

# House Bill 2188

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Energy and Environment)

## 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**.

Requires water suppliers that use water from treatment works to charge customers fees. Establishes Water Pollution Control Grant Fund. Requires fees to be transmitted to Department of Environmental Quality and deposited in fund.

Establishes grant program for purpose of providing financial assistance to public agencies for constructing, maintaining or replacing treatment works. Uses fee moneys to fund program.

## A BILL FOR AN ACT

1  
2 Relating to treatment works.

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

4 **SECTION 1. Definitions. As used in sections 1 to 5 of this 2015 Act:**

5 (1) "Public agency" has the meaning given that term in ORS 468.423.

6 (2) "Treatment works" has the meaning given that term in ORS 468.423.

7 (3) "Water supplier" means a water supplier, as defined in ORS 448.115, that:

8 (a) Owns or operates a water system that is subject to the provisions of ORS 448.119 to  
9 448.285; and

10 (b) Uses water from a treatment works to provide water to a residential, commercial or  
11 public premises.

12 **SECTION 2. Fee. (1) A water supplier shall charge each customer of the water supplier  
13 a fee for purposes described in section 3 of this 2015 Act. A fee imposed under this subsection  
14 must be:**

15 (a) In an amount adopted by the Environmental Quality Commission under subsection (2)  
16 of this section; and

17 (b) Transmitted to the Department of Environmental Quality in accordance with sub-  
18 section (3) of this section.

19 (2) For purposes of this section, the commission shall establish by rule a fee schedule.  
20 In establishing the fee schedule, the commission:

21 (a) Shall adopt fees that are proportional to the amount of water used by customers of  
22 water suppliers; and

23 (b) May not adopt a fee that exceeds \$\_\_\_\_\_ for each \_\_\_\_\_ of water used.

24 (3) The department shall establish a process by which a water supplier transmits fees  
25 collected under this section to the department. Transmissions may be made electronically  
26 or by any other means determined by the department to be cost effective. The department  
27 shall deposit fees transmitted to the department under this section in the Water Pollution  
28 Control Grant Fund established under section 4 of this 2015 Act.

29 (4) Upon request, the Oregon Health Authority shall assist the commission and the de-

**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.

1 **partment in adopting fees and establishing processes required by this section.**

2 **SECTION 3. Grants. (1) The Department of Environmental Quality shall make grants**  
3 **from the Water Pollution Control Grant Fund established under section 4 of this 2015 Act**  
4 **for the purpose of providing financial assistance to public agencies for the construction,**  
5 **maintenance or replacement of treatment works.**

6 **(2) To receive a grant under this section, a public agency shall submit to the department**  
7 **a proposal for the construction, maintenance or replacement of a treatment works. The**  
8 **proposal must include a description of the proposed project, an explanation of the need for**  
9 **the proposed project, the estimated cost of the proposed project and the estimated amount**  
10 **of grant moneys that the public agency needs to complete the proposed project.**

11 **(3) The department shall prescribe the form and manner of making a proposal under this**  
12 **section.**

13 **(4) Upon receiving a proposal under this section, the department shall evaluate the pro-**  
14 **posal to determine whether to award a grant to the public agency that submitted the pro-**  
15 **posal. In evaluating a proposal, the department shall consider:**

- 16 **(a) The need for the proposed project;**
- 17 **(b) The degree to which the proposed project will enhance or protect water quality;**
- 18 **(c) The feasibility of the public agency's completing the proposed project;**
- 19 **(d) The feasibility of the public agency's completing the proposed project at the estimated**  
20 **cost;**
- 21 **(e) Whether the proposed project is partly funded by loan moneys pursuant to ORS**  
22 **468.429 (1)(a) or (2)(a) or (b) or from any other source; and**
- 23 **(f) If the proposed project is partly funded by loan moneys, whether additional moneys**  
24 **are necessary to complete the proposed project.**

25 **SECTION 4. Water Pollution Control Grant Fund. (1) The Water Pollution Control Grant**  
26 **Fund is established separate and distinct from the General Fund. Interest earned by the**  
27 **Water Pollution Control Grant Fund shall be credited to the fund.**

28 **(2) The fund shall consist of moneys transmitted to the Department of Environmental**  
29 **Quality under section 2 of this 2015 Act.**

30 **(3) Moneys in the fund are continuously appropriated to the department for the purposes**  
31 **of:**

- 32 **(a) Making grants as described in section 3 of this 2015 Act; and**
- 33 **(b) Paying the administrative costs incurred under sections 1 to 5 of this 2015 Act.**

34 **SECTION 5. Rules. The Environmental Quality Commission may adopt rules necessary**  
35 **for the administration of sections 1 to 5 of this 2015 Act.**

36 **SECTION 6. Captions. The section captions used in this 2015 Act are provided only for**  
37 **the convenience of the reader and do not become part of the statutory law of this state or**  
38 **express any legislative intent in the enactment of this 2015 Act.**

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