

A-Engrossed
House Bill 3273

Ordered by the House March 10
Including House Amendments dated March 10

Sponsored by Representative MARSH

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.

Repeals Department of Environmental Quality's dry cleaner environmental program.
Prohibits use of perchloroethylene and n-propyl bromide as dry cleaning solvents. Provides that prohibition becomes operative January 1, [2027] **2028**.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to dry cleaning; creating new provisions; amending ORS 465.200 and 466.990; repealing ORS
3 465.500, 465.503, 465.505, 465.507, 465.510, 465.517, 465.520, 465.523, 465.525, 465.527, 465.531,
4 465.536, 465.545 and 465.992; and prescribing an effective date.

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

6
7 **REPEAL OF DRY CLEANER ENVIRONMENTAL PROGRAM**

8
9 **SECTION 1. ORS 465.500, 465.503, 465.505, 465.507, 465.517, 465.520, 465.523, 465.525, 465.527,**
10 **465.531, 465.536, 465.545 and 465.992 are repealed.**

11 **SECTION 2. ORS 465.510 is repealed on January 1, 2025.**

12 **SECTION 2a. (1) The Dry Cleaner Environmental Response Account established under**
13 **ORS 465.510 is abolished on January 1, 2025. Any moneys remaining in the account on Janu-**
14 **ary 1, 2025, that are unexpended, unobligated and not subject to any conditions shall be**
15 **transferred to the General Fund and made available for general governmental purposes.**

16 **(2) The repeal of ORS 465.500, 465.503, 465.505, 465.507, 465.517, 465.520, 465.523, 465.525,**
17 **465.527, 465.531, 465.536, 465.545 and 465.992 by section 1 of this 2023 Act, does not alter the**
18 **duties, functions or powers conferred on the Department of Environmental Quality by ORS**
19 **465.510, or the obligations imposed on dry cleaning owners or dry cleaning operators by ORS**
20 **465.510, for the period beginning January 1, 2024, and ending January 1, 2025.**

21 **SECTION 3. ORS 465.200 is amended to read:**

22 465.200. As used in ORS 465.200 to 465.545 and 465.900:

23 (1) "Claim" means a demand in writing for a sum certain.

24 (2) "Commission" means the Environmental Quality Commission.

25 (3) "Department" means the Department of Environmental Quality.

26 (4) "Director" means the Director of the Department of Environmental Quality.

27 [(5) "*Dry Cleaner Environmental Response Account*" means the account established under ORS

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.

1 465.510.]

2 [(6) "Dry cleaning facility" means any active or inactive facility located in this state that is or was
3 engaged in dry cleaning apparel and household fabrics for the general public, and dry stores, other
4 than a:]

5 [(a) Facility located on a United States military base;]

6 [(b) Uniform service or linen supply facility; or]

7 [(c) Prison or other penal institution.]

8 [(7) "Dry cleaning operator" means a person who has, or had, a business license to operate a dry
9 cleaning facility or a business operation that a dry cleaning facility is a part of. If a dry cleaning fa-
10 cility is operated without a business license, both the dry cleaning owner and any person directing the
11 operations shall be considered the dry cleaning operator and shall be jointly and severally liable for
12 the fees and duties imposed on dry cleaning operators.]

13 [(8) "Dry cleaning owner" means a person who owns or owned the real property underlying a dry
14 cleaning facility.]

15 [(9) "Dry cleaning service" means:]

16 [(a) The cleaning of garments or fabrics at a dry cleaning facility using a dry cleaning solvent and
17 the pressing or alteration of garments or fabrics if those services are not charged for separately from
18 cleaning; and]

19 [(b) The services of a dry store.]

20 [(10) "Dry cleaning solvent" means any nonaqueous solvent for use in the cleaning of garments or
21 other fabrics at a dry cleaning facility, including but not limited to perchloroethylene and petroleum
22 based solvents and the products into which dry cleaning solvents degrade.]

23 [(11) "Dry store" means a facility that does not include machinery using dry cleaning solvents, in-
24 cluding but not limited to a pickup store, dropoff store, call station, agency for dry cleaning, press shop,
25 and pickup and delivery service not otherwise operated by a dry cleaning facility.]

26 [(12)] (5) "Environment" includes the waters of the state, any drinking water supply, any land
27 surface and subsurface strata and ambient air.

28 [(13)] (6) "Facility" means any building, structure, installation, equipment, pipe or pipeline in-
29 cluding any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon,
30 impoundment, ditch, landfill, storage container, above ground tank, underground storage tank, motor
31 vehicle, rolling stock, aircraft, or any site or area where a hazardous substance has been deposited,
32 stored, disposed of, or placed, or otherwise come to be located and where a release has occurred
33 or where there is a threat of a release, but does not include any consumer product in consumer use
34 or any vessel.

35 [(14)] (7) "Fund" means the Hazardous Substance Remedial Action Fund established by ORS
36 465.381.

37 [(15)] (8) "Guarantor" means any person, other than the owner or operator, who provides evi-
38 dence of financial responsibility for an owner or operator under ORS 465.200 to 465.545 and 465.900.

39 [(16)] (9) "Hazardous substance" means:

40 (a) Hazardous waste as defined in ORS 466.005.

41 (b) Any substance defined as a hazardous substance pursuant to section 101(14) of the federal
42 Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended,
43 and P.L. 99-499.

44 (c) Oil.

45 (d) Any substance designated by the commission under ORS 465.400.

1 [(17) *“Inactive dry cleaning facility” means property formerly used, but not currently used, for*
2 *providing dry cleaning services.*]

3 [(18)] (10) *“Natural resources” includes but is not limited to land, fish, wildlife, biota, air, sur-*
4 *face water, ground water, drinking water supplies and any other resource owned, managed, held in*
5 *trust or otherwise controlled by the State of Oregon or a political subdivision of the state.*

6 [(19)] (11) *“Oil” includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge or re-*
7 *fuse and any other petroleum-related product, or waste or fraction thereof that is liquid at a tem-*
8 *perature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute.*

9 [(20)] (12) *“Owner or operator” means any person who owned, leased, operated, controlled or*
10 *exercised significant control over the operation of a facility. “Owner or operator” does not include*
11 *a person, who, without participating in the management of a facility, holds indicia of ownership*
12 *primarily to protect a security interest in the facility.*

13 [(21)] (13) *“Person” means an individual, trust, firm, joint stock company, joint venture, consor-*
14 *tium, commercial entity, partnership, association, corporation, commission, state and any agency*
15 *thereof, political subdivision of the state, interstate body or the federal government including any*
16 *agency thereof.*

17 [(22)] (14) *“Release” means any spilling, leaking, pumping, pouring, emitting, emptying, dis-*
18 *charging, injecting, escaping, leaching, dumping or disposing into the environment including the*
19 *abandonment or discarding of barrels, containers and other closed receptacles containing any haz-*
20 *ardous substance, or threat thereof, but excludes:*

21 (a) Any release that results in exposure to a person solely within a workplace, with respect to
22 a claim that the person may assert against the person’s employer under ORS chapter 656;

23 (b) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipe-
24 line pumping station engine;

25 (c) Any release of source, by-product or special nuclear material from a nuclear incident, as
26 those terms are defined in the Atomic Energy Act of 1954, as amended, if the release is subject to
27 requirements with respect to financial protection established by the Nuclear Regulatory Commission
28 under section 170 of the Atomic Energy Act of 1954, as amended, or, for the purposes of ORS 465.260
29 or any other removal or remedial action, any release of source by-product or special nuclear mate-
30 rial from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill
31 Tailings Radiation Control Act of 1978; and

32 (d) The normal application of fertilizer.

33 [(23)] (15)(a) *“Remedial action” means those actions consistent with a permanent remedial*
34 *action taken instead of or in addition to removal actions in the event of a release or threatened*
35 *release of a hazardous substance into the environment, to prevent or minimize the release of a*
36 *hazardous substance so that it does not migrate to cause substantial danger to present or future*
37 *public health, safety, welfare or the environment.*

38 (b) *“Remedial action” includes, but is not limited to:*

39 [(a)] (A) Such actions at the location of the release as storage, confinement, perimeter pro-
40 tection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous
41 substances and associated contaminated materials, recycling or reuse, diversion, destruction, segre-
42 gation of reactive wastes, dredging or excavations, repair or replacement of leaking containers,
43 collection of leachate and runoff, on-site treatment or incineration, provision of alternative drinking
44 and household water supplies, and any monitoring reasonably required to assure that the actions
45 protect the public health, safety, welfare and the environment.

1 [(b)] (B) Offsite transport and offsite storage, treatment, destruction or secure disposition of
2 hazardous substances and associated, contaminated materials.

3 [(c)] (C) Such actions as may be necessary to monitor, assess, evaluate or investigate a release
4 or threat of release.

5 [(24)] (16) "Remedial action costs" means reasonable costs which are attributable to or associ-
6 ated with a removal or remedial action at a facility, including but not limited to the costs of ad-
7 ministration, investigation, legal or enforcement activities, contracts and health studies.

8 [(25)] (17) "Removal" means the cleanup or removal of a released hazardous substance from the
9 environment, such actions as may be necessary taken in the event of the threat of release of a
10 hazardous substance into the environment, such actions as may be necessary to monitor, assess and
11 evaluate the release or threat of release of a hazardous substance, the disposal of removed material,
12 or the taking of such other actions as may be necessary to prevent, minimize or mitigate damage
13 to the public health, safety, welfare or to the environment, that may otherwise result from a release
14 or threat of release. "Removal" also includes but is not limited to security fencing or other measures
15 to limit access, provision of alternative drinking and household water supplies, temporary evacu-
16 ation and housing of threatened individuals and action taken under ORS 465.260.

17 [(26) "Retail sale or transfer" means a transfer of title or possession, exchange or barter, condi-
18 tional or otherwise, for a purpose other than resale in the ordinary course of business.]

19 [(27)] (18) "Transport" means the movement of a hazardous substance by any mode, including
20 pipeline and in the case of a hazardous substance that has been accepted for transportation by a
21 common or contract carrier, the term "transport" shall include any stoppage in transit that is tem-
22 porary, incidental to the transportation movement, and at the ordinary operating convenience of a
23 common or contract carrier, and any such stoppage shall be considered as a continuity of movement
24 and not as the storage of a hazardous substance.

25 [(28)] (19) "Underground storage tank" has the meaning given that term in ORS 466.706.

26 [(29)] (20) "Waters of the state" has the meaning given that term in ORS 468B.005.

27 **SECTION 4. (1) The repeal of ORS 465.500, 465.503, 465.505, 465.507, 465.517, 465.520,
28 465.523, 465.525, 465.527, 465.531, 465.536, 465.545 and 465.992 by section 1 of this 2023 Act and
29 the amendments to ORS 465.200 by section 3 of this 2023 Act become operative on January
30 1, 2024.**

31 **(2) The Department of Environmental Quality and the Environmental Quality Commis-**
32 **sion may take any action before the operative date specified in subsection (1) of this section**
33 **that is necessary to enable the department or the commission to exercise, on and after the**
34 **operative date specified in subsection (1) of this section, all the duties, functions and powers**
35 **conferred on the department and the commission by the repeal of ORS 465.500, 465.503,**
36 **465.505, 465.507, 465.517, 465.520, 465.523, 465.525, 465.527, 465.531, 465.536, 465.545 and 465.992**
37 **by section 1 of this 2023 Act and the amendments to ORS 465.200 by section 3 of this 2023**
38 **Act.**

39
40 **PROHIBITION ON USE OF**
41 **PERCHLOROETHYLENE AND N-PROPYL BROMIDE**
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43 **SECTION 5. (1) As used in this section and section 6 of this 2023 Act:**

44 **(a) "Dry cleaning facility" means any facility located in this state that is engaged in dry**
45 **cleaning apparel and household fabrics for the general public other than a:**

1 (A) Facility located on a United States military base; or

2 (B) Prison or other penal institution.

3 (b) “Dry cleaning solvent” means a nonaqueous solvent used for the cleaning of garments
4 or other fabrics at a dry cleaning facility.

5 (c) “N-propyl bromide” means the substance known as n-propyl bromide or nPB, or by
6 the CAS Registry Number 106-94-5.

7 (d) “Perchloroethylene” means the substance known as perchloroethylene, perc or
8 tetrachloroethylene, or by the CAS Registry Number 127-18-4.

9 (2) A person may not use perchloroethylene or n-propyl bromide as a dry cleaning solvent
10 in this state.

11 (3) The Environmental Quality Commission may adopt rules as necessary to enforce the
12 provisions of this section.

13 **SECTION 6.** (1) The Department of Environmental Quality may enter upon and inspect,
14 at any reasonable time, any dry cleaning facility for the purpose of investigating either an
15 actual or suspected violation of section 5 of this 2023 Act or rules adopted under section 5
16 of this 2023 Act.

17 (2) The department may require the owner or operator of any dry cleaning facility to
18 furnish to the department information related to the use of perchloroethylene or n-propyl
19 bromide as a dry cleaning solvent.

20 (3) The department may, at any reasonable time, inspect and copy a dry cleaning
21 facility’s documents or records related to the use of perchloroethylene or n-propyl bromide
22 as a dry cleaning solvent.

23 (4) Whenever it appears to the department that any person is engaged or about to engage
24 in any acts or practices that constitute a violation of section 5 of this 2023 Act or any rules
25 or orders adopted or entered under section 5 of this 2023 Act, the department may, without
26 prior administrative notice or hearing, institute actions or proceedings for legal or equitable
27 remedies to enforce compliance with section 5 of this 2023 Act or to restrain further vio-
28 lations of section 5 of this 2023 Act.

29 **SECTION 7.** ORS 466.990 is amended to read:

30 466.990. (1) In addition to any other penalty provided by law, any person who violates ORS
31 466.005 to 466.385 and 466.992, a license condition or any Environmental Quality Commission rule
32 or any order of the commission or Department of Environmental Quality pertaining to the gener-
33 ation, treatment, storage, disposal or transportation by air or water of hazardous waste, as defined
34 by ORS 466.005, shall incur a civil penalty not to exceed \$25,000 for each day of the violation.

35 (2) The civil penalty authorized by subsection (1) of this section shall be imposed in the manner
36 provided by ORS 468.135.

37 (3) In addition to any other penalty provided by law, any person who violates a provision of ORS
38 466.605 to 466.680, or any rule or order entered or adopted under ORS 466.605 to 466.680, shall incur
39 a civil penalty not to exceed \$25,000. Each day of violation shall be considered a separate offense.

40 (4) The civil penalty authorized by subsection (3) of this section shall be imposed in the manner
41 provided by ORS 468.135, except that a penalty collected under this section shall be deposited to the
42 fund established in ORS 466.670.

43 (5) In addition to any other penalty provided by law, any person who violates a provision
44 of section 5 of this 2023 Act, or any rule or order entered or adopted under section 5 of this
45 2023 Act, shall incur a civil penalty not to exceed \$25,000 for each day of violation.

1 **(6) The civil penalty authorized by subsection (5) of this section shall be imposed in the**
2 **manner provided by ORS 468.135.**

3 **SECTION 8. (1) Sections 5 and 6 of this 2023 Act and the amendments to ORS 466.990 by**
4 **section 7 of this 2023 Act become operative on January 1, 2028.**

5 **(2) The Department of Environmental Quality and the Environmental Quality Commis-**
6 **sion may take any action before the operative date specified in subsection (1) of this section**
7 **that is necessary to enable the department or the commission to exercise, on and after the**
8 **operative date specified in subsection (1) of this section, all the duties, functions and powers**
9 **conferred on the department and the commission by sections 5 and 6 of this 2023 Act and the**
10 **amendments to ORS 466.990 by section 7 of this 2023 Act.**

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CAPTIONS

14 **SECTION 9. The unit captions used in this 2023 Act are provided only for the convenience**
15 **of the reader and do not become part of the statutory law of this state or express any leg-**
16 **islative intent in the enactment of this 2023 Act.**

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EFFECTIVE DATE

20 **SECTION 10. This 2023 Act takes effect on the 91st day after the date on which the 2023**
21 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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