

LC 4624
2025 Regular Session
PRIORITY
2/3/25 (STN/ps)

D R A F T

SUMMARY

Digest: This Act changes how air pollution is tested at a place that burns solid waste. (Flesch Readability Score: 78.5).

Replaces the requirement that an owner or operator of a municipal solid waste incinerator conduct continuous monitoring or sampling of specified air contaminants with a requirement that the monitoring or sampling be conducted annually. Modifies the time for submission and implementation of a monitoring or sampling plan. Provides that the Department of Environmental Quality may modify the plan.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to municipal solid waste incinerators; amending ORS 468A.875 and
3 section 5, chapter 612, Oregon Laws 2023; and declaring an emergency.

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

5 **SECTION 1.** ORS 468A.875 is amended to read:

6 468A.875. (1) As used in this section:

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

12 [(b) “Continuous emissions monitoring system” means a monitoring system
13 for continuously measuring the emissions of an air contaminant from an
14 incinerator.]

15 [(c)] **(a)** “Dioxin/furan” means tetra- through octa-chlorinated dibenzo-p-

1 dioxins and dibenzofurans.

2 **(b) “Federal operating permit program” has the meaning given that**
3 **term in ORS 468A.300.**

4 [(d)] **(c)** “Municipal solid waste incinerator” means any facility operated
5 before, on or after September 24, 2023, for the purpose of combusting mu-
6 nicipal solid waste, regardless of whether the facility is later reclassified as
7 another type of waste combustion facility.

8 (2)[(a)] The owner or operator of a municipal solid waste incinerator shall
9 develop a plan to [continuously] **annually** monitor or sample emissions of:

10 [(A)] **(a)** Carbon monoxide;

11 [(B)] **(b)** Sulfur dioxide;

12 [(C)] **(c)** Nitrogen oxides;

13 [(D)] **(d)** Opacity;

14 [(E)] **(e)** PCB;

15 [(F)] **(f)** Dioxin/furan;

16 [(G)] **(g)** Cadmium;

17 [(H)] **(h)** Lead;

18 [(I)] **(i)** Mercury;

19 [(J)] **(j)** Arsenic;

20 [(K)] **(k)** Total chromium;

21 (L) Manganese;

22 [(M)] **(m)** Nickel;

23 [(N)] **(n)** Selenium; and

24 [(O)] **(o)** Zinc.

25 [(b) *Where technologically feasible, the plan must provide for the use of a*
26 *continuous emissions monitoring system to monitor the air contaminants de-*
27 *scribed in paragraph (a) of this subsection.*]

28 [(c) *If it is not technologically feasible to use a continuous emissions mon-*
29 *itoring system to monitor an air contaminant described in paragraph (a) of this*
30 *subsection, the plan must provide for the use of a continuous automated sam-*
31 *pling system to continuously sample that air contaminant.*]

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

2 (a) [*Conduct continuous monitoring or sampling required by this section for*
3 *a period of 12 consecutive months;*] **Conduct annual monitoring or sampl-**
4 **ing of air contaminants as required by subsection (2) of this section;**
5 and

6 (b) Make emissions data available to the Department of Environmental
7 Quality and the public.

8 (4)(a) The owner or operator of a municipal solid waste facility must
9 submit [*the*] **a** plan required by this section to the department [*no later than*
10 *three months after September 24, 2023. Before approving the plan, the de-*
11 *partment may make such modifications to the plan as necessary to ensure the*
12 *quality and accuracy of sampling or monitoring data.*] **at the time and in**
13 **the manner prescribed by the department.**

14 (b) **The department may modify a plan if the department deter-**
15 **mines that:**

16 (A) **Monitoring or sampling methods included in a plan are not**
17 **technologically feasible; or**

18 (B) **Lower cost alternative monitoring or sampling methods are**
19 **available that would not significantly impair the quality and accuracy**
20 **of monitoring or sampling data.**

21 [(b)] (5)(a) The owner or operator of a municipal solid waste incinerator
22 must implement a plan approved by the department [*no later than*] three
23 months after the date of approval **or at the time that annual monitoring**
24 **or sampling is conducted pursuant to the federal operating permit**
25 **program, whichever is later.**

26 (b) **Notwithstanding paragraph (a) of this subsection, the depart-**
27 **ment may extend the time for plan implementation at the discretion**
28 **of the department.**

29 [(5) *Notwithstanding subsection (4) of this section, the department may at*
30 *the department's discretion, for good cause shown, extend the three-month*
31 *deadlines for submitting or implementing the plan required by this section.*]

1 **(6) Notwithstanding subsections (2) and (3) of this section, if the**
2 **owner or operator of a municipal solid waste incinerator is required**
3 **under the federal operating permit program to conduct monitoring or**
4 **sampling of an air contaminant described in subsection (2) of this**
5 **section more frequently than annually, the owner or operator shall**
6 **conduct the monitoring or sampling as required by the federal oper-**
7 **ating permit.**

8 **SECTION 2.** Section 5, chapter 612, Oregon Laws 2023, is amended to
9 read:

10 **Sec. 5.** *[(1) No later than September 15, 2024, the Department of Environ-*
11 *mental Quality shall submit a report on the progress made in implementing*
12 *section 2 of this 2023 Act, including data received by the department, in the*
13 *manner provided in ORS 192.245, and may include recommendations for leg-*
14 *islation, to the interim committees of the Legislative Assembly related to the*
15 *environment.]*

16 *[(2) No later than three months after the completion of the 12-month period*
17 *required by section 2 of this 2023 Act, the department shall submit a report*
18 *on the results of the continuous monitoring or sampling conducted under sec-*
19 *tion 2 of this 2023 Act, in the manner provided in ORS 192.245, and may in-*
20 *clude recommendations for legislation, to the committees or interim committees*
21 *of the Legislative Assembly related to the environment.]*

22 **No later than three months after completion of annual monitoring**
23 **or sampling required by ORS 468A.875, the Department of Environ-**
24 **mental Quality shall submit a report on the results of the monitoring**
25 **or sampling, in the manner provided in ORS 192.245, and may include**
26 **recommendations for legislation, to the committees or interim com-**
27 **mittees of the Legislative Assembly related to the environment.**

28 **SECTION 3.** **This 2025 Act being necessary for the immediate pres-**
29 **ervation of the public peace, health and safety, an emergency is de-**
30 **clared to exist, and this 2025 Act takes effect on its passage.**