



TINA KOTEK  
GOVERNOR

August 4, 2023

The Honorable Rob Wagner  
President of the Senate  
S-201 State Capitol  
Salem, OR 97301

The Honorable Dan Rayfield  
Speaker of the House  
H-269 State Capitol  
Salem, OR 97301

Re: Senate Bill 488

Dear President Wagner and Speaker Rayfield,

Today, I am signing Senate Bill 488, which creates a standalone continuous monitoring obligation on Oregon's only municipal solid waste incinerator, Covanta Marion.

I recognize communities across Oregon have questions and concerns about what's in their air. To address concerns and ensure that communities are protected, the Department of Environmental Quality (DEQ) has Cleaner Air Oregon to evaluate and regulate the public health risks associated with emissions from stationary sources. Currently, DEQ is actively conducting the risk assessment process for the Covanta Marion facility. DEQ has already required and overseen a variety of onsite monitoring activities to better understand the facility's emissions profile.

Senate Bill 488 established a separate monitoring requirement for the facility that diverges from current agency work. Notably, DEQ's Title V Air Quality Permitting program, under which municipal solid waste incinerators are regulated, is under-staffed. I have directed my staff to work with DEQ to rebuild the Title V program's staffing and operations, but special projects will impact DEQ's ability to deliver on core work and my expectations of operational excellence in state agencies. This is a concern.

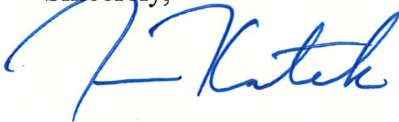
Senate Bill 488 also established limits on the acceptance of certain infectious wastes in statute. Existing law identifies incineration as the preferred method of disposal of certain infectious wastes. It is unclear how capping incineration in Oregon at 18,000 tons of waste per year without context may impact waste management as the state grows, or how it may impact safe disposal of infectious wastes during public health events. Additionally, I understand that depending on DEQ's Cleaner Air Oregon risk assessment for the facility, the annual cap may not be a meaningful condition of operation.

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Moving forward, it is my goal that DEQ has a well-resourced air quality monitoring program so that it can be nimble and responsive as issues arise. My office would welcome a conversation on additional action by the legislature in the 2024 Session to provide ongoing monitoring resources to ensure DEQ completes its key work in all communities.

Thank you for your attention to this important matter.

Sincerely,



Governor Tina Kotek

TK:smg

cc: Senator Deb Patterson  
Senator James I Manning  
Senator Aaron Woods  
Senator Sollman  
Representative Neron  
Representative Tom Andersen  
Representative Marsh  
Leah Feldon, Director, Oregon Department of Environmental Quality