Senate Bill 523

Sponsored by COMMITTEE ON JUDICIARY (at the request of Willamette Riverkeeper)Sponsored by COMMITTEE ON JUDICIARY

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 water quality permit holders who discharge persistent bioaccumulative toxins into Oregon waters at concentrations that cause waters to fail to meet water quality standards to pay for installation and maintenance of marker systems.

Declares emergency, effective on passage.

1 **A BILL FOR AN ACT**

2 Relating to water quality; and declaring an emergency.

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

4   <u>SECTION 1.</u> **Section 2 of this 2013 Act is added to and made a part of ORS 468B.048 to**

5 **468B.085.**

6   <u>SECTION 2.</u> **(1) As used in this section, "persistent bioaccumulative toxin" means a toxic**

7 **substance that accumulates in plant or animal tissue and remains in the tissue for sub-**

8 **stantial periods of time.**

9   **(2) Any person that discharges waste into the waters of the state under a permit issued**

10 **pursuant to ORS 468B.050 shall pay for the installation and maintenance of a system of buoys**

11 **or similar markers, or an alternative under subsection (4) or (5) of this section, if the waste**

12 **contains persistent bioaccumulative toxins at concentrations that cause the waters to fail**

13 **to meet the standards for water quality and purity established by the Environmental Quality**

14 **Commission under ORS 468B.048. The system of buoys or similar markers shall designate the**

15 **area where the waters fail to meet the standards for water quality and purity because of the**

16 **discharge. The payment for installation and maintenance must be made as part of the permit**

17 **fee established pursuant to ORS 468.065.**

18   **(3) The buoys or similar markers required under subsection (2) of this section:**

19   **(a) May not interfere with navigation or use of the waters;**

20   **(b) Shall be installed and maintained by the Department of Environmental Quality; and**

21   **(c) Shall indicate how a person may obtain additional information about the discharge.**

22   **(4) If the department determines that it is not feasible to install buoys or similar mark-**

23 **ers in the waters of the state due to issues related to navigation or stream size, onshore**

24 **signs may be used as a substitute if the signs:**

25   **(a) Indicate how a person may obtain additional information about the discharge; and**

26   **(b) Contain a map showing the general location of the discharge in the body of water.**

27   **(5) If the department determines that it is not feasible to install buoys, similar markers**

28 **or onshore signs, the department may use another comparable means of public notice.**

29   **(6) The Environmental Quality Commission shall adopt rules necessary for the adminis-**

30 **tration of this section.**

1   **SECTION 3.** **(1) Except as provided in subsection (2) of this section, sections 1 and 2 of**

2 **this 2013 Act become operative on September 1, 2014.**

3   **(2) The Environmental Quality Commission may adopt rules or take any other action**

4 **before the operative date specified in subsection (1) of this section that is necessary to im-**

5 **plement, on and after the operative date specified in subsection (1) of this section, sections**

6 **1 and 2 of this 2013 Act.**

7   **SECTION 4.** **This 2013 Act being necessary for the immediate preservation of the public**

8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

9 **on its passage.**

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