

SB 263 Materials Management Rulemaking

Advisory Committee Meeting #2 May 9, 2016



Facilitator: Jordan Palmeri

This public meeting is being recorded.

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Agenda

Time	Presentation and Discussion Topic
10:30 a.m.	Welcome & Introduction
10:45 a.m.	Recovery Goals
10:50 a.m.	Recycling Program Elements – Presentation & Discussion
12:00 p.m.	Break
12:20 p.m. (working lunch)	Opportunity to Recycle Act – Informational Presentation
12:40 p.m.	Recycling Program Elements – Presentation & Discussion, continued
1:20 p.m.	Break
1:30 p.m.	Waste Prevention and Reuse Program Elements – Presentation & Discussion
2:50 p.m.	Alternative Programs – Presentation & Discussion
3:10 p.m.	Next Steps
3:20 p.m.	Public Comment
3:30 p.m.	Adjourn

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Matt Korot	Prog. Dir., Resource Conservation & Recycling	Metro
Willie Tiffany	Governmental Affairs	ORRA
Mark Nystrom	Policy Manager	Association of Oregon Counties
Tracy Rutten	Intergovernmental Relations Associate	League of Oregon Cities
Mark Morgan	Assistant City Manager	City of Hermiston
Pete Chism-Winfield	Materials and Waste Specialist	City of Portland
Stephanie Scafa	Waste Prevention and Green Building Analyst	City of Eugene
Conracia (Traci) Carrier	Budget Analyst	Jackson County
Bailey Payne	Recycling Coordinator	Marion County
Sarah Grimm	Waste Diversion Specialist	Lane County
Mark Saelens	Solid Waste District Program Manager	Lincoln County
Vinod Singh	Operations Manager	Far West Recycling
Dave Larmouth	Rate Analyst	Recology Western Oregon
Kim Kaminski	Government Affairs	Waste Management
Rob Guttridge	Vice President	Recycling Advocates

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Timeframe

- Remaining Advisory Committee meetings:
 - Tuesday, June 21st from 10 a.m. – 2 p.m.
 - Tuesday, September 13th from 10 a.m. – 1 p.m.
- Public Hearing & Comment – November 2016
- Recommended for Adoption to EQC – January 2017
- Advisory Committee site – <https://www.oregon.gov/deq/RulesandRegulations/Pages/Advisory/AMrecycling2016.aspx>
- Comments and questions – Raeburn.Matthew@deq.state.or.us

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Recovery Goals



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Recycling Program Elements



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Opportunity to Recycle – Recap

- For cities with populations over 4,000:
 - At least monthly collection of recyclables from collection service customers; or,
 - An alternative program approved by DEQ.
- Collection of recyclables at all public disposal sites or at more convenient depots.
- A public education and promotion program explaining, what, how, and why to recycle.
- Cities of 4,000 – 9,999 pop. choose 3 or 4 program elements.
- Cities of 10K – 50K choose 4 or 5 program elements.
- Cities of 50K+ choose 6 or 7 program elements.

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Recycling Program Elements – Recap

- a) One recycling container (at least) to each residential customer.
- b) Weekly collection from residential collection service customers.
- c) Expanded Education and Promotion program.**
- d) Multifamily collection program.
- e) Residential yard debris collection and composting program.
- f) Commercial recycling program.
- g) Expanded depots for recycling of at least all principal recyclable materials.
- h) Residential waste rates with reduced rates for smaller containers.
- i) Commercial and institutional collection and composting for food.
- j) Required source separation of recyclables by commercial generators.**
- k) Residential monthly collection and composting for food.**
- l) Required construction and demolition debris separation.**
- m) Required source separation of food by large commercial generators of food waste.**

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Residential Curbside Food Waste Collection

“...Monthly or more frequent on-route collection for food and other compostable waste from residential collection service customers. The program...must include education or promotion to reduce contamination of the compost feedstock collected”

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Residential Curbside Food Waste Collection

Proposal: The education and promotion program must:

- be provided to residential collection service customers, in a variety of formats and materials at least four times per calendar; AND
- include information on:
 - types of food waste collected;
 - schedules for collection;
 - methods of preparing food waste for collection;
 - explanations of why separating food waste for recovery is necessary; and
 - explanations of how to reduce contamination of the food waste recovery stream set out for collection.

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Expanded Education and Promotion Changes

New requirement:

“A program to determine the levels of contamination of materials set out for collection and to take action to reduce contamination in collected recyclables”

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Expanded Education and Promotion Changes

Proposal: Require local governments to outline a contamination assessment and action program methodology (“plan”).

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Implementing the Expanded Education and Promotion Program Element

ORS 459A.008: Expanded Education and Promotion Program shall be provided in one of the following ways:

1) Preparing and implementing an education and promotion plan that satisfies Opportunity to Recycle requirements set out in 459A.007.

OR,

2) Implement a set of specified actions.

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Expanded Education and Promotion Changes

Proposal: This represents a detailed framework for a contamination assessment and action program, consisting of the following components:

- Frequency of contamination assessment.
- Points at which contamination will be assessed.
- Assessment methodology, including materials targeted and sampling, measurement and analytical methods.
- Actions to reduce contamination levels.

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Expanded Education and Promotion Changes

Proposal: Require local governments to outline a contamination assessment and action program methodology (“plan”) that includes the following sub-elements:

- Frequency for contamination assessment (minimum of annually).

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Expanded Education and Promotion Changes

Proposal (cont'd): Require local governments to outline a contamination assessment and action program methodology that includes following sub-elements:

- Point(s) at which contamination will be assessed – minimum of one of the following:
 - Point of generation (e.g., recycling containers), or
 - Point of transfer or processing (e.g. transfer station)

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Expanded Education & Promotion (cont'd)

Proposal (cont'd): Require local governments to outline a contamination assessment and action program methodology that includes:

- Assessment methodology and rationale, including:
 - Sampling selection method, including at least:
 - certain numbers of recycling containers, OR
 - loads of recyclables collected from selected routes
 - **Sample measurement method(s), including at least:**
 - **weight or volume of contamination levels, OR**
 - **visual inspections and contamination estimates**
 - Materials (contaminants) targeted

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Expanded Education & Promotion (cont'd)

Proposal (cont'd): Require local governments to outline a contamination assessment and action program methodology that includes:

- Actions to reduce contamination levels based on findings, including:
 - Providing feedback to generators (e.g. cart tags, door hangers, etc.)
 - Communitywide education messages (e. g. a contamination prevention campaign aimed at behavior change)

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Expanded Education and Promotion Changes

Proposal: This represents a detailed framework for a contamination assessment and action program, consisting of the following components:

- Frequency of contamination assessment.
- Points at which contamination will be assessed.
- Assessment methodology, including materials targeted and sampling, measurement and analytical methods.
- Actions to reduce contamination levels.

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Construction & Demolition Debris Recovery

“...requires C&D debris to be source separated...or sent to a material recovery facility...and includes an education or promotion program for developers, contractors, and residential owners that provides strategies to...reduce waste during preconstruction planning and in building construction...and direct waste to reuse and material recovery facilities”

Proposal: The program may be implemented through:

- a local ordinance codifying the requirements of this program element; OR
- an equivalent method that is also legally enforceable by the local government

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Construction & Demolition Debris (cont'd)

Proposal: The materials subject to the requirements of this program element include:

- Any construction and demolition debris for which there is a viable market;
- Which would not be contaminated by other construction and demolition debris; and,
- The recovery of which results in a positive environmental impact.

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Construction & Demolition Debris (cont'd)

Proposal: Sites and operations covered by this program must minimally include:

- buildings;
- land-clearing operations; AND,
- major infrastructure, such as bridges.

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Construction & Demolition Debris (cont'd)

Proposal: Generators subject to this program must minimally include any person who generates a minimum of two cubic yards of construction and demolition debris at any time.

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Construction & Demolition Debris (cont'd)

Proposal:

The program may be implemented through:

- a local ordinance codifying the requirements of this program element; OR
- an equivalent method that is also legally enforceable by the local government

Proposal:

Materials subject to these requirements include:

- Any construction and demolition debris for which there is a viable market;
- Which would not be contaminated by other C & D debris; and
- The recovery of which results in a positive environmental impact.

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Construction & Demolition Debris (cont'd)

Proposal:

Sites and operations covered by this program must minimally include:

- buildings;
- land-clearing operations; AND,
- major infrastructure, such as bridges.

Proposal:

Generators subject to this program must minimally include any person who generates a minimum of 2 yd³ of construction and demolition debris at any time.

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Recyclable Material / Principal Recyclable Material



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Recycling Opportunity Act - 1983

“Opportunity to Recycle” required for:

- Residential on-route collection (cities 4,000+)
- Commercial on-route collection (cities 4,000+)
- Disposal site depots + “more convenient locations

Recyclable Material – defined in law:

“Recyclable material” means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

Cities and collection service providers asked
“What does this mean in my city?”

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Principal Recyclable Material – defined in rule:

"Principal Recyclable Material" means material which is a recyclable material at some place where the opportunity to recycle is required in a watershed and is identified by the Commission in OAR 340-090-0070.

What are the Principal Recyclable Materials?

- (a) Newspaper;
- (b) Ferrous scrap metal;
- (c) Non-ferrous scrap metal;
- (d) Used motor oil;
- (e) Corrugated cardboard and kraft paper;
- (f) Aluminum;
- (g) Container glass;
- (h) Hi-grade office paper;
- (i) Tin cans;
- (j) Yard debris – added in ~1988

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Jackson Wasteshed		Population	FE	NF	UO	NP	GL	AL	CC	HI	TC
Principal Recyclable Material:			FE	NF	UO	NP	GL	AL	CC	HI	
Ashland	City Residential	15,180			UO	NP	GL	AL	CC		
Ashland	City Commercial	15,180	FE	NF	UO		GL		CC	HI	
Central Point	City Residential	6,370			UO	NP	GL	AL	CC		
Central Point	City Commercial	6,370	FE	NF	UO		GL		CC		
Medford	City Residential	40,000			UO	NP	GL	AL	CC		
Medford	City Commercial	40,000	FE	NF	UO		GL		CC	HI	
ASHLAND	Disposal Site		FE	NF	UO	NP	GL		CC		
DRY CREEK	Disposal Site		FE	NF	UO	NP	GL		CC		
PROSPECT	Disposal Site		FE	NF	UO	NP					
SOUTH STAGE	Disposal Site		FE	NF	UO	NP	GL		CC		

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Recycling Program Elements

Part 2



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Mandatory Commercial Recycling

“A commercial recycling program that requires commercial generators of solid waste that generate large amounts of recyclable material to source separate recyclable materials”

Proposal: The commercial recycling program must be established through an ordinance or an equivalent method that is also legally enforceable by the local government.

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Mandatory Commercial Recycling (cont'd)

Proposal: Generators subject to compliance with this program element include each commercial generator that has a disposal service level of four or more cubic yards of solid waste per week.

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Mandatory Commercial Recycling (cont'd)

Proposal: The commercial recycling program must be established through an ordinance or an equivalent method that is also legally enforceable by the local government.

Proposal: Generators subject to compliance with this program element include "...each commercial generator that has a service level of four or more cubic yards of solid waste per week."

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Mandatory Non-Residential Food Waste Collection

“A food waste collection program requiring nonresidential generators that generate large amounts of food waste to source separate the food waste for recovery”

Proposal: The program may be implemented through:

- a local ordinance codifying the requirements of this program element; OR
- an equivalent method that is also legally enforceable by the local government.

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Mandatory Non-Residential Food Waste (cont'd)

Proposal: The program must target, at least, food waste that:

- is not packaged, and
- for which final disposal by the nonresidential generator is controlled by the nonresidential generator's employees or agents; AND
- Include all nonresidential generators that dispose of more than one ton of food waste per week

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Mandatory Non-Residential Food Waste (cont'd)

Proposal:

Program may be implemented through:

- a local ordinance codifying the requirements of this program element; OR
- an equivalent method that is also legally enforceable by the local government.

Proposal: Must at least

cover food waste that:

- is not packaged, and
- for which final disposal by the nonresidential generator is controlled by the nonresidential generator's employees or agents; AND
- Include all nonresidential generators that dispose of more than one ton of food waste per week

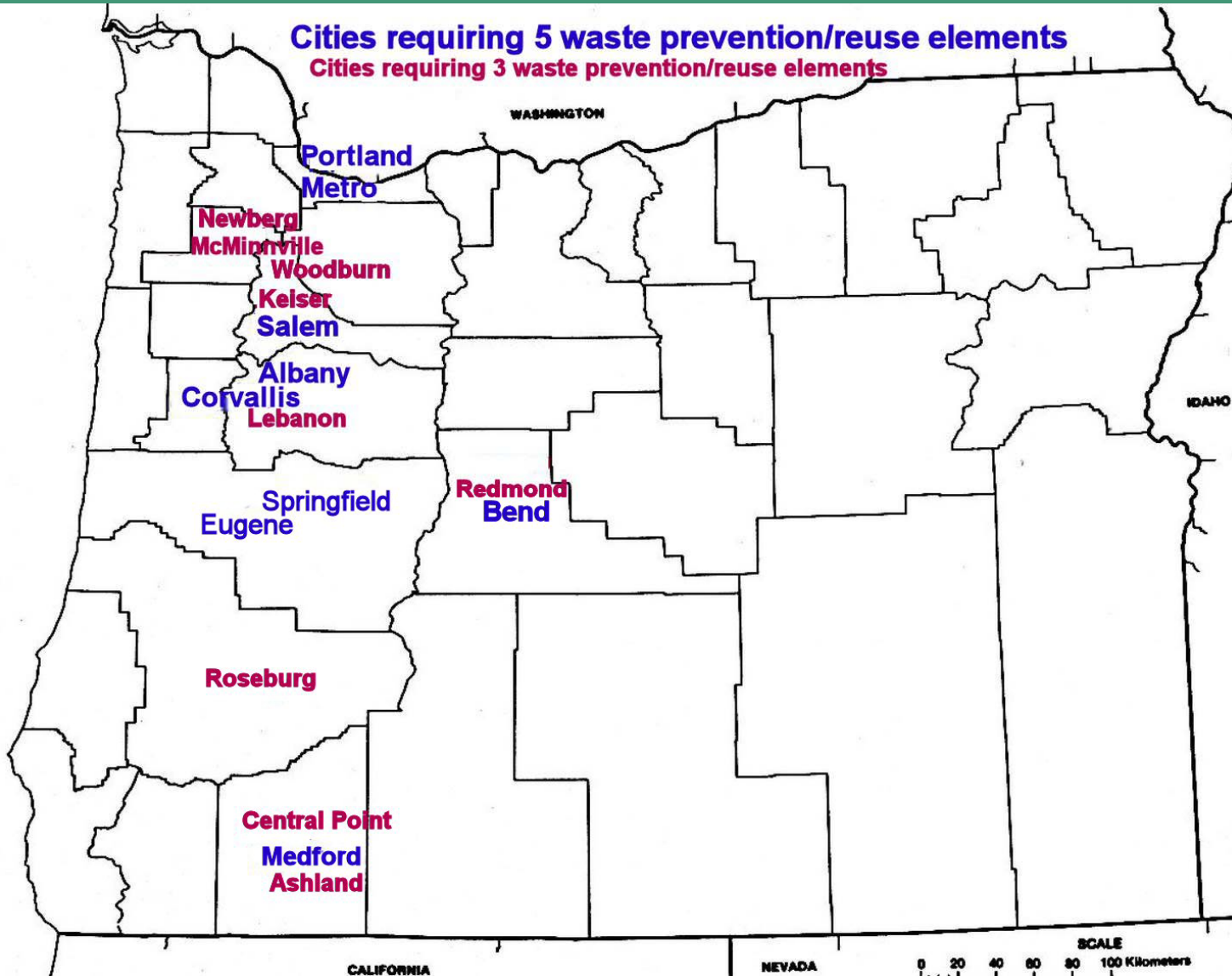
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Waste Prevention & Reuse Program Elements



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New Waste Prevention & Reuse Program Elements

- a) WP&R education program
- b) Residential campaign
- c) Commercial/institutional campaign
- d) Schools education program
- e) Infrastructure program
- f) Technical assistance program
- g) Food rescue

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New Waste Prevention & Reuse Program Element

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

Changes since April meeting:

- Reworked to align more closely with the expanded education and promotion recycling element.
 - *However, will require a written plan with more detail on how waste prevention and reuse will be promoted.*
- Definition of “citywide and countywide education and promotion program” removed; rule no longer references minimum percentage of population that must be reached; specific requirement related to languages other than English also removed.

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New Waste Prevention & Reuse Program Element

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

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

Changes since April meeting:

- The duration of a specific campaign may not exceed five years, with material refreshes at least every two years.
- Definition of toxic materials simplified to: products or other materials that contain chemicals or groups of chemicals on DEQ's toxics focus list or otherwise designated as "toxic" by DEQ.

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New Waste Prevention & Reuse Program Element

Revised definition applicable to elements (b) and (c)

Performance measurement plan means a plan to track the outcomes associated with a campaign that a local government can use to demonstrate that its campaign reached the target audience. Tracking can be either of: environmental outcomes, if feasible; or process outcomes. Process outcome performance metrics include: numbers of residents who participated in an activity that was part of the campaign; number of events held as part of a campaign; numbers of visits to a website or social media site dedicated to the campaign; or survey data showing that people had seen and acted on a waste prevention message from the campaign.

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New Waste Prevention & Reuse Program Element

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

Changes since April meeting:

- Language clarifies how compliance by a county or Metropolitan Service District could count as compliance by a city or county within those jurisdictions.
- Provision added to allow for a program reaching fewer than the specified X% if the program is more in-depth and supports longer term engagement on waste prevention and reuse.

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New Waste Prevention & Reuse Program Element

(e) Funding or infrastructure support program.

Proposed concepts:

- Local government must identify specific funding or infrastructure support to reuse, repair, leasing or sharing activities and describe how support will sustain and/or expand efforts.
- Support will be at least X and provided annually unless a larger investment.
- Funding may include: grants; payments for equipment; funding to support outreach efforts.
- Infrastructure may include: equipment, vehicles to transport materials; space for storage and display of reusable building materials; and space for operating a tool library.

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New Waste Prevention & Reuse Program Element

(f) Technical assistance program.

Proposed concepts:

- Local government must identify specific technical assistance to reuse, repair, leasing or sharing activities and describe how support will sustain and/or expand efforts.
- Technical assistance may include: program design and implementation; publicizing and promotion; expending funds for contractors to provide advice.
- Support must be at least X and provided annually unless a larger investment.

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New Waste Prevention & Reuse Program Element

(g) Food rescue program

Proposed concepts:

- A local government must identify specific support for food rescue program(s) within its jurisdiction.*
- Two of the following criteria must be met:
 - Perform a review of local health ordinances, and identify and remove barriers to facilitate food rescue.
 - Fund activity such as: grants; payments for equipment; building space or staff; vehicles to transport food; stipends for gleaners.
 - Provide infrastructure support
 - Provide technical assistance
- Support must be at least X and provided annually unless a local government makes a larger investment.

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Alternative Program



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Alternative Program Rule Concept

- Definition of “similar communities”
- Proposed criteria for Alternative Waste Prevention and Reuse Program

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Definition

“Similar communities” means another local government unit that is similar, for the purposes of DEQ’s evaluation of the local governments alternative program based on:

- (a) Population or population density;
- (b) Demographics;
- (c) Distance to viable recycling markets;
- (d) Cost of collection and disposal; and
- (e) Other criteria approved by DEQ.

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Proposed Criteria for Waste Prevention and Reuse Alternative Programs

(1) Each request must be made in writing on a form provided by DEQ. The application must be complete, signed by the local government, and address all of the requirements in section (3) of this rule.

(2) DEQ will review applications as they are received. For each application, using the criteria in section (3) of this rule, DEQ will approve, approve with conditions, or reject the proposed alternative waste prevention and reuse program.

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Proposed Criteria for Waste Prevention and Reuse Alternative Programs

- (3) Each application must include the following detailed information:
 - (a) a description of the proposed alternative waste prevention and reuse program;
 - (b) an explanation of how the proposed alternative waste prevention and reuse program would be different than and designed to achieve similar benefits as the required waste prevention and reuse program elements;

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Proposed Criteria for Waste Prevention and Reuse Alternative Programs

- (c) a written plan describing how the proposed alternative waste prevention and reuse program would provide citywide education and promotion about the environmental benefits of, and opportunities to reduce the generation of waste through, waste prevention and reuse in the local government unit;
- (d) the conditions and factors that make the proposed alternative waste prevention and reuse program preferable; and
- (e) waste generating behaviors targeted for change for residential and commercial generators of solid waste in the local government unit and how the change would be measured.

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