

# Chapter 459

## 1967 REPLACEMENT PART

### Solid Waste Control

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**459.010 Definitions.** As used in this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570, unless the context requires otherwise:

(1) "Board" means the State Board of Health.

(2) "Disposal site" means any land used for the disposal of solid wastes including but not limited to dumps, landfills and composting plants, but does not include a landfill site which is not used by the public either directly or through a service and which is used by the owner or tenant thereof to dispose of sawdust, bark, soil, rock, building demolition material or nonputrescible industrial waste products resulting from the process of manufacturing.

(3) "Section" means the Solid Waste Control Section of the State Board of Health.

(4) "Solid waste" means all putrescible and nonputrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, ashes, sewage sludge, street refuse, industrial waste, swill, demolition and construction waste, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid waste, dead animals, and other discarded solid materials.

(5) "Waste" means useless, unwanted or discarded materials.  
[1967 c.428 §2]

**459.020 Policy.** To protect the health, safety and welfare of the people of Oregon and to provide a coordinated state-wide program on disposal of solid wastes, it is declared to be public policy of the State of Oregon to regulate solid waste disposal and disposal sites to:

(1) Provide for safe and sanitary storage, collection, transportation and disposal of solid wastes.

(2) Develop long-range plans to provide adequate disposal sites and disposal facilities to meet future demands.

(3) Provide a coordinated state-wide program of control of solid wastes in cooperation with federal, state and local agencies responsible for the prevention, control or abatement of air, water and ground pollution.

(4) Provide funds for, and encourage research, studies, surveys and demonstration projects on developing more sanitary, effi-

cient and economical solid waste disposal programs.

[1967 c.428 §1]

**459.030 Solid Waste Control Section.**

There is created under the Division of Sanitation and Engineering of the State Board of Health a Solid Waste Control Section. Subject to the approval of the State Board of Health, the section shall be responsible for the administration of this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570.

[1967 c.428 §3]

**459.040 Board of Health to make rules on storage, collection, transportation and disposal; Sanitary Authority to make rules on pollution control.** (1) Except as provided in subsection (2) of this section, the board shall promulgate reasonable rules governing storage, collection, transportation and disposal of solid wastes limited to the following:

(a) Storage and disposal of solid waste to prevent:

(A) Vector production and sustenance.

(B) Conditions for transmission of diseases to man and animals.

(C) Air pollution.

(D) Pollution of surface and ground waters.

(E) Hazards to service or disposal workers or to the public.

(b) Storage of solid wastes at the point of origin to eliminate conditions conducive to the creation of vector nuisances and air and water pollution through proper container construction and design, and through solid waste handling practices including, but not limited to, container maintenance.

(c) Disposal sites with respect to:

(A) Adaptability of the site to population served, topography and geology of the area, protection of ground and surface waters, air pollution, accessibility, longevity, salvage and ultimate site use.

(B) Standards of design, management and operation.

(C) Regulation and limitation of open burning.

(D) Salvage operations.

(d) Construction, loading and operation of vehicles used in performing service to prevent the contents thereof from dropping, sifting, leaking or escaping onto public highways.

(2) The State Sanitary Authority is empowered and shall promulgate reasonable rules relating to air pollution and pollution of

surface and ground water necessary to carry out the provisions of this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570 and such rules when promulgated by the authority shall be deemed to be rules of the board. All rules promulgated under this section by the State Sanitary Authority and the board shall be adopted in accordance with the provisions of ORS chapter 183.

[1967 c.428 §4]

**459.050 Cooperation with Federal Government and others.** (1) On behalf of the Solid Waste Control Section of the State Board of Health, the State Board of Health may apply to and receive funds from the Federal Government and from public and private agencies to carry out studies, research and demonstration projects in the field of solid waste disposal.

(2) The board may enter into agreements with the Federal Government, state agencies, local public agencies and private institutions and firms to carry out the purposes of this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570.

(3) The board may expend funds for and participate in studies, research and demonstration projects in the field of solid waste disposal to carry out the purposes of this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570.

[1967 c.428 §5]

**459.060 Entry on private premises authorized.** In addition to other powers and authority of the State Board of Health, the board may enter, or authorize section per-

sonnel to enter, upon the premises of any person regulated by this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570, at reasonable times, to determine compliance with this chapter and ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570 and the rules promulgated thereunder.

[1967 c.428 §6]

**459.070 Abatement of nuisances after hearing.** Nothing in this chapter or ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570 shall prevent the maintenance of actions or suits relating to private or public nuisances in the field of solid waste disposal and allied activities, except that no suit or action shall be brought until after a hearing is held by the board on the alleged nuisance.

[1967 c.428 §7]

**459.080 Authority of cities and home-rule counties to enact supplemental regulations.** Nothing in this chapter or ORS 433.720 to 433.730, 450.075, 450.810, 450.820 and 451.570 is intended to prevent any city or home rule county from enacting supplemental regulations that are necessary to meet special local conditions on storage, collection, transportation or disposal of solid wastes.

[1967 c.428 §8]

**459.990 Penalty.** Any violation of the rules of the board promulgated under ORS 459.040 is a misdemeanor and is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both.

[1967 c.428 §16]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 1, 1967.

Robert W. Lundy  
Legislative Counsel

