

## HOUSE AMENDMENTS TO HOUSE BILL 2952

By COMMITTEE ON SUSTAINABILITY AND ECONOMIC DEVELOPMENT

April 30

1 On page 1 of the printed bill, line 2, after “projects;” delete the rest of the line and insert  
2 “amending ORS 468A.040.”

3 Delete lines 4 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 468A.040 is amended to read:

5 “468A.040. (1) By rule the Environmental Quality Commission may require permits for air con-  
6 tamination sources classified by type of air contaminants, by type of air contamination source or  
7 by area of the state. The permits shall be issued as provided in ORS 468.065. A permit subject to  
8 the federal operating permit program shall be issued in accordance with the rules adopted under  
9 ORS 468A.310.

10 “(2) If a request for review of the final Department of Environmental Quality action, or any part  
11 thereof, is made on an application for a permit issued under the federal operating permit program  
12 established under ORS 468A.310 in accordance with the rules adopted by the commission, the effect  
13 of the contested conditions and any conditions that are not severable from those contested shall be  
14 stayed upon a showing that compliance with the contested conditions during the pendency of the  
15 appeal would require substantial expenditures or losses that would not be incurred if the permittee  
16 prevails on the merits of the review and there exists a reasonable likelihood of success on the  
17 merits. The department may require that the contested conditions not be stayed if the department  
18 finds that substantial endangerment of public health or welfare would result from the staying of the  
19 conditions.

20 “(3) Any source under an existing permit shall:

21 “(a) Comply with the conditions of the existing permit during any modification or reissuance  
22 proceeding; and

23 “(b) To the extent conditions of any new or modified permit are stayed under subsection (2) of  
24 this section, comply with the conditions of the existing permit that correspond to the stayed condi-  
25 tions, unless compliance would be technologically incompatible with compliance with other condi-  
26 tions of the new or modified permit that have not been stayed.

27 “(4) **For purposes of this section, a small scale local energy project, as defined in ORS**  
28 **470.050 (16)(a), located in a maintenance area or nonattainment area, and any infrastructure**  
29 **related to that project located in the same area, is considered to provide a net air quality**  
30 **benefit to the extent required by this chapter if the project provides reductions in each air**  
31 **contaminant in the maintenance area or nonattainment area equal to the ratio specified in**  
32 **rules adopted by the commission, unless the department determines that the project will**  
33 **pose a material threat to compliance with air quality standards in the maintenance area or**  
34 **nonattainment area.**

35 “(5) **As used in this section:**

1           “(a) ‘Maintenance area’ has the meaning given that term in rules adopted by the com-  
2 mission.

3           “(b) ‘Nonattainment area’ has the meaning given that term in rules adopted by the  
4 commission.”.

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