

House Bill 2968

Sponsored by Representative BUEHLER; 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 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.

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) As used in this section, "facility," "remedial action" and "removal" have**
5 **the meanings given those terms in ORS 465.200.**

6 **(2) The Environmental Quality Commission shall adopt by rule a pilot program for al-**
7 **lowing parties the opportunity to conduct voluntary removal or remedial actions at a facility**
8 **under a single, coordinated process that, if completed successfully, will provide the party**
9 **with:**

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

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

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

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

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

18 **(3) In developing the pilot program required by this section, the commission shall coor-**
19 **ordinate and consult with the Oregon Business Development Department and the United States**
20 **Environmental Protection Agency.**

21 **(4) In implementing the pilot program required by this section, the Department of Envi-**
22 **ronmental Quality shall prioritize assisting parties in conducting voluntary removal or re-**
23 **medial actions for the purpose of expanding or redeveloping real property for affordable**
24 **housing.**

25 **SECTION 2. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.**

26 **(2) The Environmental Quality Commission, the Oregon Business Development Depart-**
27 **ment and the Department of Environmental Quality may take any action before the opera-**
28 **tive date specified in subsection (1) of this section that is necessary for the commission and**

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 the departments to exercise, on and after the operative date specified in subsection (1) of this
2 section, all of the duties, functions and powers conferred on the commission and the de-
3 partments by section 1 of this 2017 Act.

4 **SECTION 3.** (1) No later than September 15, 2022, the Department of Environmental
5 Quality shall submit a report on the implementation of the pilot program adopted under
6 section 1 of this 2017 Act to the interim committees of the Legislative Assembly related to
7 the environment and natural resources in the manner provided by ORS 192.245.

8 (2) The report required by this section must contain a description of:

9 (a) The pilot program adopted by the Environmental Quality Commission by rule pursu-
10 ant to section 1 of this 2017 Act;

11 (b) The manner in which the department implemented the pilot program;

12 (c) The specific voluntary removal or remedial actions conducted under the pilot pro-
13 gram;

14 (d) The effectiveness of the pilot program; and

15 (e) Recommendations, which may include recommendations for legislation, for increasing
16 the effectiveness of state programs for encouraging voluntary removal or remedial actions
17 at facilities.

18 **SECTION 4.** Sections 1 and 3 of this 2017 Act are repealed on January 2, 2023.

19 **SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
21 on its passage.

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