

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 543**

1 On page 1 of the printed A-engrossed bill, line 4, delete “4” and insert
2 “5”.

3 On page 2, after line 18, insert:

4 **“SECTION 4. (1) The Department of Environmental Quality may**
5 **not enforce the prohibitions in sections 2 and 3 of this 2023 Act if the**
6 **combined statewide recycling rate of polystyrene foam containers and**
7 **polystyrene foam packaging peanuts meets the following goals:**

8 **“(a) At least 25 percent by calendar year 2028 and in each subse-**
9 **quent year;**

10 **“(b) At least 50 percent by calendar year 2040 and in each subse-**
11 **quent year; and**

12 **“(c) At least 70 percent by calendar year 2050 and in each subse-**
13 **quent year.**

14 **“(2) The department may use information obtained under ORS**
15 **459A.926 to annually calculate the combined statewide recycling rate**
16 **of polystyrene foam containers and polystyrene foam packaging pea-**
17 **nuts under this section.**

18 **“(3) If the department determines that a recycling rate goal de-**
19 **scribed in subsection (1) of this section for any calendar year has not**
20 **been met, the department may begin enforcement of sections 2 and 3**
21 **of this 2023 Act one year after the date of the determination, unless**

1 **the department determines that the recycling rate for the subsequent**
2 **calendar year has met the recycling rate goal.”.**

3 In line 19, delete “4” and insert “5”.

4 Delete lines 22 through 45.

5 Delete page 3 and insert:

6 **“SECTION 6. The Environmental Quality Commission may adopt**
7 **rules necessary to implement sections 1 to 5 of this 2023 Act.**

8 **“SECTION 7. ORS 459.995, as amended by section 15, chapter 102, Oregon**
9 **Laws 2022, is amended to read:**

10 “459.995. (1) Except as provided in subsection (2) of this section, in addi-
11 tion to any other penalty provided by law:

12 “(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to
13 459.405, 459.705 to 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335,
14 459A.860 to 459A.975 or 646A.080, or any rule or order of the Environmental
15 Quality Commission pertaining to the disposal, collection, storage or reuse
16 or recycling of solid wastes, as defined by ORS 459.005, or any rule or order
17 pertaining to the disposal, storage or transportation of waste tires, as defined
18 by ORS 459.705, or any rule or order pertaining to the sale of novelty items
19 that contain encapsulated liquid mercury, incurs a civil penalty not to ex-
20 ceed \$25,000 per day for each day of the violation.

21 “(b) Any person who violates the provisions of ORS 459.420 to 459.426
22 incurs a civil penalty not to exceed \$500 for each violation. Each battery that
23 is disposed of improperly is a separate violation. Each day an establishment
24 fails to post the notice required under ORS 459.426 is a separate violation.

25 “(c) For each day a city, county or metropolitan service district fails to
26 provide the opportunity to recycle as required under ORS 459A.005, the city,
27 county or metropolitan service district incurs a civil penalty not to exceed
28 \$500 for each violation.

29 “(d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs
30 a civil penalty not to exceed \$500 for each violation. Each covered electronic

1 device that is disposed of improperly is a separate violation.

2 “(e) Any retailer that violates the provisions of ORS 459A.825 (1) or (2)(b)
3 or section 3, chapter 102, Oregon Laws 2022, incurs a civil penalty not to
4 exceed \$100 per day for each day of the violation.

5 “(f) Any producer or renovator that violates the provisions of ORS
6 459A.825 (1) or section 3, chapter 102, Oregon Laws 2022, incurs a civil pen-
7 alty not to exceed \$1,000 per day for each day of the violation.

8 “(g) Any stewardship organization that violates the provisions of ORS
9 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or 459A.842 or sections 1 to
10 14, chapter 102, Oregon Laws 2022, incurs a civil penalty not to exceed \$1,000
11 per day for each day of the violation.

12 **“(h) Any person that violates section 5 of this 2023 Act incurs a civil
13 penalty not to exceed \$500 per day for each day of the violation.**

14 “(2) Any product manufacturer or package manufacturer who violates
15 ORS 459A.650 to 459A.665 or any rule adopted under ORS 459A.650 to
16 459A.665 incurs a civil penalty not to exceed \$1,000 per day for each day of
17 the violation. A violation of ORS 459A.650 to 459A.665 is not subject to ad-
18 ditional penalties under subsection (1) of this section.

19 “(3) Any civil penalty authorized by subsection (1) or (2) of this section
20 shall be imposed in the manner provided by ORS 468.135.

21 **“SECTION 8. Section 5 of this 2023 Act and the amendments to ORS
22 459.995 by section 7 of this 2023 Act become operative on January 1,
23 2025.**

24 **“SECTION 9.** ORS 459.995, as amended by section 15, chapter 102, Oregon
25 Laws 2022, and section 7 of this 2023 Act is amended to read:

26 “459.995. (1) Except as provided in subsection (2) of this section, in addi-
27 tion to any other penalty provided by law:

28 “(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to
29 459.405, 459.705 to 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335,
30 459A.860 to 459A.975 or 646A.080, or any rule or order of the Environmental

1 Quality Commission pertaining to the disposal, collection, storage or reuse
2 or recycling of solid wastes, as defined by ORS 459.005, or any rule or order
3 pertaining to the disposal, storage or transportation of waste tires, as defined
4 by ORS 459.705, or any rule or order pertaining to the sale of novelty items
5 that contain encapsulated liquid mercury, incurs a civil penalty not to ex-
6 ceed \$25,000 per day for each day of the violation.

7 “(b) Any person who violates the provisions of ORS 459.420 to 459.426
8 incurs a civil penalty not to exceed \$500 for each violation. Each battery that
9 is disposed of improperly is a separate violation. Each day an establishment
10 fails to post the notice required under ORS 459.426 is a separate violation.

11 “(c) For each day a city, county or metropolitan service district fails to
12 provide the opportunity to recycle as required under ORS 459A.005, the city,
13 county or metropolitan service district incurs a civil penalty not to exceed
14 \$500 for each violation.

15 “(d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs
16 a civil penalty not to exceed \$500 for each violation. Each covered electronic
17 device that is disposed of improperly is a separate violation.

18 “(e) Any retailer that violates the provisions of ORS 459A.825 (1) or (2)(b)
19 or section 3, chapter 102, Oregon Laws 2022, incurs a civil penalty not to
20 exceed \$100 per day for each day of the violation.

21 “(f) Any producer or renovator that violates the provisions of ORS
22 459A.825 (1) or section 3, chapter 102, Oregon Laws 2022, incurs a civil pen-
23 alty not to exceed \$1,000 per day for each day of the violation.

24 “(g) Any stewardship organization that violates the provisions of ORS
25 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or 459A.842 or sections 1 to
26 14, chapter 102, Oregon Laws 2022, incurs a civil penalty not to exceed \$1,000
27 per day for each day of the violation.

28 “(h) Any person that violates section 3 or 5 of this 2023 Act incurs a civil
29 penalty not to exceed \$500 per day for each day of the violation.

30 **“(i) Any food vendor that violates section 2 of this 2023 Act incurs**

1 **a civil penalty not to exceed \$100 for each day of the violation.**

2 “(2) Any product manufacturer or package manufacturer who violates
3 ORS 459A.650 to 459A.665 or any rule adopted under ORS 459A.650 to
4 459A.665 incurs a civil penalty not to exceed \$1,000 per day for each day of
5 the violation. A violation of ORS 459A.650 to 459A.665 is not subject to ad-
6 ditional penalties under subsection (1) of this section.

7 “(3) Any civil penalty authorized by subsection (1) or (2) of this section
8 shall be imposed in the manner provided by ORS 468.135.

9 **“SECTION 10. Sections 2 and 3 of this 2023 Act and the amendments
10 to ORS 459.995 by section 9 of this 2023 Act become operative on Jan-
11 uary 1, 2029.”.**

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