

**PROPOSED AMENDMENTS TO
SENATE BILL 263**

1 On page 2 of the printed bill, delete lines 29 through 45 and delete pages
2 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**
5 **fulfill the requirements of subsection (3) of this section using the fol-**
6 **lowing recycling program elements:**

7 **“(a) Provision of at least one durable recycling container to each**
8 **residential service customer.**

9 **“(b) On-route collection at least once each week of source separated**
10 **recyclable material from residential collection service customers, pro-**
11 **vided on the same day that solid waste is collected from each cus-**
12 **tomers.**

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

15 **“(d) A multifamily collection program that includes:**

16 **“(A) Collection of at least four principal recyclable materials or the**
17 **number of materials required to be collected under the residential**
18 **on-route collection program, whichever is less, from each multifamily**
19 **dwelling complex that has five or more units; and**

20 **“(B) Education and promotion directed to the residents of the**
21 **multifamily dwelling complex.**

22 **“(e) An effective residential yard debris collection and composting**

1 program that includes the promotion of home composting of yard de-
2 bris, and that also includes either:

3 “(A) Monthly or more frequent on-route collection of yard debris
4 from residential collection service customers for production of
5 compost or other marketable products; or

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

8 “(f) A commercial recycling program that includes:

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

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

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

24 “(D) Each commercial generator of solid waste shall strive to
25 achieve 55 percent recovery from its solid waste stream by the year
26 2025.

27 “(g) Expanded depots for recycling of at least all principal
28 recyclable materials, and provisions for promotion or education to
29 maximize the use of the depots. The depots must:

30 “(A) Have regular and convenient hours;

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

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

3 **“(h) Solid waste residential collection rates that encourage waste**
4 **reduction, reuse and recycling through reduced rates for smaller con-**
5 **tainers, including at least one rate for a container that is 21 gallons**
6 **or less in size. Based on the average weight of solid waste disposed per**
7 **container for containers of different sizes, the rate on a per pound**
8 **disposed basis may not decrease with increasing size of containers, and**
9 **the rates per container service may not be less with additional con-**
10 **tainers serviced.**

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

14 **“(j) A commercial recycling program that requires commercial**
15 **generators of solid waste that generate large amounts of recyclable**
16 **materials to source separate recyclable materials.**

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

22 **“(L) A recovery program for construction and demolition debris**
23 **that:**

24 **“(A) Requires construction and demolition debris to be source sep-**
25 **arated at the generation site or sent to a material recovery facility for**
26 **processing and recovery; and**

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

29 **“(i) Reduce waste during preconstruction planning and in building**
30 **construction, renovation and demolition phases; and**

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

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

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

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

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

14 “(c) A waste prevention campaign targeting commercial or institutional
15 generators of waste and focused on one or more toxic or energy
16 intensive materials or consumer purchasing practices.

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

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

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

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

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

1 **district shall implement either:**

2 **“(a) The applicable number of recycling program elements for the**
3 **size and location of the city as provided in subsection (4) of this sec-**
4 **tion; or**

5 **“(b) An alternative program that complies with the rules of the**
6 **Environmental Quality Commission and that is designed to be as ef-**
7 **fective in recovering recyclable materials from solid waste as the re-**
8 **quirements provided in subsection (4) of this section and to achieve**
9 **at least the lesser of:**

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

11 **“(B) Recovery levels comparable to similar communities.**

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

15 **“(a) For cities within a metropolitan service district:**

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

19 **“(B) At least eight recycling program elements set forth under**
20 **subsection (1) of this section.**

21 **“(b) For cities with a population of at least 4,000 but not more than**
22 **10,000 that are located 120 miles or less from the City of Portland, at**
23 **least four recycling program elements set forth under subsection (1)**
24 **of this section.**

25 **“(c) For cities with a population of at least 4,000 but not more than**
26 **10,000 that are more than 120 miles from the City of Portland, at least**
27 **three recycling program elements set forth under subsection (1) of this**
28 **section.**

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

1 **“(A) The three recycling program elements set forth under sub-**
2 **section (1)(a), (b) and (c) of this section and at least two additional**
3 **elements set forth under subsection (1) of this section; or**

4 **“(B) At least six recycling program elements set forth under sub-**
5 **section (1) of this section.**

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

8 **“(A) The three recycling program elements set forth under sub-**
9 **section (1)(a), (b) and (c) of this section and at least one additional**
10 **elements set forth under subsection (1) of this section; or**

11 **“(B) At least five recycling program elements set forth under sub-**
12 **section (1) of this section.**

13 **“(f) For cities with a population of more than 50,000 that are located**
14 **150 miles or less from the City of Portland:**

15 **“(A) The three recycling program elements set forth under sub-**
16 **sections (1)(a), (b) and (c) of this section and at least three additional**
17 **recycling program elements set forth under subsection (1) of this sec-**
18 **tion; or**

19 **“(B) At least seven recycling program elements set forth under**
20 **subsection (1) of this section.**

21 **“(5) A city or county that is not subject to subsection (6) or (7) of**
22 **this section may substitute the waste prevention and reuse program**
23 **element set forth in subsection (2)(a) of this section and at least two**
24 **additional elements set forth in subsection (2) of this section for one**
25 **recycling program element set forth under subsection (1) of this sec-**
26 **tion.**

27 **“(6) Each city that is within a metropolitan service district or with**
28 **a population of greater than 50,000 and each county that is responsible**
29 **for the area between city limits and the urban growth boundary of a**
30 **city with a population of greater than 50,000 or the area outside of city**

1 **limits but within a metropolitan service district urban growth bound-**
2 **ary shall implement either:**

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

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

9 **“(7) Each city with a population of greater than 10,000 but no more**
10 **than 50,000, that is within a county of greater than 100,000 population,**
11 **and each county of greater than 100,000 population that is responsible**
12 **for the area between city limits and the urban growth boundary of a**
13 **city with a population of greater than 10,000 but no more than 50,000**
14 **shall implement either:**

15 **“(a) The waste prevention and reuse program element set forth**
16 **under subsection (2)(a) of this section, and at least two additional**
17 **elements set forth under subsection (2) of this section; or**

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

21 **“(8)(a) For a city using waste prevention and reuse elements set**
22 **forth under subsection (2) of this section to satisfy requirements set**
23 **forth in subsection (6) or (7) of this section, waste prevention and re-**
24 **use elements may be provided by the county or metropolitan service**
25 **district where the city is located, provided that implementation or**
26 **provisions of such elements are made available throughout the city.**

27 **“(b) For a county that includes or is within a metropolitan service**
28 **district using waste prevention and reuse elements set forth under**
29 **subsection (2) of this section to satisfy requirements set forth in sub-**
30 **section (6) or (7) of this section, waste prevention and reuse elements**

1 may be provided by the metropolitan service district where the county
2 is located, provided that implementation or provision of such elements
3 are made available within the entire urban growth boundary of the
4 metropolitan service district.

5 **“(9)(a) Each local government that franchises or licenses the col-
6 lection of solid waste and establishes the rates to be charged for col-
7 lection service shall:**

8 **“(A) Include in those rates all net costs incurred by the local gov-
9 ernment, franchisee or licensee for providing the opportunity to recy-
10 cle and for implementing the requirements of this section; or**

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

14 **“(b) As used in this subsection, ‘net costs’ includes but is not lim-
15 ited to the reasonable costs for collecting, handling, processing, stor-
16 ing, transporting and delivering to market recyclable material and for
17 providing any required education and promotion or data collection
18 services adjusted by a factor to account for proceeds from the sale of
19 recyclable material.**

20 **“(10) A local government may assess a fee on solid waste collection
21 or disposal services to cover costs to the local government for provid-
22 ing the opportunity to recycle and for implementing the requirements
23 of this section.”.**

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

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

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

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

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

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

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

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

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

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

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

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

9 After line 19, insert:

10 “(d) For purposes of providing the opportunity to recycle under ORS
11 459A.005, the recovery goals provided under this subsection are voluntary
12 and may not be interpreted to authorize the Department of Environmental
13 Quality to require compliance with the goals by a wasteshed.

14 “(e)(A) Except as provided in paragraph (c) of this subsection, if the
15 commission or the department initiates efforts to revise the waste recovery
16 goals in this subsection, the department must provide written notice and an
17 opportunity to comment to members of the governing body of each city,
18 county or metropolitan service district within the wastesheds that would be
19 affected by any proposed revisions.

20 “(B) As used in this paragraph, ‘governing body’ means the council, com-
21 mission, board or other controlling body, however designated, in which the
22 legislative powers of the city, county or metropolitan service district are
23 vested.”.

24 On page 16, delete line 42 and insert:

25 “(B) Recovery of energy from waste, including methane recovery at land-
26 fills; and”.

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

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

30 “(ii) Energy efficiency improvements at recycling and solid waste facili-

1 ties; and

2 “(iii) Production of energy from renewable sources at solid waste facilities
3 through means other than recovery of energy from waste, such as the use
4 of solar energy to produce electricity.”.

5 On page 18, line 17, delete “A”.

6 Delete lines 21 through 30 and insert:

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

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

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

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

18 After line 32, insert:

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

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

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

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

30 **“SECTION 13b. Section 13a of this 2015 Act is repealed on the date**

1 of the convening of the 2028 regular session of the Legislative Assem-
2 bly as specified in ORS 171.010.

3 **“SECTION 13c. As part of the report made to the Legislative As-**
4 **sembly in 2019 as required in ORS 459A.015 (3), the Department of En-**
5 **vironmental Quality shall provide information on the implementation**
6 **of multitenant recycling throughout Oregon, including actions under-**
7 **taken by the department to encourage and support recycling at**
8 **multifamily and other multitenant facilities and efforts to reduce**
9 **contamination in multitenant recycling, such as studies, pilot projects**
10 **and educational efforts.”.**

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

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

13 “(a) For waste originating outside Oregon, achieves either a recovery rate
14 equivalent to that achieved in a comparable county in Oregon or a recycling
15 and waste prevention program equivalent to the opportunity to recycle in
16 ORS 459A.005 (1)(a) and (2) and the program elements in section 5 of this
17 2015 Act; and”.

18 On page 21, after line 19, insert:

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

20 **“459A.030. The Department of Environmental Quality shall provide tech-**
21 **nical assistance to cities, counties or metropolitan service districts in the**
22 **development, revision, amendment and implementation of local solid waste**
23 **reduction, reuse and recycling and waste prevention programs and solid**
24 **waste management programs that comply with the opportunity to recycle**
25 **established in ORS 459A.005 and [459A.010] section 5 of this 2015 Act. The**
26 **department shall give special emphasis to assisting rural and remote coun-**
27 **ties.”.**

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

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

30