

Senate Bill 263 updates waste prevention and recycling requirements; goals



State of Oregon
Department of
Environmental
Quality

Materials Management Program

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-5696
(800) 452-4011
Fax: (503) 229-5850
www.oregon.gov/DEQ

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

Contact: Abby Boudouris
Senior Legislative Analyst
(503) 229-6108

Modernizing Oregon's decades-old recycling and waste prevention laws will guide state, local and private actions to increase and improve material recovery and prevent waste.

These updates are necessary because despite steady increases in material recovery, many high-value materials are still thrown away, and materials collected for recycling are often contaminated. Furthermore, opportunities to benefit from reducing waste in the first place are often missed. Senate Bill 263:

- Expands program options cities and counties can use to provide opportunities for recycling and waste prevention beginning in 2016.
- Replaces 2 percent waste prevention credits used to meet watershed recovery goals with new waste prevention program elements beginning in 2016.
- Ensures that tenants get opportunities to recycle by 2022.
- Updates local waste recovery goals for 2025, including the goal requested by each county
- Updates statewide goals:
 - Increases waste recovery goal from 50 percent to 52 percent by 2020, and to 55 percent by 2025.
 - Sets new recovery goals for high-impact materials: 25 percent of food and 25 percent of plastics by 2020; 25 percent of carpet by 2025.
 - Strengthens waste generation goal to 15 percent below 2012 levels by 2025, and to 40 percent below 2012 levels by 2050.
- Authorizes the Oregon Environmental Quality Commission to adopt alternative watershed recovery goals to expand options for counties to meet recovery rates.

Public involvement

Senate Bill 263 was developed with extensive input from about 80 stakeholders during 13 meetings over 14 months. DEQ also held more than 30 meetings with interested parties in most of Oregon's counties to develop local waste recovery goals.

Outcomes

Senate Bill 263 together with partner bill Senate Bill 245 and Policy Option Package 132 updates laws to build a solid foundation for implementing Oregon's [2050 Vision and Framework for Action](#) for sustainable materials management.

Together, these bills will help the public and private sectors conserve resources and energy and reduce pollution by:

- Increasing and improving prevention and recovery of high-impact materials such as food and plastics
- Increasing opportunities for individuals and business to prevent and recover waste
- Helping businesses reduce waste and gain efficiencies
- Improving recycling markets
- Increasing employment opportunities
- Measuring environmental outcomes for more informed decision-making

Senate Bill 245 provides adequate, stable funding for materials management programs. DEQ's ability to advance the outcomes listed above relies on stable program funding.

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 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.

Why add new recycling program elements?

Changing the list of elements encourages 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 more flexibility for local governments to meet requirements to provide recycling opportunities.

Why have voluntary goals?

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

There are no penalties if waste recovery goals are not met, 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 requires DEQ to report to the Legislature if the statewide goals for food waste, plastic or carpet are not met.

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.

Why change 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.

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

Almost, but not quite. However, as has occurred each year, DEQ expects 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 replace the 2 percent credit programs with waste prevention and reuse program elements?

Oregon created the 2 percent 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.

Eliminating the 2 percent 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.

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 multi-tenant buildings to also receive recycling service. A 2022 target date allows adequate time for DEQ to work with stakeholders to develop best practices for recycling in apartments and multi-tenant buildings, and for affected parties to begin implementing these practices.

To ensure accountability, SB 263 requires DEQ to submit a 2019 interim report to the Legislature on the state's progress toward meeting the 2022 target.

For more information please contact:

Abby Boudouris, Portland, 503-229-6108

Alternative formats

Alternative formats of this document can be made available. For more information call 503-229-5696, Portland, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.