

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 488**

1 In line 2 of the printed bill, before the period insert “; and prescribing
2 an effective date”.

3 Delete lines 4 through 23 and insert:

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

6 **“SECTION 2. (1) As used in this section and sections 3 and 4 of this
7 2023 Act:**

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

13 **“(b) ‘Continuous emissions monitoring system’ means a monitoring
14 system for continuously measuring the emissions of an air contam-
15 inant from an incinerator.**

16 **“(c) ‘Dioxin/furan’ means tetra- through octa-chlorinated dibenzo-
17 p-dioxins and dibenzofurans.**

18 **“(d) ‘Hospital, medical or infectious waste’ means hospital waste
19 or medical/infectious waste, as those terms are defined in 40 C.F.R.
20 60.51c, as in effect on the effective date of this 2023 Act.**

21 **“(e) ‘Municipal solid waste incinerator’ means any facility operated**

1 before, on or after the effective date of this 2023 Act for the purpose
2 of combusting municipal solid waste, regardless of whether the facility
3 is later reclassified as another type of waste combustion facility.

4 “(f) ‘Semicontinuous emissions monitoring system’ means a moni-
5 toring system for measuring the emissions of an air contaminant from
6 an incinerator at a specified frequency and duration.

7 “(2) The owner or operator of a municipal solid waste incinerator
8 shall perform monitoring and testing of the municipal solid waste
9 incinerator as provided in this section.

10 “(3) Subject to subsection (4) of this section, the owner or operator
11 of a municipal solid waste incinerator shall install, calibrate, maintain
12 and operate systems for monitoring:

13 “(a) Carbon monoxide;

14 “(b) Sulfur dioxide;

15 “(c) Nitrogen oxides;

16 “(d) Opacity;

17 “(e) PCB;

18 “(f) Dioxin/furan;

19 “(g) Cadmium;

20 “(h) Lead;

21 “(i) Mercury;

22 “(j) Arsenic;

23 “(k) Total chromium;

24 “(L) Manganese;

25 “(m) Nickel;

26 “(n) Selenium; and

27 “(o) Zinc.

28 “(4)(a) Where technologically feasible, the owner or operator must
29 use a continuous emissions monitoring system to conduct monitoring
30 required under subsection (3) of this section.

1 “(b) If it is not technologically feasible to use a continuous emis-
2 sions monitoring system to monitor an air contaminant described in
3 subsection (3) of this section, the owner or operator may use a con-
4 tinuous automated sampling system to monitor that air contaminant.

5 “(c) If it is not technologically feasible to use a continuous emis-
6 sions monitoring system or a continuous automated sampling system
7 to monitor an air contaminant described in subsection (3) of this sec-
8 tion, the owner or operator may use a semicontinuous emissions
9 monitoring system. Semicontinuous emissions monitoring must be
10 conducted at a frequency of no less than once per week.

11 “(5) The owner or operator of a municipal solid waste incinerator
12 shall develop and maintain a plan for monitoring and testing required
13 by this section. The plan must:

14 “(a) Be consistent with rules or regulations adopted by the Envi-
15 ronmental Quality Commission or the United States Environmental
16 Protection Agency pertaining to emissions monitoring or sampling
17 systems;

18 “(b) Explain how the owner or operator will make emissions data
19 publicly available; and

20 “(c) Be approved by the Department of Environmental Quality be-
21 fore implementation.

22 “SECTION 3. A municipal solid waste incinerator may not combust
23 more than 18,000 tons of hospital, medical or infectious waste during
24 a calendar year.

25 “SECTION 4. (1) The Department of Environmental Quality shall
26 take all reasonable steps to ensure that any permit issued under the
27 federal operating permit program established under ORS 468A.310 is
28 modified to be consistent with sections 2 and 3 of this 2023 Act within
29 12 months of the effective date of this 2023 Act.

30 “(2) The owner or operator of a municipal solid waste incinerator

1 **must begin monitoring and testing required by section 2 of this 2023**
2 **Act no later than nine months after the date that permit modifications**
3 **under subsection (1) of this section become effective.**

4 **“SECTION 5. This 2023 Act takes effect on the 91st day after the**
5 **date on which the 2023 regular session of the Eighty-second Legislative**
6 **Assembly adjourns sine die.”**

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