

House Bill 3011

Sponsored by Representative ESQUIVEL; Representatives HANNA, KRIEGER, PARRISH, SMITH, WEIDNER, WHITSETT, Senator KNOPP

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that state may not require certain persons to pay certain remedial action costs.

A BILL FOR AN ACT

1 Relating to remedial action costs of the state; creating new provisions; and amending ORS 465.330.

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

3 **SECTION 1.** ORS 465.330 is amended to read:

4 465.330. (1) The Department of Environmental Quality shall keep a record of the state's remedial
5 action costs.

6 (2) Based on the record compiled by the department under subsection (1) of this section, the
7 department shall require any person liable under ORS 465.255 or 465.260 to pay the amount of the
8 state's remedial action costs and, if applicable, punitive damages. **The department may not re-**
9 **quire a person described in this subsection to pay any of the state's remedial action costs**
10 **attributable to or associated with an area where the state determines that no release or**
11 **threat of release has occurred.**

12 (3) If the state's remedial action costs and punitive damages are not paid by the liable person
13 to the department within 45 days after receipt of notice that such costs and damages are due and
14 owing, the Attorney General, at the request of the Director of the Department of Environmental
15 Quality, shall bring an action in the name of the State of Oregon in a court of competent jurisdiction
16 to recover the amount owed, plus reasonable legal expenses.

17 (4) All moneys received by the department under this section shall be deposited in the Hazard-
18 ous Substance Remedial Action Fund established under ORS 465.381 if the moneys received pertain
19 to a removal or remedial action taken at any facility.

20 **SECTION 2.** **The amendments to ORS 465.330 by section 1 of this 2013 Act apply to re-**
21 **medial action costs incurred by the state on or after the effective date of this 2013 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.