept: DEC Author of Bill Review: Megan O'Toole

Date of Bill Review: February 23, 2015 Related Bills and Key Players: _____

Status of Bill: (check one): ☒ Upon Introduction ☒ As passed by 1st body _____ As passed by both

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.* This bill will allow for registration of sources, as specified by rule, that emit less than 5 tons per year; remove specific the specific funding amount from the OWB statute to give the agency more flexibility in designing future programs; amend the Air CBI statute per EPA's comment to our recent SIP submittal and excludes emissions and monitoring data from the definition of trade secret; reduces the lead time required for submitting an operating permit renewal application from 12 months to 6 months; and allow for enforcement of the RGGI rules adopted by ANR pursuant to 30 VSA 255.
2. **Is there a need for this bill?** *Please explain why or why not.* Yes. This bill will create more fairness in the permitting and registration requirements by requiring small sources that emit potentially harmful contaminants to pay an annual fee; it will allow the Department to use funding originally slated for the OWB change-out program to be used in other wood-smoke reduction and incentive programs; it will make a critical change to our ability to release emissions and monitoring data for permitted sources and in turn allow EPA to approve a component of our State Implementation Plan; it will reduce the burden on the regulated community in that it will reduce the amount of lead time necessary to submit operating permit renewal applications; and it will fix the previous oversight of ANR having no ability to enforce the rules it has/will promulgate to implement the RGGI program in Vermont.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
This bill will provide additional fee revenue from some sources that emit less than 5 tons per year; it will allow the program to exercise more flexibility in using the money allocated from the AEP settlement to address wood smoke issues; it will help in gaining approval of the currently pending State Implementation Plan in front of EPA, therefore allowing Vermont to maintain authority over its air quality program; it will allow Vermont to enforce RGGI and comply with EPA's Clean Power Plan under the Clean Air Act, if necessary, which requires that states have enforcement authority over mechanisms used to comply with the new federal rule.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** This bill is unlikely to impact any other departments in state government.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*

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Small air contaminant sources that would become subject to the new registration requirement may object to the \$500 annual fee; the public would likely be in favor of using the remaining OWB funds to help address other wood smoke issues and help ease compliance with the new federal NSPS for residential wood heaters; EPA has already approved the language in the proposed CBI statute, so they support and have encouraged the change; the regulated community would be in favor of reducing the permit lead time as this reduces the burdens associated with preparing permit applications so far in advance of expiration; it is unknown whether or not sources subject to the RGGI rules will object to the enforcement change, but as this doesn't actually change the RGGI cap or how the program functions, it is doubtful that they would object.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Sensitive populations and those interested in cleaner air from lower wood smoke emissions; the American Lung Association is likely to be in favor of lower wood smoke emissions from resulting from new incentive programs, better emissions data availability, and better emissions data and oversight of smaller sources that emit toxic contaminants.

6.2 Who else is likely to oppose the proposal and why?

7. Rationale for recommendation: *Justify recommendation stated above.* These legislative changes would comply with the Clean Air Act, help the AQCD administer its programs for effectively, improve air quality, and better assist the regulated community.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

9. Gubernatorial appointments to board or commission?

Commissioner has reviewed this document:

Date:

3/25/15

Secretary has reviewed this document:

Date:

3-26-15