

SB 488 -5, -6 STAFF MEASURE SUMMARY
Senate Committee On Energy and Environment

Prepared By: Beth Reiley, LPRO Analyst

Meeting Dates: 3/7, 4/4

WHAT THE MEASURE DOES:

Requires municipal solid waste incinerator that combusts: (1) **more than 500 pounds** of hospital, medical or infectious waste (Medical Waste) per hour to meet federal standards applicable to **large** hospital, medical or infectious waste incinerators; and (2) municipal solid waste incinerator that combusts more than **200 but less than 500 pounds** of Medical Waste per hour to meet federal emissions standards applicable to **medium** hospital as set forth in 40 C.F.R. 60.52.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Prohibits municipal solid waste incinerator from combusting more than 18,000 tons of hospital, medical or infectious waste a year. Requires Department of Environmental Quality (DEQ) to take reasonable steps to ensure operating permit is modified to be consistent with Act within 12 months of Act taking effect. Requires owner or operator (Operator) of a municipal solid waste incinerator to install, calibrate, maintain and operate systems for monitoring specified emissions. Requires, where technologically feasible a continuous emissions monitoring system to be used, if not feasible Operator may use a continuous automated sampling system, and if other stated options are not feasible Operator may use a semicontinuous emissions monitoring system. Requires Operator to develop and maintain plan for monitoring and testing that explains how emissions data will be made publicly available and is consistent with state and federal standards and approved by Department of Environmental Quality. Requires Operator to begin monitoring no later than nine months after permit modifications become effective. Takes effect on 91st day following adjournment sine die.

-6 Replaces measure. Requires owner or operator of municipal solid waste incinerator to develop plan to continuously monitor, where technologically feasible, or use continuous automated sampling system for specified emissions. Requires plan to describe how operator will conduct monitoring or sampling for 12 consecutive months and to make emissions data available to Department of Environmental Quality (DEQ) and public. Requires plan be submitted to DEQ within three months of Act's effective date. Authorizes DEQ to make modifications to plan to ensure quality and accuracy of sampling and monitoring data prior to plan approval. Requires operator to implement plan within three months of approval. Prohibits municipal solid waste incinerator from combusting more hospital, medical, or infectious waste during single calendar year that the amount they combusted during the 2022 year. Requires DEQ to take reasonable steps to ensure operating permit is modified to be consistent with Act within 12-months of Act taking effect. Requires DEQ to submit report no later than September 15, 2024 on progress toward implementing Act. Requires DEQ to submit report on results of continuous monitoring or sampling and any recommendations for legislation to interim legislative committee on environment within three months of the completed 12-months of monitoring or sampling is completed.

- No Revenue Impact
- Fiscal Statement Issued

BACKGROUND:

According to the Environmental Protection Agency (EPA) over 90 percent of potentially infectious medical waste was incinerated prior to regulations promulgated by the EPA in 1997 which created more stringent emission

standards for medical waste incinerators due to concerns over detrimental air quality affecting human health. Approximately 50 Oregon hospitals previously operated infectious waste incinerators that have subsequently closed. According to the Department of Environmental Quality (DEQ) all of Oregon's infectious waste is currently transported to treatment facilities in Washington and Oregon. Oregon's only municipal waste incinerator, located in Brooks, Oregon, incinerates some infectious waste.

In 1993, the Environmental Quality Commission adopted air quality requirements for incinerators. Oregon's only municipal waste incinerator, Covanta Marion, Inc, (Covanta) located in Brooks, Oregon, operates under a solid waste permit issued by the Department of Environmental Quality which authorizes Covanta to incinerate some infectious waste.

In 2018, the Oregon Legislature passed SB 1541, which established the Cleaner Air Oregon program. Covanta is required to participate in the Cleaner Air Oregon program and submitted their emissions inventory to DEQ in October 2022. According to DEQ the next steps are to complete a modeling protocol, risk assessment work plan, and risk assessment.

Senate Bill 488 would require municipal solid waste incinerators that accept more than a specified amount of hospital, medical or infectious waste in a calendar year to meet federal emissions limits for hospital, medical or infectious waste incinerators.