

Oregon's Legislature passes nation's strictest incinerator monitoring bill

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Oregon will have the strictest municipal waste incinerator monitoring rules in the nation under a bill passed by the Legislature.

Senate Bill 488 requires Covanta Marion to continuously monitor carbon monoxide, sulfur dioxide, nitrogen oxides, opacity, PCBs, dioxins/furans, cadmium, lead, mercury, arsenic, total chromium, manganese, nickel, selenium and zinc.

The 36-year-old burner, located north of Salem in Brooks, already continuously monitors the first four of those pollutants. The remaining are tested for once a year.

Covanta Marion is Oregon's only municipal waste incinerator.

Its parent company, New Jersey-based Covanta Holding Corp., operates more than 40 incinerators in North America, Europe and the United Kingdom. In 2021, Covanta Holding was purchased by Sweden-based investment conglomerate EQT Infrastructure.

"The passage of SB 488 is a David and Goliath victory," Lisa Arkin, executive director of Beyond Toxics, said. "Local grassroots groups stood up to a multinational corporation that had the money to send scores of lobbyists to Oregon to try to influence our lawmakers."

"It is also a tremendous win for environmental justice because the incinerator's pollution primarily impacts communities of color living near NE Salem, Woodburn and Brooks," Arkin said. "Everyone deserves to breathe clean air and to be assured that their communities are not polluted with dioxin and heavy metals."

Sen. Deb Patterson, D-Salem, introduced the bill in response to concern about the incinerator's emissions.

In June 2021, a Statesman Journal investigation determined that during a one-year period, Covanta accepted about 6,000 tons of industrial waste from businesses and organizations based in 19 Oregon counties; in California, Washington, Nevada, Utah and Georgia; and in Ontario and British Columbia, Canada.

The waste included oily debris, paint and rubber waste, toner waste, HVAC filters, polyurethane foam packaging, pharmaceutical waste, corn and soybean seeds.

Covanta Marion also has taken increasing amounts of out-of-state medical waste over the past few years. Health and environment groups say burning the plastics in medical waste can produce more harmful emissions, particularly dioxins/furans, than burning household and business waste.

In 2022, Covanta Marion burned 16,335 tons of medical waste, making it the fourth-largest medical waste incinerator in the country.

The bill requires Covanta to use a continuous emission monitoring system if technically feasible. If not, Covanta must use a continuous automated sampling system.

If that is not technically feasible, the company must use a semicontinuous monitoring system that conducts monitoring at least once per week.

That's not required of municipal waste incinerators anywhere else in the country, Lloyd Naideck, Covanta's director of government relations, told legislators earlier this month.

The bill also caps the amount of medical waste Covanta can burn at 18,000 tons per year. That's the same amount Covanta can burn under federal rules while still being regulated as a municipal, rather than medical, waste burner.

The House passed the bill 34-21. It passed the Senate 17-8.

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