

B-Engrossed
Senate Bill 263

Ordered by the House May 26
Including Senate Amendments dated April 7 and House Amendments
dated May 26

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Environmental Quality)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Adds program elements to opportunity to recycle. Modifies program elements and program element requirements.

Updates statewide goals for recovery of materials from general solid waste stream for calendar years 2020 and 2025 and subsequent years. Establishes specific statewide recovery goals for certain materials. Updates waste generation goals for calendar years 2025 and 2050 and subsequent years. Updates voluntary washed recovery goals. Allows Environmental Quality Commission to revise goals under certain conditions. Requires commission to provide certain notices as part of certain voluntary washed recovery goal revision efforts.

Directs commission to develop and adopt alternative method for calculating recovery rates based on rate of energy savings achieved through recovery of materials. Authorizes commission to adopt other alternative calculation methods under certain conditions. Authorizes washed to base recovery rate calculations on weight-based or alternative methods adopted by commission.

Eliminates two percent recovery credits on washed recovery rates.

Reduces required frequency of statewide solid waste composition study to once every three biennia.

Requires Department of Environmental Quality to conduct statewide surveys of recovery rates for food and plastic waste for calendar year 2020, and for carpet waste for calendar year 2025. Requires department to report to interim committee of Legislative Assembly by September 15, 2022, and September 15, 2027, respectively, if goals are not being achieved.

A BILL FOR AN ACT

1
2 Relating to materials management of solid waste; creating new provisions; and amending ORS
3 459.055, 459.305, 459A.005, 459A.010, 459A.020, 459A.029, 459A.030, 459A.035 and 459A.050.

4 **Be It Enacted by the People of the State of Oregon:**

5
6 **OPPORTUNITY TO RECYCLE:**

7 **GOAL AND RECOVERY RATE UPDATES**

8
9 **SECTION 1.** ORS 459A.005 is amended to read:

10 459A.005. (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the "opportunity to
11 recycle" means at least that the city, county or metropolitan service district responsible for solid
12 waste management:

13 (a)(A) Provides a place for collecting source separated recyclable material located either at a
14 disposal site or at another location more convenient to the population being served and, if a city
15 has a population of 4,000 or more, collection at least once a month of source separated recyclable
16 material from collection service customers within the city's urban growth boundary or, where ap-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 plicable, within the urban growth boundary established by a metropolitan service district; or

2 (B) Provides an alternative method *[which]* **that** complies with rules of the Environmental
3 Quality Commission; and

4 (b) Complies with the *[rates and program elements required under ORS 459A.010]* **program ele-**
5 **ment requirements described in section 5 of this 2015 Act.**

6 (2) The “opportunity to recycle” defined in subsection (1) of this section also includes a public
7 education and promotion program that:

8 (a) Gives notice to each person of the opportunity to recycle; and

9 (b) Encourages source separation of recyclable material.

10 **SECTION 2.** ORS 459A.005, as amended by section 1 of this 2015 Act, is amended to read:

11 459A.005. (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the “opportunity to
12 recycle” means at least that the city, county or metropolitan service district responsible for solid
13 waste management:

14 (a)(A) Provides a place for collecting source separated recyclable material located either at a
15 disposal site or at another location more convenient to the population being served and, if a city
16 has a population of 4,000 or more, collection at least once a month of source separated recyclable
17 material from collection service customers within the city’s urban growth boundary or, where ap-
18 plicable, within the urban growth boundary established by a metropolitan service district; or

19 (B) Provides an alternative method that complies with rules of the Environmental Quality
20 Commission; and

21 (b) Complies with the program element requirements described in section 5 of this 2015 Act.

22 (2) The “opportunity to recycle” defined in subsection (1) of this section also includes a public
23 education and promotion program that:

24 (a) Gives notice to each person of the opportunity to recycle; and

25 (b) Encourages source separation of recyclable material.

26 **(3) As used in this section, “collection service customers” includes:**

27 **(a) Customers of a collection service as defined in ORS 459.005; and**

28 **(b) The residential and commercial tenants of landlords or property managers that are**
29 **customers of a collection service for the benefit of their tenants.**

30 **SECTION 3.** The amendments to ORS 459A.005 by section 2 of this 2015 Act become op-
31 **erative on July 1, 2022.**

32 **SECTION 4.** Sections 5 and 6 of this 2015 Act are added to and made a part of ORS
33 **459A.005 to 459A.665.**

34 **SECTION 5.** (1) A person providing the opportunity to recycle shall fulfill the require-
35 **ments of subsection (3) of this section using the following recycling program elements:**

36 **(a) Provision of at least one durable recycling container to each residential service cus-**
37 **tomer.**

38 **(b) On-route collection at least once each week of source separated recyclable material**
39 **from residential collection service customers, provided on the same day that solid waste is**
40 **collected from each customer.**

41 **(c) An expanded education and promotion program as described in section 6 of this 2015**
42 **Act.**

43 **(d) A multifamily collection program that includes:**

44 **(A) Collection of at least four principal recyclable materials or the number of materials**
45 **required to be collected under the residential on-route collection program, whichever is less,**

1 from each multifamily dwelling complex that has five or more units; and

2 (B) Education and promotion directed to the residents of the multifamily dwelling com-
3 plex.

4 (e) An effective residential yard debris collection and composting program that includes
5 the promotion of home composting of yard debris, and that also includes either:

6 (A) Monthly or more frequent on-route collection of yard debris from residential col-
7 lection service customers for production of compost or other marketable products; or

8 (B) A system of yard debris collection depots conveniently located and open to the public
9 at least once a week.

10 (f) A commercial recycling program that includes:

11 (A) Weekly, or on a more appropriate regular schedule, onsite collection of source sepa-
12 rated principal recyclable materials from, at a minimum, commercial generators of solid
13 waste employing 10 or more persons and occupying 1,000 square feet or more in a single lo-
14 cation.

15 (B) An education and promotion program conducted to inform all commercial generators
16 of solid waste of the manner and benefits of the commercial recycling program that provides
17 effective promotion of the program to the generators.

18 (C) Other optional elements, including but not limited to waste assessments and recycling
19 recognition programs. A city or county is encouraged to involve local business organizations
20 in publicly recognizing outstanding recycling efforts by commercial generators of solid waste.
21 The recognition may include awards designed to provide additional incentives to increase
22 recycling efforts.

23 (D) Each commercial generator of solid waste shall strive to achieve 55 percent recovery
24 from its solid waste stream by the year 2025.

25 (g) Expanded depots for recycling of at least all principal recyclable materials, and pro-
26 visions for promotion or education to maximize the use of the depots. The depots must:

27 (A) Have regular and convenient hours;

28 (B) Be open on the weekend days; and

29 (C) When feasible, collect additional recyclable materials.

30 (h) Solid waste residential collection rates that encourage waste reduction, reuse and
31 recycling through reduced rates for smaller containers, including at least one rate for a
32 container that is 21 gallons or less in size. Based on the average weight of solid waste dis-
33 posed per container for containers of different sizes, the rate on a per pound disposed basis
34 may not decrease with increasing size of containers, and the rates per container service may
35 not be less with additional containers serviced.

36 (i) A collection and composting system for food and other compostable waste from com-
37 mercial and institutional entities that generate large amounts of such wastes.

38 (j) A commercial recycling program that requires commercial generators of solid waste
39 that generate large amounts of recyclable materials to source separate recyclable materials.

40 (k) A program for monthly or more frequent on-route collection and composting for food
41 and other compostable waste from residential collection service customers. The program
42 described in this paragraph must include education or promotion to reduce contamination
43 of the compost feedstock collected.

44 (L) A recovery program for construction and demolition debris that:

45 (A) Requires construction and demolition debris to be source separated at the generation

1 site or sent to a material recovery facility for processing and recovery; and

2 (B) Includes an education or promotion program for developers, contractors and resi-
3 dential owners that provides strategies to:

4 (i) Reduce waste during preconstruction planning and in building construction, reno-
5 vation and demolition phases; and

6 (ii) Direct waste to reuse and material recovery facilities.

7 (m) A food waste collection program requiring nonresidential generators that generate
8 large amounts of food waste to source separate the food waste for recovery.

9 (2) The waste prevention education and reuse program elements that a city or county
10 shall use to implement the requirements of subsection (6) or (7) of this section are as follows:

11 (a) A citywide or countywide education and promotion program about the environmental
12 benefits of, and opportunities to reduce the generation of waste through, waste prevention
13 and reuse.

14 (b) A waste prevention campaign targeting residential generators of waste and focused
15 on one or more toxic or energy intensive materials or consumer purchasing practices.

16 (c) A waste prevention campaign targeting commercial or institutional generators of
17 waste and focused on one or more toxic or energy intensive materials or consumer pur-
18 chasing practices.

19 (d) A waste prevention and reuse education program in elementary and secondary
20 schools.

21 (e) A program for the provision of city or watershed funding or infrastructure support
22 to promote and sustain reuse, repair, leasing or sharing efforts.

23 (f) A program for the provision of city or watershed technical assistance to promote and
24 sustain the reuse, repair or leasing of materials or other sharing of efforts to reduce waste.

25 (g) City or watershed support for a food rescue program that diverts to residents food
26 that would otherwise be composted or disposed.

27 (3) Each city that is within a metropolitan service district or with a population of at least
28 4,000 and each county that is responsible for the area between city limits and the urban
29 growth boundary of the city or the area outside the city limits but within a metropolitan
30 service district shall implement either:

31 (a) The applicable number of recycling program elements for the size and location of the
32 city as provided in subsection (4) of this section; or

33 (b) An alternative program that complies with the rules of the Environmental Quality
34 Commission and that is designed to be as effective in recovering recyclable materials from
35 solid waste as the requirements provided in subsection (4) of this section and to achieve at
36 least the lesser of:

37 (A) Recovery rates specified in ORS 459A.010 (2); or

38 (B) Recovery levels comparable to similar communities.

39 (4) The number of recycling program elements that cities and counties must implement
40 to comply with subsection (3) of this section are as follows:

41 (a) For cities within a metropolitan service district:

42 (A) The three recycling program elements set forth under subsection (1)(a), (b) and (c)
43 of this section and at least four additional elements set forth under subsection (1) of this
44 section; or

45 (B) At least eight recycling program elements set forth under subsection (1) of this sec-

1 **tion.**

2 **(b) For cities with a population of at least 4,000 but not more than 10,000 that are located**
3 **120 miles or less from the City of Portland, at least four recycling program elements set**
4 **forth under subsection (1) of this section.**

5 **(c) For cities with a population of at least 4,000 but not more than 10,000 that are more**
6 **than 120 miles from the City of Portland, at least three recycling program elements set forth**
7 **under subsection (1) of this section.**

8 **(d) For cities with a population of more than 10,000 but not more than 50,000 that are**
9 **located 150 miles or less from the City of Portland:**

10 **(A) The three recycling program elements set forth under subsection (1)(a), (b) and (c)**
11 **of this section and at least two additional elements set forth under subsection (1) of this**
12 **section; or**

13 **(B) At least six recycling program elements set forth under subsection (1) of this section.**

14 **(e) For cities with a population of more than 10,000 that are located more than 150 miles**
15 **from the City of Portland:**

16 **(A) The three recycling program elements set forth under subsection (1)(a), (b) and (c)**
17 **of this section and at least one additional elements set forth under subsection (1) of this**
18 **section; or**

19 **(B) At least five recycling program elements set forth under subsection (1) of this sec-**
20 **tion.**

21 **(f) For cities with a population of more than 50,000 that are located 150 miles or less from**
22 **the City of Portland:**

23 **(A) The three recycling program elements set forth under subsections (1)(a), (b) and (c)**
24 **of this section and at least three additional recycling program elements set forth under**
25 **subsection (1) of this section; or**

26 **(B) At least seven recycling program elements set forth under subsection (1) of this**
27 **section.**

28 **(5) A city or county that is not subject to subsection (6) or (7) of this section may sub-**
29 **stitute the waste prevention and reuse program element set forth in subsection (2)(a) of this**
30 **section and at least two additional elements set forth in subsection (2) of this section for one**
31 **recycling program element set forth under subsection (1) of this section.**

32 **(6) Each city that is within a metropolitan service district or with a population of greater**
33 **than 50,000 and each county that is responsible for the area between city limits and the ur-**
34 **ban growth boundary of a city with a population of greater than 50,000 or the area outside**
35 **of city limits but within a metropolitan service district urban growth boundary shall imple-**
36 **ment either:**

37 **(a) The waste prevention and reuse program element set forth under subsection (2)(a)**
38 **of this section, and at least four additional elements set forth under subsection (2) of this**
39 **section; or**

40 **(b) An alternative program that complies with the rules of the Environmental Quality**
41 **Commission and is designed to achieve similar benefits as the elements in subsection (2) of**
42 **this section.**

43 **(7) Each city with a population of greater than 10,000 but no more than 50,000, that is**
44 **within a county of greater than 100,000 population, and each county of greater than 100,000**
45 **population that is responsible for the area between city limits and the urban growth bound-**

1 ary of a city with a population of greater than 10,000 but no more than 50,000 shall implement
2 either:

3 (a) The waste prevention and reuse program element set forth under subsection (2)(a)
4 of this section, and at least two additional elements set forth under subsection (2) of this
5 section; or

6 (b) An alternative program that complies with the rules of the Environmental Quality
7 Commission and is designed to achieve similar benefits as the elements in subsection (2) of
8 this section.

9 (8)(a) For a city using waste prevention and reuse elements set forth under subsection
10 (2) of this section to satisfy requirements set forth in subsection (6) or (7) of this section,
11 waste prevention and reuse elements may be provided by the county or metropolitan service
12 district where the city is located, provided that implementation or provisions of such ele-
13 ments are made available throughout the city.

14 (b) For a county that includes or is within a metropolitan service district using waste
15 prevention and reuse elements set forth under subsection (2) of this section to satisfy re-
16 quirements set forth in subsection (6) or (7) of this section, waste prevention and reuse ele-
17 ments may be provided by the metropolitan service district where the county is located,
18 provided that implementation or provision of such elements are made available within the
19 entire urban growth boundary of the metropolitan service district.

20 (9)(a) Each local government that franchises or licenses the collection of solid waste and
21 establishes the rates to be charged for collection service shall:

22 (A) Include in those rates all net costs incurred by the local government, franchisee or
23 licensee for providing the opportunity to recycle and for implementing the requirements of
24 this section; or

25 (B) Fund implementation of the opportunity to recycle through an alternative source of
26 funding that may include but is not limited to disposal fees.

27 (b) As used in this subsection, "net costs" includes but is not limited to the reasonable
28 costs for collecting, handling, processing, storing, transporting and delivering to market
29 recyclable material and for providing any required education and promotion or data col-
30 lection services adjusted by a factor to account for proceeds from the sale of recyclable
31 material.

32 (10) A local government may assess a fee on solid waste collection or disposal services
33 to cover costs to the local government for providing the opportunity to recycle and for im-
34 plementing the requirements of this section.

35 **SECTION 6.** An expanded education and promotion program to satisfy the requirements
36 of section 5 of this 2015 Act must carry out the policy set forth in ORS 459.015, inform gen-
37 erators of solid waste of the manner and benefits of reducing, reusing, recycling and
38 composting material, promote use of recycling services and reduce contamination in col-
39 lected recyclables. The city, county or metropolitan service district responsible for providing
40 an opportunity to recycle shall provide the education and promotion program in one of the
41 following ways:

42 (1)(a) Preparing and implementing an education and promotion plan that includes actions
43 to effectively reach solid waste generators and all new and existing collection service cus-
44 tomers as necessary to fulfill the intent of this section.

45 (b) The plan described in paragraph (a) of this subsection must be submitted to the De-

1 **partment of Environmental Quality during the first year that the plan is in effect. There-**
2 **after, the wasteshed shall submit a summary of activities in the plan to the department at**
3 **the same time the county submits the periodic report required under ORS 459A.050 (1)(a).**
4 **The summary must cover at least the time period until the next periodic report is due to the**
5 **department.**

6 **(2) Implementing all of the following:**

7 **(a)(A) Provision of recycling notification and education packets to all new residential,**
8 **commercial and institutional collection service customers that include, at a minimum, in-**
9 **formation about the materials collected, the schedule for collection, the way to prepare ma-**
10 **terials for collection, why separating material for recycling is necessary and how to reduce**
11 **contamination of the materials set out for collection.**

12 **(B) In addition to the requirements of subparagraph (A) of this paragraph, the educa-**
13 **tional and promotional materials provided to commercial collection customers must:**

14 **(i) Be targeted to meet the needs of various types of businesses;**

15 **(ii) Include information on the economic and other benefits of recycling, common barri-**
16 **ers to recycling and solutions to the barriers, additional resources for commercial generators**
17 **of solid waste and other information designed to assist and encourage recycling efforts and**
18 **reduce contamination; and**

19 **(iii) Encourage each commercial collection customer to have a goal to achieve 55 percent**
20 **recovery from the customer's solid waste stream by 2025.**

21 **(b) Provision of recycling information to collection service customers, in a variety of**
22 **formats and materials at least four times per calendar year, that includes, at a minimum,**
23 **the materials collected and the schedule for collection.**

24 **(c) Provision, at least annually, of the information described in paragraph (a) of this**
25 **subsection to all residential, commercial and institutional collection service customers.**

26 **(d) Targeting of community and media events to promote recycling and reduce contam-**
27 **ination in collected recyclables.**

28 **(e) A program to determine the levels of contamination of materials set out for collection**
29 **and to take action to reduce contamination in collected recyclables.**

30 **SECTION 7. ORS 459A.010 is amended to read:**

31 *459A.010. [(1) It is the goal of the State of Oregon that:]*

32 *[(a) For the calendar year 2005, the amount of recovery from the general solid waste stream shall*
33 *be at least 45 percent;]*

34 *[(b) For the calendar year 2009, the amount of recovery from the general solid waste stream shall*
35 *be at least 50 percent;]*

36 *[(c) For the calendar year 2005 and subsequent years, that there be no annual increase in per*
37 *capita municipal solid waste generation; and]*

38 *[(d) For the calendar year 2009 and subsequent years, that there be no annual increase in total*
39 *municipal solid waste generation.]*

40 *[(2) In addition to the requirements of ORS 459A.005, the "opportunity to recycle" shall include the*
41 *requirements of subsection (3) of this section using the following program elements:]*

42 *[(a) Provision of at least one durable recycling container to each residential service customer.]*

43 *[(b) On-route collection at least once each week of source separated recyclable material to residen-*
44 *tial customers, provided on the same day that solid waste is collected from each customer.]*

45 *[(c) An expanded education and promotion program conducted to carry out the policy set forth in*

1 *ORS 459.015, to inform solid waste generators of the manner and benefits of reducing, reusing, recycling and composting material and to promote use of recycling services. The city, county or metropolitan*
2 *service district responsible for providing an opportunity to recycle under ORS 459A.005 and this section shall provide the education and promotion program in either of the following two ways:]*

3
4
5 *[(A) Preparing and implementing an education and promotion plan that includes actions to effectively reach solid waste generators and all new and existing collection service customers, as necessary*
6 *to fulfill the intent of this paragraph. The plan shall be submitted to the Department of Environmental*
7 *Quality the first year that the plan is in effect. Thereafter, the watershed shall submit a summary of*
8 *activities in the plan to the Department of Environmental Quality at the same time the county submits*
9 *the periodic report required under ORS 459A.050 (1)(a). The summary shall cover at least the time*
10 *period until the next periodic report is due to the department.]*

11
12 *[(B) Implementing all of the following:]*

13 *[(i) Provision of recycling notification and education packets to all new residential, commercial and*
14 *institutional collection service customers that include at a minimum the materials collected, the schedule*
15 *for collection, the way to prepare materials for collection and the reasons persons should separate their*
16 *material for recycling. The educational and promotional materials provided to commercial collection*
17 *customers should be targeted to meet the needs of various types of businesses and should include rea-*
18 *sons to recycle, including economic benefits, common barriers to recycling and solutions, additional*
19 *resources for commercial generators of solid waste and other information designed to assist and en-*
20 *courage recycling efforts. The educational and promotional materials provided to commercial collection*
21 *customers shall encourage each commercial collection customer to have a goal to achieve 50 percent*
22 *recovery from its solid waste stream by the year 2009.]*

23 *[(ii) Provision of recycling information in a variety of formats and materials at least four times a*
24 *calendar year to collection service customers that includes at a minimum the materials collected and*
25 *the schedule for collection.]*

26 *[(iii) Provision at least annually to all residential, commercial and institutional collection service*
27 *customers, of the information under sub-subparagraph (i) of this subparagraph.]*

28 *[(iv) Targeting of community and media events to promote recycling.]*

29 *[(d) Collection of at least four principal recyclable materials or the number of materials required*
30 *to be collected under the residential on-route collection program, whichever is less, from each multi-*
31 *family dwelling complex having five or more units. The multifamily collection program shall include*
32 *promotion and education directed to the residents of the multifamily dwelling units.]*

33 *[(e) An effective residential yard debris collection and composting program that includes the pro-*
34 *motion of home composting of yard debris, and that also includes either:]*

35 *[(A) Monthly or more frequent on-route collection of yard debris from residences for production of*
36 *compost or other marketable products; or]*

37 *[(B) A system of yard debris collection depots conveniently located and open to the public at least*
38 *once a week.]*

39 *[(f) A commercial recycling program that includes:]*

40 *[(A) Weekly, or on a more appropriate regular schedule, onsite collection of source separated*
41 *principal recyclable materials from, at a minimum, commercial solid waste generators employing 10 or*
42 *more persons and occupying 1,000 square feet or more in a single location.]*

43 *[(B) An education and promotion program conducted to inform all commercial generators of solid*
44 *waste of the manner and benefits of the commercial recycling program that provides effective promotion*
45 *of the program to the generators.]*

1 *[(C) In addition to the requirements of subparagraphs (A) and (B) of this paragraph, a commercial*
2 *recycling program may also consist of other elements including but not limited to waste assessments*
3 *and recycling recognition programs. A watershed is encouraged to involve local business organizations*
4 *in publicly recognizing outstanding recycling efforts by commercial generators of solid waste. The re-*
5 *cognition may include awards designed to provide additional incentives to increase recycling efforts.]*

6 *[(D) Each commercial generator of solid waste shall strive to achieve 50 percent recovery from its*
7 *solid waste stream by the year 2009.]*

8 *[(g) Expanded depots for recycling of at least all principal recyclable materials and provisions for*
9 *promotion and education to maximize the use of the depots. The depots shall have regular and con-*
10 *venient hours and shall be open on the weekend days and, when feasible, shall collect additional*
11 *recyclable materials.]*

12 *[(h) Solid waste residential collection rates that encourage waste reduction, reuse and recycling*
13 *through reduced rates for smaller containers, including at least one rate for a container that is 21*
14 *gallons or less in size. Based on the average weight of solid waste disposed per container for con-*
15 *tainers of different sizes, the rate on a per pound disposed basis shall not decrease with increasing size*
16 *of containers, nor shall the rates per container service be less with additional containers serviced.]*

17 *[(i) A collection and composting system for food, paper that is not recyclable because of contam-*
18 *ination and other compostable waste from commercial and institutional entities that generate large*
19 *amounts of such wastes.]*

20 *[(3)(a) Each city with a population of at least 4,000 but not more than 10,000 that is not within a*
21 *metropolitan service district and any county responsible for the area between the city limits and the*
22 *urban growth boundary of such city shall implement one of the following:]*

23 *[(A) The program elements set forth in subsection (2)(a), (b) and (c) of this section;]*

24 *[(B) A program that includes at least three elements set forth in subsection (2) of this section; or]*

25 *[(C) An alternative method of achieving recovery rates that complies with rules of the Environ-*
26 *mental Quality Commission.]*

27 *[(b) Each city that is within a metropolitan service district or that has a population of more than*
28 *10,000 and any county responsible for the area within a metropolitan service district or the area be-*
29 *tween the city limits and the urban growth boundary of such city shall implement one of the*
30 *following:]*

31 *[(A) Program elements set forth under subsection (2)(a), (b) and (c) of this section and one addi-*
32 *tional element set forth under subsection (2) of this section;]*

33 *[(B) A program that includes at least five elements set forth under subsection (2) of this section;*
34 *or]*

35 *[(C) An alternative method of achieving recovery rates that complies with rules of the Environ-*
36 *mental Quality Commission.]*

37 *[(4)(a) Recovery rates shall be determined by dividing the total weight of material recovered by the*
38 *sum of the total weight of the material recovered plus the total weight of solid waste disposed that was*
39 *generated in each watershed. It is the policy of the State of Oregon that recovery of material shall be*
40 *consistent with the priority of solid waste management in ORS 459.015 (2).]*

41 *[(b) Each watershed implementing a waste prevention program shall receive a two percent credit*
42 *on the watershed's recovery rate. A waste prevention program shall include:]*

43 *[(A) A watershed-wide program to provide general educational materials to residents about waste*
44 *prevention and examples of things residents can do to prevent generation of waste; and]*

45 *[(B) Two of the following:]*

- 1 *[(i) Reduce the wasteshed annual per capita waste generation by two percent each year;]*
2 *[(ii) Conduct a waste prevention media promotion campaign targeted at residential generators;]*
3 *[(iii) Expand the education program in primary and secondary schools to include waste prevention*
4 *and reuse;]*
5 *[(iv) Household hazardous waste prevention education program;]*
6 *[(v) Local governments will conduct waste prevention assessments of their operations, or provide*
7 *waste prevention assessments for businesses and institutions and document any waste prevention*
8 *measures implemented;]*
9 *[(vi) Conduct a material specific waste prevention campaign for businesses throughout the*
10 *wasteshed;]*
11 *[(vii) Implement a Resource Efficiency Model City program;]*
12 *[(viii) Conduct a material-specific waste prevention education campaign that focuses on a toxic or*
13 *energy-intensive material;]*
14 *[(ix) Local governments will implement programs to buy recycled-content products for their oper-*
15 *ations, consistent with procurement guidelines issued by the United States Environmental Protection*
16 *Agency; or]*
17 *[(x) Local governments will implement programs for new construction and remodeling of local*
18 *government buildings that incorporate recycled-content materials, energy conservation features, water*
19 *conservation and stormwater management features and other elements to increase the resource effi-*
20 *ciency and lower the environmental impact of these buildings.]*
21 *[(c) Each wasteshed implementing a reuse program shall receive a two percent credit on the*
22 *wasteshed's recovery rate. A reuse program shall include:]*
23 *[(A) A promotion and education campaign on the benefits and opportunities for reuse available to*
24 *the public in the wasteshed; and]*
25 *[(B) Two of the following:]*
26 *[(i) Operate construction and demolition debris salvage programs with depots;]*
27 *[(ii) Promote reuse programs offered by local resale businesses, thrift stores and equipment vendors,*
28 *such as computer and photocopier refurbishers, to the public and businesses;]*
29 *[(iii) Identify and promote local businesses that will take back white goods for refurbishing and*
30 *resale to the public;]*
31 *[(iv) Develop and promote use of waste exchange programs for the public and private sectors;]*
32 *[(v) Site accommodation for recovery of reusable material at transfer stations and landfills; or]*
33 *[(vi) Sidewalk pickup or community fair program in cities over 4,000 population in the*
34 *wasteshed.]*
35 *[(d) Each wasteshed implementing a residential composting program shall receive a two percent*
36 *credit on the wasteshed's recovery rate. A residential composting program shall include:]*
37 *[(A) Promotion of the residential composting program through public information and demon-*
38 *stration sites or sites; and]*
39 *[(B) Two of the following:]*
40 *[(i) A program to encourage leaving grass clippings generated by lawn mowing on-site rather than*
41 *bagging the clippings for disposal or composting;]*
42 *[(ii) A composting program for local schools;]*
43 *[(iii) An increase in availability of compost bins for residents; or]*
44 *[(iv) Another program increasing a household's ability to manage yard trimmings or food*
45 *wastes.]*

1 *[(e) A wasteshed may receive, upon application to the Department of Environmental Quality, a re-*
2 *covery credit greater than two percent for a residential composting program. To receive the recovery*
3 *credit under this paragraph, the wasteshed must provide quantitatively verifiable documentation of*
4 *residential composting tonnage to the department. The documentation must show that more than two*
5 *percent of the wasteshed's generated tonnage of solid waste is diverted from the wastestream by resi-*
6 *dential composting.]*

7 *[(f)(A) If there is not a viable market for recycling a material under paragraph (a) of this sub-*
8 *section, the composting or burning of the material for energy recovery may be included in the recovery*
9 *rate for the wasteshed.]*

10 *[(B) If the material is burned for energy recovery and then included in the recovery rate for*
11 *Clackamas, Multnomah or Washington Counties in aggregate or for Benton, Lane, Linn, Marion, Polk*
12 *or Yamhill County wastesheds, the same material, when burned as part of mixed solid waste, may be*
13 *included in the recovery rate for a wasteshed that burns mixed solid waste for energy recovery. The*
14 *amount of the material within the mixed solid waste that may be included in the recovery rate for en-*
15 *ergy recovery shall be determined by a waste composition study performed by the wasteshed at least*
16 *every four years.]*

17 *[(C) Mixtures of materials that are composted or burned for energy recovery shall not be included*
18 *in the recovery rate if more than half of the mixed materials by weight could have been recycled if*
19 *properly source separated.]*

20 *[(D) In its annual report to the department, the county or metropolitan service district shall state*
21 *how much composting or energy recovery under this paragraph is included as recovery and state the*
22 *basis for the determination that there was not a viable market for recycling the material.]*

23 *[(E) As used in this paragraph, "viable market" means a place within a wasteshed that will pay*
24 *for the material or accept the material free of charge or a place outside a wasteshed that will pay a*
25 *price for the material that, at minimum, covers the cost of transportation of the material.]*

26 *[(g) Recovery rates shall not include:]*

27 *[(A) Industrial and manufacturing wastes such as boxboard clippings and metal trim that are re-*
28 *cycled before becoming part of a product that has entered the wholesale or retail market.]*

29 *[(B) Metal demolition debris in which arrangements are made to sell or give the material to*
30 *processors before demolition such that it does not enter the solid waste stream.]*

31 *[(C) Discarded vehicles or parts of vehicles that do not routinely enter the solid waste stream.]*

32 *[(D) Material recovered for composting or energy recovery from mixed solid waste, except as pro-*
33 *vided in paragraph (f) of this subsection.]*

34 *[(h) "Solid waste disposed" shall mean the total weight of solid waste disposed other than the fol-*
35 *lowing:]*

36 *[(A) Sewage sludge or septic tank and cesspool pumpings;]*

37 *[(B) Waste disposed of at an industrial waste disposal site;]*

38 *[(C) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if delivered to a*
39 *municipal solid waste disposal site or demolition disposal site and if a record is kept of such deliveries*
40 *and submitted as part of the annual report submitted under ORS 459A.050;]*

41 *[(D) Waste received at an ash monofill from an energy recovery facility; and]*

42 *[(E) Solid waste not generated within this state.]*

43 *[(i) The statewide recovery rate shall include the two percent credit for reuse programs under*
44 *paragraph (c) of this subsection and the credit for residential composting under paragraphs (d) and (e)*
45 *of this subsection, beginning with the statewide recovery rate calculated for the calendar year 2001.]*

1 [(5)(a) *Each local government that franchises or licenses the collection of solid waste and estab-*
2 *lishes the rates to be charged for collection service shall either:*]

3 [(A) *Include in those rates all net costs incurred by the franchisee or licensee for providing the*
4 *“opportunity to recycle” under ORS 459A.005 and for implementing the requirements of subsection (3)*
5 *of this section; or]*

6 [(B) *Fund implementation of the “opportunity to recycle” under ORS 459A.005 or the requirements*
7 *of subsection (3) of this section through an alternative source of funding including but not limited to*
8 *disposal fees.]*

9 [(b) *As used in this subsection, “net costs” includes but is not limited to the reasonable costs for*
10 *collecting, handling, processing, storing, transporting and delivering recyclable material to market and*
11 *for providing any required education and promotion or data collection services adjusted by a factor to*
12 *account for proceeds from the sale of recyclable material.]*

13 [(6)(a) *Clackamas, Multnomah and Washington counties, in aggregate, shall achieve a recovery rate*
14 *of 62 percent for the calendar year 2005 and 64 percent for the calendar year 2009.]*

15 [(b) *The wastesheds shall achieve the following recovery rates for the calendar year 2005:]*

16 [(A) *Baker County, 25 percent;*]

17 [(B) *Benton County, 45 percent;*]

18 [(C) *Clatsop County, 25 percent;*]

19 [(D) *Columbia County, 28 percent;*]

20 [(E) *Coos County, 30 percent;*]

21 [(F) *Crook County, 20 percent;*]

22 [(G) *Curry County, 30 percent;*]

23 [(H) *Deschutes County, 32 percent;*]

24 [(I) *Douglas County, 35 percent;*]

25 [(J) *Gilliam County, 20 percent;*]

26 [(K) *Grant County, 19 percent;*]

27 [(L) *Harney County, 30 percent;*]

28 [(M) *Hood River County, 25 percent;*]

29 [(N) *Jackson County, 40 percent;*]

30 [(O) *Jefferson County, 25 percent;*]

31 [(P) *Josephine County, 38 percent;*]

32 [(Q) *Klamath County, 15 percent;*]

33 [(R) *Lake County, 8 percent;*]

34 [(S) *Lane County, 45 percent;*]

35 [(T) *Lincoln County, 19 percent;*]

36 [(U) *Linn County, 40 percent;*]

37 [(V) *Malheur County, 21 percent;*]

38 [(W) *Marion County, 37 percent;*]

39 [(X) *City of Milton-Freewater, 22 percent;*]

40 [(Y) *Morrow County, 18 percent;*]

41 [(Z) *Polk County, 30 percent;*]

42 [(AA) *Sherman County, 20 percent;*]

43 [(BB) *Tillamook County, 30 percent;*]

44 [(CC) *Umatilla County, 20 percent;*]

45 [(DD) *Union County, 25 percent;*]

1 [(EE) Wallowa County, 20 percent;]
2 [(FF) Wasco County, 35 percent;]
3 [(GG) Wheeler County, 20 percent; and]
4 [(HH) Yamhill County, 39 percent.]
5 [(c) The wastesheds shall achieve the following recovery rates for the calendar year 2009:]
6 [(A) Baker County, 25 percent;]
7 [(B) Benton County, 50 percent;]
8 [(C) Clatsop County, 25 percent;]
9 [(D) Columbia County, 32 percent;]
10 [(E) Coos County, 30 percent;]
11 [(F) Crook County, 20 percent;]
12 [(G) Curry County, 30 percent;]
13 [(H) Deschutes County, 45 percent;]
14 [(I) Douglas County, 40 percent;]
15 [(J) Gilliam County, 20 percent;]
16 [(K) Grant County, 19 percent;]
17 [(L) Harney County, 40 percent;]
18 [(M) Hood River County, 25 percent;]
19 [(N) Jackson County, 40 percent;]
20 [(O) Jefferson County, 25 percent;]
21 [(P) Josephine County, 38 percent;]
22 [(Q) Klamath County, 20 percent;]
23 [(R) Lake County, 10 percent;]
24 [(S) Lane County, 54 percent;]
25 [(T) Lincoln County, 20 percent;]
26 [(U) Linn County, 40 percent;]
27 [(V) Malheur County, 22 percent;]
28 [(W) Marion County, 54 percent;]
29 [(X) City of Milton-Freewater, 25 percent;]
30 [(Y) Morrow County, 20 percent;]
31 [(Z) Polk County, 35 percent;]
32 [(AA) Sherman County, 20 percent;]
33 [(BB) Tillamook County, 30 percent;]
34 [(CC) Umatilla County, 20 percent;]
35 [(DD) Union County, 25 percent;]
36 [(EE) Wallowa County, 20 percent;]
37 [(FF) Wasco County, 35 percent;]
38 [(GG) Wheeler County, 20 percent; and]
39 [(HH) Yamhill County, 45 percent.]
40 [(d) Each wasteshed shall prepare an individualized plan that identifies policies or programs spe-
41 cific to the wasteshed's local conditions to achieve the required recovery goals. The plan shall be
42 available to the department upon the department's request by December 31, 2001. The plan shall be
43 updated by December 31, 2006, and updated again by December 31, 2010. Clackamas, Multnomah and
44 Washington Counties, in aggregate, may meet this requirement through the programs under ORS
45 459.340, 459.345, 459.350 and 459A.050.]

1 *[(e) If a wasteshed does not achieve its 2005 or 2009 waste recovery goal, the wasteshed shall*
2 *conduct a technical review of existing policies or programs and determine revisions to meet the recovery*
3 *goal. The department shall, upon the request of the wasteshed, assist in the technical review. The*
4 *wasteshed may request, and may assist the department in conducting, a technical review to determine*
5 *whether the wasteshed goal is valid.]*

6 *[(7) In calculating the recovery rates set forth in subsection (6) of this section, commercial, indus-*
7 *trial and demolition scrap metal, vehicles, major equipment and home or industrial appliances that are*
8 *handled or processed for use in manufacturing new products and that do not routinely enter the solid*
9 *waste stream through land disposal facilities, transfer stations, recycling depots or on-route collection*
10 *programs shall not be counted as material recovery or recycling. The department shall annually con-*
11 *duct an industry survey to determine the contribution of post-consumer residential scrap metal, includ-*
12 *ing home appliances, to recycling and recovery levels in a manner which prevents double counting of*
13 *material recovered. Information collected under the provisions of this section, as it relates specifically*
14 *to private sector customer lists or specific amounts and types of materials collected or marketed, shall*
15 *be maintained as confidential by the department and exempt from disclosure under ORS 192.410 to*
16 *192.505. The department may use and disclose such information in aggregated form.]*

17 **(1) It is the policy of the State of Oregon that recovery of material is consistent with the**
18 **priority of solid waste management set forth in ORS 459.015 (2). It is the goal of the State**
19 **of Oregon that:**

20 **(a) For the calendar year 2009 and subsequent years, there be no annual increase in total**
21 **general solid waste;**

22 **(b) For the calendar year 2020 and subsequent years, the rate of material recovery from**
23 **the general solid waste stream shall be at least 52 percent;**

24 **(c) For the calendar year 2020 and subsequent years, the rate of material recovery of**
25 **certain materials from the general solid waste stream shall be as follows:**

26 **(A) Food waste, at least 25 percent; and**

27 **(B) Plastic waste, at least 25 percent;**

28 **(d) For the calendar year 2025 and subsequent years, the rate of material recovery of**
29 **carpet waste from the general solid waste stream shall be at least 25 percent;**

30 **(e) For the calendar year 2025 and subsequent years, the rate of material recovery from**
31 **the general solid waste stream shall be at least 55 percent;**

32 **(f) For calendar years 2025 through 2049, total general solid waste generation shall be 15**
33 **percent below total general solid waste generation for the calendar year 2012; and**

34 **(g) For the calendar year 2050 and subsequent years, total general solid waste generation**
35 **shall be 40 percent below total general solid waste generation for the calendar year 2012.**

36 **(2)(a) The recovery goal for the wasteshed consisting of Clackamas, Multnomah and**
37 **Washington Counties, in aggregate, shall be to achieve a recovery rate of 64 percent for the**
38 **calendar year 2025 and subsequent years.**

39 **(b) The recovery goals for the following wastesheds shall be to achieve the following re-**
40 **covery rates for the calendar year 2025 and subsequent years:**

41 **(A) Baker County, 25 percent;**

42 **(B) Benton County, 44 percent;**

43 **(C) Clatsop County, 53 percent;**

44 **(D) Columbia County, 45 percent;**

45 **(E) Coos County, 30 percent;**

- 1 (F) Crook County, 20 percent;
- 2 (G) Curry County, 30 percent;
- 3 (H) Deschutes County, 45 percent;
- 4 (I) Douglas County, 34 percent;
- 5 (J) Gilliam County, 25 percent;
- 6 (K) Grant County, 25 percent;
- 7 (L) Harney County, 25 percent;
- 8 (M) Hood River County, 35 percent;
- 9 (N) Jackson County, 25 percent;
- 10 (O) Jefferson County, 32 percent;
- 11 (P) Josephine County, 20 percent;
- 12 (Q) Klamath County, 20 percent;
- 13 (R) Lake County, 15 percent;
- 14 (S) Lane County, 63 percent;
- 15 (T) Lincoln County, 37 percent;
- 16 (U) Linn County, 45 percent;
- 17 (V) Malheur County, 25 percent;
- 18 (W) Marion County, 64 percent;
- 19 (X) City of Milton-Freewater, 25 percent;
- 20 (Y) Morrow County, 20 percent;
- 21 (Z) Polk County, 48 percent;
- 22 (AA) Sherman County, 20 percent;
- 23 (BB) Tillamook County, 37 percent;
- 24 (CC) Umatilla County, 20 percent;
- 25 (DD) Union County, 25 percent;
- 26 (EE) Wallowa County, 25 percent;
- 27 (FF) Wasco County, 35 percent;
- 28 (GG) Wheeler County, 20 percent; and
- 29 (HH) Yamhill County, 45 percent.

30 (c) The Environmental Quality Commission may temporarily revise the waste recovery
31 goal for a wasteshed downward if the commission determines that a revision is necessary
32 because reasonably available markets do not exist for one or more high-volume recoverable
33 materials, including but not limited to paper, scrap metal, yard debris, wood, glass, food
34 waste and plastic.

35 (d) For purposes of providing the opportunity to recycle under ORS 459A.005, the recov-
36 ery goals provided under this subsection are voluntary and may not be interpreted to au-
37 thorize the Department of Environmental Quality to require compliance with the goals by a
38 wasteshed.

39 (e)(A) Except as provided in paragraph (c) of this subsection, if the commission or the
40 department initiates efforts to revise the waste recovery goals in this subsection, the de-
41 partment must provide written notice and an opportunity to comment to members of the
42 governing body of each city, county or metropolitan service district within the wastesheds
43 that would be affected by any proposed revisions.

44 (B) As used in this paragraph, "governing body" means the council, commission, board
45 or other controlling body, however designated, in which the legislative powers of the city,

1 county or metropolitan service district are vested.

2 (3)(a) Recovery rates under this section shall be calculated by dividing the total weight
3 of material recovered by the sum of the total weight of the material recovered plus the total
4 weight of solid waste disposed that was generated in each wasteshed.

5 (b) Recovery rates may not include:

6 (A) Industrial and manufacturing wastes such as boxboard clippings and metal trim that
7 are recycled before becoming part of a product that has entered the wholesale or retail
8 market.

9 (B) Metal demolition debris for which arrangements are made to sell or give the debris
10 to processors before demolition such that it does not enter the solid waste stream.

11 (C) Discarded vehicles or parts of vehicles that do not routinely enter the solid waste
12 stream.

13 (D) Material recovered for composting or energy recovery from mixed solid waste, except
14 as provided in subsection (4) of this section.

15 (c)(A) In calculating the recovery rates set forth in subsection (2) of this section, com-
16 mercial, industrial and demolition scrap metal, vehicles, major equipment and home or in-
17 dustrial appliances that are handled or processed for use in manufacturing new products and
18 that do not routinely enter the solid waste stream through land disposal facilities, transfer
19 stations, recycling depots or on-route collection programs may not be counted as material
20 recovery or recycling.

21 (B) The Department of Environmental Quality shall annually conduct an industry survey
22 to determine the contribution of post-consumer residential scrap metal, including home ap-
23 pliances, to recycling and recovery levels in a manner that prevents double counting of ma-
24 terial recovered.

25 (C) Information collected under the provisions of subparagraph (B) of this paragraph, as
26 it relates specifically to private sector customer lists or specific amounts and types of ma-
27 terials collected or marketed, is confidential and exempt from disclosure under ORS 192.410
28 to 192.505. The department may use and disclose such information in aggregate form.

29 (d) As used in this subsection, "solid waste disposed" means the total weight of solid
30 waste disposed other than the following:

31 (A) Sewage sludge or septic tank and cesspool pumpings;

32 (B) Waste disposed of at an industrial waste disposal site;

33 (C) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if deliv-
34 ered to a municipal solid waste disposal site or demolition disposal site and if a record is kept
35 of such deliveries and submitted as part of the annual report submitted under ORS 459A.050;

36 (D) Waste received at an ash monofill from an energy recovery facility; and

37 (E) Solid waste not generated within this state.

38 (4)(a) If there is not a viable market for recycling a material, the composting or burning
39 of the material for energy recovery may be included in the recovery rate for the wasteshed
40 calculated under subsection (3) of this subsection.

41 (b) If the material is burned for energy recovery and then included in the recovery rate
42 for Clackamas, Multnomah or Washington Counties in aggregate or for Benton, Lane, Linn,
43 Marion, Polk or Yamhill County wastesheds, the same material, when burned as part of
44 mixed solid waste, may be included in the recovery rate for a wasteshed that burns mixed
45 solid waste for energy recovery. The amount of the material within the mixed solid waste

1 that may be included in the recovery rate for energy recovery shall be determined by a waste
2 composition study performed by the wasteshed at least every six years.

3 (c) Mixtures of materials that are composted or burned for energy recovery may not be
4 included in the recovery rate if more than half of the mixed materials by weight could have
5 been recycled if properly source separated.

6 (d) In its annual report to the department, the county or metropolitan service district
7 shall state how much composting or energy recovery under this subsection is included as
8 recovery and state the basis for the determination that there was not a viable market for
9 recycling the material.

10 (e) As used in this subsection, “viable market” means a person located within a
11 wasteshed that will pay for the material or accept the material free of charge or a person
12 located outside a wasteshed that will pay a price for the material that, at minimum, covers
13 the cost of transportation of the material.

14 (5) As an alternative to achieving the weight-based recovery goals described in this sec-
15 tion, wastesheds may achieve outcome-based recovery goals as adopted by the Environmental
16 Quality Commission in accordance with section 9 of this 2015 Act.

17 **SECTION 8.** Section 9 of this 2015 Act is added to and made a part of ORS 459A.005 to
18 459A.665.

19 **SECTION 9.** (1)(a) The Environmental Quality Commission shall develop and adopt by
20 rule a method for calculating recovery rates based on the rate of energy savings achieved
21 by recovering materials from the general solid waste stream. The calculation method must
22 account for:

23 (A) The energy savings achieved from material recovery, as opposed to material disposal;

24 (B) Recovery of energy from waste, including methane recovery at landfills; and

25 (C) Energy saving practices implemented as part of local solid waste reduction, reuse and
26 recycling programs or solid waste management programs, including but not limited to:

27 (i) Fuel, efficiency and other improvements involving waste collection vehicles;

28 (ii) Energy efficiency improvements at recycling and solid waste facilities; and

29 (iii) Production of energy from renewable sources at solid waste facilities through means
30 other than recovery of energy from waste, such as the use of solar energy to produce elec-
31 tricity.

32 (b) A recovery rate of 100 percent under the calculation method is equivalent to the en-
33 ergy savings achieved if all materials in the general solid waste stream are directed to their
34 optimal final destinations for purposes of the energy savings that can be achieved through
35 the recovery of each type of material.

36 (2) Using the calculation method developed under subsection (1) of this section, the
37 commission shall adopt by rule recovery goals consistent with the goals under ORS 459A.010
38 (1) and (2).

39 (3)(a) The commission may develop and adopt by rule other methods for calculating re-
40 recovery rates from the general solid waste stream that are based on achieving outcomes that
41 result from waste recovery and management, and may include but are not limited to the
42 following:

43 (A) Reductions in greenhouse gas emissions.

44 (B) Reductions in the emissions of toxic or potentially toxic chemicals.

45 (C) Water conservation.

1 **(b) The commission may adopt by rule other outcome-based recovery goals consistent**
2 **with the goals under ORS 459A.010 (1) and (2) using outcome-based calculation methods de-**
3 **veloped under this subsection.**

4
5 **DEPARTMENT STUDY AND REPORTING**
6 **REQUIREMENT REVISIONS**

7
8 **SECTION 10.** ORS 459A.020 is amended to read:

9 459A.020. (1) The Environmental Quality Commission shall adopt a statewide integrated solid
10 waste management plan. The plan shall include, but need not be limited to, the following components
11 of solid waste management:

- 12 (a) Waste prevention;
13 (b) Recycling;
14 (c) Solid waste collection and processing;
15 (d) Composting and energy recovery;
16 (e) Incineration;
17 (f) Disposal;
18 (g) Disposal capacity and facility siting; and
19 (h) Transportation.

20 (2) The **commission shall develop the** statewide integrated solid waste management plan [*shall*
21 *be developed*] in consultation with local government **units**, the Oregon Business Development De-
22 partment and other appropriate state and regional agencies, commissions and task forces. The plan
23 [*shall*] **must** address integrated solid waste management for at least 10 years into the future. The
24 Department of Environmental Quality shall review the plan every two years and submit the report
25 to the commission. The report [*shall*] **must** include:

- 26 (a) The status of implementation of the provisions of ORS 459A.005 to 459A.665, including:
27 (A) The annual weight of material disposed of per capita, by watershed and statewide;
28 (B) The annual recovery rate achieved by each watershed and statewide **as calculated by:**
29 **(i) Weight as provided for in ORS 459A.010;**
30 **(ii) Rate of energy savings as provided for in section 9 of this 2015 Act; and**

31 **(iii) Any other method adopted by the commission under section 9 of this 2015 Act;** and
32 (C) The amount of each type of material recovered annually statewide and, based on available
33 information, the amount of each type of material recycled annually statewide;

34 (b) Compliance with and implementation of the provisions of ORS 459.015, 459.035, 459.055,
35 459.992 (1) and (2) and 459.995;

36 (c) **The** status of the metropolitan service district's waste reduction program as submitted to the
37 commission under ORS 459.345 and its compliance with the criteria in ORS 459.350; and

38 (d) Recommendations for improvements in waste prevention, reuse, recycling and composting
39 programs.

40 (3) The commission shall revise the plan at regular intervals in order to allow local government
41 units to take advantage of the data and analysis in the state plan.

42 **SECTION 11.** ORS 459A.035 is amended to read:

43 459A.035. The Department of Environmental Quality shall conduct a solid waste composition
44 study **to determine the quantities and sources of different materials disposed of in the waste**
45 **stream** at least once [*a biennium*] **every three biennia** for all areas of the state not covered by

1 other solid waste composition studies. The study may include:

2 *[(1) A measurement of the per capita waste disposal rate; or]*

3 *[(2) A statewide survey of the amount of waste reduced through material and energy recovery.]*

4 **(1) Measurement and composition of wastes disposed of through nonstandard methods**
5 **such as litter; and**

6 **(2) The composition of commingled and other recovered materials collected or processed**
7 **in Oregon.**

8 **SECTION 12. (1) For calendar year 2020, the Department of Environmental Quality shall**
9 **conduct a statewide survey of recovery rates for food waste and plastic waste.**

10 **(2) If the statewide survey reveals that the statewide waste recovery goals for food waste**
11 **or plastic waste under ORS 459A.010 are not being met, the department shall submit a report**
12 **to the interim committees of the Legislative Assembly related to solid waste, as appropriate,**
13 **no later than September 15, 2022. The report must include:**

14 **(a) An evaluation of options to improve recovery; and**

15 **(b) Recommendations for meeting or modifying the recovery goals for food waste and**
16 **plastic waste under ORS 459A.010.**

17 **SECTION 13. Section 12 of this 2015 Act is repealed on the date of the convening of the**
18 **2023 regular session of the Legislative Assembly as specified in ORS 171.010.**

19 **SECTION 13a. (1) For calendar year 2025, the Department of Environmental Quality shall**
20 **conduct a statewide survey of recovery rates for carpet waste.**

21 **(2) If the statewide survey reveals that the statewide waste recovery goal for carpet**
22 **waste under ORS 459A.010 is not being met, the department shall submit a report to the in-**
23 **terim committees of the Legislative Assembly related to solid waste, as appropriate, no later**
24 **than September 15, 2027. The report must include:**

25 **(a) An evaluation of options to improve recovery; and**

26 **(b) Recommendations for meeting or modifying the recovery goals for carpet waste under**
27 **ORS 459A.010.**

28 **SECTION 13b. Section 13a of this 2015 Act is repealed on the date of the convening of the**
29 **2028 regular session of the Legislative Assembly as specified in ORS 171.010.**

30 **SECTION 13c. As part of the report made to the Legislative Assembly in 2019 as required**
31 **in ORS 459A.015 (3), the Department of Environmental Quality shall provide information on**
32 **the implementation of multitenant recycling throughout Oregon, including:**

33 **(1) Actions undertaken by the department to encourage and support recycling at multi-**
34 **family and other multitenant facilities;**

35 **(2) Efforts to reduce contamination in multitenant recycling, such as studies, pilot**
36 **projects and education efforts; and**

37 **(3) An evaluation of the costs of implementing multitenant recycling within the urban**
38 **growth boundaries of cities with populations of 4,000 or more that have not fully implemented**
39 **multitenant recycling.**

40
41 **CONFORMING AMENDMENTS**
42

43 **SECTION 14. ORS 459.055 is amended to read:**

44 **459.055. (1) Before issuing a permit for a landfill established after October 3, 1979, in any area**
45 **zoned for exclusive farm use, the Department of Environmental Quality shall determine that the site**

1 can and will be reclaimed for uses permissible in the exclusive farm use zone. A permit issued for
2 a landfill in an exclusive farm use zone *[shall]* **must** contain requirements that:

3 (a) Ensure rehabilitation of the site at the termination of the use for solid waste disposal to a
4 condition comparable to its original use;

5 (b) Protect the public health and safety and the environment;

6 (c) Minimize the impact of the landfill on adjacent property;

7 (d) Minimize traffic; and

8 (e) Minimize rodent and vector production and sustenance.

9 (2) Before issuing a permit for any disposal site, including a landfill established under ORS
10 459.047 or 459.049, the department shall require:

11 (a) Any person who sends more than 75,000 tons of solid waste a year to the disposal site to
12 prepare a waste reduction program accepted by the department; and

13 (b) That any contract or agreement to dispose of more than 75,000 tons of out-of-state solid
14 waste a year in an Oregon disposal site established under ORS 459.047 or 459.049 provides for a
15 waste reduction program accepted by the department.

16 (3) A disposal site subject to the requirements of subsection (2) of this section may not accept
17 solid waste from any person disposing of solid waste originating in any local government unit that
18 does not have a waste reduction program or a contract accepted by the department. The department
19 shall review the local government programs and the contract programs in the manner provided in
20 subsection (5) of this section. A waste reduction program shall provide for:

21 (a) A commitment by the local government unit to reduce the volume of waste that would oth-
22 erwise be disposed of in a landfill through techniques such as waste prevention, recycling, reuse,
23 composting and energy recovery;

24 (b) An opportunity to recycle that:

25 (A) Includes a program for recycling that achieves the applicable recovery rate in ORS 459A.010
26 ~~[(6)]~~ (2) for waste originating in Oregon, or as demonstrated by the disposal site operator for waste
27 originating outside Oregon, either a recovery rate equivalent to that achieved in a comparable
28 county in Oregon or a recycling **and waste prevention** program equivalent to the opportunity to
29 recycle in ORS 459A.005 (1)(a) and (2) and the program elements in ~~[ORS 459A.010 (2) and (3)]~~
30 **section 5 of this 2015 Act**; and

31 (B) For waste originating inside Oregon, meets or exceeds the requirements of ORS 459.250 and
32 459A.005 to 459A.085;

33 (c) A timetable for implementing each portion of the waste reduction program;

34 (d) Energy efficient, cost-effective approaches for waste reduction;

35 (e) Procedures commensurate with the type and volume of solid waste generated in the area; and

36 (f) Legal, technical and *[economical]* **economic** feasibility.

37 (4) For each area outside the state from which a disposal site receives solid waste, the disposal
38 site *[shall have]* **has** two years after first accepting solid waste from the area to demonstrate how
39 the area complies with the requirements of subsection (3) of this section. If[,] after two years the
40 waste reduction program required under subsection (3) of this section is not implemented, the En-
41 vironmental Quality Commission may, by order, direct such implementation, or may prohibit the
42 disposal site from accepting waste from the person responsible for preparing the waste reduction
43 program. The disposal site operator shall provide written notice to the department prior to first
44 accepting solid waste from outside the state. The requirements of this subsection *[shall]* apply only
45 to contracts entered into after September 9, 1995.

1 (5) **The department shall review** a waste reduction program prepared under subsection (2) of
 2 this section [*shall be reviewed by the department*] and shall [*be accepted by the department*] **accept**
 3 **the program** if it meets the criteria prescribed in subsection (3) of this section.

4 (6) Notwithstanding ORS 459.245 (1), if the department fails to act on an application subject to
 5 the requirements of this section within 60 days, the application [*shall not be*] **is not** considered
 6 granted.

7 (7) [*No*] **A** contract or agreement for the disposal of solid waste made between an owner or op-
 8 erator of a disposal site and a person [*shall*] **does not** affect the authority of the commission to es-
 9 tablish or modify the requirements of an acceptable waste reduction program under subsection (2)
 10 of this section.

11 (8) Notwithstanding any other provision of law relating to solid waste disposal, if the state of
 12 origin prohibits or restricts the disposal of any kind of solid waste within the state of origin,
 13 [*such*] **the** prohibition or restriction also [*shall apply*] **applies** to the disposal of [*such*] **the** solid
 14 waste in Oregon.

15 **SECTION 15.** ORS 459.305 is amended to read:

16 459.305. (1) Except as otherwise provided by rules adopted by the Environmental Quality Com-
 17 mission under subsection (4) of this section, a disposal site may not accept solid waste generated
 18 outside the county in which the disposal site is located unless the Department of Environmental
 19 Quality certifies or, for waste that originates outside Oregon in an amount exceeding 75,000 tons
 20 annually from a single source generator or wasteshed, the disposal site operator demonstrates to the
 21 department, that the person responsible for solid waste management in the area from which the solid
 22 waste originates has implemented an opportunity to recycle that:

23 [*(a) Includes a program for recycling that achieves the applicable recovery rate in ORS 459A.010*
 24 *(6) for waste originating in Oregon, or for waste originating outside Oregon, either a recovery rate*
 25 *equivalent to that achieved in a comparable county in Oregon or a recycling program equivalent to the*
 26 *opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program elements in ORS 459A.010 (2)*
 27 *and (3); and]*

28 **(a) For waste originating outside Oregon, achieves either a recovery rate equivalent to**
 29 **that achieved in a comparable county in Oregon or a recycling and waste prevention program**
 30 **equivalent to the opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program ele-**
 31 **ments in section 5 of this 2015 Act; and**

32 **(b) For waste originating inside Oregon, meets the requirements of ORS 459.250 and 459A.005**
 33 **to 459A.085.**

34 (2) The [*Environmental Quality*] commission shall adopt rules to establish a program for certi-
 35 fication of recycling programs established by a person in order to comply with the requirement of
 36 subsection (1) of this section. [*No*] **A** contract or agreement for the disposal of solid waste made
 37 between an owner or operator of a disposal site and a person [*shall*] **does not** affect the authority
 38 of the commission to establish or modify the requirements established under subsection (1) of this
 39 section.

40 (3) For each area outside the state from which a disposal site receives solid waste, the disposal
 41 site [*shall have*] **has** two years after first accepting solid waste from the area to demonstrate how
 42 the area complies with the requirements of subsection (1) of this section. The disposal site operator
 43 shall provide written notice to the department [*of Environmental Quality*] prior to first accepting
 44 solid waste from outside the state. The requirements of this subsection [*shall*] apply only to con-
 45 tracts entered into after September 9, 1995.

1 (4) The commission shall establish by rule the amount of solid waste that may be accepted from
2 outside the county in which the disposal site is located before the person must comply with the re-
3 quirements set forth in subsection (1) of this section.

4 (5) Subject to prior approval of the Oregon Department of Administrative Services and a report
5 to the Emergency Board prior to adopting the fee, and within the budget authorized by the Legis-
6 lative Assembly as that budget may be modified by the Emergency Board, the Department of Envi-
7 ronmental Quality may establish a certification fee in accordance with ORS 468.065. The fees
8 *[shall]* **may** not exceed the cost of the program.

9 (6) The certification requirement under subsection (1) of this section *[shall]* **does** not apply to
10 a person implementing a waste reduction program under ORS 459.055.

11 (7) Notwithstanding any other provision of law relating to solid waste disposal, if the laws of
12 the state of origin prohibit or restrict the disposal of any kind of solid waste within the state of
13 origin, *[such]* **the** prohibition or restriction *[shall]* also *[apply]* **applies** to the disposal of *[such]* **the**
14 solid waste in Oregon.

15 **SECTION 16.** ORS 459A.029 is amended to read:

16 459A.029. (1) The Department of Environmental Quality shall work with local government units
17 to provide educational and promotional materials that local government units may distribute to
18 commercial generators of solid waste. The educational and promotional materials should be targeted
19 to businesses[,] and include reasons to recycle, including economic benefits, common barriers to re-
20 cycling and solutions **to the barriers**, additional resources for commercial generators and other
21 information designed to assist and encourage meeting the state's *[50]* **55** percent recovery rate.

22 (2) Each watershed is encouraged to involve local business organizations in publicly recognizing
23 outstanding recycling efforts by commercial generators of solid waste. The recognition may include
24 awards designed to provide additional incentives to increase recycling efforts.

25 (3) Each commercial generator of solid waste shall strive to achieve *[50]* **55** percent recovery
26 from its solid waste stream by *[the year 2000]* **2025**.

27 (4) The Legislative Assembly encourages local government units that have chosen to implement
28 commercial recycling programs to evaluate the effectiveness of those programs. The effectiveness
29 of a program may be determined by measuring solid waste diverted by programs, by participation
30 in programs or **by** some other method.

31 **SECTION 17.** ORS 459A.030 is amended to read:

32 459A.030. The Department of Environmental Quality shall provide technical assistance to cities,
33 counties or metropolitan service districts in the development, revision, amendment and implementa-
34 tion of local solid waste reduction, reuse and recycling **and waste prevention** programs and solid
35 waste management programs that comply with the opportunity to recycle established in ORS
36 459A.005 and *[459A.010]* **section 5 of this 2015 Act**. The department shall give special emphasis to
37 assisting rural and remote counties.

38 **SECTION 18.** ORS 459A.050 is amended to read:

39 459A.050. (1) On behalf of each watershed and the cities within each watershed, each county
40 shall submit to the Department of Environmental Quality:

41 (a) A periodic report, as required by the department, but not more frequently than annually, that
42 documents how the watershed and the cities within the watershed are implementing the opportunity
43 to recycle, including the requirements of **section 5 of this 2015 Act and** ORS 459A.010. A
44 watershed is encouraged to report the results of the watershed's commercial recycling program
45 evaluations in the watershed's periodic report to the department *[of Environmental Quality]*.

1 (b) An annual report that states for the wasteshed the type of material and the weight of each
2 type of material collected through the following means:

- 3 (A) On-route collection;
- 4 (B) Collection from commercial customers; and
- 5 (C) Collection at disposal site recycling depots.

6 (c) If solid waste generated in the wasteshed is disposed of outside of the state, the total weight
7 of the solid waste disposed of outside the state, which shall be included in the annual report.

8 (2) The metropolitan service district for Multnomah, Washington and Clackamas counties and
9 the cities therein in aggregate shall submit to the department annual reports that include the in-
10 formation required under subsection (1) of this section.

11 (3) Except as provided in subsection (4) of this section and subject to the exclusions of ORS
12 459A.010 [(4)(h)] **(3)(d)**, each solid waste disposal site that receives solid waste, except transfer
13 stations, shall report, for each wasteshed, the weight of in-state solid waste disposed of at the solid
14 waste disposal site that was generated in each wasteshed.

15 (4) The metropolitan service district for Multnomah, Washington and Clackamas counties and
16 the cities therein in aggregate shall submit to the department the weight of solid waste disposed of
17 through the following facilities:

- 18 (a) Metropolitan service district central transfer station;
- 19 (b) Metropolitan service district south transfer station;
- 20 (c) Municipal solid waste compost facility; and

21 (d) Any disposal facility or transfer facility owned, operated or under contract by the metro-
22 politan service district.

23 (5) The cities and counties within each wasteshed shall share proportionally in the costs in-
24 curred for the preparation and submission of the annual report required under this section.

25 (6) At least annually, the department shall survey privately operated recycling and material re-
26 covery facilities, including but not limited to buy back centers, drop off centers, recycling depots
27 other than those at permitted land disposal facilities, manufacturers and distributors. The depart-
28 ment shall collect the following information:

29 (a) By type of material for each wasteshed, the weight of in-state material collected from other
30 than on-route collection programs, both residential and commercial.

31 (b) Any other information necessary to prevent double counting of material recovered or to de-
32 termine if a material is recyclable.

33 (7) Information collected under subsection (6) of this section, as it relates specifically to the
34 entity's customer lists or specific amounts and types of materials collected or marketed, [*shall be*
35 *maintained as*] **is** confidential [*by the department*] and exempt from disclosure under ORS 192.410 to
36 192.505. The department may use and disclose such information in aggregated form.

37 (8) The information in subsections (1)(b) to (4) and (6) of this section shall be collected and re-
38 ported annually on a form provided by the department.

39 (9) Unless extended by the Environmental Quality Commission upon application under ORS
40 459A.055 after the affected persons show good cause for an extension, the affected persons within
41 the wasteshed shall implement the opportunity to recycle and submit the recycling report to the
42 department.

43
44 **MISCELLANEOUS**
45

1 **SECTION 19.** The unit captions used in this 2015 Act are provided only for the conven-
2 ience of the reader and do not become part of the statutory law of this state or express any
3 legislative intent in the enactment of this 2015 Act.

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