

## **HB 3372 -1, -4 STAFF MEASURE SUMMARY**

### **House Committee On Energy and Environment**

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**Prepared By:** Erin Pischke, LPRO Analyst

**Meeting Dates:** 3/22, 4/7, 4/12

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#### **WHAT THE MEASURE DOES:**

Authorizes Department of Environmental Quality to designate person as chronic violator of environmental quality laws. Authorizes department to refuse to issue or renew permit to applicants that are or include chronic violator. Takes effect on 91<sup>st</sup> day following adjournment sine die.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 Authorizes Department of Environmental Quality (DEQ) to refuse to issue, modify, suspend, revoke, or refuse to renew any permit issued if it finds violation of any of the provisions of specific Oregon Revised Statutes (ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755) or ORS chapters of Oregon Revised Statutes (459, 459A, 465, 466, 468, 468A and 468B). Requires DEQ to consider whether the cause of a violation was: 1) an intentional act; 2) an act committed with knowledge that the act was a violation; or 3) a reckless act. Authorizes DEQ to refuse to issue a license to a contractor if the department finds that the contractor or a related person violated any of the provisions of specific Oregon Revised Statutes (ORS 468A.700 to 468A.755) or adopted rules (under ORS 468A.700 to 468A.755). Authorizes DEQ to suspend or revoke the asbestos abatement license issued to any contractor if the contractor or a related person violates the provisions of specific Oregon Revised Statutes (ORS 468A.700 to 468A.755) or adopted rules (under ORS 468A.700 to 468A.755).

-4 Authorizes Department of Environmental Quality (DEQ) to require an applicant for a permit or license authorized or required by specific Oregon Revised Statutes (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 (459, 459A, 465, 466, 468, 468A and 468B) to provide the department with information reasonably sufficient for the department to evaluate the applicant's history of compliance with environmental quality laws during the 10-year period prior to the application date. Requires DEQ to consider whether the cause of a violation was: 1) an intentional act; 2) an act committed with knowledge that the act was a violation; or 3) a reckless act; or was caused by a person who has a demonstrated practice of taking action to correct violations or minimize the effects of violations to avoid risk or harm or made efforts to ensure the violation would not be repeated. Authorizes DEQ to refuse to issue a license to a contractor and to suspend or revoke the asbestos abatement license if the department 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).

- *FISCAL: Minimal fiscal impact*
- *REVENUE: No revenue impact*

#### **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 non-compliance of environmental violations. Under ORS 468.070, the 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 violates any applicable rule, standard, or order of the

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Environmental Quality Commission. Senate Bill 792 (2019) requires auto dismantler businesses to be in compliance with any agreement, order of, or program or process authorized by DEQ that governs conduct of dismantler.

House Bill 3372 would authorize the Department of Environmental Quality (DEQ) to designate person as a chronic violator of environmental quality laws. The Bill would authorize the DEQ to refuse to issue or renew a permit to applicants that are or include chronic violators.