

A-Engrossed
House Bill 2118

Ordered by the House March 13
Including House Amendments dated March 13

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Environmental Quality)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Vests specific authority with Environmental Quality Commission to implement underground injection control program portion of federal Safe Drinking Water Act. Allows commission to adopt rules and schedule of fees. Establishes schedule of fees for subsurface injection of fluids. Allows commission by rule to exempt from permit requirements certain subsurface injections of fluids.

Creates Subsurface Injection Fluids Account. Continuously appropriates account moneys for payment of administrative expenses of underground injection control program.

Provides that penalties recovered by Department of Environmental Quality for violation of rules adopted by commission in regard to underground injection control program be paid into Watershed Improvement Grant Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to underground injection control program; creating new provisions; amending ORS 468.135
3 and 468B.053; appropriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 4 of this 2007 Act are added to and made a part of ORS chapter**
6 **468B.**

7 **SECTION 2. (1) The Environmental Quality Commission may perform or cause to be**
8 **performed any acts necessary for the implementation within this state of the underground**
9 **injection control program of the federal Safe Drinking Water Act, 42 U.S.C. 300h et seq., as**
10 **in effect on the effective date of this 2007 Act, and federal regulations or guidelines issued**
11 **pursuant to the Safe Drinking Water Act. The commission may adopt all rules necessary for**
12 **the administration and implementation of this subsection.**

13 **(2) The commission by rule may establish a schedule of fees for the subsurface injection**
14 **of fluids. Fees established under this section are in addition to fees imposed pursuant to ORS**
15 **468.065 for permits issued pursuant to ORS 468B.050.**

16 **(3) Any fees received under subsection (2) of this section shall be deposited in the State**
17 **Treasury to the credit of the Subsurface Injection Fluids Account established under section**
18 **4 of this 2007 Act.**

19 **SECTION 3. (1) The Department of Environmental Quality shall collect the following fees**
20 **for the subsurface injection of fluids, covered by rules adopted by the Environmental Quality**
21 **Commission under section 2 of this 2007 Act, on the first day of the calendar month following**
22 **the effective date of this 2007 Act, and ending on the first day of the calendar month fol-**
23 **lowing the effective date of rules adopted by the Environmental Quality Commission under**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **section 2 of this 2007 Act setting fees for the subsurface injection of fluids:**

2 (a) **For the subsurface injection of fluids from a common roof drain determined to be an**
3 **environmental risk to groundwater, \$100 for each subsurface injection well.**

4 (b) **For the subsurface injection of fluids from a commercial facility, an industrial facility**
5 **or a facility owned by a public body as defined in ORS 174.109 that injects fluids into fewer**
6 **than 50 wells, that does not store, handle or use hazardous materials and that generates**
7 **fewer than 1,000 vehicle trips per year, \$125 for each subsurface injection well.**

8 (c) **For a subsurface injection well receiving high temperature water from a geothermal**
9 **facility, \$10,000 for the first year and \$200 for each subsequent year.**

10 (d) **For any subsurface injection well not described in paragraphs (a) to (c) of this sub-**
11 **section, \$300 for each subsurface injection well for the first year and \$100 for each subse-**
12 **quent year.**

13 (e) **For decommissioning a subsurface injection well used for the subsurface injection of**
14 **fluids, \$100.**

15 (2) **Any fees received under subsection (1) of this section shall be deposited in the State**
16 **Treasury to the credit of the Subsurface Injection Fluids Account.**

17 **SECTION 4. The Subsurface Injection Fluids Account is established separate and distinct**
18 **from the General Fund. Interest earned by the account shall be credited to the account.**
19 **Moneys in the account are continuously appropriated to the Department of Environmental**
20 **Quality and may be used only to pay the administrative expenses of the underground in-**
21 **jection control program implemented under section 2 of this 2007 Act.**

22 **SECTION 5. ORS 468B.053 is amended to read:**

23 468B.053. In lieu of a permit required under ORS 468B.025 or 468B.050, the Environmental
24 Quality Commission by rule may:

25 (1) Exempt de minimis discharges from permit requirements.

26 (2) **Exempt from permit requirements subsurface injection of fluids that are authorized**
27 **under the underground injection control program of the Department of Environmental**
28 **Quality pursuant to section 2 of this 2007 Act.**

29 [(2)] (3) Establish performance-based criteria for exempt operations and discharges.

30 [(3)] (4) Require an operator or person discharging waste exempt under subsection (1) of this
31 section to:

32 (a) Comply with the criteria established under subsection [(2)] (3) of this section; and

33 (b) Monitor performance and certify and report the results to the Department of Environmental
34 Quality.

35 **SECTION 6. ORS 468.135 is amended to read:**

36 468.135. (1) Any civil penalty under ORS 468.140 shall be imposed in the manner provided in
37 ORS 183.745.

38 (2) **Except as provided in subsection (3) of this section,** all penalties recovered under ORS
39 468.140 shall be paid into the State Treasury and credited to the General Fund, or in the event the
40 penalty is recovered by a regional air quality control authority, it shall be paid into the county
41 treasury of the county in which the violation occurred.

42 (3) **All penalties recovered by the Department of Environmental Quality for violation of**
43 **any rules adopted by the Environmental Quality Commission under section 2 of this 2007 Act**
44 **shall be paid into the Watershed Improvement Grant Fund established by ORS 541.397.**

45 **SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
2 **on its passage.**

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