

PUBLIC UTILITIES

1473

Mass transit, generally c. 675
HB 2276

N

X

Provides funding assistance for public transportation projects of cities, counties and mass transit districts. Requires Department of Transportation or other state agency, commission, division or officers designated by Governor, to prepare public transportation program. Directs Governor, after consideration of proposed projects of other state agencies and units of local government, to submit program to Legislative Assembly for approval or modification. Requires establishment of standards for evaluating public transportation projects and preparation of priority list of public transportation projects submitted by state agencies and units of local government. Appropriates annually designated funds from State Highway Fund, not to exceed eight percent thereof or amount collected by Motor Vehicles Division from vehicle registrations and transferred to fund, to local units of government for approved projects, subject to specified limitations on projects that may be funded. Prohibits accumulation of such state funds for more than two years except for projects approved by state agency. Authorizes mass transit districts to accept contributions from state for district purposes. Permits State Highway Commission to assist in development and implementation of public transportation program and specific projects, and to expend funds therefor. Permits statutory authority for highways to be used for such public transportation purposes. Eff. 1 July 74, unless constitutional amendment proposed by HJR 7 is not approved by voters.

Air pollution (cont.)

regional air quality control authorities (cont.)

authority to withdraw authority from regional programs which are inadequate. Establishes administrative procedures for enforcement of air pollution laws, rules and orders. Provides penalties. Appropriates \$95,888 for state aid. Eff. 1 Jul. 67.

Forest products industry, study of pollution effects and control

c.377
HB 1376

Directs State Board of Higher Education to establish, through Forest Research Laboratory of Oregon State University, a study of air and water pollution. Increases rate of privilege tax on harvest of Class A timber during fiscal years 1968 and 1969 one-half cent and appropriates revenue derived from such increase exclusively for costs of study. Provides for reversion of excess revenue in 1969. Requires report of study to be submitted to Governor, 1969 regular session of legislature and others. Eff. 1 Jul. 67.

Sewage, disposal facilities, bonding and construction

7/10
c.427
SB 472

Permits governing body of municipality to refer to voters bond issue for sewer systems. Removes such bonds from debt limit. Requires municipality ordered to construct sewage disposal facilities by Sanitary Authority to hold bonding election within one year and permits authority to initiate court action to require such election or court-ordered bonding if municipality fails to act. Eff. 19 Jun. 67.

treatment projects, financing

c.423
HB 1322

Appropriates \$3 million to Sanitary Authority to reimburse municipalities up to 25 percent of cost of construction of sewage treatment works, where such action will result in federal grant of 50 percent of such costs.

Solid waste control

c.428
SB 538

Establishes state-wide program for control of solid wastes and creates Solid Waste Control Section under Division of Sanitation and Engineering of State Board of Health. Sets out guidelines for program and directs board to promulgate rules for storage, collection, transportation and disposal of solid wastes and control of solid waste disposal sites to prevent vector nuisances, health hazards and pollution. Directs Sanitary Authority to promulgate related rules regarding air and water pollution. Permits cities and home rule counties to enact supplemental regulations to meet special local conditions. Makes provision for inspection and enforcement and provides penalties.

Water pollution, revision

all p. SB c.426
39

Revises definitions for water pollution statutes. Prohibits waste discharge after January 1, 1968, without permit issued by Sanitary Authority. Authorizes authority to abate pollution or threatened pollution, and extends abatement powers of authority. Authorizes recovery for damages to fish and wildlife. Revises certain specific prohibitions to conform to general prohibition. Provides penalties.

POLLUTION CONTROL

See also CITIES; LOCAL GOVERNMENT; TAXATION; WATER AND WATER RIGHTS

Air pollution, field

burning c.420
HB 1023
Requires permit from county court or board of county commissioners for burning forest land, grass, grain or stubble outside fire district and from fire chief when burning grass, grain or stubble in a fire district. Requires any authority issuing a fire permit to make use of data from Sanitary Authority and weather bureau and advice of State Fire Marshal in prescribing burning conditions upon which a permit is issued. Authorizes State Fire Marshal to refuse or revoke permits when necessary to prevent danger to life or property. Authorizes Sanitary Authority to prohibit issuing permits or recommend voluntary limitation when weather conditions restrict smoke dispersion. Eff. 19 Jun. 67.

regional air quality control authorities

c.425
SB 36

Permits establishment by contiguous counties or cities of regional air quality control authorities, subject to approval of State Sanitary Authority. Permits such regional authorities to apply for and receive federal funds; to require registration of certain air pollution sources and to grant variances subject to review by authority. Permits state

1967

X

X

X

16

1969

POLLUTION CONTROL

See also TAXATION; WATER

Administration,
judicial relief

1176
c.608

a

Prohibits judicial stay of order enforcement unless court finds such stay in public interest. Establishes pollution enforcement procedures that bypass administrative hearing if condition would materially contribute to emergency situation.

violations

1177
c.250

a

Provides that where law makes each day of violation a separate offense, offenses may be joined in one indictment, complaint or information in several counts.

Air, burning
restrictions

1228
c.613

a

Revises provisions on fire permits when marginal air conditions prevail. Requires Environmental Quality Commission to set schedule of days, specifying priorities, on which types of burning allowed. Makes commission sole authority for determining conditions. Extends permit system to all year. Eff. 16 Jun. 69.

POLLUTION CONTROL
(cont.)

Air
(cont.)

motor vehicle
emissions

1179
c.504

Prohibits any person from disconnecting or permitting disconnection of any factory-installed air pollution control device or allowing any such device to become inoperative. Provides penalties.

regional
authority, hearings

163
c.567

Permits board of directors of any such air pollution authority, except rule-making hearings, to conduct public hearings through individual board member or hearings officer, but requires submission of any such hearing summary to review of full board prior to order.

regional
authorities, membership

1294
c.113

Fixes minimum and maximum limits for representation of participating cities on board of directors of any such authority. Authorizes participating cities of less than 25,000 population to combine to appoint members to any such board.

sampling program

167
c.331

Requires State Sanitary Authority or any regional air quality control authority to establish sampling program of air contamination sources and require installations necessary for such sampling. Prescribes duties and limitations thereon for applicable authorities and persons in control of such sources. Requires applicable authority to prohibit any new non-complying source. Authorizes applicable authority to institute proceeding to enjoin violations of this Act. Provides penalties for such violations.

Air
(cont.)

state policy

1481
c.216

Revises definition of "air pollution" in air pollution control law and deletes from statement of policy requirement that air purity standards be consistent with economic and industrial well-being of state.

Pesticides

1335
c.268

Authorizes State Department of Agriculture to take emergency action necessary to protect humans, animals and property from improper use or manufacture of pesticides and to regulate registration and use of sodium fluoroacetate or highly toxic pesticides. Prohibits use of unregistered pesticides. Creates Committee on Synthetic Chemicals in the Environment within department. Part eff. 3 Jun. 69; part 1 Sept. 69.

Solid wastes, counties

302
c.90

Authorizes counties to regulate or make agreements with other counties or cities for joint regulation of collection and disposal of solid wastes.

Water, bonds, facilities,
constitutional
amendment

HJR 14

Authorizes bond issue subject to voter approval in specified amount for funds to provide pollution control facilities.

bonds, facilities,
construction

1174
c.503

Authorizes, subject to voter approval of HJR 14, sale of bonds and use of proceeds in Pollution Control Fund for planning and construction of pollution control facilities and acquisition of agency bonds, issued for such purposes.

Water
(cont.)

discarded
vehicle chassis

1178
c.251

Prohibits discard of motor vehicle chassis or parts into state waters or where they may escape into such waters. Provides for beneficial use of such equipment in state waters. Provides penalties.

federal funds

SJM 11

Memorializes Congress to restore certain reductions in federal funds for programs for water pollution control.

Scroggins Creek

HJM 2

Memorializes Congress to amend authorization for Scroggins Creek dam to include water quality control as provision of operating policy upon completion of dam and reservoir.

sewage discharge

498
c.195

Provides enforcement procedure.

Western Interstate
Nuclear Compact

1694
c.444

Ratifies compact. Authorizes Governor to appoint representative to compact board from Nuclear Energy Council. Appropriates \$12,000 for participation in compact. Eff. 11 Jun. 69.

* = Messrs sponsored
- also

a/sp
X

1969

15.

64

1971

POLLUTION CONTROL

See also AGRICULTURE; STATE AGENCIES

Air, field burning c.563 SB 38

Requires Environmental Quality Commission to adopt rules to limit and prohibit burning of designated crops and materials in areas of state and for phased reduction of burning in specified counties, after feasible alternatives to field burning become available. Prohibits field burning in specified counties after 1 Jan. 75. Establishes permit fee up to 50 cents per acre for field burning, part to be used to certify alternatives to field burning, five cents to be used for smoke management

Air, field burning (cont.)

program conducted by Oregon Seed Council. Creates temporary committee to certify proposed alternatives. Allocates unexpended funds to Oregon State University for seed research. Eff. 29 Jun. 71.

forest burning c.297 HB 1567

Requires fire permit on forest lands at all times, rather than only during closed season, unless waived by State Forester. Requires formation of smoke management plan by State Forester and Department of Environmental Quality in areas designated restricted under plan. Restricts forest land burning regulation to existing legal authority. Eff. 4 Jun. 71.

injunctive relief c.249 HB 1575

Deletes "materially contributes to an emergency" as prerequisite condition to use of injunctive remedies by Environmental Quality Commission and regional authorities.

motor vehicle, emissions c.454 HB 1067

Requires Environmental Quality Commission to determine and publish criteria regarding vehicle pollution control systems and to prescribe test and license for persons to install systems. Requires vehicles to have either factory-installed or certified pollution control device unless exempted. Establishes revocation procedures. Directs commission to determine county or counties in which vehicles must be equipped with system. Continually appropriates fees for expenses incurred in administering Act. Exempts designated vehicles.

1971

Air
(cont.)

motor vehicle,
traffic c.424
HB 1574

Authorizes Environmental Quality Commission and regional air pollution control authorities to regulate, limit or prohibit motor vehicle traffic for control of air pollution which presents imminent, substantial danger to health. Directs agencies and local governments to cooperate in administration and enforcement of rules pursuant to Act. Authorizes police to enforce rules and regulations.

A

permit system c.406
HB 1066

Authorizes Environmental Quality Commission or regional air quality control authorities to establish permit system, with fees, for classes of air contaminants and contamination sources. Requires compliance with permit system. Continually appropriates fees to carry out state program.

A

regional
authorities, bond c.336
HB 1573

Exempts regional air quality control authorities from requirement of furnishing bond or undertaking in any court action.

A

regional
authorities,
formation c.635
SB 704

Authorizes Environmental Quality Commission to waive minimum population requirement for formation of regional air quality control authority when satisfied that smaller

A

Air
(cont.)

regional
authorities,
formation (cont.)

area includes territory necessarily included. Authorizes authority to perform less than powers normally vested in such authorities. Removes limitation on maximum number of members of such boards and makes other adjustments in membership.

regional
authorities, powers c.389
SB 350

Authorizes regional air quality control authorities to petition for restoration or transfer of control over classes of air contamination sources assumed or retained by Environmental Quality Commission as beyond capacities of authority.

A

Bonds, allocation c.50
HB 1945

Requires Environmental Quality Commission to allocate proceeds of pollution bond sale in specified amounts between grants to local governments and purchase of bonds thereof. Authorizes state to withhold future payments to local government which defaults on payments to state. Limits commission expenditures for project grants to \$13,500,000. Makes refusal of local government to apply for available federal funds grounds to terminate state participation in construction of facility. Eff. 7 Apr. 71.

A

Bonds
(cont.)

authorization HJR 18

Authorizes Environmental Quality Commission to sell up to \$50 million in bonds for pollution control and to proceed with distribution if no further legislative directives by 1 Apr. 71.

A

use of
proceeds c.662
HB 1185

Increases maximum limit on outstanding pollution control bonds from \$50 million to \$100 million. Authorizes Environmental Quality Commission to expend up to \$30 million for grants and to acquire general obligation bonds of political subdivisions of state, not to exceed 75 percent of total project costs, for planning eligible projects of sewage treatment or solid waste disposal. Requires projects to be 75 percent self-supporting and self-liquidating. Eff. 30 Jun. 71.

A

X

Environmentally
hazardous wastes c.699
HB 1931

Establishes procedures for control and supervision by Environmental Quality Commission of sites for disposal of environmentally hazardous wastes, as defined in Act. Establishes procedures for issuance and revocation of site licenses. Requires deeding of site to state. Establishes fees to cover costs. Requires public hearings regarding issuance of license. Prohibits issuance if Board of Health disapproves. Authorizes commission to order halt of

A

Environmentally
hazardous wastes (cont.)

operations and to investigate upon complaint or own motion. Establishes hearing and appeal procedures. Eff. 30 Jun. 71.

Generally, civil
penalties c.420
HB 1504

Imposes civil penalties for certain violations of air, water and solid waste laws. Requires Environmental Quality Commission to classify violations and adopt schedule for civil penalties. Exempts motor vehicle emission standards. Requires generally written notice of violation before imposition of penalty. Requires commission to enter cease and desist order without hearing at direction of Governor when imminent and substantial danger to health of persons exists as result of air or water pollution. Eff. 20 Jun. 71.

A

Environmental
Quality Department,
director c.253
HB 1887

Deletes requirement that Director of Department of Environmental Quality be an engineer.

A

law revision HJR 52

Directs Legislative Counsel Committee to have prepared topical revision under supervision of Law Improvement Committee and to submit revision to 1973 legislature. Authorizes payment of expenses for revision from funds appropriated to Department of Environmental Quality.

A

local variances c.315
HB 1570

Requires variances granted by local governing bodies to be filed with Environmental Quality

A

169/15

14. 14

Generally
(cont.)

_____, local variances (cont.)

Commission. Requires commission to review and approve or deny variances granted, renewed or extended by local body.

Noise, regulation c.452
HB 1669

Authorizes Environmental Quality Commission to adopt standards relating to control and prevention of excessive noise, including vehicles and aircraft noise. Authorizes commission to institute proceedings to abate noise nuisances. Prohibits emissions of noise in excess of levels set by commission. Eff. 1 Jul. 71.

A

X

Lid waste, beverage containers, refunds c.745
HB 1036

Requires retail beverages containers to have refund value of five cents or two cents on certified, reusable containers. Requires dealers and distributors to pay refund except where licensed redemption center exists for area. Prohibits retail sale of beverages in metal containers with detachable lids. Authorizes suspension or revocation of licenses of violators. Establishes procedures for certifying reusable containers and redemption centers. Requires report to 1975 legislature regarding economic impact and effectiveness of Act. Op. 1 Oct. 72.

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X

Solid Waste
(cont.)

_____, disposal sites c.775
HB 3012

Prohibits Portland from placing or dumping polluting substances without state permit in city or Multnomah County. Provides that violator is ineligible for specified loans and grants from Pollution Control Fund. Eff. 1 Jul. 75.

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_____, regulation c.648
HB 1051

Transfers state authority over solid waste regulation from Board of Health to Environmental Quality Commission. Requires commission to adopt regulations to meet specific needs and conditions within state. Requires state permit for most new disposal sites after 1 Jul. 71 and permit for operation after 1 Jul. 72. Establishes procedure for issuance, renewal, suspension and denial of permits and for variances. Authorizes cities, counties and some districts to adopt and enforce solid waste regulations consistent with state regulations. Eff. 1 Jul. 71.

A

Water, detergents c.667
HB 1336

Requires synthetic cleansing agents being sold in state to be able to decompose by biological means or in secondary sewage treatment plant and to be labeled as to percent of phosphorus by weight. Directs Department of Environmental Quality to adopt rules governing labeling.

A

X

Water
(cont.)

_____, oil spillage c.524
HB 1301

Prohibits discharge of oil and petroleum-related products into waters of state. Imposes strict liability on persons having control for spillage. Requires violators to collect, disperse or contain any spilled oil. Imposes additional maximum penalty for each violation. Establishes Oil Spillage Control Fund within General Fund. Exempts certain spillages.

A

X

14-3

POLLUTION CONTROL (cont.)

Administration, Environmental Quality Department, employes from Columbia Willamette Air Pollution Authority

c. 619 SB 445

Requires that persons employed by the Columbia Willamette Air Pollution Authority at the time of its dissolution and who become employes of the Department of Environmental Quality be credited with vacation and sick leave accrued while with the former agency. Eff. 21 July 73.

Bonds, state, amount, use of proceeds c. 839 HB 2438

Increases from \$100 to \$160 million amount of state pollution control bonds that may be outstanding at any one time. Authorizes state grants and loans for planning and construction of sewerage systems in addition to sewage treatment plants. Permits state-federal matching grant program and increases from \$30 to \$55 million total amount of grants that may be made. Eff. 22 July 73.

Enforcement proceedings c. 826 SB 387

Authorizes Environmental Quality Commission to initiate proceedings at law to enforce any provisions relating to water and air pollution control and rules, standards and orders adopted or entered pursuant to such provisions. Authorizes regional air quality control authorities to exercise same functions as are vested in commission in so far as such functions relate to air pollution control. Authorizes commission to institute enforcement proceedings in designated manner to enforce compliance with or restrain violation of laws relating to solid waste control and noise control and rules or orders made thereunder. Repeals designated provisions relating to authority of commission to initiate such proceedings to enforce compliance with separate portions of such provisions.

Environmentally hazardous wastes c. 778 SB 293

Authorizes Department of Environmental Quality to declassify environmentally hazardous wastes after notice and public hearing pursuant to designated administrative procedures. Prohibits disposal of

Environmentally hazardous wastes (cont.)

wastes by storage in or upon any real property in state other than real property owned by state. Requires, as condition of license, licensee to deed to state that portion of disposal site in or upon which wastes are disposed of by storage; provides that if state is required to pay licensee just compensation for such property, licensee shall pay annual fee sufficient to make such property self-supporting and self-liquidating. Authorizes Environmental Quality Commission to acquire real property for disposal of wastes by condemnation proceedings. Authorizes department to use Pollution Control Fund for disposition of wastes and for acquisition of real property for storage of wastes. Imposes liability for damages to person or property caused by disposition of waste or substance in violation of law or otherwise than as reasonably intended for normal use or handling of waste or substance. Requires person to collect, remove or treat waste or substance as directed by department; requires person to pay expenses incurred by department when he fails to collect, remove or treat waste or substance. Eff. 22 July 73.

Field burning, committee c. 578 HB 2205

Extends date of abolishment of committee on field burning from January 1, 1975 to July 1, 1975. Requires Executive Department to pay designated amounts to committee for smoke management and development and demonstration of alternatives to agricultural open field burning. Prescribes time and manner of such payment. Appropriates from General Fund to Executive Department \$520,000 for required payment. Eff. 21 July 73.

fee c. 577 HB 2204

Increases maximum acreage fee from 50 cents to \$1. Prohibits collection of such fee where efficient burning of stubble is accomplished with certain equipment using auxiliary fuel or mobile filled sanitizer. Increases smoke management program allotment from five to 10 cents of acreage fee. Eff. 21 July 73.

Generally, law revision

c. 835 SB 77

Revises and reorganizes environmental law provisions related to general administration, enforcement, pollution control facilities tax credit, pollution control bonds, air pollution control, motor vehicle pollution control, field burning regulation, regional air quality control authorities, water pollution control, solid waste disposal regulation, environmentally hazardous waste regulation and noise control. Expands provisions regulating community and public water supply systems and water purity. Transfers jurisdiction over subsurface sewage from Board of Health to Department of Environmental Quality; establishes time limit on issuance of subsurface sewage permits; requires designation of county official to issue permits; effective January 1, 1974. Requires reports and information of investigation or hearing be made available to public unless classified by director as confidential or showing is made such items are trade secrets. Prohibits use of such confidential records unless circuit court determines evidence thereof is necessary to determination of an issue being decided at public hearing. Permits fees collected by regional air quality authorities to be retained if authorities comply with state standards. Authorizes Environmental Quality Commission to adopt administrative rules and procedures in performing its functions. Authorizes commission to provide for implementation of Federal Water Pollution Control Act of 1972. Specifies conditions under which municipality violating certain prohibited acts relating to dumping of polluting substances may be eligible for grants or loans from Pollution Control Fund. Substitutes Health Division for State Board of Health in solid waste disposal law. Provides penalties.

Noise, measurement c. 107 SB 295

Requires Environmental Quality Commission to establish method of measuring level of noise emission of each category of noise emission sources for which permissible levels of noise emissions are established.

*A/N = original final
Voted for original bill, but
retreated
voted against
the final one*

POLLUTION CONTROL

also TAXATION

Administration, Environmental Quality Department, deputy director

c. 291 HB 3230

Authorizes appointment of Deputy Director of Department of Environmental Quality by director with approval of Environmental Quality Commission. Eff. 19 July 73.

25
1975

POLLUTION CONTROL (cont.)

Sewage systems, alternate, regulation *Excused* c. 424
HB 2786

Requires Environmental Quality Commission to adopt rules relating to alternate sewage disposal systems. Provides for issuance of permits by Department of Environmental Quality for installation, operation and maintenance of such systems.

_____ , county authority c. 494
SB 876

Grants counties general authority to construct, reconstruct, repair or acquire sewage disposal systems. Prohibits, in areas subject to local government boundary commissions, counties from exercising such authority without approval of boundary commission. Prescribes review procedures for proposed sewage disposal systems in areas subject to local government boundary commissions. Expands definition of "municipality" authorized to construct or acquire sewerage facilities to include county.

_____ , municipalities, bonds to finance c. 213
SB 294

Repeals existing provisions relating to construction and financing of sewer systems. Authorizes municipalities to construct, equip, operate and maintain sewage disposal systems. Authorizes municipalities to issue bonds for acquisition and construction of sewage disposal systems upon voter approval. Requires municipalities to hold election, within one year, on question of bond issue when Environmental Quality Commission issues an order which requires acquisition and construction of disposal system. Authorizes commission to institute certain proceedings against municipalities which fail to hold required elections. Prescribes procedures.

_____ , municipalities, user charges c. 101
HB 2437

Authorizes municipalities to adopt charges and rates sufficient to assure that each recipient of services pays a proportionate share of operating costs. Authorizes requiring industrial users to pay their share of construction, operation and maintenance costs for service by

Sewage systems, municipalities, user charges (cont.)

municipal sewage treatment works. Requires all users of such treatment works to comply with specified requirements of Federal Water Pollution Control Act. Eff. 1 June 73.

Solid waste, beverage containers, certification c. 693
SB 481

Permits, rather than requires, Liquor Control Commission to certify beverage containers. Permits commission to establish by rule appropriate liquid capacities and shapes for beverage containers to be certified or decertified.

_____ , beverage containers, refunds c. 758
HB 3278

Revises provisions relating to return for refund of certain empty beverage containers. Substitutes "person" for "consumer."

_____ , recycling, state agencies HJR 53

Requires state agencies, under direction of Executive Department, to emphasize recycling, procurement and use of recycled materials.

Water, discharge permits, effluent limits, penalties c. 92
HB 2436

Authorizes Director of Department of Environmental Quality to issue, deny, modify or revoke permits for discharge of wastes into waters of the state. Requires that the permit be of less than five years duration and contain effluent limitations. Authorizes the Environmental Quality Commission to amend or cancel rules relating to effluent limitations as defined in federal law. Increases penalties for wilful or negligent violation of certain rules or regulations promulgated by the commission and increases the maximum daily civil penalty for certain violations of final orders of the commission from \$500 to \$10,000. Eff. 30 May 73.