



OREGON REFUSE & RECYCLING ASSOCIATION

Testimony Before the Senate Committee on Environment and Natural Resources

On Senate Bill 263

Willie Tiffany, Governmental Affairs Director

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ORRA is the statewide trade association representing solid waste management companies in Oregon. ORRA members collect and process most of Oregon's residential and commercial refuse and recyclables, as well as operate material recovery facilities, compost facilities, and many of Oregon's municipal solid waste transfer stations and landfills. In most communities across the state, ORRA members do this work under the direction of, and in partnership with, city and county government.

For the purposes of this testimony I will refer to the document titled "Senate Bill 263 with DEQ Edits" dated 1/15/2015 which is the basis for DEQ's primary amendment to SB 263. In general, ORRA supports Oregon's existing Opportunity to Recycle Act and as the franchised hauler in most of Oregon's communities, ORRA members are the primary point of contact for Oregon's solid waste and recycling programs. However, ORRA has a few major concerns with the proposed changes to Oregon's Opportunity to Recycle Act and proposes several amendments in the following areas:

Multifamily Recycling Programs: in Section 2 (3) and Section (3), DEQ proposes a new requirement that recycling service must be offered at multifamily facilities by 2022. While the goal behind this provision is admirable, the practical difficulties of requiring 100% collection at multifamily facilities is not attainable without significant increased program costs and considerable enforcement by affected cities and counties. This translates into higher collection service rates to customers, and if required by law, it forces cities and counties to adopt programs that will increase rates. Multifamily facilities often have absentee owners and/or no designated on-site manager to facilitate recycling services. Contamination tends to be relatively high at these types of facilities, sometimes to the level that that it becomes impossible to offer the service. This topic was widely discussed and not satisfactorily resolved during the discussions that led to this bill. It is not ready for legislation, and instead, ORRA suggests **deleting Sections 2 and 3 from the bill**. ORRA remains committed to working with DEQ and others to discuss opportunities to increase the amount of recycling collection programs at multifamily facilities.

Voluntary Goals: A major proposition of these revisions to the "Opportunity to Recycle Act" is to transfer Oregon's recovery goals from a regulatory nature to what the Department has deemed as "aspirational". In fact, over the past summer, the DEQ asked the county wastesheds to develop their individual recovery goals based on an aspirational or "voluntary" program as opposed to a regulatory program. ORRA is concerned that certain local governments that do not have authority over collection programs will still use the new recovery goals to require collection programs beyond what is proposed in this bill if the goals are not met. ORRA would propose this issue be resolved by adding a **new subsection to Section 7 that carefully defines the voluntary nature of**

the goals so they cannot be used to require cities and counties to add costly additional programs to meet the new voluntary goals.

2% Credits: Under the existing “Opportunity to Recycle Act” there are regulatory drivers to meet the current recovery rates. One of the ways county wastesheds have for meeting their recovery goals under the existing program is to implement a variety of waste prevention, reuse, and education programs up to a total of three 2% credits or a total of 6% credit towards their recovery rate. ORRA supports the 2% credit program which currently encourages communities to go above and beyond their required program elements and spend resources to implement additional waste prevention programs. SB 263 proposes to eliminate the 2% credit program and instead subject certain communities to new program elements or merely remove the incentive to achieve the 2% credit programs for certain communities. While ORRA remains philosophically opposed to the elimination of the 2% credit, ORRA has worked with DEQ to enact technical changes to the “Opportunity to Recycle Form” and an amendment to SB 245 which will provide an additional incentive for small communities to continue with the 2% credit programs in order to receive a preference when applying for DEQ grants.

Commodity Recovery Rates: Section 7 also creates three new specific commodity recovery rate goals of 25% of food waste, 25% of plastics, and 12% of carpet by 2020. While the development of certain markets for the recovery of plastics may be well on their way, food waste recovery is extremely difficult to measure, and a reliable market for the recovery of carpet just doesn’t exist in the western United States. Instead of relying on voluntary goals to drive market decisions, ORRA believes the establishment of a market development program within DEQ that works with stakeholders would be more effective in expanding recovery of these commodities. ORRA suggests in Section 7 (1)(c) “2020” be replaced by “2025”. Delaying the implementation of these goals would provide a reasonable amount of time to implement market development programs to meet these recovery targets.

Wasteshed Recovery Rate Process: ORRA appreciates the extensive process DEQ undertook in 2014 to receive input from Oregon’s 35 wastesheds to set their new recovery rate goal. While extensive, the process was largely arbitrary from wasteshed to wasteshed. Some included local government staff, some included local haulers, some included elected officials and yet others included some/none/or all of these groups. ORRA understands the important function of reaching out to the individual wastesheds and suggests a consistent process be developed prior to resetting the recovery goals. **Section 7 could be amended in subsection (2) to require, “When the Department proposes to update the recovery rates described in this section, it shall develop a consistent process to receive the input of the entities outlined in subsections (a) and (b) of this subsection that include the direct input from locally elected officials and other stakeholders.”**

Alternative Waste Reduction: ORRA supports the inclusion of Section 9 which would add energy recovery and savings to the calculation of the recovery rate. ORRA further believes this Section could be improved with the addition of, **“acknowledge programs and give credit for voluntary improvements like the conversion of fleets to CNG and capturing power generated at landfills.”**