

SB 40-1  
(LC 467)  
2/5/19 (MAM/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO  
SENATE BILL 40**

1 On page 1 of the printed bill, delete line 3 and insert “, 466.872 and  
2 466.882.”.

3 Delete lines 5 through 30 and delete page 2 and insert:

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

5 “466.868. (1) In order to obtain a license under the program established  
6 pursuant to ORS 466.858, a person shall provide to the Department of Envi-  
7 ronmental Quality:

8 “(a) A certificate of insurance in an amount adequate to pay for any ad-  
9 ditional corrective action necessary as a result of an improper or inadequate  
10 decommissioning or corrective action approved by the department.

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

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

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

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

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

20 “[*(B) \$75 for each individual employed by the business and charged with*  
21 *the supervisory responsibility to direct and oversee the performance of tank*

1 *services at a facility.]*

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

4 “(2)(a) For the business, including but not limited to corporations,  
5 limited partnerships and sole proprietorships, engaged in the per-  
6 formance of heating oil tank services, the annual license fee shall be:

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

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

9 “(b) The annual license fee shall be \$100 for each individual em-  
10 ployed by the business and charged with the supervisory responsibility  
11 to direct and oversee the performance of tank services at a facility.

12 “[2] (3) The department shall maintain a registry of all persons licensed  
13 under this section, including a summary of the project information required  
14 in the application.

15 “[3] (4) In accordance with ORS chapter 183, the department may revoke  
16 a license of any person offering heating oil tank services who commits fraud  
17 or deceit in obtaining a license or who demonstrates negligence or incom-  
18 petence in performing the heating oil tank services.

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

21 “466.868. (1) In order to obtain a license under the program established  
22 pursuant to ORS 466.858, a person shall provide to the Department of Envi-  
23 ronmental Quality:

24 “(a) A certificate of insurance in an amount adequate to pay for any ad-  
25 ditional corrective action necessary as a result of an improper or inadequate  
26 decommissioning or corrective action approved by the department.

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

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

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

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

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

7 “*[(A) \$800 for the calendar year 2020.]*

8 “*[(B) \$900 for the calendar year 2021.]*

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

12 “**(A) \$1,000 for the business, including but not limited to corpo-**  
13 **rations, limited partnerships and sole proprietorships, engaged in the**  
14 **performance of heating oil tank services; and**

15 “**(B) \$100 for each individual employed by the business and charged**  
16 **with the supervisory responsibility to direct and oversee the perform-**  
17 **ance of tank services at a facility.**

18 “*[(3)] (2) The department shall maintain a registry of all persons licensed*  
19 *under this section, including a summary of the project information required*  
20 *in the application.*

21 “*[(4)] (3) In accordance with ORS chapter 183, the department may revoke*  
22 *a license of any person offering heating oil tank services who commits fraud*  
23 *or deceit in obtaining a license or who demonstrates negligence or incom-*  
24 *petence in performing the heating oil tank services.*

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

28 “**(2) The Department of Environmental Quality may, prior to Jan-**  
29 **uary 1, 2022, assess the fees provided for in ORS 466.868, as amended**  
30 **by section 2 of this 2019 Act, for licenses applied for, before January**

1 **1, 2022, for activities occurring on or after January 1, 2022.**

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

3 “466.872. (1) In establishing the requirements to certify a voluntary de-  
4 commissioning or to approve corrective action on the basis of a certification  
5 received from a heating oil tank service provider, the Department of Envi-  
6 ronmental Quality shall include:

7 “(a) A process for conducting inspections of sites where a heating oil tank  
8 has been decommissioned or where a heating oil tank service provider cer-  
9 tifies corrective action is complete;

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

12 “(c) Provisions that allow the department to reject certification and re-  
13 quire additional corrective action prior to approval by the department that  
14 the certification is complete and complies with the standard set forth in ORS  
15 465.315; and

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

18 “(2) Any person requesting certification of a heating oil tank decommis-  
19 sioning under subsection (1) of this section shall file a request with the de-  
20 partment accompanied by a filing fee of [~~\$75~~] **\$100.**

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

24 **“(a) \$250 for a simple corrective action.**

25 **“(b) \$350 for an intermediate corrective action.**

26 **“(c) \$450 for a complex corrective action.**

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

28 “466.882. The Environmental Quality Commission shall adopt rules nec-  
29 essary to carry out ORS 466.858 to 466.878. The rules shall include but need  
30 not be limited to:

1 “(1) A voluntary process for certifying the decommissioning of an aban-  
2 doned underground heating oil tank;

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

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

8 “[3] (4) Requirements for the approval of decommissioning;

9 “[4] (5) Standards to define adequate tank decommissioning; and

10 “[5] (6) Requirements for the approval by the Department of Environ-  
11 mental Quality of decommissioning of underground heating oil tanks that  
12 were decommissioned before August 17, 1999.

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

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