

House Bill 2185

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Environmental Quality)

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 **as introduced**.

Establishes fees for state certification under Federal Water Pollution Control Act. Allows Environmental Quality Commission to establish different schedule of fees by rule on or after January 1, 2012.

A BILL FOR AN ACT

1
2 Relating to state certification for discharges into water; creating new provisions; and amending ORS
3 468B.047.

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

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

6 468B.047. (1) *[The Environmental Quality Commission may establish, by rule, a schedule of fees]*

7 **Except as provided in ORS 468.065 (3), the following fees are established** for state certification
8 under section 401 of the Federal Water Pollution Control Act, *[PL] P.L.* 92-500, as amended. *The*
9 *commission shall not assess fees under subsections (1) and (2) of this section for activities]:*

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

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

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

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

14 **(a) For 20 or fewer hours of estimated work on a certification by the Department of**
15 **Environmental Quality, \$1,400.**

16 **(b) For more than 20 hours and not more than 75 hours of estimated work on a certifi-**
17 **cation by the department, \$4,925.**

18 **(c) For more than 75 hours and not more than 125 hours of estimated work on a certifi-**
19 **cation by the department, \$8,443.**

20 **(d) For more than 125 hours and not more than 175 hours of estimated work on a cer-**
21 **tification by the department, \$11,961.**

22 **(e) For more than 175 hours of estimated work on a certification by the department,**
23 **\$15,497.**

24 **(f) For specific projects that involve emerging fields of technology, \$13,672 multiplied by**
25 **the estimated number of months or partial months of work by the department on the cer-**
26 **tification.**

27 *[(2) As used in subsections (1) and (2) of this section, "fill" and "removal" have the meanings given*
28 *in ORS 196.800.]*

29 **(2)(a) The department shall estimate the number of hours of work based upon the appli-**
30 **cation for certification. The fees required under subsection (1) of this section must be paid**

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 **within 90 days of the date that the applicant is notified by the department of the number of**
2 **hours of estimated work, unless the department agrees in writing to an extension of time for**
3 **payment. In all cases the fees must be paid before the department issues the certification.**

4 **(b) If the fees are not paid within 90 days or within the period of time agreed to by the**
5 **department for an extension, the department may consider that the certification has been**
6 **withdrawn by the applicant or the department may deny the certification.**

7 **(c) If the application for certification is modified, or if the number of hours of estimated**
8 **work changes, the department may recalculate the fees.**

9 **(3) Notwithstanding subsection (1) of this section, the Environmental Quality Commission**
10 **may establish by rule, on or after January 1, 2012, a different schedule of fees for state cer-**
11 **tification under section 401 of the Federal Water Pollution Control Act. The schedule of fees**
12 **established under this subsection applies to applications for certification first filed with the**
13 **department on or after the date specified by the commission by rule.**

14 ~~[(3)]~~ **(4) Any fees received under [subsections (1) and (2) of] this section shall be deposited in the**
15 **State Treasury to the credit of an account of the Department of Environmental Quality and are**
16 **continuously appropriated to meet the administrative expenses of the state certification program**
17 **under [subsections (1) and (2) of] this section.**

18 **SECTION 2. The amendments to ORS 468B.047 (1) by section 1 of this 2009 Act apply to**
19 **applications for certification first filed with the Department of Environmental Quality on or**
20 **after the effective date of this 2009 Act.**

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