

**PROPOSED AMENDMENTS TO
SENATE BILL 462**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page
2 2 and insert:

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

4 **“(a) ‘Compost’ has the meaning given that term in ORS 459.005.**

5 **“(b) ‘Disposal site’ has the meaning given that term in ORS 459.005.**

6 **“(c) ‘Local government’ has the meaning given that term in ORS**
7 **174.116.**

8 **“(d) ‘Type 1 feedstocks’ means, in relation to a disposal site for**
9 **composting:**

10 **“(A) Source-separated yard and garden wastes.**

11 **“(B) Wood wastes.**

12 **“(C) Agricultural crop residues.**

13 **“(D) Waxed cardboard and uncoated paper products.**

14 **“(E) Food waste derived from fruits and vegetables, grains and**
15 **coffee grounds.**

16 **“(F) Any other feedstocks specified in rules adopted by the Envi-**
17 **ronmental Quality Commission.**

18 **“(e) ‘Type 2 feedstocks’ means, in relation to a disposal site for**
19 **composting:**

20 **“(A) Manure.**

21 **“(B) Animal bedding.**

22 **“(C) Any other feedstocks specified in rules adopted by the Envi-**

1 **ronmental Quality Commission.**

2 **“(f) ‘Type 3 feedstocks’ means, in relation to a disposal site for**
3 **composting:**

4 **“(A) Dead animals.**

5 **“(B) Meat waste.**

6 **“(C) Source-separated mixed food waste.**

7 **“(D) Industrially produced food waste, except food waste derived**
8 **from fruits and vegetables, grains, coffee grounds, agricultural crop**
9 **residues, waxed cardboard and uncoated paper products.**

10 **“(E) Any other feedstocks specified in rules adopted by the Envi-**
11 **ronmental Quality Commission.**

12 **“(2) Before an applicant may submit an application under ORS**
13 **215.402 to 215.438 for land use approval to establish a disposal site for**
14 **composting described in subsection (9) of this section that requires a**
15 **permit from the Department of Environmental Quality under ORS**
16 **459.205, the applicant shall:**

17 **“(a) Request and attend a preapplication conference described in**
18 **subsections (3) to (5) of this section; and**

19 **“(b) Hold a preapplication community meeting described in sub-**
20 **sections (6) to (8) of this section.**

21 **“(3) During the preapplication conference:**

22 **“(a) The applicant shall provide information about the proposed**
23 **disposal site for composting and proposed operations for composting**
24 **and respond to questions about the site and operations.**

25 **“(b) The county with land use jurisdiction over the proposed dis-**
26 **posal site for composting and the other representatives described in**
27 **subsection (4) of this section shall inform the applicant of permitting**
28 **requirements to establish and operate the proposed disposal site for**
29 **composting and provide all application materials to the applicant.**

30 **“(4) The applicant shall submit a written request to the county with**

1 land use jurisdiction to request a preapplication conference with a
2 representative of the planning department of the county, a represen-
3 tative of the Department of Environmental Quality and, as necessary
4 or appropriate, representatives of:

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

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

11 “(A) Water systems.

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

14 “(C) Transportation systems or transit services.

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

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

18 “(e) The State Department of Agriculture.

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

22 “(a) Provide notice of the preapplication conference to the entities
23 described in subsection (4) of this section by mail and, as appropriate,
24 in any other manner that ensures adequate notice and opportunity to
25 participate;

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

28 “(c) Provide preapplication notes to each attendee of the conference
29 and the other entities described in subsection (4) of this section for
30 which a representative does not attend the preapplication conference.

1 **“(6) After the preapplication conference and before submitting the**
2 **application for land use approval, the applicant shall:**

3 **“(a) Hold a community meeting within 60 days after the preappli-**
4 **cation conference:**

5 **“(A) In a public location in the county with land use jurisdiction;**
6 **and**

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

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

10 **“(A) The owners of record, on the most recent property tax assess-**
11 **ment roll, of real property located within one-half mile of the real**
12 **property on which the proposed disposal site for composting would be**
13 **located;**

14 **“(B) The resident or occupant that receives mail at the mailing**
15 **address of the real property described in subparagraph (A) of this**
16 **paragraph if the mailing address of the owner of record is not the**
17 **mailing address of the real property;**

18 **“(C) Neighborhood and community organizations recognized by the**
19 **governing body of the county if a boundary of the organization is**
20 **within one-half mile of the proposed disposal site for composting;**

21 **“(D) A newspaper that meets the requirements of ORS 193.020 for**
22 **publication;**

23 **“(E) Local media in a press release; and**

24 **“(F) The entities described in subsection (4) of this section.**

25 **“(7) During the community meeting, the applicant shall provide**
26 **information about the proposed disposal site for composting and pro-**
27 **posed operations for composting and respond to questions about the**
28 **site and operations.**

29 **“(8) The applicant’s notice provided under subsection (6)(b) of this**
30 **section must include:**

1 “(a) A brief description of the proposed disposal site for composting;
2 “(b) The address of the location of the community meeting; and
3 “(c) The date and time of the community meeting.

4 “(9) This section applies to an application to:

5 “(a) Site a commercial disposal site for composting that accepts
6 type 1 feedstocks or type 3 feedstocks.

7 “(b) Allow an existing disposal site for composting:

8 “(A) To accept type 2 feedstocks; or

9 “(B) Expand operations in a manner that triggers a requirement for
10 a new land use approval.

11 “(10) This section does not apply to a renewal of a permit or land
12 use approval that is not described in subsection (9) of this section.

13 “SECTION 2. (1) As used in this section:

14 “(a) ‘Compost’ has the meaning given that term in ORS 459.005.

15 “(b) ‘Disposal site’ has the meaning given that term in ORS 459.005.

16 “(c) ‘Local government’ has the meaning given that term in ORS
17 174.116.

18 “(d) ‘Type 1 feedstocks’ means, in relation to a disposal site for
19 composting:

20 “(A) Source-separated yard and garden wastes.

21 “(B) Wood wastes.

22 “(C) Agricultural crop residues.

23 “(D) Waxed cardboard and uncoated paper products.

24 “(E) Food waste derived from fruits and vegetables, grains and
25 coffee grounds.

26 “(F) Any other feedstocks specified in rules adopted by the Envi-
27 ronmental Quality Commission.

28 “(e) ‘Type 2 feedstocks’ means, in relation to a disposal site for
29 composting:

30 “(A) Manure.

1 **“(B) Animal bedding.**

2 **“(C) Any other feedstocks specified in rules adopted by the Envi-**
3 **ronmental Quality Commission.**

4 **“(f) ‘Type 3 feedstocks’ means, in relation to a disposal site for**
5 **composting:**

6 **“(A) Dead animals.**

7 **“(B) Meat waste.**

8 **“(C) Source-separated mixed food waste.**

9 **“(D) Industrially produced food waste, except food waste derived**
10 **from fruits and vegetables, grains, coffee grounds, agricultural crop**
11 **residues, waxed cardboard and uncoated paper products.**

12 **“(E) Any other feedstocks specified in rules adopted by the Envi-**
13 **ronmental Quality Commission.**

14 **“(2) Before an applicant may submit an application under ORS**
15 **227.160 to 227.186 for land use approval to establish a disposal site for**
16 **composting described in subsection (9) of this section that requires a**
17 **permit from the Department of Environmental Quality under ORS**
18 **459.205, the applicant shall:**

19 **“(a) Request and attend a preapplication conference described in**
20 **subsections (3) to (5) of this section; and**

21 **“(b) Hold a preapplication community meeting described in sub-**
22 **sections (6) to (8) of this section.**

23 **“(3) During the preapplication conference:**

24 **“(a) The applicant shall provide information about the proposed**
25 **disposal site for composting and proposed operations for composting**
26 **and respond to questions about the site and operations.**

27 **“(b) The city with land use jurisdiction over the proposed disposal**
28 **site for composting and the other representatives described in sub-**
29 **section (4) of this section shall inform the applicant of permitting re-**
30 **quirements to establish and operate the proposed disposal site for**

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

2 **“(4) The applicant shall submit a written request to the city with**
3 **land use jurisdiction to request a preapplication conference with a**
4 **representative of the planning department of the city, a representative**
5 **of the Department of Environmental Quality and, as necessary or ap-**
6 **propriate, representatives of:**

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

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

13 **“(A) Water systems.**

14 **“(B) Wastewater collection and treatment systems, including storm**
15 **drainage systems.**

16 **“(C) Transportation systems or transit services.**

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

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

20 **“(e) The State Department of Agriculture.**

21 **“(5) The city with land use jurisdiction may use preapplication**
22 **procedures, if any, in the acknowledged land use regulations of the**
23 **city, consistent with the requirements that the city shall:**

24 **“(a) Provide notice of the preapplication conference to the entities**
25 **described in subsection (4) of this section by mail and, as appropriate,**
26 **in any other manner that ensures adequate notice and opportunity to**
27 **participate;**

28 **“(b) Hold the preapplication conference at least 20 days and not**
29 **more than 40 days after receipt of the applicant’s written request; and**

30 **“(c) Provide preapplication notes to each attendee of the conference**

1 and the other entities described in subsection (4) of this section for
2 which a representative does not attend the preapplication conference.

3 “(6) After the preapplication conference and before submitting the
4 application for land use approval, the applicant shall:

5 “(a) Hold a community meeting within 60 days after the preappli-
6 cation conference:

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

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

10 “(b) Provide notice of the community meeting to:

11 “(A) The owners of record, on the most recent property tax assess-
12 ment roll, of real property located within one-half mile of the real
13 property on which the proposed disposal site for composting would be
14 located;

15 “(B) The resident or occupant that receives mail at the mailing
16 address of the real property described in subparagraph (A) of this
17 paragraph if the mailing address of the owner of record is not the
18 mailing address of the real property;

19 “(C) Neighborhood and community organizations recognized by the
20 governing body of the city if a boundary of the organization is within
21 one-half mile of the proposed disposal site for composting;

22 “(D) A newspaper that meets the requirements of ORS 193.020 for
23 publication;

24 “(E) Local media in a press release; and

25 “(F) The entities described in subsection (4) of this section.

26 “(7) During the community meeting, the applicant shall provide
27 information about the proposed disposal site for composting and pro-
28 posed operations for composting and respond to questions about the
29 site and operations.

30 “(8) The applicant’s notice provided under subsection (6)(b) of this

1 **section must include:**

2 **“(a) A brief description of the proposed disposal site for composting;**

3 **“(b) The address of the location of the community meeting; and**

4 **“(c) The date and time of the community meeting.**

5 **“(9) This section applies to an application to:**

6 **“(a) Site a commercial disposal site for composting that accepts**
7 **type 1 feedstocks or type 3 feedstocks.**

8 **“(b) Allow an existing disposal site for composting:**

9 **“(A) To accept type 2 feedstocks; or**

10 **“(B) Expand operations in a manner that triggers a requirement for**
11 **a new land use approval.**

12 **“(10) This section does not apply to a renewal of a permit or land**
13 **use approval that is not described in subsection (9) of this section.**

14 **“SECTION 3. Sections 1 and 2 of this 2013 Act apply to applications**
15 **for permits that are submitted on or after the effective date of this**
16 **2013 Act.**

17 **“SECTION 4. This 2013 Act being necessary for the immediate**
18 **preservation of the public peace, health and safety, an emergency is**
19 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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