

House Bill 3527

Sponsored by Representatives PARRISH, GARRETT, Senator DEVLIN

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 **as introduced**.

Prohibits siting compost disposal site within 1,500 feet of school.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to compost disposal sites; and declaring an emergency.

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

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

(a) "Compost" has the meaning given that term in ORS 459.005.

(b) "Disposal site" has the meaning given that term in ORS 459.005.

(c) "School" means:

(A) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof; and

(B) The grounds adjacent to the institution.

(2) The governing body of a county or its designee may not grant land use approval under ORS 215.402 to 215.438 to establish or modify a disposal site for composting if the site:

(a) Is within 1,500 feet of a school; and

(b) Requires a permit issued by the Department of Environmental Quality, as provided in subsection (3) of this section.

(3) Subsection (2) of this section applies to an application to:

(a) Establish a disposal site for composting that sells or offers resulting product for sale;

or

(b) Allow an existing disposal site for composting that sells or offers resulting product for sale to:

(A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(B) Change operations in a manner that triggers a requirement for a new land use approval.

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

(a) "Compost" has the meaning given that term in ORS 459.005.

(b) "Disposal site" has the meaning given that term in ORS 459.005.

(c) "School" means:

(A) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof; and

(B) The grounds adjacent to the institution.

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 (2) The governing body of a city or its designee may not grant land use approval under
2 ORS 227.160 to 227.186 to establish or modify a disposal site for composting if the site:

3 (a) Is within 1,500 feet of a school; and

4 (b) Requires a permit issued by the Department of Environmental Quality, as provided
5 in subsection (3) of this section.

6 (3) Subsection (2) of this section applies to an application to:

7 (a) Establish a disposal site for composting that sells or offers resulting product for sale;

8 or

9 (b) Allow an existing disposal site for composting that sells or offers resulting product
10 for sale to:

11 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy
12 products and mixed food waste; or

13 (B) Change operations in a manner that triggers a requirement for a new land use ap-
14 proval.

15 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS 459.205 to
16 459.385.

17 **SECTION 4.** (1) As used in this section, “school” means:

18 (a) A public or private institution of learning providing instruction at levels kindergarten
19 through grade 12, or their equivalents, or any part thereof; and

20 (b) The grounds adjacent to the institution.

21 (2) The Department of Environmental Quality may not issue a disposal site permit under
22 ORS 459.245 for a disposal site for composting if the site is located within 1,500 feet of a
23 school.

24 (3) Subsection (2) of this section applies to an application to:

25 (a) Establish a disposal site for composting that sells or offers resulting product for sale;

26 or

27 (b) Allow an existing disposal site for composting that sells or offers resulting product
28 for sale to:

29 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy
30 products and mixed food waste; or

31 (B) Change operations in a manner that triggers a requirement to obtain a new permit.

32 (4) Notwithstanding ORS 459.245 (1), if the department fails to act on an application
33 subject to the requirements of this section within 60 days, the application shall be considered
34 not granted.

35 **SECTION 5.** (1) Sections 1 and 2 of this 2013 Act apply to land use applications filed be-
36 fore, on or after the effective date of this 2013 Act.

37 (2) Section 4 of this 2013 Act applies to permit applications filed before, on or after the
38 effective date of this 2013 Act.

39 **SECTION 6.** This 2013 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
41 on its passage.