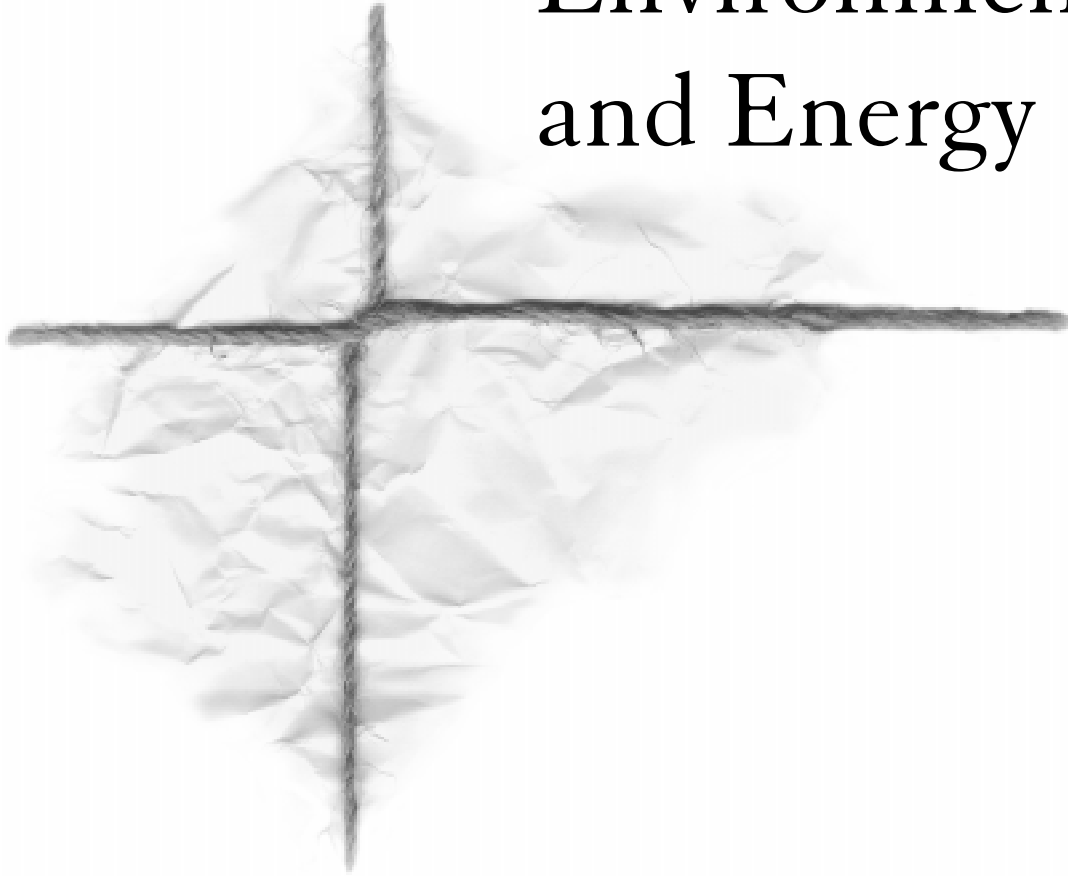


Environment and Energy



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Summary
of Major
Legislation

Senate Bill 146

Relating to toxics use reduction program.

SB 146 is the result of a task force convened to examine statutes relating to Toxics Use Reduction and Hazardous Waste Reduction Act, enacted by the 1989 Legislative Assembly. That Act requires Oregon companies to systematically plan how to reduce toxic chemical use and hazardous waste production. The task force involved staff from the Department of Environmental Quality (DEQ) and a wide range of business and environmental organizations. SB 146 is the first amendment to the law since its passage in 1989.

Under SB 146, companies have additional flexibility in crafting their reduction plans by removing requirements for detailed cost accounting systems. The measure establishes specific performance goals for individual chemicals. SB 146 also provides an incentive for companies instituting Environmental Management Systems (EMS), which are more stringent forms of internal environmental controls than required under the Act.

Companies that have reduced their chemical use and hazardous waste in all feasible ways and have agreed to institute a consumer education program to inform the public of less toxic or nontoxic products may opt out of the planning requirements of the 1989 Act. Companies choosing to opt out still must publicly report their use of chemicals and their production of hazardous waste.

SB 146 specifies that small generators of hazardous waste are no longer required to complete an annual progress report on their plans. DEQ's experience indicated that requiring small generators to complete one plan is more effective than annually re-evaluating those plans. In addition, small generators of hazardous waste that are not in compliance are allowed an extra year to complete their toxics use reduction plans without facing penalties.

Effective Date: October 4, 1997

Senate Bill 185

Relating to exemptions from sanitarian registration requirements

SB 185 exempts Department of Environmental Quality (DEQ) staff, except for employees working in the area of on-site waste water disposal, from the Sanitarians Registration Board requirements. Local government employees or agents not currently employed in a

position that requires registration are also exempt from registering with the Sanitarians Registration Board.

The Sanitarians Registration Board, which was the predecessor to the Department of Environmental Quality (DEQ), is responsible for public health areas such as restaurant and pool inspections and waste water treatment. State law predating the formation of DEQ requires persons employed in environmental regulation to be registered sanitarians. Currently, DEQ employees who work in the sub-surface sewage program are registered as sanitarians. DEQ staff who work in the areas of water quality, sewage treatment facilities, solid waste, hazardous waste, underground storage tanks, spill response, environmental cleanup, and air quality are not registered sanitarians.

Effective Date: October 4, 1997

House Bill 3227

Relating to financial assistance for fuel tanks.

HB 3227 creates a financial assistance program for upgrading or replacing fuel tanks containing aircraft or marine fuel. Federal and state law require that all underground storage tanks must be upgraded by December 22, 1998, for the purpose of protecting groundwater. Facilities that are the sole fuel supplier for a port that demonstrate financial need are eligible for grants. Any port owning or responsible for 12 or fewer tanks may apply for a grant equal to 75 percent of eligible project costs not to exceed \$75,000. Grant funds may be used to upgrade or replace a fuel tank, conduct corrective action, or install a vapor collection system at a fuel tank facility.

Effective Date: August 5, 1997

House Bill 3283

Relating to energy facility siting.

HB 3283 embodies recommendations from the Oregon Energy Facility Siting Task Force review of the process for siting energy facilities. Established by the 1995 Legislature, the task force recommended revision of two primary sections of the Energy Facility Siting Act. First, the measure eliminates the need-for-power standard, thereby letting the wholesale market determine the need for new power plants. Second, HB 3283 adopts a new standard to reduce carbon dioxide emissions.

The measure establishes three statutory means by which an applicant may comply with the applicable carbon

dioxide standard: the demonstration of carbon dioxide reductions from cogeneration; the demonstration of carbon dioxide reductions from other facilities selected by the applicant (performance path); or provision of funds deemed sufficient to purchase the emission offsets needed to meet the standard (monetary path). Provisions apply only to new energy facilities.

Effective Date: June 26, 1997

House Bill 3385

Relating to underground storage tanks.

HB 3385 declares a legislative finding that financial assistance for the upgrading of underground storage tanks is necessary to protect public health, safety, and the environment and is necessary for the continued viability of motor fuel businesses in small and isolated communities. Federal and state law require that all underground storage tanks must be upgraded or replaced by December 22, 1998, for the purpose of protecting groundwater. To date, the Department of Environmental Quality has awarded 81 essential services grants to gas stations for upgrading or replacing underground storage tanks. HB 3385 extends the essential services grant program until December 31, 1999, and establishes criteria for ranking grant applications. Grants may be awarded in an amount equal to 75 percent of project costs not to exceed \$75,000 if funds are appropriated by the Emergency Board.

Effective Date: August 5, 1997

House Bill 3456

Relating to recycling.

HB 3456 declares a state policy to encourage public and private source-separated recycling programs. The measure promotes waste prevention and encourages commercial recycling programs. HB 3456 provides washed incentives for expanding voluntary recycling activities.

In 1971, the Oregon legislature enacted the Beverage Container Act. The Act requires all carbonated beverage containers sold in Oregon to have a refund value, requires dealers and distributors to accept containers and refund deposits, and allows establishment of redemption centers if approved by the Oregon Liquor Control Commission. The Opportunity to Recycle Act, passed in 1983, provided for: 1) monthly curbside recycling programs in cities of 4,000 or greater; 2) recycling drop-off facilities in cities with a population un-

der 4,000; 3) local government authorization to franchise garbage haulers; and 4) requirement that local governments promote recycling and regularly provide recycling education to the general public. Oregon's recycling laws underwent a major revision in 1991 with the passage of Senate Bill 66. One provision of that measure established the state's overall waste recovery goal of 50 percent by the year 2000. That policy aims at recovering, rather than landfilling, 50 percent of total municipal solid waste generated. The 1995 Material Recovery Survey, conducted by the Department of Environmental Quality, reported recovery of over 1.25 million tons, or nearly 35% of the total waste stream.

HB 3456 requires the Legislative Assembly Recycling Plan to include container glass, magazines, mixed waste paper, and plastic bottles. HB 3456 directs the Legislative Administration Committee to educate legislators on recycling programs in the State Capitol and establishes a House Interim Task Force to study recycling issues.

Effective Date: October 4, 1997

House Bill 3640

Relating to nuclear facilities.

HB 3640 declares a state policy against the processing of mixed oxide fuel at the Hanford Nuclear Reservation. Nearly one million Oregonians live down-river from Hanford Nuclear Reservation. The cities of Hermiston, Boardman, Umatilla, and the Umatilla Indian Reservation are located within the fifty mile nuclear emergency planning radius of the Hanford site. As a result of recent treaties, both the United States and the former Soviet Union have excess weapons-grade plutonium which must be safely disposed. Two primary disposal methods are conversion to mixed oxide fuel (reactor fuel) and vitrification (turn into glass). HB 3640 requests the President and the Secretary of the U.S. Department of Energy to continue the long-standing policy banning use of plutonium to fuel nuclear facilities and declares that vitrification is the preferred means to dispose of excess plutonium to protect human health and the environment. The measure further urges implementation of the federal mandate to clean-up and restore the Hanford Nuclear Reservation.

Effective Date: October 4, 1997

House Bill 3724

Relating to brownfields redevelopment.

HB 3724 creates a financial assistance program for persons interested in redeveloping brownfields properties for the purpose of funding environmental evaluations. A brownfield is defined as real property where expansion or redevelopment is complicated by real or perceived environmental contamination. The measure defines environmental evaluation as activities undertaken to determine if a hazardous substance release has occurred, if the release poses a significant threat to human health or the environment, or if additional remedial actions may be required at the site. The evaluation is meant to identify the extent of contamination for property redevelopment considerations.

HB 3724 provides three avenues for an individual to receive financial assistance for costs associated with an environmental evaluation: Brownfields Redevelopment Fund, Special Public Works Fund, and Credit Enhancement program. The measure does not provide financial assistance for site clean up activities.

HB 3352 (1995) directed the Economic Development Department to explore funding strategies and financial incentives to facilitate productive use of contaminated industrial and commercial property. HB 3724 was introduced at the request of the Oregon Brownfields Funding Task Force in order to implement task force recommendations. Primary task force considerations included potential threats to public health and the environment, land use densities and urban growth pressures, tax revenues, and economic development. HB 3724 creates the position of Brownfields Redevelopment Coordinator in the Economic Development Department.

Effective Date: October 4, 1997

Measures Vetoed by the Governor

House Bill 2937

Relating to motor vehicle emission testing requirements.

HB 2937 exempts motor vehicles from vehicle inspection program requirements if the vehicle is not registered in a county designated as a nonattainment area for ozone. The exemption also applies if the vehicle is not used to commute to a location within a designated nonattainment area. The measure applies to vehicles

registered in Columbia County and Yamhill County because portions of these counties are included in the Portland/Vancouver Ozone Maintenance Plan.

Governor's Veto Message (June 26, 1997):

I am returning herewith HB 2937, unsigned and disapproved.

HB 2937 directs the Environmental Quality Commission to establish an exemption from the vehicle inspection test for individuals who live in Yamhill and Columbia counties and who do not commute into Multnomah, Clackamas, or Washington counties.

Clean air is vital to our health and our quality of life in Oregon. The Portland metropolitan area has made great strides to clean the air, and the federal government has approved our plan. Today, the challenge before us is not to clean up dirty air; the challenge is to maintain the strides we have made.

Our biggest threat to clean air is the motor vehicle. Industry has already invested millions of dollars in cleaning up their emissions. Now each of us must do our part as individuals to maintain clean air. DEQ's vehicle inspection program has been proven to be effective and cost efficient in reducing emissions.

I oppose this exemption of non-commuters in Yamhill and Columbia counties for several reasons: 1) the use of a motor vehicle for commuting to work is not necessarily indicative of the number of miles it travels, nor of the amount of pollution it produces, 2) creating an air quality exemption along a county line is not a resource-based decision, 3) an exemption from this important program will establish a poor precedent, and 4) the exemption is largely unenforceable.

I believe those who contribute to the air pollution problem should also contribute to the solution. This bill would limit our ability to ask for that contribution.

House Bill 3455

Relating to motor vehicle emission testing requirements.

HB 3455 exempts diesel trucks from vehicle emission testing requirements and requires the Department of Environmental Quality (DEQ) to confer with the legislature prior to adopting emission standards for new classes of vehicles. The measure exempts any vehicle that is diesel powered, manufactured on or before De-

ember 31, 1997 and weighs more than 8,500 pounds from motor vehicle testing requirements. Currently, the DEQ does not test diesel vehicles and indicated that they do not plan to test them in the near future. However, the federal Environmental Protection Agency has proposed new stricter emission standards for particulates that may require emission reduction strategies and diesel engine testing. Under HB 3455, the DEQ is required to consult with the Legislative Assembly or appropriate interim committee, before requesting the Environmental Quality Commission to adopt emission standards for a new class of vehicles.

Governor's Veto Message (August 8, 1997):

I am returning herewith House Bill 3455, unsigned and disapproved.

House Bill 3455 would provide an exemption for heavy duty diesel vehicles from the Department of Environmental Quality's (DEQ) emission testing program.

An exclusion for diesel vehicles now would be unfair to other sources of particulate pollution. The United States Environmental Protection Agency has recently proposed new and stricter emission standards for particulates that may require emission reduction strategies to be developed in some areas of Oregon. Heavy duty diesel vehicles are significant contributors of particulate pollution. It would be unfair to other sources of particulate emissions, such as woodstoves and industry, to give diesel trucks a blanket exclusion.

The decision about whether to test diesel vehicles in the future should be made as part of an overall plan on emission reductions that looks at all options. Such a plan would appropriately be prepared by the Environmental Quality Commission. If emission reductions are necessary to protect public health and comply with fine particulate standards, emission standards for this class of vehicles would be one option evaluated by an advisory committee recommending strategies. These strategies would be available for public review and comment prior to any action by the Environmental Quality Commission.

House Bill 3455 is bad for the environment and bad public policy. Smoke from diesel vehicles (buses, garbage trucks, personal pickups and others) is DEQ's most frequent complaint from the public. A decision on whether to test the vehicles in the future should be a deliberate one that considers other options along with

costs to the trucking industry and other sources of particulate pollution.

Major Legislation

Not Enacted

Senate Bill 938

Relating to hazardous substance fees

SB 938 would have set the basis for assessing fees to fund the Community Right to Know and Protection Act, Toxics Use Reduction program, Hazardous Waste Reduction Act and Orphan Site Account. The measure would have shifted the basis for fee assessment based on aggregate amounts of substances on-site to a fee based on the amount of information reported on the State Fire Marshal's hazardous substance information survey and clarified that the State Fire Marshal would collect fees. Local governments would have been required to certify that hazardous substance fees would be used only for the local government's hazardous substance planning activities supplemental to, and not duplicative of, the State Fire Marshal's programs.

Senate Bill 1226

Relating to community right to know programs.

SB 1226 would have prohibited local governments and other political subdivisions from establishing, enforcing, or enacting a local right to know regulatory program until July 1, 1999.

House Bill 2378

Relating to access to public beaches.

HB 2378 would have required the State Parks and Recreation Department to ensure availability of convenient public access to beaches, allowing the public to reach the same portion of the shore previously accessible through the department's beach access sites, before the department disposes of the property or ceases to use the property for beach access purposes.

House Bill 3396

Relating to alternative fuel vehicles.

HB 3396 would have authorized a personal income tax credit of 25 percent of the cost of purchase or lease of an alternative fuel vehicle or the cost of modification of a vehicle to use alternative fuel.

