

A-Engrossed
House Bill 2968

Ordered by the House April 19
Including House Amendments dated April 19

Sponsored by Representative BUEHLER; Representatives CLEM, SMITH DB

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.

[Requires Environmental Quality Commission to adopt by rule pilot program for single, coordinated process for parties to meet certain federal and state requirements for, and to obtain certain releases from liability for, cleanup of hazardous waste.]

[Becomes operative January 1, 2018.]

[Requires Department of Environmental Quality to report on pilot program to interim committees of Legislative Assembly on or before September 15, 2022.]

[Sunsets January 2, 2023.]

Requires Department of Environmental Quality to carry out study and propose recommendations for single, coordinated process for parties to meet certain federal and state requirements for, and to obtain certain releases from liability for, cleanup of hazardous waste. Requires department to report results of study to interim committees of Legislative Assembly on or before September 15, 2018.

Sunsets January 2, 2019.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to brownfields; and declaring an emergency.

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

4 **SECTION 1. (1) The Department of Environmental Quality shall study and propose recommendations on legislative, regulatory and other actions necessary to develop a program**
5 **that would allow parties the opportunity to conduct voluntary removal or remedial actions**
6 **at a facility under a single, coordinated process that, if completed successfully, would provide**
7 **the party with:**

8
9 (a) **Release from liability under ORS 465.255, 466.640 and 468B.310; and**

10 (b) **The ability to satisfy the requirements of, and to obtain certain releases from potential liability under, the following federal laws as they may apply to the facility:**

11 (A) **The federal Comprehensive Environmental Response, Compensation and Liability Act,**
12 **as amended, 42 U.S.C. 9601 et seq., P.L. 96-510 and P.L. 99-499;**

13 (B) **The federal Resource Conservation and Recovery Act, 42 U.S.C. 6901 to 6992, P.L.**
14 **94-580, as amended; and**

15 (C) **The federal Toxic Substances Control Act, 15 U.S.C. 2601 to 2671.**

16 (2) **In conducting the study required by this section, the department shall:**

17 (a) **Consult with the United States Environmental Protection Agency; and**

18 (b) **Review and take into consideration actions by other states related to conducting**
19 **voluntary removal or remedial actions for the purpose of expanding or redeveloping real**
20 **property for affordable housing.**
21

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 **(3) The department shall make a report of its findings and recommendations under sub-**
2 **section (1) of this section and submit the report to the interim committees of the Legislative**
3 **Assembly related to the environment and natural resources in the manner provided under**
4 **ORS 192.245 no later than September 15, 2018.**

5 **(4) As used in this section, “remedial action” and “removal” have the meaning given**
6 **those terms in ORS 465.200.**

7 **SECTION 2. Section 1 of this 2017 Act is repealed on January 2, 2019.**

8 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
10 **on its passage.**

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