

Senate Bill 40

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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**.

Modifies license fees for heating oil tank regulatory program. Modifies heating oil tank decommissioning certification fees and heating oil tank corrective action certification fees.

Applies to fees assessed on and after January 1, 2020.

A BILL FOR AN ACT

1
2 Relating to heating oil tank regulatory program; creating new provisions; and amending ORS 466.868
3 and 466.872.

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

5 **SECTION 1.** ORS 466.868 is amended to read:

6 466.868. (1) In order to obtain a license under the program established pursuant to ORS 466.858,
7 a person shall provide to the Department of Environmental Quality:

8 (a) A certificate of insurance in an amount adequate to pay for any additional corrective action
9 necessary as a result of an improper or inadequate decommissioning or corrective action approved
10 by the department.

11 (b) A summary of all projects completed since the applicant last applied for a license, including
12 the costs of those projects.

13 (c) For each individual license, a demonstration of ability, which may consist of written or field
14 examinations.

15 (d) Any other information deemed necessary by the department.

16 (e) An annual license fee. The fee shall be:

17 (A) [~~\$750~~] \$_____ for the business, including but not limited to corporations, limited partnerships
18 and sole proprietorships, engaged in the performance of heating oil tank services; and

19 (B) [~~\$75~~] \$_____ for each individual employed by the business and charged with the supervisory
20 responsibility to direct and oversee the performance of tank services at a facility.

21 (2) The department shall maintain a registry of all persons licensed under this section, including
22 a summary of the project information required in the application.

23 (3) In accordance with ORS chapter 183, the department may revoke a license of any person
24 offering heating oil tank services who commits fraud or deceit in obtaining a license or who dem-
25 onstrates negligence or incompetence in performing the heating oil tank services.

26 **SECTION 2.** ORS 466.872 is amended to read:

27 466.872. (1) In establishing the requirements to certify a voluntary decommissioning or to ap-
28 prove corrective action on the basis of a certification received from a heating oil tank service pro-
29 vider, the Department of Environmental Quality shall include:

30 (a) A process for conducting inspections of sites where a heating oil tank has been decommis-

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 sioned or where a heating oil tank service provider certifies corrective action is complete;

2 (b) The specific information that a person must submit to certify that corrective action is com-
3 plete;

4 (c) Provisions that allow the department to reject certification and require additional corrective
5 action prior to approval by the department that the certification is complete and complies with the
6 standard set forth in ORS 465.315; and

7 (d) Provisions to require additional information about a decommissioning before certifying the
8 decommissioning.

9 (2) Any person requesting certification of a heating oil tank decommissioning under subsection
10 (1) of this section shall file a request with the department accompanied by a filing fee of [\$75]
11 \$_____.

12 (3) Any person requesting certification of a heating oil tank corrective action under subsection
13 (1) of this section shall file a request with the department accompanied by a filing fee of [\$200]
14 \$_____.

15 **SECTION 3. The amendments to ORS 466.868 and 466.872 by sections 1 and 2 of this 2019**
16 **Act apply to fees assessed on and after the effective date of this 2019 Act.**

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