

A-Engrossed
Senate Bill 104

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

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (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.

Increases annual underground storage tank fees. Removes sunset on voluntary program for assessment and imposition of noncompliance penalties. Increases penalties under program.

A BILL FOR AN ACT

1
2 Relating to underground storage tanks; creating new provisions; amending ORS 466.785 and section
3 13, chapter 754, Oregon Laws 2001; and repealing sections 6 and 14, chapter 754, Oregon Laws
4 2001.

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

6 **SECTION 1.** ORS 466.785 is amended to read:

7 466.785. (1) Every underground storage tank permittee shall pay a fee in the amount of [~~\$85~~]
8 **\$135** per tank per calendar year.

9 (2) A permittee shall pay a late fee of \$35 for each tank fee required under this section that is
10 not paid by the specified due date.

11 (3) Fees collected by the Department of Environmental Quality under this section shall be de-
12 posited in the State Treasury to the credit of an account of the department. All fees paid to the
13 department shall be continuously appropriated to the department to carry out the provisions of ORS
14 466.706 to 466.882 and 466.994.

15 **SECTION 2.** Section 13, chapter 754, Oregon Laws 2001, is amended to read:

16 **Sec. 13.** (1) Notwithstanding ORS 466.994, the Environmental Quality Commission shall adopt
17 rules for and implement a [*pilot*] program for the assessment and expedited imposition of noncom-
18 pliance penalties for specific underground storage tank violations. The Department of Environmental
19 Quality shall form an advisory committee to assist the commission in the development of the [*pilot*]
20 program.

21 (2) Permittee participation in the [*pilot*] program is voluntary. Participants shall agree to accept
22 the penalty assessed under the program as the final order by the Department of Environmental
23 Quality and shall agree to waive any right to an appeal or any other judicial review of the depart-
24 ment's determination of a violation or assessment of a fine.

25 (3) A penalty assessed under this program may not be less than \$50 or greater than [~~\$100~~] **\$500**
26 per individual violation. Penalties imposed in the aggregate may not be more than [~~\$300~~] **\$1,500** per
27 facility per inspection date.

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 (4) The fees collected by the department under this section shall be deposited into the State
2 Treasury to the credit of an account of the department. All fees paid to the department shall be
3 continuously appropriated to the department for the purposes of providing support to the [*pilot*]
4 program, technical assistance or operator training or meeting other needs of the department.

5 **SECTION 3. (1) Section 6, chapter 754, Oregon Laws 2001, as amended by section 1,
6 chapter 534, Oregon Laws 2005, is repealed.**

7 **(2) Section 14, chapter 754, Oregon Laws 2001, as amended by section 2, chapter 534,
8 Oregon Laws 2005, is repealed.**

9 **SECTION 4. (1) The amendments to ORS 466.785 by section 1 of this 2007 Act apply to
10 fees for calendar year 2008 and subsequent calendar years.**

11 **(2) The increased civil penalties provided for in the amendments to section 13, chapter
12 754, Oregon Laws 2001, by section 2 of this 2007 Act apply only to violations that occur on
13 or after the effective date of this 2007 Act.**

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