

SB 1541-A18  
(LC 13)  
2/28/18 (MAM/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**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 7, delete lines 1 through 3 and insert “section do not create a  
4 new standard of care or otherwise alter an existing standard of care for im-  
5 posing liability in any private action.”.

6 In line 41, delete “of 50 in one” and delete line 42 and insert “established  
7 by the Environmental Quality Commission by rule, but no less than 25 in  
8 one million.”.

9 On page 8, line 2, delete “Environmental Quality”.

10 Delete lines 25 through 45 and insert:

11 **“SECTION 13. (1) The fee schedules authorized under ORS 468.065**  
12 **(2) for permits described in subsection (2) of this section may include**  
13 **fees that are reasonably calculated to cover the direct and indirect**  
14 **costs of the Department of Environmental Quality and the Environ-**  
15 **mental Quality Commission in developing and implementing, under**  
16 **sections 2 to 7 of this 2018 Act, a program and rules described in sec-**  
17 **tion 3 of this 2018 Act or a pilot program described in section 4 of this**  
18 **2018 Act.**

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

20 **“(a) Apply for any class of air contamination sources classified**  
21 **pursuant to ORS 468A.050 for which a person is required to obtain a**

1 permit under ORS 468A.040 or 468A.155 or is subject to the federal op-  
2 erating permit program pursuant to ORS 468A.310; and

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

5 “(3) Not more than once each calendar year, the Environmental  
6 Quality Commission may increase the fees authorized under this sec-  
7 tion. The amount of the annual increase may not exceed the antic-  
8 ipated increase in the cost of implementing sections 2 to 7 of this 2018  
9 Act, or three percent, whichever is lower, unless a larger increase is  
10 provided for in the Department of Environmental Quality’s  
11 legislatively approved budget.

12 “(4)(a) Any rule adopted under ORS 468.065 (2) regarding late pay-  
13 ment of emission fees by an air contamination source issued a permit  
14 under ORS 468A.040 or 468A.155 shall apply in the same manner to an  
15 air contamination source issued a permit under ORS 468A.040 or  
16 468A.155 for late payment of fees under this section.

17 “(b) Any rule adopted under ORS 468A.315 regarding late payment  
18 of emission fees by sources subject to the federal operating permit  
19 program shall apply in the same manner to sources subject to the  
20 federal operating permit program for late payment of fees under this  
21 section.

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

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

29 “(2) The Environmental Quality Commission may not increase the  
30 fees established under section 13 of this 2018 Act pursuant to section

1 13 (3) of this 2018 Act before January 1, 2020. Increased fees imposed  
2 pursuant to this subsection shall first become due and payable no  
3 earlier than July 1, 2020.

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

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

17 **“SECTION 15.** Section 14 of this 2018 Act is repealed on January 2,  
18 2024.

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

26 “(2) Supplemental fees collected under this section shall be depos-  
27 ited into the State Treasury to the credit of an account of the De-  
28 partment of Environmental Quality. Moneys deposited under this  
29 subsection are continuously appropriated to the department for the  
30 payment of expenses of the department and the Environmental Quality

1 Commission in developing and implementing, under sections 2 to 7 of  
2 this 2018 Act, a program and rules described in section 3 of this 2018  
3 Act or a pilot program described in section 4 of this 2018 Act.

4 “(3) The one-time supplemental fee required under this section for  
5 a source subject to the federal operating permit program established  
6 pursuant to ORS 468A.310 shall be a base amount of \$2,013 plus an  
7 additional amount equal to \$15.22 per ton of each regulated pollutant  
8 emitted during the 2017 calendar year as determined under ORS  
9 468A.315 (2).

10 “(4) The one-time supplemental fee required under this section for  
11 a source subject to the following permitting requirements under ORS  
12 468A.040 and rules adopted pursuant to ORS 468A.040 shall be as fol-  
13 lows:

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

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

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

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

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

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

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

28 “(h) For a source that is subject to a permit regulating simple air  
29 contaminant discharges and that qualifies to pay a low fee under rules  
30 adopted by the Environmental Quality Commission under ORS 468.065,

1 a supplemental fee of \$568.

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

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

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

15 “(b) If, on or after the effective date of this 2018 Act, a source  
16 submits an application to the department for a permit under ORS  
17 468A.040 or 468A.310 that, if issued by the department, would authorize  
18 the source to emit air contaminants during the period beginning Jan-  
19 uary 1, 2018, and ending December 31, 2018, the applicable supplemental  
20 fee required by this section shall accompany the application for the  
21 permit.

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

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

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

5       “SECTION 17. Section 16 of this 2018 Act is repealed on January 2,  
6 2020.”.

7       On page 9, delete lines 1 through 9.

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

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

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

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

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13                                   **“EXPENDITURE LIMITATIONS**

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15       “SECTION 21. Notwithstanding any other law limiting expenditures,  
16 the amount of \$2,000,156 is established for the biennium ending June  
17 30, 2019, as the maximum limit for payment of expenses from fees,  
18 moneys or other revenues, including Miscellaneous Receipts, collected  
19 or received by the Department of Environmental Quality for the pur-  
20 pose of implementing and administering the provisions of this 2018  
21 Act.

22       “SECTION 22. Notwithstanding any other law limiting expenditures,  
23 the limitation on expenditures established by section 2 (1), chapter 545,  
24 Oregon Laws 2017, for the biennium ending June 30, 2019, as the max-  
25 imum limits for payment of expenses from fees, moneys or other rev-  
26 enues, including Miscellaneous Receipts, tobacco tax receipts,  
27 recreational marijuana tax receipts, provider taxes, Medicare receipts  
28 and federal funds for indirect cost recovery, Supplemental Security  
29 Income recoveries, Women, Infants and Children Program food re-  
30 bates, the Coordinated School Health Program, the Edward Byrne

1 **Memorial State and Local Law Enforcement Assistance Grant Pro-**  
2 **gram and emergency preparedness and response services, but exclud-**  
3 **ing lottery funds and federal funds not described in this section,**  
4 **collected or received by the Oregon Health Authority, for programs,**  
5 **is increased by \$365,000 to implement the provisions of this 2018 Act.”.**

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

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

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