

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2241**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete page  
2 2 and insert:

3 **“SECTION 1. (1) The Department of Environmental Quality shall**  
4 **create and maintain a publicly available list of two or more businesses**  
5 **that may provide the services described in subsection (2) of this sec-**  
6 **tion. The businesses identified by the department under this sub-**  
7 **section must be experienced in laws and practices relating to water**  
8 **pollution and be capable of providing services to a sufficient number**  
9 **of applicants, as determined by the department. The department may**  
10 **periodically update the list created under this section.**

11 **“(2) A business identified by the department under subsection (1)**  
12 **of this section may offer to perform the following services for data**  
13 **centers as defined in ORS 308.505 that are applicants for an NPDES**  
14 **permit for the discharge of noncontact cooling water:**

15 **“(a) Review the permit application;**

16 **“(b) Prepare a report to the department based on the standards es-**  
17 **tablished by the department under subsection (3) of this section; and**

18 **“(c) Transmit the permit application and report to the department.**

19 **“(3) The department shall establish standards for the preparation**  
20 **and transmittal to the department of a report under subsection (2) of**  
21 **this section. The standards established under this subsection must, at**

1 **minimum, require that:**

2 **“(a) The person that prepares the report apply the same criteria as**  
3 **an employee of the department for determining whether the applicant**  
4 **has met the requirements for a permit;**

5 **“(b) The report state whether the permit application is complete;**

6 **“(c) The report state whether, based on the criteria described in**  
7 **paragraph (a) of this subsection, the permit application meets the**  
8 **criteria for approval; and**

9 **“(d) If the permit application meets the criteria for approval, the**  
10 **report include a draft permit and a fact sheet, if required, for review**  
11 **by the department.**

12 **“(4) Except as provided in subsection (5)(b) of this section, if the**  
13 **department receives a permit application and report as described in**  
14 **subsection (2) of this section, the department shall approve or disap-**  
15 **prove the permit application within 120 days of receiving the permit**  
16 **application and report.**

17 **“(5)(a) If either a permit application or report received by the de-**  
18 **partment under subsection (2) of this section is incomplete, the de-**  
19 **partment may request additional information from the business that**  
20 **submitted the permit application and report or from the applicant. The**  
21 **department must identify in the request the information needed to**  
22 **complete the permit application or report.**

23 **“(b) If the department makes a request for additional information,**  
24 **the department shall approve or disapprove the permit application**  
25 **within 120 days of receiving the information needed to complete the**  
26 **permit application or report.**

27 **(6) A data center may not utilize the process described in subsection**  
28 **(2) of this section during any period when the department is accepting**  
29 **applications for NPDES 100-J general permits.**

30 **“SECTION 2. No later than September 15 of each year, the Depart-**

1 **ment of Environmental Quality shall submit a report to the interim**  
2 **committees of the Legislative Assembly related to the environment in**  
3 **the manner provided under ORS 192.245. The report must include:**

4 **(1) The average time between receipt of an application under sec-**  
5 **tion 1 of this 2021 Act and a final decision on the application;**

6 **(2) The average time between receipt of a water quality permit ap-**  
7 **plication for the discharge of noncontact cooling water solely reviewed**  
8 **by the department and a final decision on the application; and**

9 **(3) For permits described in subsection (2) of this section:**

10 **(a) An analysis of whether the wait times for permits is increasing**  
11 **or decreasing; and**

12 **(b) A description of any efforts taken by the department to decrease**  
13 **wait times.**

14 **“SECTION 3. The Department of Environmental Quality shall**  
15 **identify at least three businesses that may provide the services de-**  
16 **scribed in section 1 (2) of this 2021 Act within 180 days of the effective**  
17 **date of this 2021 Act.**

18 **“SECTION 4. Sections 1 and 2 of this 2021 Act are repealed on Jan-**  
19 **uary 2, 2032.**

20 **“SECTION 5. This 2021 Act being necessary for the immediate**  
21 **preservation of the public peace, health and safety, an emergency is**  
22 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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