

## HOUSE AMENDMENTS TO HOUSE BILL 4100

By COMMITTEE ON EMERGENCY MANAGEMENT AND VETERANS

February 16

- 1      On page 1 of the printed bill, delete lines 17 through 22 and insert:
  - 2      "(4) In adopting rules under section 4 of this 2026 Act, the commission should:
    - 3      "(a) Ensure that the rules are consistent with federal standards, where appropriate, while ad-  
4      dressing state-specific risks and needs; and
    - 5      "(b) Consider requirements for financial responsibility established by the State of Washington  
6      in order to promote consistency for regulated entities in the region.".
  - 7      On page 2, line 4, after "insurance" insert "or self-insurance".
  - 8      Delete lines 20 to 45.
  - 9      On page 3, delete lines 1 through 33 and insert:
    - 10     "**SECTION 4.** (1) The owner or operator of a bulk oils or liquid fuels terminal shall ac-  
11     quire and maintain a certificate of financial responsibility in accordance with rules adopted  
12     by the Environmental Quality Commission under this section.
    - 13     "(2) Rules adopted by the commission must:
      - 14     "(a) Establish reasonable minimum amounts of financial assurance based on an eval-  
15     uation of:
        - 16     "(A) The type, size and operational risk of bulk oils or liquid fuels terminals;
        - 17     "(B) The maximum volume of oil, liquid fuel or hazardous materials handled by bulk oils  
18     or liquid fuels terminals;
        - 19     "(C) Historical spill or release response costs and projected cleanup expenses in the areas  
20     where bulk oils or liquid fuels terminals operate;
        - 21     "(D) The environmental sensitivity of the areas where bulk oils or liquid fuels terminals  
22     operate;
        - 23     "(E) Commercially available financial assurance mechanisms, including maximum cover-  
24     ages offered; and
        - 25     "(F) Financial assurance requirements in other jurisdictions.
      - 26     "(b) Establish standards for financial assurance mechanisms that may be used, alone or  
27     in combination, to demonstrate financial assurance for spill-related liabilities.
      - 28     "(c) Establish standards for self-insurance that are no less protective than the qual-  
29     ification standards for self-insurance established in other jurisdictions with similar programs  
30     as of January 1, 2026, and from which Oregon imports significant volumes of oil or fuel pro-  
31     ducts.
      - 32     "(d) Require that an owner or operator that uses self-insurance to establish financial  
33     assurance for spill-related liabilities:
        - 34     "(A) Satisfy a test based on the owner's or operator's:
          - 35     "(i) Solvency; or

1       “(ii) Current credit rating;

2       “(B) Provide quarterly reports to the Department of Environmental Quality to demon-

3       strate the owner's or operator's continued ability to cover spill-related liabilities; and

4       “(C) Provide a guarantee for the amount of financial assurance required.

5       “(e) Require that, before a certificate of financial responsibility is issued to a bulk oils

6       or liquid fuels terminal, one or more financial assurance mechanisms will cover the bulk oils

7       or liquid fuels terminal's potential spill-related liabilities.

8       “(f) Establish initial deadlines for bulk oils or liquid fuels terminals to apply for a certif-

9       icate of financial responsibility.

10      “(g) Require that a certificate of financial responsibility be renewed:

11       “(A) Every three years; and

12       “(B) Each time there is a change in ownership of the bulk oils or liquid fuels terminal

13       or in the identity of the person that holds the certificate of financial responsibility.

14      “(h) Establish policies and procedures for enforcing this section, including:

15       “(A) A process for verifying a bulk oils or liquid fuels terminal's evidence of financial

16       assurance;

17       “(B) Standards for restricting or suspending the operations of bulk oils or liquid fuels

18       terminals that do not satisfy the requirements of this section; and

19       “(C) In accordance with ORS 468.130 and rules adopted pursuant to ORS 468.130, the im-

20       position of a civil penalty for each day that a bulk oils or liquid fuels terminal operates

21       without a certificate of financial assurance.

22       “(i) Be consistent with the requirements of federal law, including the federal Oil Pollution

23       Act of 1990 (P.L. 101-380), while accounting for state-specific needs.

24      “(3) In adopting rules under this section, the commission shall consider requirements for

25       financial responsibility established by the State of Washington in order to promote consist-

26       ency for regulated entities in the region.

27       “(4)(a) Rules adopted under this section may not require a bulk oils or liquid fuels ter-

28       minal to obtain an amount of financial assurance that is greater than \$300 million.

29       “(b) Once every three years, the department shall evaluate and may adjust the maximum

30       amount of financial assurance listed in paragraph (a) of this subsection. If the department

31       adjusts the maximum amount of financial assurance, the department shall adjust the amount

32       of financial assurance required for each bulk oils or liquid fuels terminal accordingly.

33       “(5) The commission shall, at regular times established by the commission by rule, up-

34       date the minimum amounts of financial assurance established under subsection (2)(a) of this

35       section to reflect:

36       “(a) Inflation and other economic conditions;

37       “(b) Industry changes and improvements;

38       “(c) Emerging risks; and

39       “(d) Lessons learned from spill or release response efforts.

40       “(6)(a) The commission shall appoint an advisory committee to assist the commission in

41       drafting rules under this section and ensure that the requirements for financial responsibil-

42       ity established under this section are fair and effective.

43       “(b) The advisory committee shall be composed of, in equal proportions:

44       “(A) Industry stakeholders;

45       “(B) Local government representatives; and

1       **“(C) Community members.**

2       **“(c) The advisory committee may consult with or be advised by any person with expertise**  
3 **relevant to the duties of the advisory committee.**

4       **“(7) A local government, as defined in ORS 174.116, may not adopt or enforce any ordinance,**  
5 **rule or regulation requiring the owner or operator of a bulk oils or liquid fuels terminal to obtain a financial assurance mechanism that exceeds or is in addition to the**  
6 **requirements of this section or rules adopted by the commission pursuant to this section.”.**

7       In line 43, delete “(3)” and insert “(4)”.

8       In line 45, delete “(3)” and insert “(4)”.

9       After line 45, insert:

10      **“SECTION 8. In adopting rules under section 4 of this 2026 Act, the Environmental**  
11 **Quality Commission shall require that, for a bulk oils or liquid fuels terminal operating in**  
12 **this state on the effective date of this 2026 Act, the initial deadline to apply for a certificate**  
13 **of financial responsibility be no later than March 31, 2027.”.**

14      On page 4, line 1, delete “8” and insert “9”.

15      On page 5, line 7, delete “9” and insert “10”.

16      In line 23, delete “10” and insert “11”.

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