

## HOUSE AMENDMENTS TO HOUSE BILL 3372

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 10

1 On page 1 of the printed bill, line 2, after “468.070” insert “, 468A.720 and 468A.725”.

2 Delete lines 5 through 30 and delete page 2 and insert:

3 “**SECTION 1.** (1) **The Department of Environmental Quality may require an applicant for**  
4 **a permit or license authorized or required by ORS 448.305, 454.010 to 454.040, 454.205 to**  
5 **454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468,**  
6 **468A and 468B to provide the department with information reasonably sufficient for the de-**  
7 **partment to evaluate the applicant’s history of compliance with environmental quality laws**  
8 **during the 10-year period prior to the application date.**

9 “(2)(a) **Information that an applicant may be required to provide under this section in-**  
10 **cludes, but is not limited to:**

11 “(A) **A list of the applicant’s current corporate officers, managers, members of the board**  
12 **of directors, general partners or other persons who exercise substantial control on behalf**  
13 **of or over the applicant;**

14 “(B) **A list of:**

15 “(i) **Parent corporations or similar business entities that exercise substantial control**  
16 **over the applicant; and**

17 “(ii) **Subsidiary corporations or similar business entities over which the applicant exer-**  
18 **cises substantial control; and**

19 “(C) **Notices or other documents stating that a person has violated the provisions of ORS**  
20 **448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS**  
21 **chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those**  
22 **statutes or any order or permit issued by the department or the Environmental Quality**  
23 **Commission.**

24 “(b) **Information provided to the department under this section that has not previously**  
25 **been made publicly available is confidential and not subject to public disclosure under ORS**  
26 **192.311 to 192.478.**

27 “**SECTION 2.** ORS 468.070 is amended to read:

28 “468.070. (1) At any time, the Department of Environmental Quality may refuse to issue, modify,  
29 suspend, revoke or refuse to renew any permit issued pursuant to ORS 468.065 if it finds:

30 “(a) A material misrepresentation or false statement in the application for the permit.

31 “(b) Failure to comply with the conditions of the permit.

32 “(c) Violation of any applicable provisions of [*ORS 466.605 to 466.680, 466.990 (3) and (4) and*  
33 *466.995 (2) or ORS chapters 468, 468A and 468B*] **ORS 448.305, 454.010 to 454.040, 454.205 to**  
34 **454.255, 454.505 to 454.535 and 454.605 to 454.755 or ORS chapters 459, 459A, 465, 466, 468, 468A**  
35 **and 468B.**

1 “(d) Violation of any applicable rule, standard or order of the Environmental Quality Commis-  
2 sion.

3 “(2) The department may modify any permit issued pursuant to ORS 468.065 if it finds that  
4 modification is necessary for the proper administration, implementation or enforcement of the pro-  
5 visions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755,  
6 466.605 to 466.680 and ORS chapters 468, 468A and 468B.

7 “(3) **In making a finding under subsection (1) of this section:**

8 “(a) **The department may consider a violation committed by:**

9 “(A) **An applicant;**

10 “(B) **The applicant’s current corporate officers, managers, members of the board of di-**  
11 **rectors, general partners or other persons who exercise substantial control on behalf of or**  
12 **over the applicant;**

13 “(C) **Parent corporations or similar business entities that exercise substantial control**  
14 **over the applicant; or**

15 “(D) **Subsidiary corporations or similar business entities over which the applicant exer-**  
16 **cises substantial control.**

17 “(b) **The department shall consider whether a violation:**

18 “(A) **Caused or had the potential to cause substantial environmental harm.**

19 “(B) **Was caused by:**

20 “(i) **An intentional act;**

21 “(ii) **An act committed with knowledge that the act was a violation; or**

22 “(iii) **A reckless act.**

23 “(C) **Was caused by a person that:**

24 “(i) **Has a demonstrated practice of taking action to correct violations or minimize the**  
25 **effects of violations to avoid risk or harm; or**

26 “(ii) **Made efforts to ensure the violation would not be repeated.**

27 “(4) **Refusal to issue a permit under subsection (1) of this section is subject to the ap-**  
28 **proval of the Director of Environmental Quality.**

29 “[3] (4) The procedure for modification, suspension, revocation or refusal to issue or renew  
30 shall be the procedure for a contested case as provided in ORS chapter 183.

31 “**SECTION 3.** ORS 468A.720 is amended to read:

32 “468A.720. (1) **As used in this section, ‘related person’ means:**

33 “(A) **A contractor’s current corporate officers, managers, members of the board of di-**  
34 **rectors, general partners or other persons who exercise substantial control on behalf of or**  
35 **over a contractor;**

36 “(B) **Parent corporations or similar business entities that exercise substantial control**  
37 **over the contractor; or**

38 “(C) **Subsidiary corporations or similar business entities over which the contractor ex-**  
39 **ercises substantial control.**

40 “[1] (2) The Department of Environmental Quality shall issue an asbestos abatement license  
41 to a contractor who:

42 “(a) **Successfully completes an accredited training course for contractors.**

43 “(b) **Requires each employee or agent of the contractor who works on or is directly responsible**  
44 **for an asbestos abatement project to be certified under ORS 468A.730.**

45 “(c) **Certifies that the contractor has read and understands the applicable state and federal rules**

1 and regulations on asbestos abatement and agrees to comply with the rules and regulations.

2 **“(3) Notwithstanding subsection (1) of this section, the department may refuse to issue**  
3 **a license to a contractor if the department finds that the contractor or a related person vi-**  
4 **olated any of the provisions of ORS 468A.700 to 468A.755 or rules adopted under ORS 468A.700**  
5 **to 468A.755.**

6 “[2] (4) A contractor shall apply for a license or renewal of a license according to the proce-  
7 dures established by rule by the Environmental Quality Commission.

8 **“SECTION 4.** ORS 468A.725 is amended to read:

9 **“468A.725. (1) As used in this section, ‘related person’ has the meaning given that term**  
10 **in ORS 468A.720.**

11 **“[(1)] (2)** The Department of Environmental Quality may suspend or revoke an asbestos abate-  
12 ment license issued to a contractor under ORS 468A.720 if the licensee:

13 **“(a)** Fraudulently obtains or attempts to obtain a license.

14 **“(b)** Fails at any time to satisfy the qualifications for a license or to comply with rules adopted  
15 by the Environmental Quality Commission under ORS 468A.700 to 468A.760.

16 **“(c)** Fails to meet any applicable state or federal standard relating to asbestos abatement.

17 **“(d)** Permits an untrained worker to work on an asbestos abatement project.

18 **“(e)** Employs a worker who fails to comply with applicable state or federal rules or regulations  
19 relating to asbestos abatement.

20 **“[(2)] (3)** In addition to any penalty provided by ORS 468.140, the department may:

21 **“(a)** Suspend or revoke the [*license or*] certification of any person who violates the conditions  
22 of ORS 468A.700 to 468A.755 or rules adopted under ORS 468A.700 to 468A.755[.]; **or**

23 **“(b) Suspend or revoke the asbestos abatement license issued to any contractor if the**  
24 **contractor or a related person violates the provisions of ORS 468A.700 to 468A.755 or rules**  
25 **adopted under ORS 468A.700 to 468A.755.**

26 **“SECTION 5.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
27 regular session of the Eighty-first Legislative Assembly adjourns sine die.”.