

**Annotated Version of SB 103 (Registration and Reporting Fees)  
and SB 38 Section 3 (Evaluation of Fees for New Reporters)**

9/23/09

**Senate Bill 103**



**468A.050 Classification of air contamination sources; registration and reporting of sources; rules.**

**Authority to require registration or reporting:**

(1) By rule the Environmental Quality Commission may classify air contamination sources according to levels and types of emissions and other characteristics which cause or tend to cause or contribute to air pollution and may require registration or reporting or both for any such class or classes.

***Key concepts:***

- ***“Air Contamination” includes greenhouse gases*** (“Air contaminant” is defined as dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter or any combination thereof.)
- ***“Air Contamination Source” only includes a source within Oregon at the point of emissions.***

**Requirement to register or report:**

(2) Any person in control of an air contamination source of any class for which registration and reporting is required under subsection (1) of this section shall register with the Department of Environmental Quality and make reports containing such information as the commission by rule may require concerning location, size and height of air contaminant outlets, processes employed, fuels used and the amounts, nature and duration of air contaminant emissions and such other information as is relevant to air pollution.

**Authority to charge fees for registration:**

(3) By rule the commission may establish a schedule of fees for the registration of any class of air contamination sources classified pursuant to subsection (1) of this section for which a person is required to obtain a permit under ORS 468A.040 or 468A.155 but chooses instead to register if allowed by the commission by rule. The commission shall base the fees on the anticipated cost of developing and implementing programs related to the different classes, including but not limited to the cost of processing registrations, compliance inspections and enforcement. A registration must be accompanied by any fee specified by the commission by rule, and a subsequent annual registration fee is payable as prescribed by rule of the commission.

(4)

**Authority to charge fees for reporting:**

(a) By rule the commission may establish a schedule of fees for reporting of any class of air contamination sources classified pursuant to subsection (1) of this section for which a person is required to obtain permits under ORS 468A.040 or 468A.155 or is subject to the federal operating permit program pursuant to ORS 468A.310.

***Key concepts:***

- ***Fees may apply existing GHG reporters and wastewater treatment plants and landfills that are currently deferred from GHG reporting.***
- ***Fees may not apply to categories that are not air contamination sources, including electricity importers and fuel distributors subject to GHG reporting under SB 38.***

**EQC must consider whether existing permit fees can cover reporting program costs:**

(b) Before establishing fees pursuant to this subsection, the commission shall consider the total fees for each class of sources subject to reporting under this subsection and for which permits are required under ORS 468A.040 or 468A.155 or the federal operating permit program under ORS 468A.315.

***Key concepts:***

- ***Reporting fees are in addition to other permit fees.***
- ***Reporting fees should only be assessed if existing permit fees do not cover the cost of the reporting programs. For example, routine reporting for permit compliance is already funded by existing permit fees.***

**Details on the fee schedule and collection:**

(c) The commission shall limit the fees established under this subsection to the anticipated cost of developing and implementing reporting programs. Any fees collected under this subsection for any air contamination source issued a permit under ORS 468A.040 or 468A.155 or sources subject to the federal operating permit program under ORS 468A.310 must be collected as part of the fee for that specific permit.

***Key concepts:***

- ***Reporting fees may only cover the cost of reporting programs.***
- ***Reporting fees must be collected as part of the permit fee. This means the GHG reporting fees must be adopted as special activity fees in the permit fee tables, and collected at the same time as other permit fees (or as a supplemental permit fee billing).***

### **Senate Bill 38, Section 3**

**Evaluation of Fees for New Reporters:**

The Department of Environmental Quality shall evaluate the funding mechanism for developing and implementing the greenhouse gas reporting program established under ORS 468A.050 and section 2 of this 2009 Act, including whether a schedule of fees should be established for persons required to report under section 2 of this 2009 Act. The department shall report to the Seventy-sixth Legislative Assembly, or to any special session of the Seventy-fifth Legislative Assembly, in the manner provided by ORS 192.245.

***Key concepts:***

- ***Total revenue would not increase.***
- ***Fee could apply to some or all of the new reporters***
- ***New legislation would be required – report due to interim committee or next legislative session.***