

# House Bill 3372

Sponsored by Representative KOTEK

## 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**.

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 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to environmental quality; creating new provisions; amending ORS 468.070; and prescribing  
3 an effective date.

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

5 **SECTION 1. (1) The Department of Environmental Quality may require an applicant for**  
6 **a permit authorized or required by ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505**  
7 **to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B to**  
8 **provide the department with sufficient information for the department to evaluate the**  
9 **applicant's history of compliance with environmental quality laws.**

10 **(2) Information that an applicant may be required to provide under this section includes,**  
11 **but is not limited to:**

12 **(a) A list of corporate officers, managers, members of the board of directors, general**  
13 **partners or other persons who exercise substantial control over the applicant;**

14 **(b) A list of parent or subsidiary corporations of the applicant or other business entities**  
15 **similarly related to the applicant; and**

16 **(c) Notices or other documents stating that a person has violated the provisions of ORS**  
17 **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**  
18 **chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those**  
19 **statutes or any order or permit issued by the department or the Environmental Quality**  
20 **Commission.**

21 **(3) The department may designate a person as a chronic violator of environmental quality**  
22 **laws after determining that the person:**

23 **(a) Has a history of a demonstrated inability or unwillingness to comply with one or more**  
24 **of the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and**  
25 **454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or**  
26 **standard adopted under those statutes or any order or permit issued by the department or**  
27 **the commission; or**

28 **(b) Has demonstrated a pattern of willful neglect of or reckless disregard for one or more**  
29 **of the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and**  
30 **454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **standard adopted under those statutes or any order or permit issued by the department or**  
2 **the commission.**

3 **(4) A person that has been designated as a chronic violator under subsection (3) of this**  
4 **section may appeal the designation to the commission in the manner provided for a contested**  
5 **case under ORS chapter 183.**

6 **SECTION 2.** ORS 468.070 is amended to read:

7 468.070. (1) At any time, the Department of Environmental Quality may refuse to issue, modify,  
8 suspend, revoke or refuse to renew any permit issued pursuant to ORS 468.065 if it finds:

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

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

11 (c) Violation of any applicable provisions of ORS 466.605 to 466.680, 466.990 (3) and (4) and  
12 466.995 (2) or ORS chapters 468, 468A and 468B.

13 (d) Violation of any applicable rule, standard or order of the Environmental Quality Commission.

14 (2) The department may modify any permit issued pursuant to ORS 468.065 if it finds that mod-  
15 ification is necessary for the proper administration, implementation or enforcement of the provisions  
16 of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755, 466.605  
17 to 466.680 and ORS chapters 468, 468A and 468B.

18 **(3) The department may refuse to issue or refuse to renew a permit issued pursuant to**  
19 **ORS 468.065 to an applicant if the department finds that any of the following persons have**  
20 **been designated as a chronic violator under section 1 of this 2021 Act:**

21 **(a) The applicant;**

22 **(b) A corporate officer, manager, member of the board of directors, general partner or**  
23 **other person who exercises substantial control over the applicant; or**

24 **(c) A parent or subsidiary corporation of the applicant or other business entity similarly**  
25 **related to the applicant.**

26 [(3)] (4) The procedure for modification, suspension, revocation or refusal to issue or renew shall  
27 be the procedure for a contested case as provided in ORS chapter 183.

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

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