

B-Engrossed Senate Bill 488

Ordered by the Senate June 6
Including Senate Amendments dated April 12 and June 6

Sponsored by Senator PATTERSON, Representative NERON, Senators MANNING JR, WOODS; Senators CAMPOS, GELSER BLOUIN, GOLDEN, JAMA, TAYLOR (Pre-session filed.)

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.

Requires owner or operator of municipal solid waste incinerator to develop plan for continuous monitoring or sampling of specified emissions for 12 consecutive months. Requires owner or operator to submit plan to Department of Environmental Quality no later than three months after effective date of Act and implement plan no later than three months after date of approval.

Requires department to submit progress report and final report to committees or interim committees of Legislative Assembly on implementation and results of monitoring and sampling.

Prohibits municipal solid waste incinerator from combusting **more than 18,000 tons of hospital, medical or infectious waste** during **single** calendar year. [*more hospital, medical or infectious waste than combusted during 2022 calendar year.*]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to municipal solid waste incinerators; and prescribing an effective date.

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

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

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

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

11 (b) **“Continuous emissions monitoring system” means a monitoring system for contin-**
12 **uously measuring the emissions of an air contaminant from an incinerator.**

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

15 (d) **“Municipal solid waste incinerator” means any facility operated before, on or after**
16 **the effective date of this 2023 Act for the purpose of combusting municipal solid waste, re-**
17 **gardless of whether the facility is later reclassified as another type of waste combustion fa-**
18 **cility.**

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

21 (A) **Carbon monoxide;**

22 (B) **Sulfur dioxide;**

23 (C) **Nitrogen oxides;**

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 (D) Opacity;
- 2 (E) PCB;
- 3 (F) Dioxin/furan;
- 4 (G) Cadmium;
- 5 (H) Lead;
- 6 (I) Mercury;
- 7 (J) Arsenic;
- 8 (K) Total chromium;
- 9 (L) Manganese;
- 10 (M) Nickel;
- 11 (N) Selenium; and
- 12 (O) Zinc.

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

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

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

21 (a) Conduct continuous monitoring or sampling required by this section for a period of
22 12 consecutive months; and

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

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

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

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

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

36 (a) "Hospital, medical or infectious waste" means hospital waste or medical/infectious
37 waste, as those terms are defined in 40 C.F.R. 60.51c, as in effect on the effective date of this
38 2023 Act.

39 (b) "Municipal solid waste incinerator" means any facility operated before, on or after
40 the effective date of this 2023 Act for the purpose of combusting municipal solid waste, re-
41 gardless of whether the facility is later reclassified as another type of waste combustion fa-
42 cility.

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

45 **SECTION 4.** The Department of Environmental Quality shall take all reasonable steps to

1 ensure that any permit issued under the federal operating permit program established under
2 ORS 468A.310 is modified to be consistent with section 3 of this 2023 Act within 12 months
3 of the effective date of this 2023 Act.

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

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

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

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

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