

E – O U T L O O K

ENVIRONMENTAL HOT TOPICS AND LEGAL UPDATES

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Environmental & Natural Resources Law Section

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Editor's Note: The following is a list of enacted environmental, natural resources, and energy-related bills from the 2015 Oregon Legislative Session. For those who prefer to view this article in PDF format, a copy will be posted on the Section's website at: <http://www.osbenviro.homestead.com/>.

Summary of Oregon's 2015 Environmental, Natural Resources, and Energy Legislation

Not unlike many legislative sessions, the 2015 Legislature passed a number of bills that may be relevant to Environmental and Natural Resource Section members' practice areas. While many more bills were introduced this session, below is a succinct list of environmental, natural resources, and energy-related bills – including a short bill explanation – that passed and may impact your individual practice. Please note, this is not a complete list of legislation that may impact environmental, natural resources, or energy practice areas, but is intended to highlight relevant new laws that practitioners should know about. For more information about the enacted bills and the legislative language, please visit <https://www.oregonlegislature.gov/>.

SB 20

Technical and cleanup changes to current energy efficiency standards. Modifies applicability of minimum energy efficiency standards to certain products. Modifies minimum energy efficiency standards for certain products.

SB 202

Establishes Task Force on Independent Scientific Review for Natural Resources to evaluate and assess the need for independent scientific review in Oregon and make recommendations to the legislature.

SB 324

Repeals sunset on provisions related to low carbon fuel standards (LCFS). The LCFS authorizes DEQ to mandate certain fuel blending requirements and creates an offset market for transportation fuels that cannot achieve the fuel blending requirements.

SB 412

Establishes that the upland placement of dredged material by a port district is productive for purposes of meeting certain solid waste regulations. The bill defines "dredged material" to mean rock, gravel, sand, silt, or other similar material recovered from waters of state, whether saturated or not.

SB 478

Commonly referred to as the "Toxic Free Kids Act" - requires Oregon Health Authority (OHA) to establish and maintain a list of designated high priority chemicals of concern for children's health used in children's products and to periodically review and revise the list. It also requires OHA to post certain chemical related information on its website. For manufacturers (including some retailers) it require manufacturers of certain children's products to provide notice to OHA regarding chemicals on the list and may require certain manufacturers to take additional actions, including replacing chemicals in the products. Lastly, the bill allows OHA to enter into certain data sharing agreements with other states and participate in the Interstate Chemicals Clearinghouse.

SB 752

Conditionally exempts from regulation under certain air pollution laws carbon dioxide emissions from combustion or decomposition of biomass. The bill is consistent with previous air quality regulations with regard to biogenic CO2 emissions and sources.

SB 829

Directs Environmental Quality Commission to adopt, by rule, methodology for Department of Environmental Quality to apply certain water quality standards in assessing waters of state. The bill is intended to improve transparency in non-rule actions taken by DEQ.

HB 2734

Authorizes local government to create by ordinance or resolution Land Bank Authority as municipal corporation for the purpose of rehabilitating legacy brownfield sites.

HB 3315

Requires State Department of Fish and Wildlife to recoup costs incurred in providing services to executive department agencies for advancing administration of fee-funded programs beginning in the 2019-2021 biennium.

HB 3522

Specifies that Environmental Quality Commission may increase water quality permit fees by greater amount than provided for in statute if greater amount is provided for in

Department of Environmental Quality's legislatively approved budget.

HB 3549

Establishes new pesticide requirements for aerial pesticide applicators and authorizes the Oregon Department of Agriculture new authorities related to pesticide applications.

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If you would like to contribute to E-Outlook or have any comments, please contact the E-Outlook Editor, Sarah Liljefelt, at s.liljefelt@water-law.com or (503) 281-4100.