

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 and 3 of this 2023 Act are added to and
5 made a part of ORS chapter 468A.**

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

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

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

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

17 **“(d) ‘Municipal solid waste incinerator’ means any facility operated
18 before, on or after the effective date of this 2023 Act for the purpose
19 of combusting municipal solid waste, regardless of whether the facility
20 is later reclassified as another type of waste combustion facility.**

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

1 shall develop a plan to continuously monitor or sample emissions of:

2 “(A) Carbon monoxide;

3 “(B) Sulfur dioxide;

4 “(C) Nitrogen oxides;

5 “(D) Opacity;

6 “(E) PCB;

7 “(F) Dioxin/furan;

8 “(G) Cadmium;

9 “(H) Lead;

10 “(I) Mercury;

11 “(J) Arsenic;

12 “(K) Total chromium;

13 “(L) Manganese;

14 “(M) Nickel;

15 “(N) Selenium; and

16 “(O) Zinc.

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

20 “(c) If it is not technologically feasible to use a continuous emis-
21 sions monitoring system to monitor an air contaminant described in
22 paragraph (a) of this subsection, the plan must provide for the use of
23 a continuous automated sampling system to continuously sample that
24 air contaminant.

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

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

28 “(b) Make emissions data available to the Department of Environ-
29 mental Quality and the public.

30 “(4)(a) The owner or operator of a municipal solid waste facility

1 must submit the plan required by this section to the department no
2 later than three months after the effective date of this 2023 Act. Before
3 approving the plan, the department may make such modifications to
4 the plan as necessary to ensure the quality and accuracy of sampling
5 or monitoring data.

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

9 “(5) Notwithstanding subsection (4) of this section, the department
10 may at the department’s discretion, for good cause shown, extend the
11 three-month deadlines for submitting or implementing the plan re-
12 quired by this section.

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

14 “(a) ‘Hospital, medical or infectious waste’ means hospital waste
15 or medical/infectious waste, as those terms are defined in 40 C.F.R.
16 60.51c, as in effect on the effective date of this 2023 Act.

17 “(b) ‘Municipal solid waste incinerator’ means any facility operated
18 before, on or after the effective date of this 2023 Act for the purpose
19 of combusting municipal solid waste, regardless of whether the facility
20 is later reclassified as another type of waste combustion facility.

21 “(2) A municipal solid waste incinerator may not combust more
22 hospital, medical or infectious waste during a single calendar year
23 than the amount of hospital, medical or infectious waste combusted
24 by the municipal solid waste incinerator during the 2022 calendar year,
25 as reported to, and verified by, the Department of Environmental
26 Quality.

27 **“SECTION 4. The Department of Environmental Quality shall take**
28 **all reasonable steps to ensure that any permit issued under the federal**
29 **operating permit program established under ORS 468A.310 is modified**
30 **to be consistent with section 3 of this 2023 Act within 12 months of the**

1 effective date of this 2023 Act.

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

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

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

18 _____