

UST Program Fee Increase: HB 2268 A

Introduction

House Bill 2268 A allows DEQ to continue its work to implement the Underground Storage Tank program by increasing the UST permit fee. The fee increase supports protecting the environment by:

- Preventing and minimizing leaks impacting air, water and land from USTs; and
- Verifying each facility has insurance to clean up contamination, and stays in business if a leak occurs.

Increasing the tank fee will allow DEQ to maintain existing positions in the UST program and allow for a new policy position. The legislature last increased the per tank fee in 2007 from \$85 to \$135.

DEQ and stakeholders propose to continue the current per tank fee model and increase DEQ's per tank fee from \$135 to \$325 over four years beginning January 2018.

Year	Proposed Fee
2018	\$195/tank
2019	\$245/tank
2020	\$295/tank
2021	\$325/tank

What's the environmental concern?

Federal and state laws regulate USTs that are used to store petroleum and other hazardous substances. Compliance with these regulations prevents leaks that can contaminate air, groundwater and soil. Over the last 10 years, Oregon has spent over \$5 million cleaning up releases from leaking USTs with special project grants and additional cost recovery funds.

The program's primary purpose is to ensure leaks do not occur. DEQ does this by verifying proper operation of leak prevention equipment, such as corrosion protection equipment, spill and overflow protection, and leak detection systems. Historical data shows tank sites without functioning leak prevention equipment have an increased likelihood of releases which may contaminate groundwater.

As of September 2000, nearly 532,000 UST releases had been confirmed in the U.S. Once in the soil, these releases can move rapidly and threaten drinking water supplies. The U.S. Environmental Protection Agency estimates that about half of UST releases reported reach ground water. Business owners operating without pollution liability insurance create a barrier to pay for the cleanup of releases.

DEQ inspections and technical assistance help ensure the proper functioning of UST systems and that owners have the required financial coverage.

Why is a fee increase needed?

The U.S. Congress and Oregon passed laws in the late 1980s requiring owners to upgrade and maintain their

USTs in response to the problem of petroleum leaks contaminating groundwater. The Oregon law also required a "per tank" fee to pay for DEQ to implement the law. DEQ uses no general funds for this work.

In March 2016, DEQ fell behind on the federal requirement to inspect each facility once every three years due to a lack of revenue from fees and federal grants to fill two vacant positions. EPA increased the number of required inspections for federal fiscal year 2016 to compensate for DEQ staff reductions, but Oregon is still unable to meet the federal requirement.

Without adequate funding for Oregon's UST program, DEQ will not have the ability to carry out the program nor conduct an adequate number of inspections to verify if USTs are properly equipped, operated and maintained. Without a fully operational program, USTs pose a threat to human health and the environment.

Additionally, EPA passed final UST rules in 2016. DEQ must be in compliance with those revised rules by September 2018. Without a fee increase, DEQ will be unable to fully implement those rules and would face the potential loss of other funds, such as the Leaking UST and Leaking UST Prevention grant funding (\$1.317 million in federal FY 2017) for cleanups and inspections.

What happens if the bill does not pass?

Without this fee increase, Oregonians and tank owners would experience:

- An increase in the number of inspections performed by EPA or its contractors, potentially carrying higher penalties;
- Reduced technical assistance; and
- A decrease in compliance oversight resulting in a higher potential for releases to occur for existing and new USTs.

For more information

Please contact: Mitch Scheel, DEQ Tanks program, Portland, (503) 229-6704 or toll-free in Oregon at 1-800-452-4011.

E-mail: scheel.mitch@deq.state.or.us

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011 or email deqinfo@deq.state.or.us.



State of Oregon
Department of
Environmental
Quality

Operations Division
Underground Storage Tank
Compliance Program
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-6704
800-452-4011
Fax: 503-229-
Contact: Mitch Scheel
www.oregon.gov/DEQ