

SENATE AMENDMENTS TO SENATE BILL 263

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 7

- 1 On page 1 of the printed bill, line 3, after “459A.029,” insert “459A.030,”.
- 2 On page 2, delete lines 29 through 45 and delete pages 3 through 5.
- 3 On page 6, delete lines 1 through 20 and insert:
- 4 **“SECTION 5. (1) A person providing the opportunity to recycle shall fulfill the require-**
- 5 **ments of subsection (3) of this section using the following recycling program elements:**
- 6 **“(a) Provision of at least one durable recycling container to each residential service**
- 7 **customer.**
- 8 **“(b) On-route collection at least once each week of source separated recyclable material**
- 9 **from residential collection service customers, provided on the same day that solid waste is**
- 10 **collected from each customer.**
- 11 **“(c) An expanded education and promotion program as described in section 6 of this 2015**
- 12 **Act.**
- 13 **“(d) A multifamily collection program that includes:**
- 14 **“(A) Collection of at least four principal recyclable materials or the number of materials**
- 15 **required to be collected under the residential on-route collection program, whichever is less,**
- 16 **from each multifamily dwelling complex that has five or more units; and**
- 17 **“(B) Education and promotion directed to the residents of the multifamily dwelling com-**
- 18 **plex.**
- 19 **“(e) An effective residential yard debris collection and composting program that includes**
- 20 **the promotion of home composting of yard debris, and that also includes either:**
- 21 **“(A) Monthly or more frequent on-route collection of yard debris from residential col-**
- 22 **lection service customers for production of compost or other marketable products; or**
- 23 **“(B) A system of yard debris collection depots conveniently located and open to the public**
- 24 **at least once a week.**
- 25 **“(f) A commercial recycling program that includes:**
- 26 **“(A) Weekly, or on a more appropriate regular schedule, onsite collection of source sep-**
- 27 **arated principal recyclable materials from, at a minimum, commercial generators of solid**
- 28 **waste employing 10 or more persons and occupying 1,000 square feet or more in a single lo-**
- 29 **cation.**
- 30 **“(B) An education and promotion program conducted to inform all commercial genera-**
- 31 **tors of solid waste of the manner and benefits of the commercial recycling program that**
- 32 **provides effective promotion of the program to the generators.**
- 33 **“(C) Other optional elements, including but not limited to waste assessments and recy-**
- 34 **cling recognition programs. A city or county is encouraged to involve local business organ-**
- 35 **izations in publicly recognizing outstanding recycling efforts by commercial generators of**

1 solid waste. The recognition may include awards designed to provide additional incentives to
2 increase recycling efforts.

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

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

7 “(A) Have regular and convenient hours;

8 “(B) Be open on the weekend days; and

9 “(C) When feasible, collect additional recyclable materials.

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

16 “(i) A collection and composting system for food and other compostable waste from
17 commercial and institutional entities that generate large amounts of such wastes.

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

20 “(k) A program for monthly or more frequent on-route collection and composting for
21 food and other compostable waste from residential collection service customers. The pro-
22 gram described in this paragraph must include education or promotion to reduce contam-
23 ination of the compost feedstock collected.

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

25 “(A) Requires construction and demolition debris to be source separated at the gener-
26 ation site or sent to a material recovery facility for processing and recovery; and

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

29 “(i) Reduce waste during preconstruction planning and in building construction, reno-
30 vation and demolition phases; and

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

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

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

36 “(a) A citywide or countywide education and promotion program about the environmental
37 benefits of, and opportunities to reduce the generation of waste through, waste prevention
38 and reuse.

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

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

44 “(d) A waste prevention and reuse education program in elementary and secondary
45 schools.

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

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

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

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

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

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

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

18 “(B) Recovery levels comparable to similar communities.

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

21 “(a) For cities within a metropolitan service district:

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

25 “(B) At least eight recycling program elements set forth under subsection (1) of this
26 section.

27 “(b) For cities with a population of at least 4,000 but not more than 10,000 that are lo-
28 cated 120 miles or less from the City of Portland, at least four recycling program elements
29 set forth under subsection (1) of this section.

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

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

35 “(A) The three recycling program elements set forth under subsection (1)(a), (b) and (c)
36 of this section and at least two additional elements set forth under subsection (1) of this
37 section; or

38 “(B) At least six recycling program elements set forth under subsection (1) of this sec-
39 tion.

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

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

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

1 tion.

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

4 “(A) The three recycling program elements set forth under subsections (1)(a), (b) and (c)
5 of this section and at least three additional recycling program elements set forth under
6 subsection (1) of this section; or

7 “(B) At least seven recycling program elements set forth under subsection (1) of this
8 section.

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

13 “(6) Each city that is within a metropolitan service district or with a population of
14 greater than 50,000 and each county that is responsible for the area between city limits and
15 the urban growth boundary of a city with a population of greater than 50,000 or the area
16 outside of city limits but within a metropolitan service district urban growth boundary shall
17 implement either:

18 “(a) The waste prevention and reuse program element set forth under subsection (2)(a)
19 of this section, and at least four additional elements set forth under subsection (2) of this
20 section; or

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

24 “(7) Each city with a population of greater than 10,000 but no more than 50,000, that is
25 within a county of greater than 100,000 population, and each county of greater than 100,000
26 population that is responsible for the area between city limits and the urban growth bound-
27 ary of a city with a population of greater than 10,000 but no more than 50,000 shall implement
28 either:

29 “(a) The waste prevention and reuse program element set forth under subsection (2)(a)
30 of this section, and at least two additional elements set forth under subsection (2) of this
31 section; or

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

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

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

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

3 **“(A) Include in those rates all net costs incurred by the local government, franchisee or**
4 **licensee for providing the opportunity to recycle and for implementing the requirements of**
5 **this section; or**

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

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

13 **“(10) A local government may assess a fee on solid waste collection or disposal services**
14 **to cover costs to the local government for providing the opportunity to recycle and for im-**
15 **plementing the requirements of this section.”.**

16 On page 14, delete lines 12 through 14 and insert:

17 “(A) Food waste, at least 25 percent; and

18 “(B) Plastic waste, at least 25 percent;

19 “(d) For the calendar year 2025 and subsequent years, the rate of material recovery of carpet
20 waste from the general solid waste stream shall be at least 25 percent;”.

21 In line 15, delete “(d)” and insert “(e)”.

22 In line 17, delete “(e) For the calendar year 2025 and subsequent years” and insert “(f) For
23 calendar years 2025 through 2049”.

24 In line 19, delete “(f)” and insert “(g)”.

25 In line 30, delete the blank and insert “30”.

26 In line 39, delete the blank and insert “25”.

27 In line 41, delete the blank and insert “20”.

28 On page 15, line 1, delete the blank and insert “45”.

29 In line 12, delete the blank and insert “35”.

30 After line 19, insert:

31 “(d) For purposes of providing the opportunity to recycle under ORS 459A.005, the recovery
32 goals provided under this subsection are voluntary and may not be interpreted to authorize the
33 Department of Environmental Quality to require compliance with the goals by a wasteshed.

34 “(e)(A) Except as provided in paragraph (c) of this subsection, if the commission or the depart-
35 ment initiates efforts to revise the waste recovery goals in this subsection, the department must
36 provide written notice and an opportunity to comment to members of the governing body of each
37 city, county or metropolitan service district within the wastesheds that would be affected by any
38 proposed revisions.

39 “(B) As used in this paragraph, ‘governing body’ means the council, commission, board or other
40 controlling body, however designated, in which the legislative powers of the city, county or metro-
41 politan service district are vested.”.

42 On page 16, delete line 42 and insert:

43 “(B) Recovery of energy from waste, including methane recovery at landfills; and”.

44 In line 44, delete the period and insert “, including but not limited to:

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

1 “(ii) Energy efficiency improvements at recycling and solid waste facilities; and
2 “(iii) Production of energy from renewable sources at solid waste facilities through means other
3 than recovery of energy from waste, such as the use of solar energy to produce electricity.”.

4 On page 18, line 17, delete “A”.

5 Delete lines 21 through 30 and insert:

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

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

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

13 **“(b) Recommendations for meeting or modifying the recovery goals for food waste and
14 plastic waste under ORS 459A.010.”.**

15 After line 32, insert:

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

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

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

23 **“(b) Recommendations for meeting or modifying the recovery goals for carpet waste un-
24 der ORS 459A.010.**

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

27 **“SECTION 13c. As part of the report made to the Legislative Assembly in 2019 as re-
28 quired in ORS 459A.015 (3), the Department of Environmental Quality shall provide informa-
29 tion on the implementation of multitenant recycling throughout Oregon, including actions
30 undertaken by the department to encourage and support recycling at multifamily and other
31 multitenant facilities and efforts to reduce contamination in multitenant recycling, such as
32 studies, pilot projects and educational efforts.”.**

33 On page 19, line 21, after “recycling” insert “and waste prevention”.

34 On page 20, delete lines 16 through 20 and insert:

35 **“(a) For waste originating outside Oregon, achieves either a recovery rate equivalent to that
36 achieved in a comparable county in Oregon or a recycling and waste prevention program equivalent
37 to the opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program elements in section 5
38 of this 2015 Act; and”.**

39 On page 21, after line 19, insert:

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

41 **“459A.030. The Department of Environmental Quality shall provide technical assistance to
42 cities, counties or metropolitan service districts in the development, revision, amendment and im-
43 plementation of local solid waste reduction, reuse and recycling and waste prevention programs
44 and solid waste management programs that comply with the opportunity to recycle established in
45 ORS 459A.005 and [459A.010] section 5 of this 2015 Act. The department shall give special em-**

1 phasis to assisting rural and remote counties.”.

2 In line 20, delete “17” and insert “18”.

3 On page 22, line 28, delete “18” and insert “19”.

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