

Enrolled House Bill 2118

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

CHAPTER

AN ACT

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

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

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

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

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

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

SECTION 3. (1) The Department of Environmental Quality shall collect the following fees for the subsurface injection of fluids, covered by rules adopted by the Environmental Quality Commission under section 2 of this 2007 Act, on the first day of the calendar month following the effective date of this 2007 Act, and ending on the first day of the calendar month following the effective date of rules adopted by the Environmental Quality Commission under section 2 of this 2007 Act setting fees for the subsurface injection of fluids:

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

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

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

(d) For any subsurface injection well not described in paragraphs (a) to (c) of this subsection, \$300 for each subsurface injection well for the first year and \$100 for each subsequent year.

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

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

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

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

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

(1) Exempt de minimis discharges from permit requirements.

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

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

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

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

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

SECTION 6. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House May 10, 2007

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 18, 2007

.....
President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

.....
Secretary of State