

**SENATE MINORITY REPORT
AMENDMENTS TO
SENATE BILL 867**

April 21

President Courtney:

A minority of your Committee on Judiciary, to whom was referred Senate Bill 867, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

1 On page 1 of the printed bill, line 3, delete “465.225, 465.230, 465.235 and 465.315” and insert
2 “465.327”.

3 Delete lines 5 through 30 and delete pages 2 through 7 and insert:

4 “**SECTION 1.** ORS 465.327 is amended to read:

5 “465.327. (1) In order to facilitate cleanup and reuse of contaminated property, the Department
6 of Environmental Quality may, through a written agreement, provide a party with a release from
7 potential liability to the state under ORS 465.255, if:

8 “(a) The party is not currently liable under ORS 465.255 for an existing release of hazardous
9 substance at the facility;

10 “(b) Removal or remedial action is necessary at the facility to protect human health or the en-
11 vironment;

12 “(c) The proposed redevelopment or reuse of the facility will not contribute to or exacerbate
13 existing contamination, increase health risks or interfere with remedial measures necessary at the
14 facility; and

15 “(d) A substantial public benefit will result from the agreement, including but not limited to:

16 “(A) The generation of substantial funding or other resources facilitating remedial measures at
17 the facility in accordance with this section;

18 “(B) A commitment to perform substantial remedial measures at the facility in accordance with
19 this section;

20 “(C) Productive reuse of a vacant or abandoned industrial or commercial facility; or

21 “(D) Development of a facility by a governmental entity or nonprofit organization to address an
22 important public purpose.

23 “(2) In determining whether to enter an agreement under this section, the department shall
24 consult with affected land use planning jurisdictions and consider reasonably anticipated future land
25 uses at the facility and surrounding properties.

26 “(3) An agreement under this section may be set forth in an administrative consent order or
27 other administrative agreement or in a judicial consent judgment entered in accordance with ORS
28 465.325. Any such agreement may include provisions considered necessary by the department, and
29 shall include:

30 “(a) A commitment to undertake the measures constituting a substantial public benefit;

31 “(b) If remedial measures are to be performed under the agreement, a commitment to perform
32 any such measures under the department’s oversight;

