

Enrolled Senate Bill 104

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 466.785 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

Passed by Senate May 7, 2007

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Secretary of Senate

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President of Senate

Passed by House June 4, 2007

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Speaker of House

Received by Governor:

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

Approved:

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

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State