

Senate Bill 752

Sponsored by Senators KNOPP, EDWARDS

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**.

Conditionally exempts from regulation under certain air pollution laws carbon dioxide emissions from combustion or decomposition of biomass.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to air quality regulation of biomass; amending ORS 468A.020; and declaring an emergency.

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

4 **SECTION 1.** ORS 468A.020 is amended to read:

5 468A.020. (1) Except as provided in subsection (2) of this section, the air [*quality*] **pollution** laws
6 contained in ORS chapters 468, 468A and 468B do not apply to:

7 (a) Agricultural operations, including but not limited to:

8 (A) Growing or harvesting crops;

9 (B) Raising fowl or animals;

10 (C) Clearing or grading agricultural land;

11 (D) Propagating and raising nursery stock;

12 (E) Propane flaming of mint stubble; and

13 (F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the
14 period beginning October 1 and ending May 31 of the following year.

15 (b) Equipment used in agricultural operations, except boilers used in connection with propagat-
16 ing and raising nursery stock.

17 (c) Barbecue equipment used in connection with any residence.

18 (d) Heating equipment in or used in connection with residences used exclusively as dwellings for
19 not more than four families, except solid fuel burning devices, as defined in ORS 468A.485, that are
20 subject to regulation under this section and ORS 468A.140 and 468A.460 to 468A.515.

21 (e) Fires set or permitted by any public agency when such fire is set or permitted in the per-
22 formance of its official duty for the purpose of weed abatement, prevention or elimination of a fire
23 hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the
24 agency is necessary.

25 (f) Fires set pursuant to permit for the purpose of instruction of employees of private industrial
26 concerns in methods of fire fighting, or for civil defense instruction.

27 (2) Subsection (1) of this section does not apply to the extent:

28 (a) Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;

29 (b) Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS
30 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or

31 (c) Necessary for the Environmental Quality Commission, in the commission's discretion, to im-

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 plement a recommendation of the Task Force on Dairy Air Quality created under section 3, chapter
2 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

3 **(3)(a) Except to the extent necessary to implement the federal Clean Air Act (P.L. 88-206**
4 **as amended), the air pollution laws contained in ORS 468A.025, 468A.030, 468A.035, 468A.040,**
5 **468A.045 and 468A.300 to 468A.330 do not apply to carbon dioxide emissions from the com-**
6 **bustion or decomposition of biomass.**

7 **(b) As used in this subsection, “biomass” means:**

8 **(A) Nonfossilized and biodegradable organic materials that originate from plants, animals**
9 **and microorganisms and that are products, byproducts, residues or wastes from agriculture,**
10 **forestry and related industries;**

11 **(B) Nonfossilized and biodegradable organic fractions of industrial and municipal wastes;**
12 **and**

13 **(C) Gases and liquids recovered from the decomposition of nonfossilized and**
14 **biodegradable organic matter.**

15 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
17 **on its passage.**

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