

Frequently Asked Questions

Materials Management: Senate Bill 263

These FAQs address DEQ proposals to adopt new goals and measures for waste recovery and generation, and to update and revise recycling and recovery program requirements for Oregon. For more information about Senate Bill 263 see DEQ's Fact Sheet "*Materials Management: Senate Bills 245 and 263; Policy Option Package 132.*"

Why have voluntary goals?

Goals signal what's important and are powerful when they help people work together to achieve a shared outcome.

What happens if state waste recovery goals are not met?

There are no penalties, but DEQ will analyze the reasons why goals weren't met, what steps could help achieve the goals, and whether the goals should be revised. SB 263 would require DEQ to report to the Legislature if the statewide goals for food waste, plastic or carpet are not met.

What steps did DEQ take to develop the proposed state waste recovery goals?

To develop statewide recovery goals for all materials combined, DEQ:

1. Estimated amounts of the wide variety of types of materials - such as newspaper, scrap metal, food waste, carpet and plastic - currently being disposed and recycled
2. Projected future changes in waste generation, recovery and disposal for these materials through 2025 under two different scenarios for increasing recovery
3. Aggregated these factors to estimate a statewide recovery rate for all wastes (combined) in 2025
4. Shared results with the Materials Management Workgroup and Goals and Measures Subgroup, the stakeholder groups advising DEQ on this bill,
5. Evaluated input and revised the statewide recovery goal for all wastes as proposed in SB 263

To develop the statewide recovery goals for food waste, plastics and carpet in SB 263, DEQ evaluated current recovery levels for these materials and the potential for increasing recovery. The Materials Management Workgroup and Goals and Measures Subgroup also provided input on these proposed goals.

How did DEQ develop the new proposed local waste recovery goals?

DEQ asked each county or "wasteshed" to examine its existing goal for 2009 and propose a new goal for 2025. SB 263 incorporates the goals the counties and wastesheds developed.

What are the benefits of changing local waste recovery goals from mandatory to voluntary?

DEQ wants local governments to look ambitiously at new programs they may adopt and the results they might achieve when setting new goals. If failure to meet those goals had regulatory consequences, local governments might be less likely to propose ambitious goals and programs.

What happens if local waste recovery goals are not met?

The only potential regulatory consequences under SB 263 for failing to meet local goals involve communities with "alternative" programs (see below). Under SB 263, DEQ would provide assistance to all local governments not meeting goals to identify the problems, determine if the goals should be revised, and develop new strategies to achieve the goals. Local governments would not be required to perform this analysis.

What about communities with "alternative" programs?

Most cities and counties choose from a specific list of program elements to meet Recycling Opportunity Act requirements. Communities may request DEQ approval for "alternative" recycling programs not listed as standard program elements.

Currently one criteria for approval is that the alternative program must be designed to achieve a local recovery goal set in statute. SB 263 loosens this requirement and allows alternative programs to meet either the lesser of their local recovery goals or recovery levels comparable to similar communities. This change would address concerns about the future viability of certain recovery markets, such as waste wood.



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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

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If every local community meets its waste recovery goals, will the state meet its goal?

Almost, but not quite. However, as has occurred each year, we expect some counties to exceed their goals, particularly since some set goals below their current recovery levels. If most counties meet their goals and several exceed theirs, the statewide goal may be met.

Why add new recycling program elements?

Historically, changing the list of elements has encouraged some communities to take a fresh look at new services that might better meet their needs. For example, local governments may improve recovery by adopting new program elements that address construction and demolition debris, commercial recycling and commercial/residential food waste collection. Adding new elements also provides additional flexibility for local governments to meet requirements to provide the opportunity to recycle.

Why replace the 2% credit programs with waste prevention and reuse program elements?

Oregon created the 2% credit program in 1997 to provide incentives for local programs to reduce waste generation. It allows local governments to get "credit points" toward recovery rates if they promote prevention, reuse or home composting - actions that don't actually increase recovery.

This creates confusion when communities try to understand their actual recovery rate and how they compare with other communities. In addition, some of the existing programs used to obtain "credit points" are not very effective. Finally, state law encourages waste prevention and reuse as priority methods for managing waste over recycling and composting. But local prevention and reuse services are not currently required, while recycling and composting are.

Eliminating the 2% credit program will make the recovery rate measure only actual recovery. Adding effective waste prevention and reuse programs as program elements required for larger cities and counties will emphasize these important programs. Most communities subject to this new requirement are already satisfying it with existing programs. Smaller communities would be encouraged - but not required - to offer waste prevention and reuse programs.

Does SB 263 impose new requirements on local governments?

Yes, for the larger cities and counties, and for the cities and counties closer to recycling markets (near Portland). The new requirements include additional recycling program elements required for cities near Portland, and additional waste prevention and reuse program elements for cities with populations above 50,000, or for cities with populations from 10,000 to 50,000 that are within counties with populations above 100,000.

Smaller cities and counties and those further from recycling markets will not have new requirements, but will have increased flexibility in meeting existing requirements. In almost all cases, cities and counties required to implement new programs are already implementing programs that will meet these new requirements.

How does SB 263 affect recycling in apartments and commercial multi-tenant buildings?

The 1983 Recycling Opportunity Act was built on the premise that everyone in Oregon should be given the opportunity to recycle. In cities with populations above 4,000, anyone with garbage service must also receive recycling service. Most of these cities have adopted programs to provide recycling for apartment dwellers, but some have not.

SB 263 sets a target date of July 1, 2022 for apartment dwellers to receive recycling services similar to what single-family housing residents enjoy now, and for commercial tenants of multitenant buildings to also receive recycling service. This target date will allow DEQ to work with stakeholders to develop best practices for recycling in apartments and multi-tenant buildings, including practices to reduce contamination of recyclables, and for affected parties to begin implementing these practices.

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