

Enrolled
House Bill 3591

Sponsored by Representatives CONGER, SCHAUFLER, J SMITH, Senator HASS; Representatives BENTZ, DOHERTY, HUFFMAN, JOHNSON, KENNEMER, MATTHEWS, MCLANE, PARRISH, WEIDNER, WHISNANT, Senator JOHNSON

CHAPTER

AN ACT

Relating to economic impacts of water quality variances.

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

SECTION 1. To the extent allowable by federal law, the Department of Environmental Quality, through its administration of the National Pollutant Discharge Elimination System permit program of the Federal Water Pollution Control Act and granting of variances, shall strive to protect human health and ecosystem health by controlling pollutants that are discharged into the waters of the state, as defined in ORS 468B.005, while also minimizing negative economic impacts on this state's economy incurred through meeting conditions included in the variances.

SECTION 2. When the Department of Environmental Quality grants a variance as part of its administration of the National Pollutant Discharge Elimination System permit program of the Federal Water Pollution Control Act, the department shall consult with the applicant and, to the extent allowable by federal law, seek to:

- (1) Minimize negative economic impacts that will be incurred by the applicant as a result of the variance; and**
- (2) Ensure that if conditions are included in the variance, the conditions are directly related to the purpose of the variance and that any negative economic impacts incurred by the applicant will be minimized.**

SECTION 3. The Department of Environmental Quality shall report to the Seventy-seventh Legislative Assembly by February 15, 2013, regarding the variances described in section 2 of this 2011 Act, including but not limited to:

- (1) Information on the number and type of variances granted.**
- (2) A summary of any conditions imposed or contained in the variances.**

SECTION 4. Section 3 of this 2011 Act is repealed on January 2, 2014.

Passed by House May 2, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 2, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State