

Enrolled
Senate Bill 488

Sponsored by Senator PATTERSON, Representative NERON, Senators MANNING JR, WOODS, Representative ANDERSEN; Senators CAMPOS, GELSER BLOUIN, GOLDEN, JAMA, TAYLOR, Representatives HOLVEY, HUDSON, NELSON (Presession filed.)

CHAPTER

AN ACT

Relating to municipal solid waste incinerators; and prescribing an effective date.

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

SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS chapter 468A.

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

(a) “Continuous automated sampling system” means the total equipment and procedures for automated sample collection, sample recovery and analysis to determine an air contaminant concentration or emission rate by collecting a single sample or multiple integrated samples of the air contaminant for subsequent on- or off-site analysis.

(b) “Continuous emissions monitoring system” means a monitoring system for continuously measuring the emissions of an air contaminant from an incinerator.

(c) “Dioxin/furan” means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

(d) “Municipal solid waste incinerator” means any facility operated before, on or after the effective date of this 2023 Act for the purpose of combusting municipal solid waste, regardless of whether the facility is later reclassified as another type of waste combustion facility.

(2)(a) The owner or operator of a municipal solid waste incinerator shall develop a plan to continuously monitor or sample emissions of:

- (A) Carbon monoxide;
- (B) Sulfur dioxide;
- (C) Nitrogen oxides;
- (D) Opacity;
- (E) PCB;
- (F) Dioxin/furan;
- (G) Cadmium;
- (H) Lead;
- (I) Mercury;
- (J) Arsenic;
- (K) Total chromium;
- (L) Manganese;
- (M) Nickel;

- (N) Selenium; and
- (O) Zinc.

(b) Where technologically feasible, the plan must provide for the use of a continuous emissions monitoring system to monitor the air contaminants described in paragraph (a) of this subsection.

(c) If it is not technologically feasible to use a continuous emissions monitoring system to monitor an air contaminant described in paragraph (a) of this subsection, the plan must provide for the use of a continuous automated sampling system to continuously sample that air contaminant.

(3) The plan must describe how the owner or operator will:

(a) Conduct continuous monitoring or sampling required by this section for a period of 12 consecutive months; and

(b) Make emissions data available to the Department of Environmental Quality and the public.

(4)(a) The owner or operator of a municipal solid waste facility must submit the plan required by this section to the department no later than three months after the effective date of this 2023 Act. Before approving the plan, the department may make such modifications to the plan as necessary to ensure the quality and accuracy of sampling or monitoring data.

(b) The owner or operator of a municipal solid waste incinerator must implement a plan approved by the department no later than three months after the date of approval.

(5) Notwithstanding subsection (4) of this section, the department may at the department's discretion, for good cause shown, extend the three-month deadlines for submitting or implementing the plan required by this section.

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

(a) "Hospital, medical or infectious waste" means hospital waste or medical/infectious waste, as those terms are defined in 40 C.F.R. 60.51c, as in effect on the effective date of this 2023 Act.

(b) "Municipal solid waste incinerator" means any facility operated before, on or after the effective date of this 2023 Act for the purpose of combusting municipal solid waste, regardless of whether the facility is later reclassified as another type of waste combustion facility.

(2) A municipal solid waste incinerator may not combust more than 18,000 tons of hospital, medical or infectious waste during a single calendar year.

SECTION 4. The Department of Environmental Quality shall take all reasonable steps to ensure that any permit issued under the federal operating permit program established under ORS 468A.310 is modified to be consistent with section 3 of this 2023 Act within 12 months of the effective date of this 2023 Act.

SECTION 5. (1) No later than September 15, 2024, the Department of Environmental Quality shall submit a report on the progress made in implementing section 2 of this 2023 Act, including data received by the department, in the manner provided in ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to the environment.

(2) No later than three months after the completion of the 12-month period required by section 2 of this 2023 Act, the department shall submit a report on the results of the continuous monitoring or sampling conducted under section 2 of this 2023 Act, in the manner provided in ORS 192.245, and may include recommendations for legislation, to the committees or interim committees of the Legislative Assembly related to the environment.

SECTION 6. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (1), chapter _____, Oregon Laws 2023 (Enrolled House Bill 5018), for the biennium beginning July 1, 2023, for air quality, is increased by \$118,537 for the purpose of administering sections 2 to 5 of this 2023 Act.

SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate June 20, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 22, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State