

HOUSE AMENDMENTS TO HOUSE BILL 2185

By COMMITTEE ON ENVIRONMENT AND WATER

April 9

1 On page 1 of the printed bill, line 2, delete “creating new provisions; and”.

2 Delete lines 5 through 30 and delete page 2 and insert:

3 “**SECTION 1.** ORS 468B.047 is amended to read:

4 “468B.047. (1) The Environmental Quality Commission [*may*] **shall** establish, by rule, a schedule

5 of fees **required** for state certification under [*section 401 of the*] **33 U.S.C. 1341 of the** Federal Water

6 Pollution Control Act, [*PL 92-500*] as amended. [*The commission shall not assess fees under sub-*

7 *sections (1) and (2) of this section for activities:*]

8 “[(a) *That have an operating permit for surface mining under ORS chapter 517;*]

9 “[(b) *Relating to commercial sand and gravel removal operations;*]

10 “[(c) *Involving removal of less than 500 cubic yards of material; or*]

11 “[(d) *Involving a fill of less than two acres.*]

12 “[(2) *As used in subsections (1) and (2) of this section, ‘fill’ and ‘removal’ have the meanings given*

13 *in ORS 196.800.*]

14 “(2) **The fees authorized by this section must be based on the nature of the underlying**

15 **federal license or permit, the size of the project, the estimated or actual costs incurred by**

16 **the Department of Environmental Quality and any other relevant factors.**

17 “(3) **The commission shall establish, by rule, procedures for an applicant for certification**

18 **to seek review of the department’s determination of the appropriate fee. The procedures**

19 **must include the ability of the applicant to request review by the Director of the Department**

20 **of Environmental Quality and the applicant’s right to a contested case hearing under ORS**

21 **chapter 183.**

22 “(4) **The provisions of this section do not apply to fees authorized under ORS 468.065 (3).**

23 “[(3)] (5) Any fees received under [*subsections (1) and (2) of*] this section shall be deposited in

24 the State Treasury to the credit of an account of the Department of Environmental Quality and are

25 continuously appropriated to meet the administrative expenses of the state certification program

26 under [*subsections (1) and (2) of*] this section.”.

27
