

Enrolled Senate Bill 57

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Environmental Quality)

CHAPTER

AN ACT

Relating to hazardous waste fees; creating new provisions; amending ORS 465.376; and prescribing an effective date.

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

SECTION 1. ORS 465.376 is amended to read:

465.376. (1) Notwithstanding ORS 465.375 (2) and (3), the hazardous waste management fee shall be:

[(a) \$7.50 per ton for waste from the primary production of steel in electric furnaces that is emission control dust or emission control sludge identified as United States Environmental Protection Agency hazardous waste number K061 in 40 C.F.R. 261.32. The facility that accepts the waste must have a plan and a schedule approved by the Department of Environmental Quality to develop and evaluate a treatment process for the waste. The department may withdraw approval of the plan if the facility does not implement the plan in accordance with the approved schedule. The approved treatment process shall be designed to achieve treatment levels similar to the treatment levels that would be required for the hazardous waste if the waste were delisted in Alaska, Idaho or Washington under 40 C.F.R. 260.22, adopted under:]

[(A) The federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580) and the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), as amended; or]

[(B) A state-authorized Resource Conservation and Recovery Act program.]

[(b) For waste received by the facility from the same site, property or hazardous waste management unit, if the total waste received is:]

[(A) Up to 2,500 tons, \$20 per ton for all waste received;]

[(B) More than 2,500 tons and less than or equal to 12,500 tons, \$10 per ton for all waste received;]

[(C) More than 12,500 tons and less than or equal to 25,000 tons, \$5 per ton for all waste received; or]

[(D) More than 25,000 tons, \$2.50 per ton for all waste received.]

[(c) \$15 per ton for waste that is hazardous waste when received and treated at the facility so that the waste is no longer a solid waste as defined in ORS 459.005.]

(a) \$20 per ton for waste received by the facility that is:

(A) PCB under Oregon or federal law;

(B) Hazardous waste that becomes subject to regulation solely as a result of removal or remedial action taken in response to environmental contamination; or

(C) Hazardous waste that results from corrective action or closure of a regulated or nonregulated waste management unit.

[(d)] **(b) [\$2] \$5** per ton for waste that is:

(A) A characteristic hazardous waste at the point of generation and that has been treated at the facility or at an off-site location so that the waste no longer exhibits the characteristics of hazardous waste and so that the waste complies with any applicable land disposal requirements;

(B) Liquid waste when the waste is received and treated at a wastewater treatment unit at the facility so that the waste does not exhibit any characteristics of hazardous waste and so that the resulting liquid is managed at a permitted unit at the facility;

(C) Solid waste that results from cleanup activities and that must be disposed of in a facility for the disposal of hazardous waste as a result of restrictions imposed under ORS 459.055 (8) or 459.305 (7); or

(D) Solid waste that is not hazardous waste or PCB under a state or federal law at the point of generation and that is not a hazardous waste under Oregon law.

(2) Upon the request of the Department of **Environmental Quality**, a facility shall allow the department to review the information relating to waste received by the facility that the facility used to determine the hazardous waste management fee for the types of waste described in subsection *[(1)(b)]* **(1)(a)** of this section.

(3) *[One-third of the amount collected]* **Fees collected by the department** under subsection (1) of this section shall be deposited in the State Treasury to the credit of an account of the department. Such moneys are continuously appropriated to the department to be used:

(a) To carry out the department's duties under ORS 466.005 to 466.385 related to the management of hazardous waste~~].~~; **and**

(b) For the purposes described in ORS 465.381 (5).

[(4) Two-thirds of the amount collected under subsection (1) of this section shall be deposited in the State Treasury to the credit of the Hazardous Substance Remedial Action Fund created under ORS 465.381 to be used for the purposes described in ORS 465.381 (5).]

[(5) For purposes of subsection (1)(b) of this section, "waste" means waste that is:]

[(a) PCB under Oregon or federal law;]

[(b) Hazardous debris;]

[(c) Hazardous waste that becomes subject to regulation solely as a result of removal or remedial action taken in response to environmental contamination; or]

[(d) Hazardous waste that results from corrective action or closure of a regulated or nonregulated waste management unit.]

(4)(a) Notwithstanding ORS 465.375 and subsection (1) of this section, the department, in consultation with the Environmental Quality Commission, may proportionally adjust the fees established under ORS 465.375 and subsection (1) of this section to meet, but not exceed, the revenue needs of the department consistent with the budget authorized by the Legislative Assembly.

(b) The increased amount of fees under paragraph (a) of this subsection may not exceed the amount necessary for the department to accomplish the purposes set forth in ORS 465.381 (5) and 466.005 to 466.385.

SECTION 2. (1) The amendments to ORS 465.376 by section 1 of this 2021 Act become operative on January 1, 2022.

(2) The Environmental Quality Commission and the Department of Environmental Quality may take any action before the operative date specified in subsection (1) of this section that is necessary for the commission or the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission or the department by the amendments to ORS 465.376 by section 1 of this 2021 Act.

SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by Senate June 21, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 25, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State