

HB 3372 B STAFF MEASURE SUMMARY
Senate Committee On Energy and Environment

Carrier: Sen. Findley

Action Date: 05/25/21
Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)
Vote: 4-1-0-0
Yeas: 4 - Beyer, Dembrow, Findley, Taylor
Nays: 1 - Robinson
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Beth Reiley, LPRO Analyst
Meeting Dates: 5/6, 5/20, 5/25

WHAT THE MEASURE DOES:

Authorizes Department of Environmental Quality (DEQ) to require an applicant for a permit or license authorized or required by Oregon Revised Statutes related to watershed areas, treatment works, sewage disposal, municipal sewage treatment works, and subsurface sewage disposal (ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, and 454.605 to 454.755) and chapters of Oregon Revised Statutes related to solid waste management, reuse and recycling, hazardous waste and hazardous materials, environmental quality generally, and air and water quality (459, 459A, 465, 466, 468, 468A, and 468B) to provide DEQ with information reasonably sufficient for DEQ to evaluate the applicant's history of compliance with environmental quality laws during the 10-year period prior to the application date. Authorizes DEQ to consider a violation by: an applicant or permittee; applicant's or permittee's current corporate officers, managers, members of board of directors, general partners or similar persons provided person exercises or will exercise substantial control over facility subject to application or permit. Requires DEQ to consider whether violation: was committed by person who had conscious objective to cause result of conduct and knew or had reason to know the result was not lawful; or caused or had potential to cause substantial environmental harm. Requires DEQ to consider whether a violation was caused by a person who: has a demonstrated practice of taking action to correct violations or minimize the effects of violations or minimize effects to avoid risk or harm; made efforts to ensure the violation would not be repeated; sought to resolve the violation through mutual agreement and final order or similar settlement agreement; disclosed violation to DEQ upon its discovery; or has been in compliance since violation occurred. Requires DEQ to consider mitigating factors or circumstances presented by applicant. Stipulates decision to refuse to issue, revoke, or refuse to renew permit is subject to approval of DEQ Director. Authorizes DEQ to refuse to issue a license to a contractor and to suspend or revoke the asbestos abatement license if DEQ finds that the contractor or a related person violated any of the provisions of specific Oregon Revised Statutes or adopted rules related to asbestos abatement license (ORS 468A.700 to 468A.755). Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Clear authorization to look at past actions
- Current authority of Department of Environmental Quality
- Entities that have separate facilities under common ownership

EFFECT OF AMENDMENT:

Revises language specifying information that applicant is required to provide for DEQ to evaluate applicant's history of compliance. Requires DEQ to consider additional factors when considering violations. Modifies definition of "related person" for asbestos abatement projects license qualifications (ORS 468A.720) to include: parent corporations, or similar business entities, that exercise substantial control over the contractor; and subsidiary corporations, or similar business entities, over which the contractor exercises substantial control.

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BACKGROUND:

The Oregon Department of Environmental Quality (DEQ) uses technical assistance, inspections, complaint investigations, and orders to pay fines and perform corrective actions in order to enforce the law and deter noncompliance of environmental violations. Under ORS 468.070, DEQ may deny, modify, suspend, or revoke permits or refuse to renew any permit if applicants: provide misrepresentation or false statements in the application for the permit; fail to comply with the conditions of the permit; violate any applicable provisions of specific Oregon Revised Statute or ORS chapters; or violate any applicable rule, standard, or order of the Environmental Quality Commission.

House Bill 3372 B would authorize DEQ to require an applicant for a permit or license for watershed areas, treatment works, sewage disposal, municipal sewage treatment works, and subsurface sewage disposal to provide DEQ with information reasonably sufficient for an evaluation of the applicant's history of compliance with environmental quality laws during the 10-year period prior to the application date. The measure would authorize DEQ to refuse to issue a license to a contractor and to suspend or revoke the asbestos abatement license if DEQ finds that the contractor or a related person violated any statutes or adopted rules related to asbestos abatement license.