

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1541

By JOINT COMMITTEE ON WAYS AND MEANS

March 1

- 1 On page 1 of the printed A-engrossed bill, line 5, after “2 to 7” insert “, 13, 14 and 16”.
- 2 On page 7, delete lines 1 through 3 and insert “section do not create a new standard of care
3 or otherwise alter an existing standard of care for imposing liability in any private action.”.
- 4 In line 41, delete “of 50 in one” and delete line 42 and insert “established by the Environmental
5 Quality Commission by rule, but no less than 25 in one million.”.
- 6 On page 8, line 2, delete “Environmental Quality”.
- 7 Delete lines 25 through 45 and insert:
- 8 **“SECTION 13. (1) The fee schedules authorized under ORS 468.065 (2) for permits de-**
9 **scribed in subsection (2) of this section may include fees that are reasonably calculated to**
10 **cover the direct and indirect costs of the Department of Environmental Quality and the**
11 **Environmental Quality Commission in developing and implementing, under sections 2 to 7**
12 **of this 2018 Act, a program and rules described in section 3 of this 2018 Act or a pilot pro-**
13 **gram described in section 4 of this 2018 Act.**
- 14 **“(2) The fees authorized by subsection (1) of this section shall:**
- 15 **“(a) Apply for any class of air contamination sources classified pursuant to ORS 468A.050**
16 **for which a person is required to obtain a permit under ORS 468A.040 or 468A.155 or is sub-**
17 **ject to the federal operating permit program pursuant to ORS 468A.310; and**
- 18 **“(b) Be in addition to, and not in lieu of, any other fee required under ORS 468.065 or**
19 **468A.315.**
- 20 **“(3) Not more than once each calendar year, the Environmental Quality Commission may**
21 **increase the fees authorized under this section. The amount of the annual increase may not**
22 **exceed the anticipated increase in the cost of implementing sections 2 to 7 of this 2018 Act,**
23 **or three percent, whichever is lower, unless a larger increase is provided for in the Depart-**
24 **ment of Environmental Quality’s legislatively approved budget.**
- 25 **“(4)(a) Any rule adopted under ORS 468.065 (2) regarding late payment of emission fees**
26 **by an air contamination source issued a permit under ORS 468A.040 or 468A.155 shall apply**
27 **in the same manner to an air contamination source issued a permit under ORS 468A.040 or**
28 **468A.155 for late payment of fees under this section.**
- 29 **“(b) Any rule adopted under ORS 468A.315 regarding late payment of emission fees by**
30 **sources subject to the federal operating permit program shall apply in the same manner to**
31 **sources subject to the federal operating permit program for late payment of fees under this**
32 **section.**
- 33 **“(5) The department may, in the manner provided in ORS 468.070, refuse to issue, sus-**
34 **pend, revoke or refuse to renew a permit issued under ORS 468A.040 or 468A.155 or under**
35 **the federal operating permit program pursuant to ORS 468A.310 for failure to comply with**

1 the provisions of this section.

2 **“SECTION 14.** (1) Fees imposed pursuant to section 13 of this 2018 Act shall first become
3 due and payable no earlier than July 1, 2019.

4 **“(2)** The Environmental Quality Commission may not increase the fees established under
5 section 13 of this 2018 Act pursuant to section 13 (3) of this 2018 Act before January 1, 2020.
6 Increased fees imposed pursuant to this subsection shall first become due and payable no
7 earlier than July 1, 2020.

8 **“(3)(a)** A fee imposed under section 13 of this 2018 Act may not exceed an amount equal
9 to 35 percent of the fee imposed on a person during the 2018 calendar year, pursuant to ORS
10 468.065 (2), for an air contamination source classified pursuant to ORS 468A.050 for which the
11 person is required to obtain a permit under ORS 468A.040 or 468A.155 or is subject to the
12 federal operating permit program pursuant to ORS 468A.310.

13 **“(b)** For purposes of administering this subsection, the commission shall exclude from
14 the fee imposed on a person during the 2018 calendar year that portion of the fee that was
15 imposed to cover the costs to the Department of Environmental Quality for any greenhouse
16 gas emissions registration and reporting requirements adopted by the commission by rule.

17 **“SECTION 15.** Section 14 of this 2018 Act is repealed on January 2, 2024.

18 **“SECTION 16.** (1) In addition to and not in lieu of any other fee required by law, an air
19 contamination source that has been issued or that applies for a permit pursuant to ORS
20 468A.040 or 468A.310 that authorizes the source to emit air contaminants during the period
21 beginning January 1, 2019, and ending December 31, 2019, shall pay to the Department of
22 Environmental Quality a one-time supplemental fee as provided in subsections (3) and (4) of
23 this section.

24 **“(2)** Supplemental fees collected under this section shall be deposited into the State
25 Treasury to the credit of an account of the Department of Environmental Quality. Moneys
26 deposited under this subsection are continuously appropriated to the department for the
27 payment of expenses of the department and the Environmental Quality Commission in de-
28 veloping and implementing, under sections 2 to 7 of this 2018 Act, a program and rules de-
29 scribed in section 3 of this 2018 Act or a pilot program described in section 4 of this 2018 Act.

30 **“(3)** The one-time supplemental fee required under this section for a source subject to
31 the federal operating permit program established pursuant to ORS 468A.310 shall be a base
32 amount of \$2,013 plus an additional amount equal to \$15.22 per ton of each regulated
33 pollutant emitted during the 2017 calendar year as determined under ORS 468A.315 (2).

34 **“(4)** The one-time supplemental fee required under this section for a source subject to
35 the following permitting requirements under ORS 468A.040 and rules adopted pursuant to
36 ORS 468A.040 shall be as follows:

37 **“(a)** For a source subject to a permit regulating basic air contaminant discharges, a
38 supplemental fee of \$106.

39 **“(b)** For a source subject to a permit regulating general, class I, air contaminant dis-
40 charges, a supplemental fee of \$213.

41 **“(c)** For a source subject to a permit regulating general, class II, air contaminant dis-
42 charges, a supplemental fee of \$383.

43 **“(d)** For a source subject to a permit regulating general, class III, air contaminant dis-
44 charges, a supplemental fee of \$553.

45 **“(e)** For a source subject to a permit regulating general, class IV, air contaminant dis-

1 charges, a supplemental fee of \$106.

2 “(f) For a source subject to a permit regulating general, class V, air contaminant dis-
3 charges, a supplemental fee of \$35.

4 “(g) For a source subject to a permit regulating general, class VI, air contaminant dis-
5 charges, a supplemental fee of \$71.

6 “(h) For a source that is subject to a permit regulating simple air contaminant dis-
7 charges and that qualifies to pay a low fee under rules adopted by the Environmental Quality
8 Commission under ORS 468.065, a supplemental fee of \$568.

9 “(i) For a source that is subject to a permit regulating simple air contaminant discharges
10 and that qualifies to pay a high fee under rules adopted by the commission under ORS
11 468.065, a supplemental fee of \$1,136.

12 “(j) For a source subject to a permit regulating standard air contaminant discharges, a
13 supplemental fee of \$2,271.

14 “(5)(a) A source that has been issued, on or before the effective date of this 2018 Act, a
15 permit under ORS 468A.040 or 468A.310 to emit air contaminants during the period beginning
16 January 1, 2019, and ending December 31, 2019, shall pay to the Department of Environmental
17 Quality the applicable supplemental fee required under this section no later than 30 days af-
18 ter the date of the invoice issued by the department for the supplemental fee.

19 “(b) If, on or after the effective date of this 2018 Act, a source submits an application to
20 the department for a permit under ORS 468A.040 or 468A.310 that, if issued by the depart-
21 ment, would authorize the source to emit air contaminants during the period beginning
22 January 1, 2018, and ending December 31, 2018, the applicable supplemental fee required by
23 this section shall accompany the application for the permit.

24 “(6)(a) Any rule adopted under ORS 468A.315 regarding late payment of emission fees
25 shall apply to sources described in subsection (3) of this section in the same manner appli-
26 cable to sources subject to the fee schedule adopted under ORS 468A.315.

27 “(b) Any rule adopted under ORS 468.065 (2) regarding late payment of emission fees shall
28 apply to sources described in subsection (4) of this section in the same manner applicable to
29 sources subject to the fee schedule adopted under ORS 468.065 (2) for permits issued under
30 ORS 468A.040.

31 “(7) The Department of Environmental Quality may, in the manner provided in ORS
32 468.070, refuse to issue, suspend, revoke or refuse to renew a permit issued pursuant to ORS
33 468A.040 or 468A.310 for failure to comply with the provisions of this section.

34 “**SECTION 17.** Section 16 of this 2018 Act is repealed on January 2, 2020.”.

35 On page 9, delete lines 1 through 9.

36 In line 13, delete “14” and insert “18”.

37 On page 10, line 33, delete “15” and insert “19”.

38 In line 43, delete “16” and insert “20”.

39 On page 12, delete lines 20 through 31 and insert:

41 **“EXPENDITURE LIMITATIONS**

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43 **“SECTION 21.** Notwithstanding any other law limiting expenditures, the amount of
44 \$2,000,156 is established for the biennium ending June 30, 2019, as the maximum limit for
45 payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,

1 collected or received by the Department of Environmental Quality for the purpose of imple-
2 menting and administering the provisions of this 2018 Act.

3 **“SECTION 22. Notwithstanding any other law limiting expenditures, the limitation on**
4 **expenditures established by section 2 (1), chapter 545, Oregon Laws 2017, for the biennium**
5 **ending June 30, 2019, as the maximum limits for payment of expenses from fees, moneys or**
6 **other revenues, including Miscellaneous Receipts, tobacco tax receipts, recreational**
7 **marijuana tax receipts, provider taxes, Medicare receipts and federal funds for indirect cost**
8 **recovery, Supplemental Security Income recoveries, Women, Infants and Children Program**
9 **food rebates, the Coordinated School Health Program, the Edward Byrne Memorial State and**
10 **Local Law Enforcement Assistance Grant Program and emergency preparedness and re-**
11 **sponse services, but excluding lottery funds and federal funds not described in this section,**
12 **collected or received by the Oregon Health Authority, for programs, is increased by \$365,000**
13 **to implement the provisions of this 2018 Act.”.**

14 In line 35, delete “18” and insert “23”.

15 In line 41, delete “19” and insert “24”.

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