

Requested by Representative WITT

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1541**

1 On page 1 of the printed A-engrossed bill, line 5, after “2 to 7” insert “,
2 13, 14 and 16”.

3 On page 8, delete lines 25 through 45 and insert:

4 **“SECTION 13. (1) The fee schedules authorized under ORS 468.065**
5 **(2) for permits described in subsection (2) of this section may include**
6 **fees that are reasonably calculated to cover the direct and indirect**
7 **costs of the Department of Environmental Quality and the Environ-**
8 **mental Quality Commission in developing and implementing, under**
9 **sections 2 to 7 of this 2018 Act, a program and rules described in sec-**
10 **tion 3 of this 2018 Act or a pilot program described in section 4 of this**
11 **2018 Act.**

12 **“(2) The fees authorized by subsection (1) of this section shall:**

13 **“(a) Apply for any class of air contamination sources classified**
14 **pursuant to ORS 468A.050 for which a person is required to obtain a**
15 **permit under ORS 468A.040 or 468A.155 or is subject to the federal op-**
16 **erating permit program pursuant to ORS 468A.310; and**

17 **“(b) Be in addition to, and not in lieu of, any other fee required**
18 **under ORS 468.065 or 468A.315.**

19 **“(3) Not more than once each calendar year, the Environmental**
20 **Quality Commission may increase the fees authorized under this sec-**
21 **tion. The amount of the annual increase may not exceed the antic-**

1 ipated increase in the cost of implementing sections 2 to 7 of this 2018
2 Act, or three percent, whichever is lower, unless a larger increase is
3 provided for in the Department of Environmental Quality’s
4 legislatively approved budget.

5 “(4)(a) Any rule adopted under ORS 468.065 (2) regarding late pay-
6 ment of emission fees by an air contamination source issued a permit
7 under ORS 468A.040 or 468A.155 shall apply in the same manner to an
8 air contamination source issued a permit under ORS 468A.040 or
9 468A.155 for late payment of fees under this section.

10 “(b) Any rule adopted under ORS 468A.315 regarding late payment
11 of emission fees by sources subject to the federal operating permit
12 program shall apply in the same manner to sources subject to the
13 federal operating permit program for late payment of fees under this
14 section.

15 “(5) The department may, in the manner provided in ORS 468.070,
16 refuse to issue, suspend, revoke or refuse to renew a permit issued
17 under ORS 468A.040 or 468A.155 or under the federal operating permit
18 program pursuant to ORS 468A.310 for failure to comply with the pro-
19 visions of this section.

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

22 “(2) The Environmental Quality Commission may not increase the
23 fees established under section 13 of this 2018 Act pursuant to section
24 13 (3) of this 2018 Act before January 1, 2020. Increased fees imposed
25 pursuant to this subsection shall first become due and payable no
26 earlier than July 1, 2020.

27 “(3)(a) A fee imposed under section 13 of this 2018 Act may not ex-
28 ceed an amount equal to 35 percent of the fee imposed on a person
29 during the 2018 calendar year, pursuant to ORS 468.065 (2), for an air
30 contamination source classified pursuant to ORS 468A.050 for which

1 the person is required to obtain a permit under ORS 468A.040 or
2 468A.155 or is subject to the federal operating permit program pursu-
3 ant to ORS 468A.310.

4 “(b) For purposes of administering this subsection, the commission
5 shall exclude from the fee imposed on a person during the 2018 calen-
6 dar year that portion of the fee that was imposed to cover the costs
7 to the Department of Environmental Quality for any greenhouse gas
8 emissions registration and reporting requirements adopted by the
9 commission by rule.

10 “SECTION 15. Section 14 of this 2018 Act is repealed on January 2,
11 2024.

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

19 “(2) Supplemental fees collected under this section shall be depos-
20 ited into the State Treasury to the credit of an account of the De-
21 partment of Environmental Quality. Moneys deposited under this
22 subsection are continuously appropriated to the department for the
23 payment of expenses of the department and the Environmental Quality
24 Commission in developing and implementing, under sections 2 to 7 of
25 this 2018 Act, a program and rules described in section 3 of this 2018
26 Act or a pilot program described in section 4 of this 2018 Act.

27 “(3) The one-time supplemental fee required under this section for
28 a source subject to the federal operating permit program established
29 pursuant to ORS 468A.310 shall be a base amount of \$2,013 plus an
30 additional amount equal to \$15.22 per ton of each regulated pollutant

1 emitted during the 2017 calendar year as determined under ORS
2 468A.315 (2).

3 “(4) The one-time supplemental fee required under this section for
4 a source subject to the following permitting requirements under ORS
5 468A.040 and rules adopted pursuant to ORS 468A.040 shall be as fol-
6 lows:

7 “(a) For a source subject to a permit regulating basic air contam-
8 inant discharges, a supplemental fee of \$106.

9 “(b) For a source subject to a permit regulating general, class I, air
10 contaminant discharges, a supplemental fee of \$213.

11 “(c) For a source subject to a permit regulating general, class II,
12 air contaminant discharges, a supplemental fee of \$383.

13 “(d) For a source subject to a permit regulating general, class III,
14 air contaminant discharges, a supplemental fee of \$553.

15 “(e) For a source subject to a permit regulating general, class IV,
16 air contaminant discharges, a supplemental fee of \$106.

17 “(f) For a source subject to a permit regulating general, class V,
18 air contaminant discharges, a supplemental fee of \$35.

19 “(g) For a source subject to a permit regulating general, class VI,
20 air contaminant discharges, a supplemental fee of \$71.

21 “(h) For a source that is subject to a permit regulating simple air
22 contaminant discharges and that qualifies to pay a low fee under rules
23 adopted by the Environmental Quality Commission under ORS 468.065,
24 a supplemental fee of \$568.

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

29 “(j) For a source subject to a permit regulating standard air con-
30 taminant discharges, a supplemental fee of \$2,271.

1 “(5)(a) A source that has been issued, on or before the effective date
2 of this 2018 Act, a permit under ORS 468A.040 or 468A.310 to emit air
3 contaminants during the period beginning January 1, 2019, and ending
4 December 31, 2019, shall pay to the Department of Environmental
5 Quality the applicable supplemental fee required under this section no
6 later than 30 days after the date of the invoice issued by the depart-
7 ment for the supplemental fee.

8 “(b) If, on or after the effective date of this 2018 Act, a source
9 submits an application to the department for a permit under ORS
10 468A.040 or 468A.310 that, if issued by the department, would authorize
11 the source to emit air contaminants during the period beginning Jan-
12 uary 1, 2018, and ending December 31, 2018, the applicable supplemental
13 fee required by this section shall accompany the application for the
14 permit.

15 “(6)(a) Any rule adopted under ORS 468A.315 regarding late payment
16 of emission fees shall apply to sources described in subsection (3) of
17 this section in the same manner applicable to sources subject to the
18 fee schedule adopted under ORS 468A.315.

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

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

28 “SECTION 17. Section 16 of this 2018 Act is repealed January 2,
29 2020.”.

30 On page 9, delete lines 1 through 9.

- 1 In line 13, delete “14” and insert “18”.
- 2 On page 10, line 33, delete “15” and insert “19”.
- 3 In line 43, delete “16” and insert “20”.
- 4 On page 12, delete lines 20 through 31.
- 5 In line 35, delete “18” and insert “21”.
- 6 In line 41, delete “19” and insert “22”.
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