

Senate Bill 866

Sponsored by Senator HANSELL; Senator ROBLAN (at the request of Oregon Water Resources Congress)

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 certain public entities to ensure that discharge of storm water into canal or infrastructure of other entity complies with state and federal water quality standards.

Requires certain public entities to obtain written permission for discharge. Imposes liability on discharging entity for discharge without written permission. Creates exception to liability.

Becomes operative July 1, 2019.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to discharge of storm water; and declaring an emergency.

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

4 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of ORS**
5 **chapter 195.**

6 **SECTION 2. A state agency that discharges storm water into the canals or other**
7 **infrastructure of a special district or local government, and a special district or local gov-**
8 **ernment that discharges storm water into the canals or other infrastructure of another**
9 **special district or local government, shall take reasonable steps to ensure that the discharge**
10 **complies with state water quality standards and the requirements of the Clean Water Act,**
11 **33 U.S.C. 1251 et seq.**

12 **SECTION 3. (1) A state agency may not discharge storm water into the canals or other**
13 **infrastructure of a special district or local government, and a special district or local gov-**
14 **ernment may not discharge storm water into the canals or other infrastructure of another**
15 **special district or local government, without first obtaining permission in writing for the**
16 **discharge from the affected special district or local government.**

17 **(2) A state agency, special district or local government that discharges storm water into**
18 **the canals or infrastructure of a special district or local government in violation of sub-**
19 **section (1) of this section is liable to the affected special district or local government for**
20 **actual damages, losses, costs and attorney fees resulting from the discharge.**

21 **(3) A state agency, special district or local government that does not obtain permission**
22 **in writing to discharge storm water into the canals or other infrastructure of a special dis-**
23 **trict or local government as required by subsection (1) of this section may avoid liability**
24 **under subsection (2) of this section if:**

25 **(a) The affected special district or local government refuses to grant its permission or**
26 **grants but later revokes its permission; and**

27 **(b) The discharging state agency, special district or local government devises a detailed**
28 **plan for infrastructure improvements that will:**

29 **(A) Provide a method to convey and discharge storm water without affecting the water**

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 conveyance infrastructure or imposing additional liability on the affected special district or
2 local government; and

3 (B) Be fully implemented within five years of the date of refusal or revocation.

4 (4) A state agency, special district or local government that does not implement a plan
5 described in subsection (3)(b) of this section within five years of discharging storm water
6 without written permission from the affected special district or local government is liable
7 under subsection (2) of this section.

8 SECTION 4. Section 3 of this 2017 Act becomes operative on July 1, 2019.

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

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