

Requested by Senator HANSELL

**PROPOSED AMENDMENTS TO
HOUSE BILL 3229**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;” and
2 delete “468A.050.”

3 Delete lines 5 through 28.

4 Delete pages 2 through 5.

5 On page 6, delete lines 1 through 14 and insert:

6 **“SECTION 1.** ORS 468A.315 is amended to read:

7 “468A.315. (1) The fee schedule required under ORS 468.065 (2) for a
8 source subject to the federal operating permit program shall be based on a
9 schedule established by rule by the Environmental Quality Commission in
10 accordance with this section. Except for the additional fees under subsection
11 (2)(e) of this section and ORS 468A.345, this fee schedule shall be in lieu of
12 any other fee for a permit issued under ORS 468A.040, 468A.045 or 468A.155.
13 The fee schedule shall cover all reasonable direct and indirect costs of im-
14 plementing the federal operating permit program and shall consist of:

15 “(a) An emission fee **of \$66.10** per ton of each regulated pollutant emitted
16 during the prior calendar year as determined under subsection (2) of this
17 section, subject to annual fee increases as set forth in paragraph (d) of this
18 subsection. [*The following emission fees apply:*]

19 “[*(A) \$27 per ton emitted during the 2006 calendar year.*]

20 “[*(B) \$29 per ton emitted during the 2007 calendar year.*]

21 “[*(C) \$31 per ton emitted during the 2008 calendar year and each calendar*”

1 *year thereafter.]*

2 “(b) Fees for the following specific elements of the federal operating per-
3 mit program:

4 “(A) Reviewing and acting upon applications for modifications to federal
5 operating permits.

6 “(B) Any activity related to permits required under ORS 468A.040 other
7 than the federal operating permit program.

8 “(C) Department of Environmental Quality activities for sources not sub-
9 ject to the federal operating permit program.

10 “(D) Department review of ambient monitoring networks installed by a
11 source.

12 “(E) Other distinct department activities created by a source or a group
13 of sources if the commission finds that the activities are unique and specific
14 and that additional rulemaking is necessary and will impose costs upon the
15 department that are not otherwise covered by federal operating permit pro-
16 gram fees.

17 “(c) A base fee **of \$13,116** for a source subject to the federal operating
18 permit program, [*This base fee shall be no more than the fees set forth in*
19 *subparagraphs (A) to (D) of this paragraph,*] subject to increases as set forth
20 in paragraph (d) of this subsection.[:]

21 “[*(A) \$2,700 for the period of November 15, 2007, through November 14,*
22 *2008.*]

23 “[*(B) \$2,900 for the period of November 15, 2008, through November 14,*
24 *2009.*]

25 “[*(C) \$3,100 for the period of November 15, 2009, through November 14,*
26 *2010.*]

27 “[*(D) \$4,100 for the period of November 15, 2010, through November 14,*
28 *2011, and for each annual period thereafter.*]

29 “(d) An annual increase in the fees set forth in paragraphs (a) [*to*] **and**
30 (c) of this subsection, **or fees established under paragraph (b) of this**

1 **subsection and in effect on the effective date of this 2023 Act**, by the
2 percentage, if any, by which the Consumer Price Index exceeds the Consumer
3 Price Index as of the close of the 12-month period ending on August 31,
4 [1989] **2022**, if the commission determines by rule that the increased fees are
5 necessary to cover all reasonable direct and indirect costs of implementing
6 the federal operating permit program.

7 “(2)(a) The fee on emissions of regulated pollutants required under this
8 section shall be based on the amount of each regulated pollutant emitted
9 during the prior calendar year as documented by information provided by the
10 source in accordance with criteria adopted by the commission or, if the
11 source elects to pay the fee based on permitted emissions, the fee shall be
12 based on the emission limit for the plant site of the major source.

13 “(b) The fee required by subsection (1)(a) of this section does not apply
14 to any emissions in excess of [*4,000 tons per year of any regulated pollutant*
15 *through calendar year 2010 and in excess of*] 7,000 tons per year of all regu-
16 lated pollutants [*for each calendar year thereafter*]. The department may not
17 revise a major source’s plant site emission limit due solely to payment of the
18 fee on the basis of documented emissions.

19 “(c) The commission shall establish by rule criteria for the acceptability
20 and verifiability of information related to emissions as documented, includ-
21 ing but not limited to the use of:

22 “(A) Emission monitoring;

23 “(B) Material balances;

24 “(C) Emission factors;

25 “(D) Fuel use;

26 “(E) Production data; or

27 “(F) Other calculations.

28 “(d) The department shall accept reasonably accurate information that
29 complies with the criteria established by the commission as documentation
30 of emissions.

1 “(e) The rules adopted under this section shall require an additional fee
2 for failure to pay, substantial underpayment of or late payment of emission
3 fees.

4 “(3) The commission shall establish by rule the size fraction of total
5 particulates subject to emission fees as particulates under this section.

6 “(4) As used in this section:

7 “(a) ‘Regulated pollutant’ means particulates, volatile organic compounds,
8 oxides of nitrogen, and sulfur dioxide; and

9 “(b) ‘Consumer Price Index’ has the meaning given in 42 U.S.C. 7661a(b),
10 as in effect on June 20, 2007.”.

11 In line 15, delete “7” and insert “2”.

12 In line 36, delete “8” and insert “3”.

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