

**B-Engrossed**  
**Senate Bill 462**

Ordered by the House June 3  
Including Senate Amendments dated April 23 and House Amendments  
dated June 3

Sponsored by Senators STARR, OLSEN, ROBLAN; Representatives PARRISH, UNGER

**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.

Establishes requirements that must be met before applicant for land use approval to establish or modify certain disposal sites for composting may submit application. Requires city or county with land use jurisdiction over proposed disposal site for composting to inform applicant of permitting requirements.

**Prohibits establishment of commercial disposal site for composting within 1,500 feet of school under limited circumstances.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to composting; creating new provisions; amending ORS 268.318; and declaring an emer-  
3 gency.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) "Compost" has the meaning given that term in ORS 459.005.

7 (b) "Disposal site" has the meaning given that term in ORS 459.005.

8 (c) "Local government" has the meaning given that term in ORS 174.116.

9 (2) Before an applicant may submit an application under ORS 215.402 to 215.438 for land  
10 use approval to establish or modify a disposal site for composting that requires a permit is-  
11 sued by the Department of Environmental Quality, as provided in subsection (3) of this sec-  
12 tion, the applicant shall:

13 (a) Request and attend a preapplication conference described in subsections (4) to (6) of  
14 this section; and

15 (b) Hold a preapplication community meeting described in subsections (7) to (9) of this  
16 section.

17 (3) Subsection (2) of this section applies to an application to:

18 (a) Establish a disposal site for composting that sells, or offers for sale, resulting prod-  
19 uct; or

20 (b) Allow an existing disposal site for composting that sells, or offers for sale, resulting  
21 product to:

22 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy  
23 products and mixed food waste; or

24 (B) Increase the permitted annual tonnage of feedstock used by the disposal site by an  
25 amount that requires a new land use approval.

**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 (4) During the preapplication conference:

2 (a) The applicant shall provide information about the proposed disposal site for  
3 composting and proposed operations for composting and respond to questions about the site  
4 and operations.

5 (b) The county with land use jurisdiction over the proposed disposal site for composting  
6 and the other representatives described in subsection (5) of this section shall inform the  
7 applicant of permitting requirements to establish and operate the proposed disposal site for  
8 composting and provide all application materials to the applicant.

9 (5) The applicant shall submit a written request to the county with land use jurisdiction  
10 to request a preapplication conference. A representative of the planning department of the  
11 county and a representative of the Department of Environmental Quality shall attend the  
12 conference along with representatives, as determined necessary by the county, of the fol-  
13 lowing entities:

14 (a) Any other state agency or local government that has authority to approve or deny a  
15 permit, license or other certification required to establish or operate the proposed disposal  
16 site for composting.

17 (b) A state agency, a local government or a private entity that provides or would provide  
18 to the proposed disposal site for composting one or more of the following:

19 (A) Water systems.

20 (B) Wastewater collection and treatment systems, including storm drainage systems.

21 (C) Transportation systems or transit services.

22 (c) A city or county with territory within its boundaries that may be affected by the  
23 proposed disposal site for composting.

24 (d) The Department of Land Conservation and Development.

25 (e) The State Department of Agriculture.

26 (6) The county with land use jurisdiction may use preapplication procedures, if any, in  
27 the acknowledged land use regulations of the county, consistent with the requirements that  
28 the county shall:

29 (a) Provide notice of the preapplication conference to the entities described in subsection  
30 (5) of this section by mail and, as appropriate, in any other manner that ensures adequate  
31 notice and opportunity to participate;

32 (b) Hold the preapplication conference at least 20 days and not more than 40 days after  
33 receipt of the applicant's written request; and

34 (c) Provide preapplication notes to each attendee of the conference and the other entities  
35 described in subsection (5) of this section for which a representative does not attend the  
36 preapplication conference.

37 (7) After the preapplication conference and before submitting the application for land use  
38 approval, the applicant shall:

39 (a) Hold a community meeting within 60 days after the preapplication conference:

40 (A) In a public location in the county with land use jurisdiction; and

41 (B) On a business day, or Saturday, that is not a holiday, with a start time between the  
42 hours of 6 p.m. and 8 p.m.

43 (b) Provide notice of the community meeting to:

44 (A) The owners of record, on the most recent property tax assessment roll, of real  
45 property located within one-half mile of the real property on which the proposed disposal site

1 for composting would be located;

2 (B) The resident or occupant that receives mail at the mailing address of the real prop-  
3 erty described in subparagraph (A) of this paragraph if the mailing address of the owner of  
4 record is not the mailing address of the real property;

5 (C) Neighborhood and community organizations recognized by the governing body of the  
6 county if a boundary of the organization is within one-half mile of the proposed disposal site  
7 for composting;

8 (D) A newspaper that meets the requirements of ORS 193.020 for publication;

9 (E) Local media in a press release; and

10 (F) The entities described in subsection (5) of this section.

11 (8) During the community meeting, the applicant shall provide information about the  
12 proposed disposal site for composting and proposed operations for composting and respond  
13 to questions about the site and operations.

14 (9) The applicant's notice provided under subsection (7)(b) of this section must include:

15 (a) A brief description of the proposed disposal site for composting;

16 (b) The address of the location of the community meeting; and

17 (c) The date and time of the community meeting.

18 **SECTION 2.** (1) As used in this section:

19 (a) "Compost" has the meaning given that term in ORS 459.005.

20 (b) "Disposal site" has the meaning given that term in ORS 459.005.

21 (c) "Local government" has the meaning given that term in ORS 174.116.

22 (2) Before an applicant may submit an application under ORS 227.160 to 227.186 for land  
23 use approval to establish or modify a disposal site for composting that requires a permit is-  
24 sued by the Department of Environmental Quality, as provided in subsection (3) of this sec-  
25 tion, the applicant shall:

26 (a) Request and attend a preapplication conference described in subsections (4) to (6) of  
27 this section; and

28 (b) Hold a preapplication community meeting described in subsections (7) to (9) of this  
29 section.

30 (3) Subsection (2) of this section applies to an application to:

31 (a) Establish a disposal site for composting that sells, or offers for sale, resulting prod-  
32 uct; or

33 (b) Allow an existing disposal site for composting that sells, or offers for sale, resulting  
34 product to:

35 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy  
36 products and mixed food waste; or

37 (B) Increase the permitted annual tonnage of feedstock used by the disposal site by an  
38 amount that requires a new land use approval.

39 (4) During the preapplication conference:

40 (a) The applicant shall provide information about the proposed disposal site for  
41 composting and proposed operations for composting and respond to questions about the site  
42 and operations.

43 (b) The city with land use jurisdiction over the proposed disposal site for composting and  
44 the other representatives described in subsection (5) of this section shall inform the appli-  
45 cant of permitting requirements to establish and operate the proposed disposal site for

1 **composting and provide all application materials to the applicant.**

2 **(5) The applicant shall submit a written request to the city with land use jurisdiction to**  
3 **request a preapplication conference. A representative of the planning department of the city**  
4 **and a representative of the Department of Environmental Quality shall attend the confer-**  
5 **ence along with representatives, as determined necessary by the city, of the following enti-**  
6 **ties:**

7 **(a) Any other state agency or local government that has authority to approve or deny a**  
8 **permit, license or other certification required to establish or operate the proposed disposal**  
9 **site for composting.**

10 **(b) A state agency, a local government or a private entity that provides or would provide**  
11 **to the proposed disposal site for composting one or more of the following:**

12 **(A) Water systems.**

13 **(B) Wastewater collection and treatment systems, including storm drainage systems.**

14 **(C) Transportation systems or transit services.**

15 **(c) A city or county with territory within its boundaries that may be affected by the**  
16 **proposed disposal site for composting.**

17 **(d) The Department of Land Conservation and Development.**

18 **(e) The State Department of Agriculture.**

19 **(6) The city with land use jurisdiction may use preapplication procedures, if any, in the**  
20 **acknowledged land use regulations of the city, consistent with the requirements that the city**  
21 **shall:**

22 **(a) Provide notice of the preapplication conference to the entities described in subsection**  
23 **(5) of this section by mail and, as appropriate, in any other manner that ensures adequate**  
24 **notice and opportunity to participate;**

25 **(b) Hold the preapplication conference at least 20 days and not more than 40 days after**  
26 **receipt of the applicant's written request; and**

27 **(c) Provide preapplication notes to each attendee of the conference and the other entities**  
28 **described in subsection (5) of this section for which a representative does not attend the**  
29 **preapplication conference.**

30 **(7) After the preapplication conference and before submitting the application for land use**  
31 **approval, the applicant shall:**

32 **(a) Hold a community meeting within 60 days after the preapplication conference:**

33 **(A) In a public location in the city with land use jurisdiction; and**

34 **(B) On a business day, or Saturday, that is not a holiday, with a start time between the**  
35 **hours of 6 p.m. and 8 p.m.**

36 **(b) Provide notice of the community meeting to:**

37 **(A) The owners of record, on the most recent property tax assessment roll, of real**  
38 **property located within one-half mile of the real property on which the proposed disposal site**  
39 **for composting would be located;**

40 **(B) The resident or occupant that receives mail at the mailing address of the real prop-**  
41 **erty described in subparagraph (A) of this paragraph if the mailing address of the owner of**  
42 **record is not the mailing address of the real property;**

43 **(C) Neighborhood and community organizations recognized by the governing body of the**  
44 **city if a boundary of the organization is within one-half mile of the proposed disposal site for**  
45 **composting;**

1 (D) A newspaper that meets the requirements of ORS 193.020 for publication;

2 (E) Local media in a press release; and

3 (F) The entities described in subsection (5) of this section.

4 (8) During the community meeting, the applicant shall provide information about the  
5 proposed disposal site for composting and proposed operations for composting and respond  
6 to questions about the site and operations.

7 (9) The applicant's notice provided under subsection (7)(b) of this section must include:

8 (a) A brief description of the proposed disposal site for composting;

9 (b) The address of the location of the community meeting; and

10 (c) The date and time of the community meeting.

11 **SECTION 3.** Sections 1 and 2 of this 2013 Act apply to applications for permits that are  
12 submitted on or after the effective date of this 2013 Act.

13 **SECTION 4.** Section 5 of this 2013 Act is added to and made a part of ORS 459.205 to  
14 459.385.

15 **SECTION 5.** (1) As used in this section:

16 (a) "Property line" has the meaning given that term in ORS 92.010.

17 (b) "School" means:

18 (A) A public or private institution of learning providing instruction in kindergarten  
19 through grade 12, or any combination of those grade levels; and

20 (B) The surrounding buildings, other structures, playgrounds, athletic fields, parking lots  
21 and any other areas of the institution that are accessed by students of the institution on a  
22 regular basis.

23 (2) The Department of Environmental Quality may not issue a disposal site permit under  
24 ORS 459.245 to establish a commercial disposal site for composting if:

25 (a) The property line of the proposed disposal site for composting is located within 1,500  
26 feet of a property line of a school that is within an exception area for rural residential uses;  
27 and

28 (b) The proposed disposal site for composting requires approval from a metropolitan  
29 service district under ORS 268.318.

30 **SECTION 6.** ORS 268.318 is amended to read:

31 268.318. (1) No public or private disposal, transfer or resource recovery site or facility in the  
32 metropolitan service district shall be established, modified or extended without the prior approval  
33 of the district. The district may deny an application for the establishment, modification or extension  
34 of a site or facility if pursuant to its solid waste management plan the district has either:

35 (a) Entered into contracts obligating the district to supply or direct minimum quantities of solid  
36 wastes to sites or facilities designated in the contract in order that those sites or facilities will op-  
37 erate economically and generate sufficient revenues to liquidate any bonded or other indebtedness  
38 incurred by reason of those sites or facilities; or

39 (b) Adopted a franchise system for the disposal of solid or liquid wastes.

40 (2) In considering an application for the establishment, modification or extension of a site or  
41 facility, the metropolitan service district may take into account the location and number of exist-  
42 ing sites or facilities and their remaining capacities, whether the proposed establishment, modifica-  
43 tion or extension complies with the district's solid waste management plan and whether the  
44 applicant has complied with all other applicable regulatory requirements.

45 (3)(a) As used in this subsection:

1 (A) "Compost" has the meaning given that term in ORS 459.005.

2 (B) "Disposal site" has the meaning given that term in ORS 459.005.

3 (C) "Property line" has the meaning given that term in ORS 92.010.

4 (D) "School" has the meaning given that term in section 5 of this 2013 Act.

5 (b) The metropolitan service district may not approve the establishment of a commercial  
6 disposal site for composting if the property line of the proposed disposal site for composting  
7 is located within 1,500 feet of a property line of a school that is within an exception area for  
8 rural residential uses.

9 SECTION 7. Section 5 of this 2013 Act and the amendments to ORS 268.318 by section 6  
10 of this 2013 Act apply to applications pending on or filed on or after January 1, 2013.

11 SECTION 8. This 2013 Act being necessary for the immediate preservation of the public  
12 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
13 on its passage.

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