

HB 4100-2
(LC 108)
2/9/26 (STN/ps)

Requested by Representative ISADORE

**PROPOSED AMENDMENTS TO
HOUSE BILL 4100**

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
3 should:

4 “(a) Ensure that the rules are consistent with federal standards, where
5 appropriate, while addressing state-specific risks and needs; and

6 “(b) Consider requirements for financial responsibility established by the
7 State of Washington in order to promote consistency for regulated entities
8 in the region.”.

9 On page 2, line 4, after “insurance” insert “or self-insurance”.

10 Delete lines 20 to 45.

11 On page 3, delete lines 1 through 33 and insert:

12 **“SECTION 4. (1) The owner or operator of a bulk oils or liquid fuels
13 terminal shall acquire and maintain a certificate of financial respon-
14 sibility in accordance with rules adopted by the Environmental Quality
15 Commission under this section.**

16 **“(2) Rules adopted by the commission must:**

17 **“(a) Establish reasonable minimum amounts of financial assurance
18 based on an evaluation of:**

19 **“(A) The type, size and operational risk of bulk oils or liquid fuels
20 terminals;**

21 **“(B) The maximum volume of oil, liquid fuel or hazardous materials**

1 handled by bulk oils or liquid fuels terminals;

2 “(C) Historical spill or release response costs and projected cleanup
3 expenses in the areas where bulk oils or liquid fuels terminals operate;

4 “(D) The environmental sensitivity of the areas where bulk oils or
5 liquid fuels terminals operate;

6 “(E) Commercially available financial assurance mechanisms, in-
7 cluding maximum coverages offered; and

8 “(F) Financial assurance requirements in other jurisdictions.

9 “(b) Establish standards for financial assurance mechanisms that
10 may be used, alone or in combination, to demonstrate financial as-
11 surance for spill-related liabilities.

12 “(c) Establish standards for self-insurance that are no less protec-
13 tive than the qualification standards for self-insurance established in
14 other jurisdictions with similar programs as of January 1, 2026, and
15 from which Oregon imports significant volumes of oil or fuel products.

16 “(d) Require that an owner or operator that uses self-insurance to
17 establish financial assurance for spill-related liabilities:

18 “(A) Satisfy a test based on the owner’s or operator’s:

19 “(i) Solvency; or

20 “(ii) Current credit rating;

21 “(B) Provide quarterly reports to the Department of Environmental
22 Quality to demonstrate the owner’s or operator’s continued ability to
23 cover spill-related liabilities;

24 “(C) Provide a guarantee for the amount of financial assurance re-
25 quired; and

26 “(D) Establish a standby trust fund.

27 “(e) Require that, before a certificate of financial responsibility is
28 issued to a bulk oils or liquid fuels terminal, one or more financial
29 assurance mechanisms will cover the bulk oils or liquid fuels
30 terminal’s potential spill-related liabilities.

1 “(f) Establish initial deadlines for bulk oils or liquid fuels terminals
2 to apply for a certificate of financial responsibility.

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

4 “(A) Every three years; and

5 “(B) Each time there is a change in ownership of the bulk oils or
6 liquid fuels terminal or in the identity of the person that holds the
7 certificate of financial responsibility.

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

10 “(A) A process for verifying a bulk oils or liquid fuels terminal’s
11 evidence of financial assurance;

12 “(B) Standards for restricting or suspending the operations of bulk
13 oils or liquid fuels terminals that do not satisfy the requirements of
14 this section; and

15 “(C) In accordance with ORS 468.130 and rules adopted pursuant to
16 ORS 468.130, the imposition of a civil penalty for each day that a bulk
17 oils or liquid fuels terminal operates without a certificate of financial
18 assurance.

19 “(i) Be consistent with the requirements of federal law, including
20 the federal Oil Pollution Act of 1990 (P.L. 101-380), while accounting for
21 state-specific needs.

22 “(3) In adopting rules under this section, the commission shall
23 consider requirements for financial responsibility established by the
24 State of Washington in order to promote consistency for regulated
25 entities in the region.

26 “(4)(a) Rules adopted under this section may not require a bulk oils
27 or liquid fuels terminal to obtain an amount of financial assurance
28 that is greater than \$300 million.

29 “(b) Once every three years, the department shall evaluate and may
30 adjust the maximum amount of financial assurance listed in para-

1 graph (a) of this subsection. If the department adjusts the maximum
2 amount of financial assurance, the department shall adjust the
3 amount of financial assurance required for each bulk oils or liquid
4 fuels terminal accordingly.

5 “(5) The commission shall, at regular times established by the
6 commission by rule, update the minimum amounts of financial assur-
7 ance established under subsection (2)(a) of this section to reflect:

8 “(a) Inflation and other economic conditions;

9 “(b) Industry changes and improvements;

10 “(c) Emerging risks; and

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

12 “(6)(a) The commission shall appoint an advisory committee to as-
13 sist the commission in drafting rules under this section and ensure
14 that the requirements for financial responsibility established under
15 this section are fair and effective.

16 “(b) The advisory committee shall be composed of, in equal pro-
17 portions:

18 “(A) Industry stakeholders;

19 “(B) Local government representatives; and

20 “(C) Community members.

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

23 “(7) A local government, as defined in ORS 174.116, may not adopt
24 or enforce any ordinance, rule or regulation requiring the owner or
25 operator of a bulk oils or liquid fuels terminal to obtain a financial
26 assurance mechanism that exceeds or is in addition to the require-
27 ments of this section or rules adopted by the commission pursuant to
28 this section.”.

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

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

1 After line 45, insert:

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

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

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

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

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