

## SENATE AMENDMENTS TO SENATE BILL 488

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 12

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

2 Delete lines 4 through 23 and insert:

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

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

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

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

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

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

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

20 **“(A) Carbon monoxide;**

21 **“(B) Sulfur dioxide;**

22 **“(C) Nitrogen oxides;**

23 **“(D) Opacity;**

24 **“(E) PCB;**

25 **“(F) Dioxin/furan;**

26 **“(G) Cadmium;**

27 **“(H) Lead;**

28 **“(I) Mercury;**

29 **“(J) Arsenic;**

30 **“(K) Total chromium;**

31 **“(L) Manganese;**

32 **“(M) Nickel;**

33 **“(N) Selenium; and**

34 **“(O) Zinc.**

35 **“(b) Where technologically feasible, the plan must provide for the use of a continuous**

1 emissions monitoring system to monitor the air contaminants described in paragraph (a) of  
2 this subsection.

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

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

8 “(a) Conduct continuous monitoring or sampling required by this section for a period of  
9 12 consecutive months; and

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

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

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

19 “(5) Notwithstanding subsection (4) of this section, the department may at the  
20 department’s discretion, for good cause shown, extend the three-month deadlines for sub-  
21 mitting or implementing the plan required by this section.

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

23 “(a) ‘Hospital, medical or infectious waste’ means hospital waste or medical/infectious  
24 waste, as those terms are defined in 40 C.F.R. 60.51c, as in effect on the effective date of this  
25 2023 Act.

26 “(b) ‘Municipal solid waste incinerator’ means any facility operated before, on or after  
27 the effective date of this 2023 Act for the purpose of combusting municipal solid waste, re-  
28 gardless of whether the facility is later reclassified as another type of waste combustion fa-  
29 cility.

30 “(2) A municipal solid waste incinerator may not combust more hospital, medical or in-  
31 fectious waste during a single calendar year than the amount of hospital, medical or infec-  
32 tious waste combusted by the municipal solid waste incinerator during the 2022 calendar  
33 year, as reported to, and verified by, the Department of Environmental Quality.

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

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

43 “(2) No later than three months after the completion of the 12-month period required by  
44 section 2 of this 2023 Act, the department shall submit a report on the results of the con-  
45 tinuous monitoring or sampling conducted under section 2 of this 2023 Act, in the manner

1 provided in ORS 192.245, and may include recommendations for legislation, to the committees  
2 or interim committees of the Legislative Assembly related to the environment.

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

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