

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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**Action:** Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference

**Vote:** 6 - 2 - 0

**Yeas:** Bailey, Barnhart, Boone, Jenson, Smith J., Cannon

**Nays:** Bentz, Gilliam

**Exc.:** 0

**Prepared By:** Beth Patrino, Administrator

**Meeting Dates:** 2/12, 4/7

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**WHAT THE MEASURE DOES:** Deletes existing exemptions from fees for 401 certification applications for certain activities. Directs the Environmental Quality Commission (EQC) to establish schedule of fees for 401 certification based on specified criteria. Directs EQC to establish procedures for applicant to seek review of determination of fee by the Department of Environmental Quality.

**ISSUES DISCUSSED:**

- Current exemptions
- Cost of service reimbursement
- Types of projects requiring a 401 certification

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure.

**BACKGROUND:** Under section 401 of the federal Clean Water Act, any project requiring a federal license or permit to conduct an activity that may lead to a discharge to waters of the United States must receive a water quality certification. In Oregon, the Department of Environmental Quality is responsible for certifying that projects will be conducted consistent with water quality standards.