

House Bill 3012

Sponsored by COMMITTEE ON RULES (at the request of Oregon Public Ports Association)

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**.

Defines conditions when rock, gravel, sand, silt and other similar material removed from waters of state are and are not solid waste.

A BILL FOR AN ACT

1
2 Relating to solid waste; creating new provisions; and amending ORS 459.005.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 459.005 to**
5 **459.437.**

6 **SECTION 2. Rock, gravel, sand, silt and other similar material that are removed from**
7 **the waters of this state are solid waste if:**

8 (1) **Federal or state authorizations require the rock, gravel, sand, silt and other similar**
9 **material to be disposed of in a municipal solid waste landfill, as defined in 40 C.F.R. 257.2;**
10 **or**

11 (2) **The rock, gravel, sand, silt and other similar material are taken to a municipal solid**
12 **waste landfill, as defined in 40 C.F.R. 257.2, for disposal and are not used as cover, as roadbed**
13 **material or for other beneficial use.**

14 **SECTION 3. ORS 459.005 is amended to read:**

15 459.005. As used in ORS 459.005 to 459.437, 459.705 to 459.790 and 459A.005 to 459A.665:

16 (1) "Affected person" means a person or entity involved in the solid waste collection service
17 process including but not limited to a recycling collection service, disposal site permittee or owner,
18 city, county and metropolitan service district.

19 (2) "Board of county commissioners" or "board" includes a county court.

20 (3) "Collection service" means a service that provides for collection of solid waste or recyclable
21 material or both but does not include that part of a business operated under a certificate issued
22 under ORS 822.110.

23 (4) "Commercial" means stores, offices including manufacturing and industry offices, restaurants,
24 warehouses, schools, colleges, universities, hospitals and other nonmanufacturing entities, but does
25 not include other manufacturing activities or business, manufacturing or processing activities in
26 residential dwellings.

27 (5) "Commission" means the Environmental Quality Commission.

28 (6) "Compost" means the controlled biological decomposition of organic material or the product
29 resulting from such a process.

30 (7) "Department" means the Department of Environmental Quality.

31 (8)(a) "Disposal site" means land and facilities used for the disposal, handling or transfer of, or

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.

1 energy recovery, material recovery and recycling from solid wastes, including but not limited to
 2 dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping
 3 or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste
 4 delivered by the public or by a collection service, composting plants and land and facilities previ-
 5 ously used for solid waste disposal at a land disposal site.

6 (b) “Disposal site” does not include:

7 (A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or
 8 dispose of both hazardous waste and solid waste;

9 (B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

10 (C) A site used by the owner or person in control of the premises to dispose of soil, rock, con-
 11 crete or other similar nondecomposable material, unless the site is used by the public either directly
 12 or through a collection service; or

13 (D) A site operated by a dismantler issued a certificate under ORS 822.110.

14 (9) “Energy recovery” means recovery in which all or a part of the solid waste materials are
 15 processed to use the heat content, or other forms of energy, of or from the material.

16 (10) “Franchise” includes a franchise, certificate, contract or license issued by a local govern-
 17 ment unit authorizing a person to provide solid waste management services.

18 (11) “Hazardous waste” has the meaning given that term in ORS 466.005.

19 (12) “Household hazardous waste” means any discarded, useless or unwanted chemical, material,
 20 substance or product that is or may be hazardous or toxic to the public or the environment and is
 21 commonly used in or around households and is generated by the household. “Household hazardous
 22 waste” may include but is not limited to some cleaners, solvents, pesticides and automotive and
 23 paint products.

24 (13) “Land disposal site” means a disposal site in which the method of disposing of solid waste
 25 is by landfill, dump, pit, pond or lagoon.

26 (14) “Landfill” means a facility for the disposal of solid waste involving the placement of solid
 27 waste on or beneath the land surface.

28 (15) “Local government unit” means a city, county, metropolitan service district formed under
 29 ORS chapter 268, sanitary district or sanitary authority formed under ORS chapter 450, county
 30 service district formed under ORS chapter 451, regional air quality control authority formed under
 31 ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible
 32 for solid waste management.

33 (16) “Material recovery” means any process of obtaining from solid waste, by presegregation or
 34 otherwise, materials that still have useful physical or chemical properties and can be reused or re-
 35 cycled for some purpose.

36 (17) “Metropolitan service district” means a district organized under ORS chapter 268 and ex-
 37 exercising solid waste authority granted to such district under this chapter and ORS chapters 268 and
 38 459A.

39 (18) “Person” means the United States, the state or a public or private corporation, local gov-
 40 ernment unit, public agency, individual, partnership, association, firm, trust, estate or any other le-
 41 gal entity.

42 (19) “Recyclable material” means any material or group of materials that can be collected and
 43 sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same
 44 material.

45 (20) “Recycling” means any process by which solid waste materials are transformed into new

1 products in a manner that the original products may lose their identity.

2 (21) "Region" means the states of Idaho, Oregon and Washington and those counties in
3 California and Nevada that share a common border with Oregon.

4 (22) "Regional disposal site" means a disposal site that receives, or a proposed disposal site that
5 is designed to receive more than 75,000 tons of solid waste a year from outside the immediate ser-
6 vice area in which the disposal site is located. As used in this subsection, "immediate service
7 area" means the county boundary of all counties except a county that is within the boundary of the
8 metropolitan service district. For a county within the metropolitan service district, "immediate ser-
9 vice area" means the metropolitan service district boundary.

10 (23) "Reuse" means the return of a commodity into the economic stream for use in the same kind
11 of application as before without change in its identity.

12 (24) "Solid waste" means all useless or discarded putrescible and nonputrescible materials, in-
13 cluding but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, sep-
14 tic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial,
15 demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded
16 home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead
17 animals and infectious waste as defined in ORS 459.386. "Solid waste" does not include:

18 (a) Hazardous waste as defined in ORS 466.005.

19 (b) Materials used for fertilizer or for other productive purposes or which are salvageable as
20 such materials are used on land in agricultural operations and the growing or harvesting of crops
21 and the raising of animals.

22 (c) **Except as provided in section 2 of this 2009 Act, rock, gravel, sand, silt and other**
23 **similar material, whether saturated or not, that are removed from the waters of this state**
24 **for the purpose of facilitating marine commerce pursuant to:**

25 (A) **33 U.S.C. 403, 1341 or 1344; and**

26 (B) **ORS 196.800 to 196.905.**

27 (25) "Solid waste management" means prevention or reduction of solid waste, management of the
28 storage, collection, transportation, treatment, utilization, processing and final disposal of solid
29 waste, recycling, reuse and material or energy recovery from solid waste and facilities necessary
30 or convenient to such activities.

31 (26) "Source separate" means that the person who last uses recyclable material separates the
32 recyclable material from solid waste.

33 (27) "Transfer station" means a fixed or mobile facility other than a collection vehicle where
34 solid waste is deposited temporarily after being removed from the site of generation but before being
35 transported to a final disposal location.

36 (28) "Waste prevention" means to reduce the amount of solid waste generated or resources used,
37 without increasing toxicity, in the design, manufacture, purchase or use of products or packaging.
38 "Waste prevention" does not include reuse, recycling or composting.

39 (29) "Wasteshed" means an area of the state having a common solid waste disposal system or
40 designated by the commission as an appropriate area of the state within which to develop a common
41 recycling program.

42 (30) "Yard debris" includes grass clippings, leaves, hedge trimmings and similar vegetative waste
43 generated from residential property or landscaping activities, but does not include stumps or similar
44 bulky wood materials.