

House Bill 2836

Sponsored by Representative EVANS (Pre-session filed.)

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**.

Directs Department of Environmental Quality to develop and maintain grant program to prevent spills at fuel facilities.

Establishes Fuel Spills Mitigation Fund.

A BILL FOR AN ACT

1
2 Relating to a grant program to prevent fuel spills.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Eligible applicant" means:**

6 (A) **An airport, as defined in ORS 836.005;**

7 (B) **A port, as defined in ORS 777.005;**

8 (C) **A transportation facility where fuels are stored; or**

9 (D) **Other priority facilities where there is a high risk of fuel spills, as determined by the**
10 **Environmental Quality Commission by rule.**

11 (b) **"Fuel" includes gasoline, crude oil, fuel oil, diesel oil or similar petroleum products**
12 **used for transportation or heating.**

13 (c) **"Fuel facility" means a pipeline or any structure, group of structures, equipment or**
14 **device that is used for producing, storing, handling, transferring, processing or transporting**
15 **fuel.**

16 (d) **"Hardening" includes repairing, replacing or upgrading the structural components of**
17 **a fuel facility or carrying out other activities for the purpose of making fuel facilities more**
18 **resilient to man-made or natural disasters or otherwise preventing fuel spills.**

19 (2) **The Department of Environmental Quality shall develop and administer a Fuel Spills**
20 **Mitigation program to provide grants to eligible applicants for hardening fuel facilities.**

21 (3) **Eligible applicants shall submit grant applications to the department in the form and**
22 **manner prescribed by the department. The department shall rank applications based on the**
23 **criteria established under subsection (4) of this section and award grants based on rankings**
24 **and available funds. If the department denies a grant application, the department shall pro-**
25 **vide the reason for the denial to the eligible applicant in writing.**

26 (4)(a) **The commission shall establish by rule criteria for ranking grant applications under**
27 **the grant program. Criteria shall include, but need not be limited to:**

28 (A) **The level of need for the requested hardening activities, as demonstrated by the eli-**
29 **gible applicant;**

30 (B) **The risk that fuel spills from the eligible applicant's fuel facilities would pose to hu-**
31 **man health and the environment; and**

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 (C) Whether the applicant has an alternative means of funding the hardening activities.

2 (b) The commission shall adopt rules to implement the grant program. Rules adopted
3 under this paragraph shall include, but need not be limited to:

4 (A) The identification of priority facilities where there is a high risk of fuel spills;

5 (B) Policies and procedures for the grant application process;

6 (C) Terms and conditions of grant agreements entered into by the department and grant
7 recipients; and

8 (D) Procedures for verifying that grant funds have been used for the purposes for which
9 they were awarded.

10 **SECTION 2.** The Fuel Spills Mitigation Fund is established in the State Treasury, sepa-
11 rate and distinct from the General Fund. Interest earned by the Fuel Spills Mitigation Fund
12 shall be credited to the fund. Moneys in the fund are continuously appropriated to the De-
13 partment of Environmental Quality for the purpose of carrying out section 1 of this 2023 Act.

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