

HOUSE AMENDMENTS TO HOUSE BILL 3312

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 21

1 Delete lines 4 through 6 of the printed bill and insert:

2 **“SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 468.**

3 **“SECTION 2. (1) As used in this section:**

4 **“(a) ‘Baseline federal standards’ means the standards and requirements contained in a**
5 **federal environmental law, as those standards and requirements were in existence on Janu-**
6 **ary 19, 2017.**

7 **“(b) ‘Federal environmental law’ means any federal law relating to protection of the en-**
8 **vironment, natural resources or public health, and any federal regulations adopted thereto,**
9 **that is federally administered by the United States Environmental Protection Agency.**

10 **“(2) To the extent authorized by federal law and except as otherwise provided by state**
11 **law, for any federal environmental law that the Environmental Quality Commission or the**
12 **Department of Environmental Quality has been delegated authority to administer, or for any**
13 **state law administered by the department that is an analogue to a federal environmental law,**
14 **the commission may not amend or revise the commission’s rules to be less stringent than**
15 **the baseline federal standards, but may adopt rules that are more stringent than the baseline**
16 **federal standards.**

17 **“SECTION 3. (1) As used in this section:**

18 **“(a) ‘Baseline federal standards’ means the standards and requirements contained in a**
19 **federal environmental law, as those standards and requirements were in existence on Janu-**
20 **ary 19, 2017.**

21 **“(b) ‘Federal environmental law’ means any federal law relating to protection of the en-**
22 **vironment, natural resources or public health, and any federal regulations adopted thereto,**
23 **that is federally administered by the United States Environmental Protection Agency.**

24 **“(c) ‘Natural resource agency’ means the Department of Environmental Quality, the**
25 **State Department of Agriculture, the State Department of Energy, the State Department of**
26 **Fish and Wildlife, the State Forestry Department, the Department of Land Conservation and**
27 **Development, the State Parks and Recreation Department, the Water Resources Depart-**
28 **ment, the Oregon Health Authority and the Oregon Watershed Enhancement Board.**

29 **“(2) No later than September 15, 2018, each natural resource agency that has been de-**
30 **legated authority to administer federal environmental law shall submit a report, in the**
31 **manner provided by ORS 192.245, to the interim legislative committees on the environment**
32 **and natural resources that:**

33 **“(a) Identifies each federal environmental law that the natural resource agency has been**
34 **delegated authority to administer and the nature of the natural resource agency’s delegated**
35 **authority;**

1 **“(b) For each federal environmental law described, identifies any notice published in the**
2 **Federal Register on or after January 19, 2017, and before August 15, 2018, that proposes to**
3 **change a federal regulation in a manner that may diminish the level of environmental pro-**
4 **tection afforded by the federal environmental law; and**

5 **“(c) For each notice identified in the report under paragraph (b) of this subsection, in-**
6 **cludes:**

7 **“(A) A statement of whether the natural resource agency believes that the proposed**
8 **federal rulemaking, if adopted, may result in federal standards and requirements that are**
9 **less stringent than baseline federal standards;**

10 **“(B) Recommendations, that may include recommendations for legislation, for actions**
11 **that may be taken by the natural resource agency in order to continue state implementation**
12 **of federal environmental laws in a manner that results in standards and requirements that**
13 **are at least as stringent as baseline federal standards, regardless of regulatory changes or**
14 **proposed regulatory changes at the federal level; and**

15 **“(C) Additional resources that the natural resource agency may need to enable the**
16 **agency to continue state implementation of federal environmental laws in a manner that**
17 **results in standards and requirements that are at least as stringent as baseline federal**
18 **standards, in light of regulatory changes or proposed regulatory changes at the federal level.**

19 **“SECTION 4. Section 3 of this 2017 Act is repealed on December 31, 2018.”.**

20 In line 7, delete “2” and insert “5”.

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