

## SENATE AMENDMENTS TO SENATE BILL 105

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

March 9

1 On page 1 of the printed bill, line 2, after “ORS” insert “468B.300 and”.

2 In line 9, delete “\$85” and insert “\$70”.

3 In line 11, delete “\$70” and insert “\$60”.

4 In line 12, delete “\$80” and insert “\$70”.

5 In line 14, delete “\$70” and insert “\$60”.

6 In line 15, delete “\$1,350” and insert “\$1,200”.

7 In line 16, delete “\$7,000” and insert “\$5,900”.

8 In line 17, delete “\$40” and insert “\$36”.

9 After line 23, insert:

10 **“SECTION 2. (1) By September 30 of each year, beginning in 2008, the Department of**  
11 **Environmental Quality shall publish a report for the previous fiscal year, commencing on**  
12 **July 1 and ending on June 30, that addresses:**

13 **“(a) The fees assessed under ORS 468B.405 on covered vessels and offshore and onshore**  
14 **facilities; and**

15 **“(b) The activities of the department under ORS 468B.410 (4).**

16 **“(2)(a) The report published by the department under this section must be in a format**  
17 **that allows for the monitoring of fee collection and related activities by the department and**  
18 **for ensuring that adequate but not excessive fees are collected to meet the department’s**  
19 **budgetary needs.**

20 **“(b) The department shall make the report available to those who paid fees under ORS**  
21 **468B.405 and to the general public.**

22 **“SECTION 3. ORS 468B.300 is amended to read:**

23 **“468B.300. As used in ORS 468.020, 468.095, 468.140 (3) and 468B.300 to 468B.500:**

24 **“(1) ‘Bulk’ means material stored or transported in loose, unpackaged liquid, powder or granular**  
25 **form capable of being conveyed by a pipe, bucket, chute or belt system.**

26 **“(2) ‘Cargo vessel’ means a self-propelled ship in commerce, other than a tank vessel, of 300**  
27 **gross tons or more. ‘Cargo vessel’ does not include a vessel used solely for commercial fish har-**  
28 **vesting.**

29 **“(3) ‘Commercial fish harvesting’ means taking food fish with any gear unlawful for angling un-**  
30 **der ORS 506.006, or taking food fish in excess of the limits permitted for personal use, or taking food**  
31 **fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or**  
32 **trade, in commercial channels.**

33 **“(4) ‘Contingency plan’ means an oil spill prevention and emergency response plan required un-**  
34 **der ORS 468B.345.**

35 **“(5) ‘Covered vessel’ means a tank vessel, cargo vessel, passenger vessel or dredge vessel.**

1 “(6) ‘Damages’ includes damages, costs, losses, penalties or attorney fees of any kind for which  
2 liability may exist under the laws of this state resulting from, arising out of or related to the dis-  
3 charge or threatened discharge of oil.

4 “(7) ‘Discharge’ means any emission other than natural seepage of oil, whether intentional or  
5 unintentional. ‘Discharge’ includes but is not limited to spilling, leaking, pumping, pouring, emitting,  
6 emptying or dumping oil.

7 “(8) ‘Dredge vessel’ means a self-propelled vessel of 300 or more gross tons that is equipped for  
8 regularly engaging in dredging of submerged and submersible lands.

9 “(9) ‘Exploration facility’ means a platform, vessel or other offshore facility used to explore for  
10 oil in the navigable waters of the state. ‘Exploration facility’ does not include platforms or vessels  
11 used for stratigraphic drilling or other operations that are not authorized or intended to drill to a  
12 producing formation.

13 “(10) ‘Facility’ means a pipeline or any structure, group of structures, equipment or device, other  
14 than a vessel located on or near navigable waters of a state, that is used for producing, storing,  
15 handling, transferring, processing or transporting oil in bulk and that is capable of storing or  
16 transporting 10,000 or more gallons of oil. ‘Facility’ does not include:

17 “(a) A railroad car, motor vehicle or other rolling stock while transporting oil over the high-  
18 ways or rail lines of this state;

19 “(b) An underground storage tank regulated by the Department of Environmental Quality or a  
20 local government under ORS 466.706 to 466.882 and 466.994; or

21 “(c) Any structure, group of structures, equipment or device, other than a vessel located on or  
22 near navigable waters of a state, that is used for producing, storing, handling, transferring, pro-  
23 cessing or transporting oil in bulk and that is capable of storing or transporting 10,000 or more  
24 gallons of oil but does not receive oil from tank vessels, barges or pipelines.

25 “(11) ‘Federal on-scene coordinator’ means the federal official predesignated by the United  
26 States Environmental Protection Agency or the United States Coast Guard to coordinate and direct  
27 federal responses or the official designated by the lead agency to coordinate and direct removal  
28 under the National Contingency Plan.

29 “(12) ‘Hazardous material’ has the meaning given that term in ORS 466.605.

30 “(13) ‘Maritime association’ means an association or cooperative of marine terminals, facilities,  
31 vessel owners, vessel operators, vessel agents or other maritime industry groups, that provides oil  
32 spill response planning and spill related communications services within the state.

33 “(14) ‘Maximum probable spill’ means the maximum probable spill for a vessel operating in the  
34 navigable waters of the state considering the history of spills of vessels of the same class operating  
35 on the west coast of the United States.

36 “(15) ‘Navigable waters’ means the Columbia River, the Willamette River up to Willamette Falls,  
37 the Pacific Ocean and estuaries to the head of tidewater.

38 “(16) ‘National Contingency Plan’ means the plan prepared and published under section 311(d)  
39 of the Federal Water Pollution Control Act, 33 U.S.C. 1321(d), as amended by the Oil Pollution Act  
40 of 1990 (P.L. 101-380).

41 “(17) ‘Offshore facility’ means any facility located in, on or under any of the navigable waters  
42 of the state.

43 “(18) ‘Oils’ or ‘oil’ means oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil,  
44 sludge, oil refuse and any other petroleum related product **and liquified natural gas**.

45 “(19) ‘Onshore facility’ means any facility located in, on or under any land of the state, other

1 than submerged land, that, because of its location, could reasonably be expected to cause substantial  
2 harm to the environment by discharging oil into or on the navigable waters of the state or adjoining  
3 shorelines.

4 “(20) ‘Passenger vessel’ means a ship of 300 or more gross tons carrying passengers for com-  
5 pensation.

6 “(21) ‘Person’ has the meaning given the term in ORS 468.005.

7 “(22) ‘Person having control over oil’ includes but is not limited to any person using, storing or  
8 transporting oil immediately prior to entry of such oil into the navigable waters of the state, and  
9 shall specifically include carriers and bailees of such oil.

10 “(23) ‘Pipeline’ means a facility, including piping, compressors, pump stations and storage tanks,  
11 used to transport oil between facilities or between facilities and tank vessels.

12 “(24) ‘Region of operation’ with respect to the holder of a contingency plan means the area  
13 where the operations of the holder that require a contingency plan are located.

14 “(25) ‘Removal costs’ means the costs of removal that are incurred after a discharge of oil has  
15 occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to  
16 prevent, minimize or mitigate oil pollution from the incident.

17 “(26) ‘Responsible party’ has the meaning given under section 1001 of the Oil Pollution Act of  
18 1990 (P.L. 101-380).

19 “(27) ‘Ship’ means any boat, ship, vessel, barge or other floating craft of any kind.

20 “(28)(a) ‘State on-scene coordinator’ means the state official appointed by the Department of  
21 Environmental Quality to represent the department and the State of Oregon in response to an oil  
22 or hazardous material spill or release or threatened spill or release and to coordinate cleanup re-  
23 sponse with state and local agencies.

24 “(b) For purposes of this subsection:

25 “(A) ‘Spill or release’ means the discharge, deposit, injection, dumping, spilling, emitting, re-  
26 leasing, leaking or placing of any oil or hazardous material into the air or into or on any land or  
27 waters of this state except as authorized by a permit issued under ORS chapter 454, 459, 459A, 468,  
28 468A, 468B or 469 or ORS 466.005 to 466.385, 466.990 (1) and (2) or 466.992 or federal law, or except  
29 when being stored or used for its intended purpose.

30 “(B) ‘Threatened spill or release’ means that oil or hazardous material is likely to escape or be  
31 carried into the air or into or on any land or waters of this state.

32 “(29) ‘Tank vessel’ means a ship that is constructed or adapted to carry oil in bulk as cargo or  
33 cargo residue. ‘Tank vessel’ does not include:

34 “(a) A vessel carrying oil in drums, barrels or other packages;

35 “(b) A vessel carrying oil as fuel or stores for that vessel; or

36 “(c) An oil spill response barge or vessel.

37 “(30) ‘Worst case spill’ means:

38 “(a) In the case of a vessel, a spill of the entire cargo and fuel of the tank vessel complicated  
39 by adverse weather conditions; and

40 “(b) In the case of an onshore or offshore facility, the largest foreseeable spill in adverse  
41 weather conditions.”.

42 In line 24, delete “2” and insert “4”.

43 In line 25, delete “become operative on August 1, 2007, or on” and insert “apply to fees assessed  
44 on or after August 1, 2007, or on or after”.

45 In line 29, delete “3” and insert “5”.

