

HB 2968 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Environment and Natural Resources

Action Date: 05/15/17

Action: Do pass the A-Eng bill.

Vote: 4-0-1-0

Yeas: 4 - Baertschiger Jr, Dembrow, Prozanski, Roblan

Exc: 1 - Olsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Beth Patrino, LPRO Analyst

WHAT THE MEASURE DOES:

Requires the Department of Environmental Quality (DEQ) to study and propose legislation or regulation necessary to develop a program for voluntary removal and remediation actions that, if completed, would relieve participants from specified state and federal liability. Requires DEQ to consult with the United States Environmental Protection Agency. Requires DEQ to report its findings to the interim committees of the legislature no later than September 15, 2018. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of brownfield legislation
- Number of contaminated properties in Oregon
- Plan to work with brownfield coalition in upcoming interim

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A generally accepted definition of a brownfield is "a real property where expansion or redevelopment is complicated by actual or perceived environmental contamination." Contaminated properties may pose health risks, and even the perception of contamination may reduce the property's value. A current search of the Oregon Department of Environmental Quality (DEQ) Environmental Cleanup Site Information database indicates there are 432 known current or former brownfields in Oregon, with thousands of additional sites catalogued in the DEQ Leaking Underground Storage Tank database. An October 2014 ECONorthwest report estimated that there are roughly 13,500 sites in Oregon with known or suspected contamination.

Brownfield cleanup projects typically have many steps to determine what, if any, cleanup is required. Initial steps can include an environmental site assessment and remedial investigations to determine if a hazardous release occurred and if so, to what extent. Next steps generally include a technical feasibility study to determine how to clean up the property using several balancing factors like effectiveness, long-term reliability, implementation risk, and reasonableness of cost. Finally, once the proposed remedy method is selected, cleanup begins. This can include soil or groundwater removal or treatment, engineering options like capping the site, or institutional controls like land use or deed restrictions.

House Bill 2968A requires DEQ to study and propose legislation creating a pilot program in which voluntary action by property owners to remediate or remove hazardous wastes would provide immunity from state and federal liability to that property owner.