Senate Bill 83

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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.**

Requires Department of Environmental Quality to establish grant and loan program for owners of subsurface sewage disposal systems. Requires department to develop program to assist communities in addressing certain problems associated with subsurface sewage disposal systems. Requires department to conduct training programs related to subsurface sewage disposal systems.

Establishes Subsurface Sewage Disposal System Improvement Fund. Continuously appropriates moneys in fund to department. Specifies uses of moneys.

Provides that certain civil penalties received by department be paid into fund.

A BILL FOR AN ACT

Relating to subsurface sewage disposal system improvement; creating new provisions; amending ORS 468.135; and appropriating money.

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

SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS 454.605 to 454.755.

SECTION 2. (1)(a) The Department of Environmental Quality shall establish a grant and loan program to provide grants and loans for owners of subsurface sewage disposal systems to:

(A) Repair, replace and decommission subsurface sewage disposal systems.

(B) Develop, to the extent consistent with land use requirements, community-based solutions for sewage disposal problems.

(b) The department shall:

(A) Design the grants and loans specified in paragraph (a) of this subsection to protect public health and water quality.

(B) Award the grants and loans based on a demonstration of financial hardship.

(2) The department shall develop and implement a program to assist communities in addressing public health and water quality problems associated with subsurface sewage disposal systems.

(3) The department shall conduct training programs related to installation, operation and maintenance of, and technical assistance for, subsurface sewage disposal systems.

(4) The Environmental Quality Commission shall adopt rules to carry out the provisions of this section, including but not limited to rules that:

(a) Establish criteria for designing and awarding grants and loans under this section.

(b) Establish criteria for developing and implementing the program described in subsection (2) of this section to assist communities in addressing public health and water quality problems.

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.

(c) Specify a fixed percentage of moneys in the Subsurface Sewage Disposal System Improvement Fund established under section 3 of this 2011 Act that must be used for the training programs described in this section.

SECTION 3. (1) The Subsurface Sewage Disposal System Improvement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Subsurface Sewage Disposal System Improvement Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Environmental Quality to:

(a) Support the grant and loan program established under section 2 of this 2011 Act.

(b) Pay all costs incurred by the department in developing and implementing a program as required by section 2 of this 2011 Act to assist communities in addressing public health and water quality problems associated with subsurface sewage disposal systems.

(c) Fund training programs related to installation, operation and maintenance of, and technical assistance for, subsurface sewage disposal systems as required by section 2 of this 2011 Act.

(2) The department may accept grants, donations, contributions or gifts from any source for deposit in the Subsurface Sewage Disposal System Improvement Fund.

(3) The Subsurface Sewage Disposal System Improvement Fund shall consist of:

(a) Moneys accepted by the department pursuant to subsection (2) of this section.

(b) Penalties specified in ORS 468.135 (3).

SECTION 4. ORS 468.135 is amended to read:

468.135. (1) Any civil penalty under ORS 468.140 shall be imposed in the manner provided in ORS 183.745.

(2) **Except as provided in subsection (3) of this section,** all penalties recovered under ORS 468.140 shall be paid into the State Treasury and credited to the General Fund, or in the event the penalty is recovered by a regional air quality control authority, it shall be paid into the county treasury of the county in which the violation occurred.

(3) All penalties recovered under ORS 468.140 (1)(b) or (c) by the Department of Environmental Quality for violations of any provision of ORS 454.605 to 454.755 or any rule or standard or order of the Environmental Quality Commission adopted or issued pursuant to ORS 454.605 to 454.755 shall be paid into the Subsurface Sewage Disposal System Improvement Fund established under section 3 of this 2011 Act.

SECTION 5. The amendments to ORS 468.135 by section 4 of this 2011 Act apply to all penalties recovered under ORS 468.140 (1)(b) or (c) by the Department of Environmental Quality for violations of any provision of ORS 454.605 to 454.755 or any rule or standard or order of the Environmental Quality Commission adopted or issued pursuant to ORS 454.605 to 454.755 on or after the effective date of this 2011 Act.