

SENATE AMENDMENTS TO SENATE BILL 245

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 7

1 On page 1 of the printed bill, delete lines 5 through 21 and delete pages 2 through 11 and insert:

“2016 FUNDING ADJUSTMENTS

2
3
4
5 “**SECTION 1.** ORS 459.235, as amended by section 8 of this 2015 Act, is amended to read:

6 “459.235. (1) Applications for permits shall be on forms prescribed by the Department of Envi-
7 ronmental Quality. An application shall contain a description of the existing and proposed operation
8 and the existing and proposed facilities at the site, with detailed plans and specifications for any
9 facilities to be constructed. The application shall include a recommendation by each local govern-
10 ment unit having jurisdiction and such other information the department deems necessary in order
11 to determine whether the site and solid waste disposal facilities located [*thereon*] **at the site** and
12 the operation will comply with applicable requirements.

13 “(2) The Environmental Quality Commission shall establish a schedule of fees for disposal site
14 permits. [*The permit fees contained in the schedule shall be based on the anticipated cost of filing and*
15 *investigating the application, of issuing or denying the requested permit and of an inspection program*
16 *to determine compliance or noncompliance with the permit.*] **Consistent with the policies in ORS**
17 **459.015, moneys collected under this section shall be used to fund oversight activities related**
18 **to solid waste disposal sites, including but not limited to policy development, permitting, in-**
19 **specting, monitoring, enforcement, training, technical assistance, responding to complaints,**
20 **rulemaking and any other activities that support the safe management of solid waste.**

21 “[*(3) In addition to the fees imposed under subsection (2) of this section, the commission shall es-*
22 *tablish a schedule of permit fees for the purpose of implementing this section and ORS 90.318, 182.375,*
23 *279A.125, 279A.155, 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418,*
24 *459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, 459A.475, 459A.480,*
25 *459A.500 to 459A.685, 459A.695 and 459A.750. The fees shall be based on the amount of solid waste*
26 *received at the disposal site.*]

27 “[*(4)*] **(3)** Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or
28 459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable ma-
29 terial other than virgin material for daily cover at a disposal site, the only fee that may be charged
30 for the disposal of substitute material that is also used for daily cover is the permit fee established
31 under this section.

32 “**SECTION 2.** ORS 459.236 is amended to read:

33 “459.236. (1) In addition to the permit fees provided in ORS 459.235, upon prior approval by the
34 Oregon Department of Administrative Services and a report to the Emergency Board prior to
35 adopting the fees, [*on January 1 of each year*] there is imposed a fee on all:

1 “(a) Disposal sites that receive domestic solid waste [*except transfer stations*] **or solid waste**
2 **generated outside the state, for final disposal or destruction;** and

3 “(b) Persons who transport solid waste out of the State of Oregon **for final disposal or de-**
4 **struction** to a disposal site that receives domestic solid waste.

5 “(2) The amount raised under subsection (1) of this section shall be up to \$1 million per year,
6 based on the estimated tonnage or the actual tonnage, if known, received at the site or transported
7 out of state for **final disposal or destruction** and any other similar or related factors the Environ-
8 mental Quality Commission finds appropriate. Such fees shall be within the budget authorized by the
9 Legislative Assembly as that budget may be modified by the Emergency Board.

10 “(3) For solid waste [*generated within the boundaries of*] **delivered to a disposal site owned and**
11 **operated by** a metropolitan service district, the fee imposed under subsection (1) of this section[,
12 *but not the permit fees provided in ORS 459.235 (3),*] shall be levied on the district, not the disposal
13 site.

14 “(4) Before transporting or arranging for transport of solid waste out of the State of Oregon to
15 a disposal site that receives domestic solid waste, a person shall notify the Department of Environ-
16 mental Quality in writing.

17 “(5)(a) A local government unit that franchises or licenses a domestic solid waste site shall al-
18 low the disposal site to pass through the amount of the fees established by the commission in sub-
19 section (1) of this section to the users of the site.

20 “(b) If a disposal site that receives domestic solid waste passes through all or a portion of the
21 fees established by the commission in subsection (1) of this section to a solid waste collector who
22 uses the site, a local government unit that franchises or licenses the collection of solid waste shall
23 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

24 “(6) Except as provided in subsection (7) of this section, moneys collected under this section
25 shall be deposited in the Orphan Site Account created under ORS 465.381 to be used to pay the costs
26 of removal or remedial action of hazardous substances, in excess of the maximum amount collected
27 under ORS 459.311 at:

28 “(a) Solid waste disposal sites owned or operated by a local government unit; or

29 “(b) Privately owned or operated solid waste disposal sites that receive or received domestic
30 solid waste for which the department determines the responsible party is unknown, unwilling or
31 unable to undertake any portion or phase of a removal or remedial action.

32 “(7) The moneys collected under this section, or proceeds of any bond sale under ORS 468.195
33 for which moneys collected under this section are pledged for repayment shall be made available to
34 a local government unit to pay removal or remedial action costs at a site if:

35 “(a) The local government unit is responsible for conducting removal or remedial action under
36 ORS 465.260; and

37 “(b) The local government unit repays any moneys equal to the amount that may be raised by
38 the charge imposed under ORS 459.311 and interest on such moneys, in accordance with an agree-
39 ment between the local government unit and the department. A local government unit is not re-
40 quired to repay the first \$100,000 the local government unit expends on removal or remedial action.

41 “(8) As used in this section:

42 “(a) ‘Domestic solid waste’ has the meaning given that term in ORS 459A.100.

43 “(b) ‘Person’ does not include an individual who transports the individual’s own residential solid
44 waste to a disposal site located out of the state.

45 “(c) ‘Removal’ and ‘remedial action’ have the [*meaning*] **meanings** given those terms in ORS

1 465.200.

2 **“SECTION 3.** ORS 459A.025 is amended to read:

3 “459A.025. (1) According to the requirements of ORS chapter 183, the Environmental Quality
4 Commission shall adopt rules and guidelines necessary to carry out the provisions of ORS 459.005,
5 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665, including but not
6 limited to:

7 “(a) Acceptable alternative methods for providing the opportunity to recycle;

8 “(b) Education, promotion and notice requirements, which requirements may be different for
9 disposal sites and collection systems;

10 “(c) Identification of the wastesheds within the state;

11 “(d) Identification of the principal recyclable material in each wasteshed;

12 “(e) Guidelines for local government units and other persons responsible for implementing the
13 provisions of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to
14 459A.665; **and**

15 “(f) Standards for the joint submission of the recycling reports required under ORS 459A.050
16 (1).[; *and*]

17 “[*(g) Subject to prior approval of the Oregon Department of Administrative Services and a report*
18 *to the Emergency Board prior to adopting the fee, the amount of an annual or permit fee or both under*
19 *ORS 459.235, 459.245 and 468.065 necessary to carry out the provisions of ORS 459.005, 459.015,*
20 *459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.]*

21 “(2) In adopting rules or guidelines under this section, the commission shall consider:

22 “(a) The policy stated in ORS 459.015.

23 “(b) Systems and techniques available for recycling, including but not limited to existing recy-
24 cling programs.

25 “(c) Availability of markets for recyclable material.

26 “(d) Costs of collecting, storing, transporting and marketing recyclable material.

27 “(e) Avoided costs of disposal.

28 “(f) Density and characteristics of the population to be served.

29 “(g) Composition and quantity of solid waste generated and potential recyclable material found
30 in each wasteshed.

31 **“SECTION 4.** ORS 459A.110 is amended to read:

32 “459A.110. (1) In addition to the permit fees provided in ORS 459.235, the Environmental Quality
33 Commission shall establish a schedule of fees for all:

34 “(a) Disposal sites that receive domestic solid waste [*except transfer stations*] **or solid waste**
35 **generated outside the state, for final disposal or destruction;** and

36 “(b) Persons who transport solid waste out of the State of Oregon **for final disposal or de-**
37 **struction** to a disposal site that receives domestic solid waste.

38 **“(2) If the amount of waste tonnage per calendar year subject to the fees established**
39 **under subsection (1) of this section falls, for two consecutive calendar years, below 90 per-**
40 **cent of the amount of waste tonnage subject to the fees as averaged over the 2014 to 2016**
41 **calendar years, the commission may establish a schedule of fees for disposal sites for**
42 **composting. A fee schedule established under this subsection shall:**

43 **“(a) Apply only to tonnage received by a disposal site for composting that is in excess**
44 **of the first 5,000 tons received per year by the disposal site; and**

45 **“(b) Remain in effect unless or until the commission determines that a fee under this**

1 **subsection is no longer necessary.**

2 “[2] (3) *[The schedule adopted under subsection (1)] Fees adopted under subsections (1) and*
3 **(2)** of this section shall be based on the estimated tonnage or the actual tonnage, if known, received
4 at the site or transported out of state for disposal and any other similar or related factors the
5 commission finds appropriate. *[The fees collected pursuant to the schedule shall be sufficient to assist*
6 *in the funding of programs to reduce the amount of domestic solid waste generated in Oregon and to*
7 *reduce environmental risks at domestic waste disposal sites.]*

8 “[3] (4) For solid waste delivered to a disposal site owned or operated by a metropolitan ser-
9 vice district, the schedule of fees, but not the permit fees provided in ORS 459.235, established by
10 the commission in subsection (1) of this section shall be levied on the district, not the disposal site.

11 “[4] (5) The commission also may require submittal of information related to volumes and
12 sources of solid waste if necessary to carry out the activities **described** in ORS 459A.120. For solid
13 waste transported out of the State of Oregon for **final disposal or destruction**, the required infor-
14 mation may include the type of solid waste, the county of origin of the solid waste and the state to
15 which the solid waste is transported for final disposal **or destruction**.

16 “[5] (6) Before transporting or arranging for transport of solid waste out of the State of Oregon
17 to a disposal site that receives domestic solid waste, a person shall notify the Department of Envi-
18 ronmental Quality in writing.

19 “[6)(a)] (7)(a) A local government that franchises or licenses a disposal site that receives do-
20 mestic solid waste shall allow the disposal site to pass through the amount of the fees established
21 by the commission in *[subsection (1)] subsections (1) and (2)* of this section to the users of the site.

22 “(b) If a disposal site that receives domestic solid waste passes through all or a portion of the
23 fees established by the commission in *[subsection (1)] subsections (1) and (2)* of this section to a
24 solid waste collector who uses the site, a local government that franchises or licenses the collection
25 of solid waste shall allow the franchisee or licensee to include the amount of the fee in the col-
26 lection service rate.

27 “[7] *The fees generated under subsection (1) of this section shall be sufficient to accomplish the*
28 *purposes set forth in ORS 459A.120 but shall be no more than 50 cents per ton.]*

29 “[8] *There shall be a fee on solid waste generated out of state. This fee shall be an amount equal*
30 *to the sum of the fees established under subsection (1) of this section and ORS 459A.115 and shall be*
31 *collected in the same manner as fees established under subsection (1) of this section and ORS*
32 *459A.115.]*

33 “[9] (8) As used in this section, ‘person’ does not include an individual who transports the
34 individual’s own residential solid waste to a disposal site located out of the state.

35 **“SECTION 5. ORS 459A.115 is repealed.**

36 **“SECTION 6. (1) The fees generated under ORS 459A.110 shall be sufficient to accomplish**
37 **the purposes set forth in ORS 459A.120, provided that:**

38 **“(a) The fees established under ORS 459A.110 (1) shall be no more than \$1.18 per ton for**
39 **the biennium beginning July 1, 2015; and**

40 **“(b) Any per-ton fee on disposal sites for composting under ORS 459A.110 (2) shall be no**
41 **more than the per-ton fee assessed on domestic solid waste disposal under ORS 459A.110 (1),**
42 **less \$0.81 per ton.**

43 **“(2) For the biennium beginning July 1, 2017, and each subsequent biennium and subject**
44 **to prior approval by the Oregon Department of Administrative Services, the Environmental**
45 **Quality Commission may:**

1 “(a) Proportionally adjust the fees established under this section and ORS 459A.110 to
2 meet revenue needs consistent with the budget authorized by the Legislative Assembly as
3 that budget may be modified by the Emergency Board; or

4 “(b) Adjust for inflation by modifying the amount of the fees established under this sec-
5 tion and ORS 459A.110 based on the West Region Consumer Price Index for All Urban Con-
6 sumers for All Items, as published by the Bureau of Labor Statistics of the United States
7 Department of Labor.

8 “(3) Any fee adjustment adopted pursuant to subsection (2) of this section shall be
9 adopted not less than six months prior to the date that the fee adjustment will be effective.

10 “(4) The commission may not adopt a fee adjustment under subsection (2) of this section
11 if the adjustment would result in:

12 “(a) A fee increase or decrease of less than two percent for the biennium for which the
13 fee adjustment will be effective; or

14 “(b) A fee under ORS 459A.110 (1) that is greater than the maximum fee provided for in
15 subsection (1)(a) of this section adjusted annually on July 1 by a three percent increase in
16 the maximum fee.

17 “(5) The commission may not adopt more than one fee adjustment under subsection (2)
18 of this section each biennium.

19 “SECTION 6a. (1)(a) By September 30 of each year, the Department of Environmental
20 Quality shall provide a rebate of the fees established under ORS 459A.110 to the nine most
21 economically distressed counties in this state.

22 “(b) The department shall annually identify the counties that will receive the rebate
23 provided for under this section and, no later than January 31 of each year, provide notice to:

24 “(A) Each of the economically distressed counties identified by the department that will
25 receive the rebate calculated under subsection (2) of this section for the calendar year; and

26 “(B) Each of the counties that received a rebate during the previous calendar year.

27 “(2)(a) For the biennium beginning July 1, 2015, the amount of the rebate provided to an
28 economically distressed county under this section shall be no more than \$0.28 per:

29 “(A) Each ton of solid waste disposed that was generated within the economically dis-
30 tressed county during the previous calendar year; or

31 “(B) If the department calculates an adjustment under paragraph (c) of this subsection,
32 each adjusted ton of solid waste disposed that was generated within the economically dis-
33 tressed county during the previous calendar year.

34 “(b) For the biennium beginning July 1, 2017, and each subsequent biennium, if the En-
35 vironmental Quality Commission adjusts the fees established under ORS 459A.110 pursuant
36 to section 6 (2) of this 2015 Act, the commission shall also proportionally adjust the amount
37 of the per-ton rebate specified in paragraph (a) of this subsection.

38 “(c)(A) The department shall calculate the total tonnage of solid waste disposed that was
39 generated in a calendar year within all of the economically distressed counties identified
40 under subsection (1) of this section.

41 “(B) If the total for all economically distressed counties is greater than 10 percent of all
42 solid waste disposed of in this state during the same calendar year, the department may
43 calculate an adjusted tonnage for each economically distressed county for purposes of cal-
44 culating the rebate provided for under this section.

45 “(C) The adjusted tonnage for each economically distressed county shall be proportional

1 to the actual tonnage generated and calculated such that the sum of the adjusted tonnage
2 for all of the economically distressed counties is equal to 10 percent of all solid waste dis-
3 posed of in this state during the calendar year.

4 “(3) If a city within an economically distressed county owns and operates a landfill, the
5 department shall distribute the portion of the rebate for the economically distressed county
6 that is calculated based on tons of solid waste disposed that was generated in the county and
7 disposed of at the landfill owned by the city to the city instead of the county.

8 “(4) Moneys received by a city or county pursuant to the rebate program provided for
9 under this section may be used only for:

10 “(a) Purposes authorized in ORS 459A.120;

11 “(b) The operation of solid waste disposal facilities; or

12 “(c) The reduction of disposal fees.

13 “(5)(a) The commission shall adopt rules to carry out the provisions of this section. Rules
14 adopted under this subsection shall include:

15 “(A) A methodology for identifying the most economically distressed counties in this
16 state; and

17 “(B) A process for providing rebates to the economically distressed counties.

18 “(b) The methodology for identifying economically distressed counties adopted under this
19 subsection may be based on a methodology adopted by the Oregon Business Development
20 Department by rule under ORS 285A.020 and 285A.075.

21 “(6) As used in this section:

22 “(a) ‘Landfill’ has the meaning given that term in ORS 459.005; and

23 “(b) ‘Solid waste disposed’ has the meaning given that term in ORS 459A.010 (4)(h).

24 “**SECTION 7.** ORS 459A.120 is amended to read:

25 “459A.120. (1) [*Except as provided in ORS 459A.115,*] The fees established by the Environmental
26 Quality Commission under ORS 459A.110 shall be deposited in the General Fund and credited to an
27 account of the Department of Environmental Quality. Such moneys are continuously appropriated
28 to the department to [*carry out the purposes set forth in subsection (2) of this section.*] **fund the up-**
29 **date and implementation of the statewide integrated solid waste management plan under**
30 **ORS 459A.020 and the policies set forth in ORS 459.015.**

31 “(2) Activities that may be funded to carry out the purposes of this section include but
32 are not limited to:

33 “(a) Activities to reduce the environmental and human health impacts of materials at
34 all stages of their life cycles, such as:

35 “(A) Promoting and enhancing waste prevention, recycling and other waste recovery ac-
36 tivities;

37 “(B) Collecting data;

38 “(C) Researching, planning, developing and applying performance measures;

39 “(D) Developing standards and educational and promotional activities;

40 “(E) Supporting markets;

41 “(F) Demonstrating activities; and

42 “(G) Managing household hazardous wastes and materials;

43 “(b) Solid waste planning activities by counties and metropolitan service districts, as ap-
44 proved by the department; and

45 “(c) Providing grants or loans to fund the types of activities listed in paragraphs (a) and

1 (b) of this subsection. In providing grants under this paragraph, the department shall give
2 preference to providing grants for activities that reduce solid waste generation and exceed
3 the requirements of ORS chapter 459A.

4 “[*(2) The fees collected under ORS 459A.110 shall be used only for the following purposes:*]

5 “[*(a) Implementation of the provisions of ORS 459.411 to 459.417.*]

6 “[*(b) Department of Environmental Quality programs to promote and enhance waste reduction and*
7 *recycling statewide, including data collection, performance measurement, education and promotion,*
8 *market development and demonstration projects.*]

9 “[*(c) Department of Environmental Quality activities for ground water monitoring and enforcement*
10 *of ground water protection standards at disposal sites that receive domestic solid waste.*]

11 “[*(d) Solid waste planning activities by counties and the metropolitan service district, as approved*
12 *by the department, including planning for special waste disposal, planning for closure of solid waste*
13 *disposal sites, capacity planning for domestic solid waste and regional solid waste planning.*]

14 “[*(e) Grants to local government units for recycling and solid waste planning activities.*]

15 “[*(f) Payment of administrative costs incurred by the department in accomplishing the purposes set*
16 *forth in this section. The amount allocated under this paragraph shall not exceed 10 percent of the fees*
17 *generated under ORS 459A.110.*]

18 “**SECTION 8.** ORS 459.235 is amended to read:

19 “459.235. (1) Applications for permits shall be on forms prescribed by the Department of Envi-
20 ronmental Quality. An application shall contain a description of the existing and proposed operation
21 and the existing and proposed facilities at the site, with detailed plans and specifications for any
22 facilities to be constructed. The application shall include a recommendation by each local govern-
23 ment unit having jurisdiction and such other information the department deems necessary in order
24 to determine whether the site and solid waste disposal facilities located thereon and the operation
25 will comply with applicable requirements.

26 “(2) The Environmental Quality Commission shall establish a schedule of fees for disposal site
27 permits. The permit fees contained in the schedule shall be based on the anticipated cost of filing
28 and investigating the application, of issuing or denying the requested permit and of an inspection
29 program to determine compliance or noncompliance with the permit.

30 “(3) In addition to the fees imposed under subsection (2) of this section, the commission shall
31 establish a schedule of permit fees for the purpose of implementing this section and ORS 90.318,
32 182.375, 279A.125, 279A.155, 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418,
33 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, [459A.115,]
34 459A.475, 459A.480, 459A.500 to 459A.685, 459A.695 and 459A.750. The fees shall be based on the
35 amount of solid waste received at the disposal site.

36 “(4) Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or
37 459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable ma-
38 terial other than virgin material for daily cover at a disposal site, the only fee that may be charged
39 for the disposal of substitute material that is also used for daily cover is the permit fee established
40 under this section.

41 “**SECTION 9.** (1) The amendments to ORS 459.235, 459.236 and 459A.025 by sections 1 to
42 3 of this 2015 Act become operative on July 1, 2016.

43 “(2) Sections 6 and 6a of this 2015 Act, the amendments to ORS 459.235, 459A.110 and
44 459A.120 by sections 4, 7 and 8 of this 2015 Act and the repeal of ORS 459A.115 by section 5
45 of this 2015 Act become operative on April 1, 2016.

1 “**SECTION 10. Fees imposed pursuant to section 6 of this 2015 Act, the amendments to**
2 **ORS 459.235, 459.236, 459A.025, 459A.110 and 459A.120 by sections 1 to 4 and 7 of this 2015 Act**
3 **and the repeal of ORS 459A.115 by section 5 of this 2015 Act shall first become due and pay-**
4 **able no earlier than July 1, 2016.**

5 “**SECTION 11. The Environmental Quality Commission and the Department of Environ-**
6 **mental Quality may take any action before the operative dates specified in section 9 of this**
7 **2015 Act that is necessary for the commission or the department to exercise, on and after**
8 **the operative dates specified in section 9 of this 2015 Act, all of the duties, functions and**
9 **powers conferred on the commission or the department by sections 6 and 6a of this 2015 Act,**
10 **the amendments to ORS 459.235, 459.236, 459A.025, 459A.110 and 459A.120 by sections 1 to 4**
11 **and 7 of this 2015 Act and the repeal of ORS 459A.115 by section 5 of this 2015 Act.**

12
13 **“2019 FUNDING ADJUSTMENTS**
14

15 “**SECTION 12.** ORS 459.236, as amended by section 2 of this 2015 Act, is amended to read:

16 “459.236. (1) In addition to the permit fees provided in ORS 459.235, upon prior approval by the
17 Oregon Department of Administrative Services and a report to the Emergency Board prior to
18 adopting the fees, there is imposed a fee on all:

19 “(a) Disposal sites that receive domestic solid waste, **building demolition or construction**
20 **wastes, land clearing debris, waste tires** or solid waste generated outside the state, for final dis-
21 posal or destruction; and

22 “(b) Persons who transport solid waste out of the State of Oregon for final disposal or de-
23 struction to a disposal site that receives domestic solid waste, **building demolition or construction**
24 **wastes, land clearing debris or waste tires.**

25 “(2) The amount raised under subsection (1) of this section shall be up to \$1 million per year,
26 based on the estimated tonnage or the actual tonnage, if known, received at the site or transported
27 out of state for final disposal or destruction and any other similar or related factors the Environ-
28 mental Quality Commission finds appropriate. Such fees shall be within the budget authorized by the
29 Legislative Assembly as that budget may be modified by the Emergency Board.

30 “(3) For solid waste delivered to a disposal site owned and operated by a metropolitan service
31 district, the fee imposed under subsection (1) of this section shall be levied on the district, not the
32 disposal site.

33 “(4) Before transporting or arranging for transport of solid waste out of the State of Oregon to
34 a disposal site that receives domestic solid waste, a person shall notify the Department of Environ-
35 mental Quality in writing.

36 “(5)(a) A local government unit that franchises or licenses a domestic solid waste site shall al-
37 low the disposal site to pass through the amount of the fees established by the commission in sub-
38 section (1) of this section to the users of the site.

39 “(b) If a disposal site that receives domestic solid waste passes through all or a portion of the
40 fees established by the commission in subsection (1) of this section to a solid waste collector who
41 uses the site, a local government unit that franchises or licenses the collection of solid waste shall
42 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

43 “(6) Except as provided in subsection (7) of this section, moneys collected under this section
44 shall be deposited in the Orphan Site Account created under ORS 465.381 to be used to pay the costs
45 of removal or remedial action of hazardous substances, in excess of the maximum amount collected

1 under ORS 459.311 at:

2 “(a) Solid waste disposal sites owned or operated by a local government unit; or

3 “(b) Privately owned or operated solid waste disposal sites that receive or received domestic
4 solid waste for which the department determines the responsible party is unknown, unwilling or
5 unable to undertake any portion or phase of a removal or remedial action.

6 “(7) The moneys collected under this section, or proceeds of any bond sale under ORS 468.195
7 for which moneys collected under this section are pledged for repayment shall be made available to
8 a local government unit to pay removal or remedial action costs at a site if:

9 “(a) The local government unit is responsible for conducting removal or remedial action under
10 ORS 465.260; and

11 “(b) The local government unit repays any moneys equal to the amount that may be raised by
12 the charge imposed under ORS 459.311 and interest on such moneys, in accordance with an agree-
13 ment between the local government unit and the department. A local government unit is not re-
14 quired to repay the first \$100,000 the local government unit expends on removal or remedial action.

15 “(8) As used in this section:

16 “(a) ‘Domestic solid waste’ has the meaning given that term in ORS 459A.100.

17 “(b) ‘Person’ does not include an individual who transports the individual’s own residential solid
18 waste to a disposal site located out of the state.

19 “(c) ‘Removal’ and ‘remedial action’ have the meanings given those terms in ORS 465.200.

20 “**SECTION 13.** ORS 459A.110, as amended by section 4 of this 2015 Act, is amended to read:

21 “459A.110. (1) In addition to the permit fees provided in ORS 459.235, the Environmental Quality
22 Commission shall establish a schedule of fees for all:

23 “(a) Disposal sites that receive domestic solid waste, **building demolition or construction**
24 **waste, land clearing debris, waste tires** or solid waste generated outside the state, for final dis-
25 posal or destruction; and

26 “(b) Persons who transport solid waste out of the State of Oregon for final disposal or de-
27 struction to a disposal site that receives domestic solid waste, **building demolition or construction**
28 **waste, land clearing debris or waste tires.**

29 “(2) If the amount of waste tonnage per calendar year subject to the fees established under
30 subsection (1) of this section falls, for two consecutive calendar years, below 90 percent of the
31 amount of waste tonnage subject to the fees as averaged over the 2014 to 2016 calendar years, the
32 commission may establish a schedule of fees for disposal sites for composting. A fee schedule es-
33 tablished under this subsection shall:

34 “(a) Apply only to tonnage received by a disposal site for composting that is in excess of the
35 first 5,000 tons received per year by the disposal site; and

36 “(b) Remain in effect unless or until the commission determines that a fee under this subsection
37 is no longer necessary.

38 “(3) Fees adopted under subsections (1) and (2) of this section shall be based on the estimated
39 tonnage or the actual tonnage, if known, received at the site or transported out of state for disposal
40 and any other similar or related factors the commission finds appropriate.

41 “(4) For solid waste delivered to a disposal site owned or operated by a metropolitan service
42 district, the schedule of fees, but not the permit fees provided in ORS 459.235, established by the
43 commission in subsection (1) of this section shall be levied on the district, not the disposal site.

44 “(5) The commission also may require submittal of information related to volumes and sources
45 of solid waste if necessary to carry out the activities described in ORS 459A.120. For solid waste

1 transported out of the State of Oregon for final disposal or destruction, the required information
2 may include the type of solid waste, the county of origin of the solid waste and the state to which
3 the solid waste is transported for final disposal or destruction.

4 “(6) Before transporting or arranging for transport of solid waste out of the State of Oregon to
5 a disposal site that receives domestic solid waste, a person shall notify the Department of Environ-
6 mental Quality in writing.

7 “(7)(a) A local government that franchises or licenses a disposal site that receives domestic solid
8 waste shall allow the disposal site to pass through the amount of the fees established by the com-
9 mission in subsections (1) and (2) of this section to the users of the site.

10 “(b) If a disposal site that receives domestic solid waste passes through all or a portion of the
11 fees established by the commission in subsections (1) and (2) of this section to a solid waste collector
12 who uses the site, a local government that franchises or licenses the collection of solid waste shall
13 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

14 “(8) As used in this section, ‘person’ does not include an individual who transports the
15 individual’s own residential solid waste to a disposal site located out of the state.

16 **“SECTION 14. The amendments to ORS 459.236 and 459A.110 by sections 12 and 13 of this
17 2015 Act become operative on April 1, 2019.**

18 **“SECTION 15. Fees imposed pursuant to the amendments to ORS 459.236 and 459A.110
19 by sections 12 and 13 of this 2015 Act shall first become due and payable no earlier than July
20 1, 2019.**

21 **“SECTION 16. The Environmental Quality Commission and the Department of Environ-
22 mental Quality may take any action before the operative date specified in section 14 of this
23 2015 Act that is necessary for the commission or the department to exercise, on and after
24 the operative date specified in section 14 of this 2015 Act, all of the duties, functions and
25 powers conferred on the commission or the department by the amendments to ORS 459.236
26 and 459A.110 by sections 12 and 13 of this 2015 Act.**

27
28 **“OUT-OF-REGION FEE DIFFERENTIAL REPEALED**

29
30 **“SECTION 17. ORS 459.112 and 459.114 are repealed.**

31
32 **“REPORT**

33
34 **“SECTION 18. No later than October 31, 2022, the Department of Environmental Quality
35 shall submit a report in the manner provided by ORS 192.245, and may include recommen-
36 dations for legislation, to the interim committees of the Legislative Assembly having subject
37 matter jurisdiction over the environment and natural resources. The report shall include:**

38 **“(1) Information on options for sustainable and adequate funding of solid waste manage-
39 ment, prevention, reuse and recycling programs;**

40 **“(2) An evaluation of the effectiveness and value of the fee rebate program provided for
41 under section 6a of this 2015 Act; and**

42 **“(3) Information on the implementation of the state’s plan for an integrated system of
43 materials and waste management in the State of Oregon, as adopted in accordance with ORS
44 459A.020.**

“UNIT CAPTIONS

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“SECTION 19. The unit captions used in this 2015 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2015 Act.”
