

## HOUSE AMENDMENTS TO HOUSE BILL 3030

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 19

1 In line 2 of the printed bill, after “substances;” delete the rest of the line and insert “creating  
2 new provisions; amending ORS 285A.188; appropriating money; and declaring an emergency.”.

3 Delete lines 4 through 28 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Brownfield’ has the meaning given that term in ORS 285A.185 and includes any**  
6 **portion of the environment contaminated by hazardous substances in this state.**

7 **“(b) ‘Environment’ and ‘hazardous substance’ have the meanings given those terms in**  
8 **ORS 465.200.**

9 **“(c) ‘Environmental action’ has the meaning given that term in ORS 285A.188.**

10 **“(2) The Oregon Business Development Department, in consultation with the Department**  
11 **of Environmental Quality, shall provide financial assistance under ORS 285A.188 to public and**  
12 **private owners of brownfields and other properties contaminated with hazardous substances**  
13 **to assess those properties as to the need for environmental action.**

14 **“SECTION 2. ORS 285A.188 is amended to read:**

15 **“285A.188. (1) As used in this section:**

16 **“(a) ‘Environmental action’ means activities undertaken to:**

17 **“(A) Determine if a release has occurred or may occur, if the release or potential release poses**  
18 **a significant threat to human health or the environment or if additional remedial actions may be**  
19 **required at the site;**

20 **“(B) Conduct a remedial investigation and a feasibility study;**

21 **“(C) Plan for remedial action or removal action; [or]**

22 **“(D) Conduct a remedial action or removal action at a site[.]; or**

23 **“(E) Demolish structures containing hazardous substances.**

24 **“(b) ‘Facility,’ ‘hazardous substance,’ ‘release,’ ‘remedial action’ and ‘removal’ have the meanings**  
25 **given those terms in ORS 465.200.**

26 **“(c) ‘Substantial public benefit’ includes, but is not limited to:**

27 **“(A) The generation of funding or other resources facilitating substantial remedial action at a**  
28 **facility in accordance with this section;**

29 **“(B) A commitment to perform substantial remedial action at a facility in accordance with this**  
30 **section;**

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

32 **“(D) Development of a facility by a municipality or a nonprofit organization to address an im-**  
33 **portant public purpose.**

34 **“(2) There is created within the State Treasury a revolving fund known as the Brownfields Re-**  
development Fund, separate and distinct from the General Fund. Interest earned by the fund shall

1 be credited to the fund. Moneys in the Brownfields Redevelopment Fund are continuously appropri-  
2 ated to the Oregon Business Development Department and shall be used:

3 “(a) To fund loans and grants for environmental actions on properties that are brownfields, as  
4 defined in ORS 285A.185.

5 “(b) **To provide financial assistance for environmental actions under section 1 of this 2013**  
6 **Act.**

7 “(3)(a) Subject to paragraph (b) of this subsection, when making a loan or grant for an envi-  
8 ronmental action, the Oregon Business Development Department shall give priority to persons who,  
9 at the time of applying for the loan or grant, are not liable under ORS 465.255 for a release of a  
10 hazardous substance at the property at which the environmental action is to be conducted. No more  
11 than 60 percent of the total amount of the Brownfields Redevelopment Fund in any biennium shall  
12 be awarded to persons who are liable with respect to the subject property under ORS 465.255. A  
13 person is not eligible to receive a loan or grant from moneys in the Brownfields Redevelopment  
14 Fund if the person has knowingly violated applicable laws or regulations or has knowingly violated  
15 or failed to comply with an order of the Department of Environmental Quality, if such action or  
16 inaction has resulted in one or more of the following:

17 “(A) Contribution to or exacerbation of existing contamination at the facility;

18 “(B) Release of a hazardous substance at the facility; or

19 “(C) Interference with necessary investigation or remedial actions at the facility.

20 “(b) Notwithstanding paragraph (a) of this subsection:

21 “(A) When making a grant to a municipality, the Oregon Business Development Department  
22 shall give priority to municipalities that provide matching funds from a loan under this section, from  
23 another source or from both.

24 “(B) When making a grant to an entity that is not a municipality, the department shall require  
25 that:

26 “(i) The recipient is not liable for the subject property under ORS 465.255;

27 “(ii) The environmental action provides a substantial public benefit; and

28 “(iii) The recipient provides matching funds from a loan under this section, from another source  
29 or from both.

30 “(c) The department may establish by rule circumstances in which the department may waive  
31 or subsidize the interest on a short-term loan.

32 “(4) When making a loan or grant for an environmental action, the department shall consider:

33 “(a) The extent to which actual or perceived contamination prevents the property from being  
34 fully utilized;

35 “(b) The need for providing public assistance, after considering the difficulty of obtaining fi-  
36 nancing from other sources or of obtaining financing at reasonable rates and terms;

37 “(c) The degree to which redevelopment of the property provides opportunity for achieving  
38 protection of human health or the environment by reducing or eliminating the contamination of the  
39 property and for contributing to the economic health and diversity of the area;

40 “(d) The probability of the success of the intended use or the degree to which redevelopment  
41 of the property provides a public purpose following remediation of the property;

42 “(e) Compliance with the land use plan of the local government with jurisdiction over the  
43 property; and

44 “(f) Endorsement from the local government with jurisdiction over the property.

45 “(5) Before making a loan or grant decision pursuant to this section, the Oregon Business De-

1 velopment Department shall consult with the Department of Environmental Quality.

2 “(6) The Oregon Business Development Department may use a portion of the Brownfields Rede-  
3 velopment Fund to:

4 “(a) Pay for administrative costs of environmental actions;

5 “(b) Pay for administrative costs associated with administering the program and fund; and

6 “(c) Satisfy contracts entered into as required to ensure that environmental reviews are con-  
7 ducted in a manner consistent with existing environmental cleanup laws and rules.

8 “(7) The department shall adopt rules necessary to carry out the requirements of this section.  
9 The department shall develop procedures to ensure that activities for which loans or grants are  
10 made are consistent with existing environmental cleanup laws and rules.

11 **“SECTION 3. In addition to and not in lieu of any other appropriation, there is appro-  
12 priated to the Oregon Business Development Department, for the biennium beginning July  
13 1, 2013, out of the General Fund, the amount of \$10 million to be credited to the Brownfields  
14 Redevelopment Fund for the purposes set forth in ORS 285A.188 and section 1 of this 2013  
15 Act.**

16 **“SECTION 4. This 2013 Act being necessary for the immediate preservation of the public  
17 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
18 on its passage.”.**

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