

## Enrolled Senate Bill 40

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CHAPTER .....

AN ACT

Relating to heating oil tank regulatory program; creating new provisions; and amending ORS 466.868, 466.872 and 466.882.

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

**SECTION 1.** ORS 466.868 is amended to read:

466.868. (1) In order to obtain a license under the program established pursuant to ORS 466.858, a person shall provide to the Department of Environmental Quality:

(a) A certificate of insurance in an amount adequate to pay for any additional corrective action necessary as a result of an improper or inadequate decommissioning or corrective action approved by the department.

(b) A summary of all projects completed since the applicant last applied for a license, including the costs of those projects.

(c) For each individual license, a demonstration of ability, which may consist of written or field examinations.

(d) Any other information deemed necessary by the department.

*[(e) An annual license fee. The fee shall be:]*

*[(A) \$750 for the business, including but not limited to corporations, limited partnerships and sole proprietorships, engaged in the performance of heating oil tank services; and]*

*[(B) \$75 for each individual employed by the business and charged with the supervisory responsibility to direct and oversee the performance of tank services at a facility.]*

**(e) An annual license fee as provided for in subsection (2) of this section.**

**(2)(a) For the business, including but not limited to corporations, limited partnerships and sole proprietorships, engaged in the performance of heating oil tank services, the annual license fee shall be:**

**(A) \$800 for the calendar year 2020.**

**(B) \$900 for the calendar year 2021.**

**(b) The annual license fee shall be \$100 for each individual employed by the business and charged with the supervisory responsibility to direct and oversee the performance of tank services at a facility.**

*[(2)]* **(3)** The department shall maintain a registry of all persons licensed under this section, including a summary of the project information required in the application.

[3] (4) In accordance with ORS chapter 183, the department may revoke a license of any person offering heating oil tank services who commits fraud or deceit in obtaining a license or who demonstrates negligence or incompetence in performing the heating oil tank services.

**SECTION 2.** ORS 466.868, as amended by section 1 of this 2019 Act, is amended to read:

466.868. (1) In order to obtain a license under the program established pursuant to ORS 466.858, a person shall provide to the Department of Environmental Quality:

(a) A certificate of insurance in an amount adequate to pay for any additional corrective action necessary as a result of an improper or inadequate decommissioning or corrective action approved by the department.

(b) A summary of all projects completed since the applicant last applied for a license, including the costs of those projects.

(c) For each individual license, a demonstration of ability, which may consist of written or field examinations.

(d) Any other information deemed necessary by the department.

(e) An annual license fee. **The fee shall be:** *[as provided for in subsection (2) of this section.]*

[2](a) *For the business, including but not limited to corporations, limited partnerships and sole proprietorships, engaged in the performance of heating oil tank services, the annual license fee shall be:*

[A] *\$800 for the calendar year 2020.*

[B] *\$900 for the calendar year 2021.*

[b] *The annual license fee shall be \$100 for each individual employed by the business and charged with the supervisory responsibility to direct and oversee the performance of tank services at a facility.*

**(A) \$1,000 for the business, including but not limited to corporations, limited partnerships and sole proprietorships, engaged in the performance of heating oil tank services; and**

**(B) \$100 for each individual employed by the business and charged with the supervisory responsibility to direct and oversee the performance of tank services at a facility.**

[3] (2) The department shall maintain a registry of all persons licensed under this section, including a summary of the project information required in the application.

[4] (3) In accordance with ORS chapter 183, the department may revoke a license of any person offering heating oil tank services who commits fraud or deceit in obtaining a license or who demonstrates negligence or incompetence in performing the heating oil tank services.

**SECTION 3. (1) Except as provided in subsection (2) of this section, the amendments to ORS 466.868 by section 2 of this 2019 Act become operative on January 1, 2022.**

**(2) The Department of Environmental Quality may, prior to January 1, 2022, assess the fees provided for in ORS 466.868, as amended by section 2 of this 2019 Act, for licenses applied for, before January 1, 2022, for activities occurring on or after January 1, 2022.**

**SECTION 4.** ORS 466.872 is amended to read:

466.872. (1) In establishing the requirements to certify a voluntary decommissioning or to approve corrective action on the basis of a certification received from a heating oil tank service provider, the Department of Environmental Quality shall include:

(a) A process for conducting inspections of sites where a heating oil tank has been decommissioned or where a heating oil tank service provider certifies corrective action is complete;

(b) The specific information that a person must submit to certify that corrective action is complete;

(c) Provisions that allow the department to reject certification and require additional corrective action prior to approval by the department that the certification is complete and complies with the standard set forth in ORS 465.315; and

(d) Provisions to require additional information about a decommissioning before certifying the decommissioning.

(2) Any person requesting certification of a heating oil tank decommissioning under subsection (1) of this section shall file a request with the department accompanied by a filing fee of [~~\$75~~] **\$100.**

(3) Any person requesting certification of a heating oil tank corrective action under subsection (1) of this section shall file a request with the department accompanied by a filing fee of [~~\$200.~~]:

- (a) **\$250 for a simple corrective action.**
- (b) **\$350 for an intermediate corrective action.**
- (c) **\$450 for a complex corrective action.**

**SECTION 5.** ORS 466.882 is amended to read:

466.882. The Environmental Quality Commission shall adopt rules necessary to carry out ORS 466.858 to 466.878. The rules shall include but need not be limited to:

(1) A voluntary process for certifying the decommissioning of an abandoned underground heating oil tank;

(2) Information required to be submitted by a licensed heating oil tank service provider or homeowner to allow the Department of Environmental Quality to approve a heating oil tank corrective action;

**(3) Rules defining simple, intermediate and complex corrective actions;**

~~[(3)]~~ (4) Requirements for the approval of decommissioning;

~~[(4)]~~ (5) Standards to define adequate tank decommissioning; and

~~[(5)]~~ (6) Requirements for the approval by the Department of Environmental Quality of decommissioning of underground heating oil tanks that were decommissioned before August 17, 1999.

**SECTION 6. The amendments to ORS 466.868 and 466.872 by sections 1 and 4 of this 2019 Act apply to fees assessed on and after the effective date of this 2019 Act.**

**Passed by Senate June 3, 2019**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 10, 2019**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2019

**Approved:**

.....M.,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2019

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Bev Clarno, Secretary of State