



Legislative Concept Request 468: Spill Prevention Fees

Background

The Department of Environmental Quality oil spill prevention and preparedness program requires certain facilities and vessels to prepare oil spill contingency plans and conduct emergency response exercises. DEQ is also required to prepare and maintain a statewide oil and hazardous material spill response plan.

The activities to (1) review and approve plans, (2) plan, conduct and evaluate exercises, and (3) prepare the statewide oil and hazardous material response plan are funded by the Oil Spill Prevention Fees. Current fees are not adequate to fund the authorized 3.4 FTE to implement this program.

The current standard for completion of response plan reviews is 90 days from submission. With a reduced workforce DEQ would develop a backlog of contingency plans that need to be reviewed and approved. Emergency preparedness drills are currently scheduled with each plan holder every three years. Without the fee increase plan review would be delayed and drill frequency would be reduced. With current resources DEQ would need to reduce exercise participation from 12 per year to 3. This would mean each plan holder's ability to respond would only be tested by DEQ once every nine years rather than every three years.

Additionally any progress made based on a previous exercise would not be able to be measured. ORS 468B.345(3) requires contingency plans to be renewed every five years. If DEQ is limited to testing plan execution once every nine years, a plan might be in place and never tested for adequacy.

Proposed Solution

To address this issue, LC 468 would increase the oil spill prevention fees that are used for the state emergency response plan for oil and hazardous material releases and for industry prepared contingency plan review and emergency response exercises. The last time the spill prevention fee was increased was in 2015.

The proposed increases are anticipated to fund the program through 2025. Funding for a full 3.4 FTE for prevention and preparedness would allow DEQ to participate in full-scale exercises with a fully trained incident management team once every three years for each plan holder and observe equipment deployment drills or tabletop exercises twice during each contingency plan renewal cycle. There would be no backlog of contingency plans and DEQ would meet the goal of each plan renewal within 90 days of submittal.

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