

# D R A F T

## SUMMARY

Requires water quality permit holders who discharge persistent bioaccumulative toxins into Oregon waters at concentrations that cause waters to fail to meet water quality standards to pay for installation and maintenance of marker systems.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to water quality; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part**  
5 **of ORS 468B.048 to 468B.085.**

6 **SECTION 2. (1) As used in this section, “persistent bioaccumulative**  
7 **toxin” means a toxic substance that accumulates in plant or animal**  
8 **tissue and remains in the tissue for substantial periods of time.**

9 **(2) Any person that discharges waste into the waters of the state**  
10 **under a permit issued pursuant to ORS 468B.050 shall pay for the in-**  
11 **stallation and maintenance of a system of buoys or similar markers,**  
12 **or an alternative under subsection (4) or (5) of this section, if the**  
13 **waste contains persistent bioaccumulative toxins at concentrations**  
14 **that cause the waters to fail to meet the standards for water quality**  
15 **and purity established by the Environmental Quality Commission un-**  
16 **der ORS 468B.048. The system of buoys or similar markers shall des-**  
17 **ignate the area where the waters fail to meet the standards for water**  
18 **quality and purity because of the discharge. The payment for instal-**  
19 **lation and maintenance must be made as part of the permit fee es-**

1 **ablished pursuant to ORS 468.065.**

2 **(3) The buoys or similar markers required under subsection (2) of**  
3 **this section:**

4 **(a) May not interfere with navigation or use of the waters;**

5 **(b) Shall be installed and maintained by the Department of Envi-**  
6 **ronmental Quality; and**

7 **(c) Shall indicate how a person may obtain additional information**  
8 **about the discharge.**

9 **(4) If the department determines that it is not feasible to install**  
10 **buoys or similar markers in the waters of the state due to issues re-**  
11 **lated to navigation or stream size, onshore signs may be used as a**  
12 **substitute if the signs:**

13 **(a) Indicate how a person may obtain additional information about**  
14 **the discharge; and**

15 **(b) Contain a map showing the general location of the discharge in**  
16 **the body of water.**

17 **(5) If the department determines that it is not feasible to install**  
18 **buoys, similar markers or onshore signs, the department may use an-**  
19 **other comparable means of public notice.**

20 **(6) The Environmental Quality Commission shall adopt rules nec-**  
21 **essary for the administration of this section.**

22 **SECTION 3. (1) Except as provided in subsection (2) of this section,**  
23 **sections 1 and 2 of this 2013 Act become operative on September 1, 2014.**

24 **(2) The Environmental Quality Commission may adopt rules or take**  
25 **any other action before the operative date specified in subsection (1)**  
26 **of this section that is necessary to implement, on and after the oper-**  
27 **ative date specified in subsection (1) of this section, sections 1 and 2**  
28 **of this 2013 Act.**

29 **SECTION 4. This 2013 Act being necessary for the immediate pres-**  
30 **ervation of the public peace, health and safety, an emergency is de-**  
31 **clared to exist, and this 2013 Act takes effect on its passage.**

