

House Bill 3694

Sponsored by Representative MCLANE; Representative JENSON

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**.

Excludes woody biomass combusted as fuel from definition of "solid waste." Excludes wood residue combusted as fuel from definitions that apply to solid waste regulation.

Creates Task Force on Solid Waste to study solid waste issues.

Sunsets task force on date of convening of 2013 regular session of Legislative Assembly.

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.** ORS 459.005 is amended to read:

5 459.005. As used in ORS 459.005 to 459.437, 459.705 to 459.790 and 459A.005 to 459A.665:

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

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

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

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

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

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

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

21 (8)(a) "Disposal site" means land and facilities used for the disposal, handling or transfer of, or
22 energy recovery, material recovery and recycling from solid wastes, including but not limited to
23 dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping
24 or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste
25 delivered by the public or by a collection service, composting plants and land and facilities previ-
26 ously used for solid waste disposal at a land disposal site.

27 (b) "Disposal site" does not include:

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

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

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

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

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

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

9 (11) "Hazardous waste" has the meaning given that term in ORS 466.005.

10 (12) "Household hazardous waste" means any discarded, useless or unwanted chemical, material,
 11 substance or product that is or may be hazardous or toxic to the public or the environment and is
 12 commonly used in or around households and is generated by the household. "Household hazardous
 13 waste" may include but is not limited to some cleaners, solvents, pesticides and automotive and
 14 paint products.

15 (13) "Land disposal site" means a disposal site in which the method of disposing of solid waste
 16 is by landfill, dump, pit, pond or lagoon.

17 (14) "Landfill" means a facility for the disposal of solid waste involving the placement of solid
 18 waste on or beneath the land surface.

19 (15) "Local government unit" means a city, county, metropolitan service district formed under
 20 ORS chapter 268, sanitary district or sanitary authority formed under ORS chapter 450, county
 21 service district formed under ORS chapter 451, regional air quality control authority formed under
 22 ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible
 23 for solid waste management.

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

27 (17) "Metropolitan service district" means a district organized under ORS chapter 268 and ex-
 28 exercising solid waste authority granted to such district under this chapter and ORS chapters 268 and
 29 459A.

30 (18) "Person" means the United States, the state or a public or private corporation, local gov-
 31 ernment unit, public agency, individual, partnership, association, firm, trust, estate or any other le-
 32 gal entity.

33 (19) "Recyclable material" means any material or group of materials that can be collected and
 34 sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same
 35 material.

36 (20) "Recycling" means any process by which solid waste materials are transformed into new
 37 products in a manner that the original products may lose their identity.

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

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

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

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

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

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

13 **(c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit**
 14 **described in ORS 468A.040.**

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

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

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

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

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

30 **(30) "Woody biomass" means material from trees and woody plants, including limbs, tops,**
 31 **needles, leaves and other woody parts, grown in a forest, woodland, farm, rangeland or**
 32 **wildland-urban interface environment that is the by-product of forest management,**
 33 **ecosystem restoration or hazardous fuel reduction treatment.**

34 [(30)] (31) "Yard debris" includes grass clippings, leaves, hedge trimmings and similar vegetative
 35 waste generated from residential property or landscaping activities, but does not include stumps or
 36 similar bulky wood materials.

37 **SECTION 2. Section 3 of this 2011 Act is added to and made a part of ORS chapter 459.**

38 **SECTION 3. ORS 459.005 does not apply to wood residue that:**

39 **(1) Is a by-product of manufacturing wood products or processing wood at a facility that**
 40 **manufactures wood products, including a sawmill, pulp mill or paper mill;**

41 **(2) Is not commingled with other types of solid waste; and**

42 **(3)(a) Is combusted as a fuel by the generator of the wood residue in a facility that has**
 43 **obtained a permit described in ORS 468A.040 and that is owned or operated by that generator;**
 44 **or**

45 **(b) Is purchased from or exchanged by the generator of the wood residue for fair market**

1 value and is combusted as a fuel in a facility that has obtained a permit described in ORS
2 468A.040.

3 **SECTION 4.** (1) The Task Force on Solid Waste is established, consisting of six members
4 appointed as follows:

5 (a) The President of the Senate shall appoint three members from among members of the
6 Senate.

7 (b) The Speaker of the House of Representatives shall appoint three members from
8 among members of the House of Representatives.

9 (2) The task force shall study solid waste matters, including but not limited to the duties
10 of the Department of Environmental Quality related to solid waste management and the
11 state's regulation of solid waste disposal sites, and make recommendations to improve the
12 state's regulation of solid waste.

13 (3) The task force may conduct hearings and request recommendations from state
14 agencies to assist the task force in making the recommendations described in subsection (2)
15 of this section.

16 (4) A majority of the members of the task force constitutes a quorum for the transaction
17 of business.

18 (5) Official action by the task force requires the approval of a majority of the members
19 of the task force.

20 (6) The task force shall elect one of its members to serve as chairperson.

21 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
22 ment to become immediately effective.

23 (8) The task force shall meet at times and places specified by the call of the chairperson
24 or of a majority of the members of the task force.

25 (9) The task force may adopt rules necessary for the operation of the task force.

26 (10) The task force may pre-session file legislation in the manner provided in ORS 171.130
27 for interim committees. All legislation recommended by official action of the task force must
28 indicate that it is introduced at the request of the task force.

29 (11) The task force shall report to the Legislative Assembly in the manner provided in
30 ORS 192.245 at any time within 30 days after its final meeting or at such later time as the
31 President of the Senate and Speaker of the House of Representatives may designate.

32 (12) The Legislative Administrator may employ persons necessary for the performance
33 of the functions of the task force. The Legislative Administrator shall fix the duties and
34 amounts of compensation of these employees. The task force shall use the services of con-
35 tinuing legislative staff, without employing additional persons, to the greatest extent practi-
36 cable.

37 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
38 the task force in the performance of its duties and, to the extent permitted by laws relating
39 to confidentiality, to furnish such information and advice as the members of the task force
40 consider necessary to perform their duties.

41 **SECTION 5.** Section 4 of this 2011 Act is repealed on the date of the convening of the 2013
42 regular session of the Legislative Assembly as specified in ORS 171.010.