

Requested by Representative HOLVEY (at the request of Department of Environmental Quality)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3229**

1 On page 1 of the printed bill, line 12, delete “\$_____” and insert “\$110”.

2 On page 2, line 1, delete “\$_____” and insert “\$15,739”.

3 Delete lines 43 through 45.

4 On page 3, delete lines 1 through 43 and insert:

5 **“SECTION 2.** ORS 468A.315, as amended by section 1 of this 2023 Act,
6 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 [~~\$110~~] **\$113** per ton of each regulated pollutant
16 emitted during the prior calendar year as determined under subsection (2)
17 of this section.

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

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

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

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

5 “(D) Department review of ambient monitoring networks installed by a
6 source.

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

12 “(c) A base fee of [~~\$15,739~~] **\$16,211** for a source subject to the federal op-
13 erating permit program.

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

20 “(b) The fee required by subsection (1)(a) of this section does not apply
21 to any emissions in excess of 7,000 tons per year of all regulated pollutants.
22 The department may not revise a major source’s plant site emission limit due
23 solely to payment of the fee on the basis of documented emissions.

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

27 “(A) Emission monitoring;

28 “(B) Material balances;

29 “(C) Emission factors;

30 “(D) Fuel use;

1 “(E) Production data; or

2 “(F) Other calculations.

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

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

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

11 “(4) As used in this section, ‘regulated pollutant’ means particulates,
12 volatile organic compounds, oxides of nitrogen, and sulfur dioxide.”.

13 On page 4, delete lines 7 through 45.

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

15 “**SECTION 4.** ORS 468A.315, as amended by sections 1 and 2 of this 2023
16 Act, is amended to read:

17 “468A.315. (1) The fee schedule required under ORS 468.065 (2) for a
18 source subject to the federal operating permit program shall be based on a
19 schedule established by rule by the Environmental Quality Commission in
20 accordance with this section. Except for the additional fees under [*sub-*
21 *section (2)(e) of this section and*] ORS 468A.345, this fee schedule shall be in
22 lieu of any other fee for a permit issued under ORS 468A.040, 468A.045 or
23 468A.155. The fee schedule shall cover all reasonable direct and indirect costs
24 of implementing the federal operating permit program. [*and shall consist*
25 *of:*]

26 “[*(a) An emission fee of \$113 per ton of each regulated pollutant emitted*
27 *during the prior calendar year as determined under subsection (2) of this sec-*
28 *tion.*]

29 “[*(b)*] **(2) The fee schedule must include** fees for the following specific
30 elements of the federal operating permit program:

1 “[(A)] (a) Reviewing and acting upon applications for modifications to
2 federal operating permits.

3 “[(B)] (b) Any activity related to permits required under ORS 468A.040
4 other than the federal operating permit program.

5 “[(C)] (c) Department of Environmental Quality activities for sources not
6 subject to the federal operating permit program.

7 “[(D)] (d) Department review of ambient monitoring networks installed
8 by a source.

9 “[(E)] (e) Other distinct department activities created by a source or a
10 group of sources if the commission finds that the activities are unique and
11 specific and that additional rulemaking is necessary and will impose costs
12 upon the department that are not otherwise covered by federal operating
13 permit program fees.

14 “[(c) A base fee of \$16,211 for a source subject to the federal operating
15 permit program.]

16 **“(3) Not more than once each calendar year, the commission may
17 increase the fees established under this section. The amount of the
18 annual increase may not exceed the anticipated increase in the cost
19 of administering the federal operating permit program or three per-
20 cent, whichever is lower, unless a larger increase is provided for in the
21 department’s legislatively approved budget.**

22 “[(2)(a) The fee on emissions of regulated pollutants required under this
23 section shall be based on the amount of each regulated pollutant emitted dur-
24 ing the prior calendar year as documented by information provided by the
25 source in accordance with criteria adopted by the commission or, if the source
26 elects to pay the fee based on permitted emissions, the fee shall be based on
27 the emission limit for the plant site of the major source.]

28 “[(b) The fee required by subsection (1)(a) of this section does not apply to
29 any emissions in excess of 7,000 tons per year of all regulated pollutants. The
30 department may not revise a major source’s plant site emission limit due solely

1 *to payment of the fee on the basis of documented emissions.]*

2 *“(c) The commission shall establish by rule criteria for the acceptability*
3 *and verifiability of information related to emissions as documented, including*
4 *but not limited to the use of:]*

5 *“(A) Emission monitoring;]*

6 *“(B) Material balances;]*

7 *“(C) Emission factors;]*

8 *“(D) Fuel use;]*

9 *“(E) Production data; or]*

10 *“(F) Other calculations.]*

11 *“(d) The department shall accept reasonably accurate information that*
12 *complies with the criteria established by the commission as documentation of*
13 *emissions.]*

14 *“(e) The rules adopted under this section shall require an additional fee*
15 *for failure to pay, substantial underpayment of or late payment of emission*
16 *fees.]*

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

19 *“(4) As used in this section, ‘regulated pollutant’ means particulates, vol-*
20 *atile organic compounds, oxides of nitrogen, and sulfur dioxide.]”.*

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