

HB 3372 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Carrier: Rep. Kotek

Action Date: 04/07/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Helm, Marsh, Moore-Green, Owens, Pham, Smith DB, Speaker Kotek

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 3/22, 4/7

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 the DEQ with information reasonably sufficient for the DEQ 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 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:

- DEQ authority over permit violators
- Community impacts of pollution caused by permit violators
- Creating dialog with compliant industries

EFFECT OF AMENDMENT:

Replaces the measure.

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, 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 Environmental Quality Commission.

House Bill 3372 A would authorize the 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 the DEQ with information reasonably sufficient for an evaluation of the applicant's history of compliance

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with environmental quality laws during the 10-year period prior to the application date. The measure would authorize the DEQ to refuse to issue a license to a contractor and to suspend or revoke the asbestos abatement license if the DEQ finds that the contractor or a related person violated any statutes or adopted rules related to asbestos abatement license.