

# Senate Bill 1004

Sponsored by COMMITTEE ON JUDICIARY

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

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 section 5, chapter 612,  
3 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 and procedures for auto-  
8 mated sample collection, sample recovery and analysis to determine an air contaminant concentration  
9 or emission rate by collecting a single sample or multiple integrated samples of the air contaminant for  
10 subsequent on- or off-site analysis.]

11 [(b) "Continuous emissions monitoring system" means a monitoring system for continuously meas-  
12 uring the emissions of an air contaminant from an incinerator.]

13 [(c)] (a) "Dioxin/furan" means tetra- through octa-chlorinated dibenzo-p-dioxins and  
14 dibenzofurans.

15 (b) "Federal operating permit program" has the meaning given that term in ORS  
16 468A.300.

17 [(d)] (c) "Municipal solid waste incinerator" means any facility operated before, on or after  
18 September 24, 2023, for the purpose of combusting municipal solid waste, regardless of whether the  
19 facility is later reclassified as another type of waste combustion facility.

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

22 [(A)] (a) Carbon monoxide;

23 [(B)] (b) Sulfur dioxide;

24 [(C)] (c) Nitrogen oxides;

25 [(D)] (d) Opacity;

26 [(E)] (e) PCB;

27 [(F)] (f) Dioxin/furan;

**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 [(G)] (g) Cadmium;  
 2 [(H)] (h) Lead;  
 3 [(I)] (i) Mercury;  
 4 [(J)] (j) Arsenic;  
 5 [(K)] (k) Total chromium;  
 6 (L) Manganese;  
 7 [(M)] (m) Nickel;  
 8 [(N)] (n) Selenium; and  
 9 [(O)] (o) Zinc.

10 [(b) Where technologically feasible, the plan must provide for the use of a continuous emissions  
 11 monitoring system to monitor the air contaminants described in paragraph (a) of this subsection.]

12 [(c) If it is not technologically feasible to use a continuous emissions monitoring system to monitor  
 13 an air contaminant described in paragraph (a) of this subsection, the plan must provide for the use of  
 14 a continuous automated sampling system to continuously sample that air contaminant.]

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

16 (a) [Conduct continuous monitoring or sampling required by this section for a period of 12 con-  
 17 secutive months;] **Conduct annual monitoring or sampling of air contaminants as required by**  
 18 **subsection (2) of this section;** and

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

20 (4)(a) The owner or operator of a municipal solid waste facility must submit [the] a plan required  
 21 by this section to the department [no later than three months after September 24, 2023. Before ap-  
 22 proving the plan, the department may make such modifications to the plan as necessary to ensure the  
 23 quality and accuracy of sampling or monitoring data.] **at the time and in the manner prescribed**  
 24 **by the department.**

25 (b) **The department may modify a plan if the department determines that:**

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

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

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

34 (b) **Notwithstanding paragraph (a) of this subsection, the department may extend the**  
 35 **time for plan implementation at the discretion of the department.**

36 [(5) Notwithstanding subsection (4) of this section, the department may at the department's dis-  
 37 cretion, for good cause shown, extend the three-month deadlines for submitting or implementing the  
 38 plan required by this section.]

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

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

45 **Sec. 5.** [(1) No later than September 15, 2024, the Department of Environmental Quality shall

1 *submit a report on the progress made in implementing section 2 of this 2023 Act, including data re-*  
2 *ceived by the department, in the manner provided in ORS 192.245, and may include recommendations*  
3 *for legislation, to the interim committees of the Legislative Assembly related to the environment.]*

4 *[(2) No later than three months after the completion of the 12-month period required by section 2*  
5 *of this 2023 Act, the department shall submit a report on the results of the continuous monitoring or*  
6 *sampling conducted under section 2 of this 2023 Act, in the manner provided in ORS 192.245, and may*  
7 *include recommendations for legislation, to the committees or interim committees of the Legislative As-*  
8 *sembly related to the environment.]*

9 **No later than three months after completion of annual monitoring or sampling required**  
10 **by ORS 468A.875, the Department of Environmental Quality shall submit a report on the**  
11 **results of the monitoring or sampling, in the manner provided in ORS 192.245, and may in-**  
12 **clude recommendations for legislation, to the committees or interim committees of the**  
13 **Legislative Assembly related to the environment.**

14 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**  
15 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
16 **on its passage.**

17 \_\_\_\_\_