

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

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

3 In line 8, after “Before” insert “an”.

4 In line 17, delete “sells or offers product for sale” and insert “sells, or
5 offers for sale, resulting product”.

6 In line 18, delete “sells or offers product for sale” and insert “sells, or
7 offers for sale, resulting product”.

8 Delete lines 21 and 22 and insert:

9 “(B) Increase the permitted annual tonnage of feedstock used by the dis-
10 posal site by an amount that requires a new land use approval.”.

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

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

18 On page 3, line 27, delete “sells or offers product for sale” and insert
19 “sells, or offers for sale, resulting product”.

20 In line 28, delete “sells or offers product for sale” and insert “sells, or
21 offers for sale, resulting product”.

22 Delete lines 31 and 32 and insert:

1 “(B) Increase the permitted annual tonnage of feedstock used by the dis-
2 posal site by an amount that requires a new land use approval.”.

3 Delete lines 41 through 44 and insert:

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

9 On page 5, after line 5, insert:

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

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

13 **“(a) ‘Property line’ has the meaning given that term in ORS 92.010.**

14 **“(b) ‘School’ means:**

15 **“(A) A public or private institution of learning providing instruction
16 in kindergarten through grade 12, or any combination of those grade
17 levels; and**

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

21 **“(2) The Department of Environmental Quality may not issue a
22 disposal site permit under ORS 459.245 to establish a commercial dis-
23 posal site for composting if:**

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

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

29 **“(3) This section does not apply to proposed disposal sites for
30 composting for which the feedstock acceptance, storage and intake**

1 **areas and the active composting areas of the disposal site will be en-**
2 **tirely enclosed in a permanent building equipped with ventilation and**
3 **odor control systems.**

4 **“SECTION 6.** ORS 268.318 is amended to read:

5 “268.318. (1) No public or private disposal, transfer or resource recovery
6 site or facility in the **metropolitan service** district shall be established,
7 modified or extended without the prior approval of the district. The district
8 may deny an application for the establishment, modification or extension of
9 a site or facility if pursuant to its solid waste management plan the district
10 has either:

11 “(a) Entered into contracts obligating the district to supply or direct
12 minimum quantities of solid wastes to sites or facilities designated in the
13 contract in order that those sites or facilities will operate economically and
14 generate sufficient revenues to liquidate any bonded or other indebtedness
15 incurred by reason of those sites or facilities; or

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

17 “(2) In considering an application for the establishment, modification or
18 extension of a site or facility, the **metropolitan service** district may take
19 into account the location and number of existing sites or facilities and their
20 remaining capacities, whether the proposed establishment, modification or
21 extension complies with the district’s solid waste management plan and
22 whether the applicant has complied with all other applicable regulatory re-
23 quirements.

24 **“(3)(a) As used in this subsection:**

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

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

27 **“(C) ‘Property line’ has the meaning given that term in ORS 92.010.**

28 **“(D) ‘School’ has the meaning given that term in section 5 of this**
29 **2013 Act.**

30 **“(b) The metropolitan service district may not approve the estab-**

1 **lishment of a commercial disposal site for composting if the property**
2 **line of the proposed disposal site for composting is located within 1,500**
3 **feet of a property line of a school that is within an exception area for**
4 **rural residential uses.**

5 **“(c) This subsection does not apply to proposed disposal sites for**
6 **composting for which the feedstock acceptance, storage and intake**
7 **areas and the active composting areas of the disposal site will be en-**
8 **tirely enclosed in a permanent building equipped with ventilation and**
9 **odor control systems.**

10 **“SECTION 7. Section 5 of this 2013 Act and the amendments to ORS**
11 **268.318 by section 6 of this 2013 Act apply to applications pending on**
12 **or filed on or after January 1, 2013.”.**

13 In line 6, delete “4” and insert “8”.

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