

House Bill 3052

Sponsored by Representative FREDERICK; Representative CLEM

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 contract for public improvement to provide that contractor use biodegradable lubricant in contractor's operations related to public improvement and that contractor have similar requirement in contractor's subcontracts.

Requires Department of Environmental Quality by rule to specify standards for biodegradable lubricants and permits department to list or recommend specific lubricants. Requires department at minimum to consider water quality impacts from lubricants in determining which lubricants are biodegradable.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to requirements to use biodegradable lubricants for operations related to public improve-
3 ments; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 279C.500 to**
6 **279C.530.**

7 **SECTION 2. (1)(a) Every public improvement contract must require each contractor to**
8 **use biodegradable lubricants in all of the contractor's operations at the public improvement**
9 **project site unless the contractor can demonstrate that a component of the public improve-**
10 **ment or of machinery or equipment the contractor must use in operations related to the**
11 **public improvement requires a specific type or grade of lubricant, or a lubricant with specific**
12 **characteristics, that is not available in biodegradable form.**

13 **(b) Each contractor shall provide in the contractor's subcontracts that each subcon-**
14 **tractor must comply with the provisions of paragraph (a) of this subsection.**

15 **(2) The Department of Environmental Quality by rule shall specify standards for deter-**
16 **mining whether a lubricant that is suitable for use in operations related to a public im-**
17 **provement is biodegradable and may list or recommend specific lubricants that meet the**
18 **standards that the department adopts. In developing the standards, the department shall at**
19 **a minimum consider the immediate and cumulative impact that a lubricant might have on**
20 **water quality at the site at which a contractor uses the lubricant and in areas that are**
21 **hydrologically connected to the site.**

22 **SECTION 3. Section 2 of this 2015 Act applies to public improvement contracts that a**
23 **contracting agency advertises or otherwise solicits or, if the contracting agency did not ad-**
24 **vertise or solicit the public improvement contract, to public improvement contracts into**
25 **which the contracting agency entered on or after the operative date specified in section 4**
26 **of this 2015 Act.**

27 **SECTION 4. (1) Section 2 of this 2015 Act becomes operative January 1, 2016.**

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 **(2) The Attorney General, the Director of the Department of Environmental Quality, the**
2 **Director of the Oregon Department of Administrative Services, the Director of Transporta-**
3 **tion and a contracting agency that adopts rules under ORS 279A.065 may adopt rules and**
4 **take any action before the operative date specified in subsection (1) of this section that is**
5 **necessary to enable the Attorney General, the director or the contracting agency to exercise**
6 **on and after the operative date specified in subsection (1) of this section all of the duties,**
7 **functions and powers conferred on the Attorney General, the director or the contracting**
8 **agency by section 2 of this 2015 Act.**

9 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
11 **on its passage.**