

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 462**

1 On page 1 of the printed A-engrossed bill, line 2, after “composting;” in-
2 sert “creating new provisions; amending ORS 268.318;”.

3 Delete lines 21 and 22 and insert:

4 “(B) Increase the permitted annual tonnage of feedstocks used by the
5 disposal site by an amount that requires a new land use approval.”.

6 On page 2, delete lines 6 through 9 and insert:

7 “(5) The applicant shall submit a written request to the county with land
8 use jurisdiction to request a preapplication conference. A representative of
9 the planning department of the county and a representative of the Depart-
10 ment of Environmental Quality shall attend the conference along with rep-
11 resentatives, as determined necessary by the county, of the following
12 entities:”.

13 On page 3, delete lines 31 and 32 and insert:

14 “(B) Increase the permitted annual tonnage of feedstocks used by the
15 disposal site by an amount that requires a new land use approval.”.

16 Delete lines 41 through 44 and insert:

17 “(5) The applicant shall submit a written request to the city with land
18 use jurisdiction to request a preapplication conference. A representative of
19 the planning department of the city and a representative of the Department
20 of Environmental Quality shall attend the conference along with represen-
21 tatives, as determined necessary by the city, of the following entities:”.

22 On page 5, after line 5, insert:

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

3 **“SECTION 5. (1) As used in this section, ‘school’ means a public or**
4 **private institution of learning providing instruction in**
5 **prekindergarten, kindergarten or grades 1 through 12, or any combi-**
6 **nation of those grade levels.**

7 **“(2) The Department of Environmental Quality may not issue a**
8 **disposal site permit under ORS 459.245 for a commercial disposal site**
9 **for composting if the site is located within 1,500 feet of a property line**
10 **of a school that is within an exception area for rural residential uses.**

11 **“(3) Notwithstanding ORS 459.245 (1), if the department fails to act**
12 **on an application subject to the requirements of this section within**
13 **60 days, the application shall be considered not granted.**

14 **“SECTION 6. Section 5 of this 2013 Act applies to permit applica-**
15 **tions filed on or after the effective date of this 2013 Act.**

16 **“SECTION 7. ORS 268.318 is amended to read:**

17 **“268.318. (1) No public or private disposal, transfer or resource recovery**
18 **site or facility in the metropolitan service district shall be established,**
19 **modified or extended without the prior approval of the district. The metro-**
20 **politan service district may deny an application for the establishment,**
21 **modification or extension of a site or facility if pursuant to its solid waste**
22 **management plan the district has either:**

23 **“(a) Entered into contracts obligating the district to supply or direct**
24 **minimum quantities of solid wastes to sites or facilities designated in the**
25 **contract in order that those sites or facilities will operate economically and**
26 **generate sufficient revenues to liquidate any bonded or other indebtedness**
27 **incurred by reason of those sites or facilities; or**

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

29 **“(2) In considering an application for the establishment, modification or**
30 **extension of a site or facility, the metropolitan service district may take**

1 into account the location and number of existing sites or facilities and their
2 remaining capacities, whether the proposed establishment, modification or
3 extension complies with the district's solid waste management plan and
4 whether the applicant has complied with all other applicable regulatory re-
5 quirements.

6 **“(3) The metropolitan service district may not approve the estab-**
7 **lishment of a commercial disposal site, as defined in ORS 459.005, for**
8 **composting if the site is located within 1,500 feet of a property line of**
9 **a school, as defined in section 5 of this 2013 Act, that is within an ex-**
10 **ception area for rural residential uses.**

11 **“SECTION 8. The amendments to ORS 268.318 by section 7 of this**
12 **2013 Act apply to applications filed on or after January 1, 2013.”.**

13 In line 6, delete “4” and insert “9”.

14 _____