

Senate Bill 263

Materials Management Rulemaking: Recycling 2016

Advisory Committee Meeting #2 – Monday, May 9, 2016

Rule Documents for Advisory Committee



**Environmental Solutions
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Recovery Goals

I. Material-Specific Recovery Goal for Food Waste

Proposal:

- (1) It is the goal of the State of Oregon that, for the calendar year 2020 and subsequent years, is that the rate of material recovery of food waste from the general solid waste stream shall be at least 25 percent.
- (2) “**Food waste**” means a category of solid waste including edible food and inedible parts associated with food including husks, pits, shells, thick peels, and bones from residential, commercial, and institutional generators. “Food waste” does not include food processor waste or crop residue.
- (3) The rate of material recovery of food waste shall be calculated based on the amount of food waste recovered each year, as determined in a statewide survey of recovery rates for food waste, divided by the total amount of food waste generated.
 - (a) “**Food waste generated**” means the combined amounts of: food waste disposed of; and food waste recovered.
 - (b) “**Food waste disposed of**” means the amount of food waste disposed of based on the results of a waste composition study and the amounts of food waste generated in Oregon and then disposed of, as reported by disposal sites and by transporters of food waste outside of Oregon.

II. Material-Specific Recovery Goal for Plastic Waste

Proposal:

- (1) It is the goal of the State of Oregon that, for the calendar year 2020 and subsequent years, is that the rate of material recovery of plastic waste from the general solid waste stream shall be at least 25 percent.
- (2) “**Plastic waste**” means a category of solid waste and recyclable materials including only materials and products that are completely or almost completely made of plastic.
 - (a) “Plastic waste” does not include plastic in multi-material items, such as electronics, automobiles, appliances, mixed-material toys, or household goods.
- (3) The rate of material recovery of plastic waste shall be calculated based on the amount of plastic waste recovered each year, as determined in a statewide survey of recovery rates for plastic waste, divided by the total amount of food waste generated.
 - (a) “**Plastic waste generated**” means the combined amounts of: plastic waste disposed of; and plastic waste recovered.
 - (b) “**Plastic waste disposed of**” means the amount of plastic waste disposed of based on the results of a waste composition study and the amounts of plastic waste generated in Oregon and then disposed of, as reported by disposal sites and by transporters of plastic waste outside of Oregon.

III. Wasteshed Recovery Goals *[amending OAR 340-090-0050]*

Proposal:

The purpose of this rule is to define the wastesheds as designated in ORS 459A.010, and state recovery rates that each wasteshed shall achieve and maintain. For purposes of providing the opportunity to recycle, the recovery goals provided under this subsection are voluntary and may not be interpreted to authorize DEQ to require compliance with the goals by a wasteshed:

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

(2) The recovery goals for the following wastesheds shall be to achieve the following recovery rates for the calendar year 2025 and subsequent years:

- (a) Baker County, 25 percent;
- (b) Benton County, 44 percent;
- (c) Clatsop County, 53 percent;
- (d) Columbia County, 45 percent;
- (e) Coos County, 30 percent;
- (f) Crook County, 20 percent;
- (g) Curry County, 30 percent;
- (h) Deschutes County, 45 percent;
- (i) Douglas County, 34 percent;
- (j) Gilliam County, 25 percent;
- (k) Grant County, 25 percent;
- (l) Harney County, 25 percent;
- (m) Hood River County, 35 percent;
- (n) Jackson County, 25 percent;
- (o) Jefferson County, 32 percent;
- (p) Josephine County, 20 percent;
- (q) Klamath County, 20 percent;
- (r) Lake County, 15 percent;
- (s) Lane County, 63 percent;
- (t) Lincoln County, 37 percent;
- (u) Linn County, 45 percent;
- (v) Malheur County, 25 percent;
- (w) Marion County, 64 percent;
- (x) City of Milton-Freewater, 25 percent;
- (y) Morrow County, 20 percent;
- (z) Polk County, 48 percent;
- (aa) Sherman County, 20 percent;
- (bb) Tillamook County, 37 percent;
- (cc) Umatilla County, 20 percent;
- (dd) Union County, 25 percent;
- (ee) Wallowa County, 25 percent;
- (ff) Wasco County, 35 percent;
- (gg) Wheeler County, 20 percent; and
- (hh) Yamhill County, 45 percent.

IV. EQC's Authority to Temporarily Revise a Waste Recovery Goal Downward

Reference statute at ORS 459A.010(2)(c) but do not restate the section, excerpted below, in Oregon Administrative Rules.

(2)(c) The Environmental Quality Commission may temporarily revise the waste recovery goal for a wasteshed downward if the commission determines that a revision is necessary because reasonably available markets do not exist for one or more high-volume

recoverable materials, including but not limited to paper, scrap metal, yard debris, wood, glass, food waste and plastic.

V. Notification of DEQ or EQC Efforts to Revise the Waste Recovery Goals

Reference statute at ORS 459A.010(2)(e) but do not restate the section, excerpted below, in Oregon Administrative Rules.

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

(B) As used in this paragraph, “governing body” means the council, commission, board or other controlling body, however designated, in which the legislative powers of the city, county or metropolitan service district are vested.

VI. Statewide Recovery Goals

Reference statute at ORS 459A.010(1) but do not restate the section, excerpted below, in Oregon Administrative Rules

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

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

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

...

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

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

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

VII. 6-Year Interval Between Waste Composition Studies
[amending OAR 340-090-0060 and OAR 340-090-0390]

Proposal:

- (1) DEQ shall conduct a solid waste composition study to determine the quantities and sources of different materials disposed of in the waste stream at least once every six years for all areas of the state not covered by other solid waste composition studies.
- (2) If the material is burned for energy recovery and then included in the recovery rate for Clackamas, Multnomah or Washington Counties in aggregate or for Benton, Lane, Linn, Marion, Polk or Yamhill County wastesheds, the same material, when burned as part of mixed solid waste, may be included in the recovery rate for a wasteshed that burns mixed solid waste for energy recovery. The amount of the material within the mixed solid waste that may be included in the recovery rate for energy recovery will be determined by a waste composition study performed by the wasteshed at least once every six years.

VIII. Eliminate 2% Two Percent Recovery Rate Credit.
[remove OAR 340-090-0045]



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Recycling Program Elements

I. Expanded Education and Promotion Program Element

[to be included in OAR 340-090-0040]

Relevant excerpts of ORS 459A.008(1)-(2):

An expanded education and promotion program to . . . inform generators of solid waste of the manner and benefits of reducing, reusing, recycling and composting material, promote use of recycling services and reduce contamination in collected recyclables. The city, county or metropolitan service district responsible for providing an opportunity to recycle shall provide the education and promotion program in one of the following ways:

- (1) (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 to fulfill the intent of this section.
 - (b) The plan described in paragraph (a) of this subsection must be submitted to the Department of Environmental Quality during the first year that the plan is in effect. Thereafter, the watershed shall submit a summary of activities in the plan to the department at the same time the county submits the periodic report required under ORS 459A.050 (1)(a). The summary must cover at least the time period until the next periodic report is due to the department.
- (2) Implementing all of the following:
 - (a)(A) Provision of recycling notification and education packets to all new residential, commercial and institutional collection service customers that include, at a minimum, information about the materials collected, the schedule for collection, the way to prepare materials for collection, why separating material for recycling is necessary and how to reduce contamination of the materials set out for collection.

. . . .

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

Note: Under existing rules at OAR 340-090-0040(3)(c)(B), the expanded education and promotion program can be implemented through either:

(1) a specified action program that need not be approved by DEQ but must meet specific minimum requirements; or

(2) an Expanded Education and Promotion Plan that must be submitted to DEQ but allows for more flexibility.

To balance local governments' requests for guidance and flexibility in implementing the new contamination assessment and action requirement, DEQ is only proposing the plan approach. DEQ would provide a form template that could be completed – together with related DEQ forms – by local governments and submitted to DEQ.

DEQ seeks comment from the Advisory Committee on whether to also offer a specified action option, which would not require submission to DEQ of a plan to determine and take action on contamination. Because local governments would be able to use the specified action option without submitting a plan form to DEQ, those actions specified in rule for determining and taking action on contamination would need to be more prescriptive.

Proposal:

An expanded education and promotion program as described in ORS 459A.008. To implement the program, a local government must have an expanded education and promotion program plan. The plan must use a format provided by DEQ or an alternative written format chosen by the local government.

An expanded education and promotion program plan must implement a program to determine the levels of contamination of materials set out for collection and to take action to reduce contamination in collected recyclables. The plan's minimum components are as follows:

(1) To determine the levels of contamination of materials set out for collection:

(a) Frequency.

At a minimum, the plan must include some activity each year to proactively assess contamination levels (*e.g.*, representative sampling of residential recycling containers in a geographic area or on a route).

(b) Points of assessment of contamination levels.

Contamination levels must be assessed in at least one of these two categories of points of assessment in the collection process:

- (A) generators' recycling containers; OR
- (B) point of transfer or processing (*e.g.*, transfer station).

(c) Methodology and Rationale.

Descriptions of and rationales for each of the following:

(A) Selection method, which would include at least:

- (i) certain recycling containers (*i.e.*, all recycling containers OR a randomly selected subset) set out for collection in specific geographic areas or on specific routes; OR
- (ii) loads of collected recyclable materials from randomly selected routes.

(B) Measurement method, which would include at least:

- (i) actual weight or volume of contamination levels; OR
- (ii) visual inspections and estimates of contamination levels.

(C) Materials focus, which would at least include a focus on specific types of contaminants or general categories of unacceptable items.

(D) Method of analyzing data and results, including relevant criteria, such as:

- (i) calculation methods;
- (ii) data to be analyzed (*e.g.*, number of samples and average sample weight); OR
- (iii) descriptions of visual inspections and estimates of contamination levels.

(E) Reporting method for results, which would at least include reporting those results in the annual recovery rate report submitted to DEQ.

(2) To take action to reduce contamination in collected recyclables:

(a) Based on levels of contamination within the local government unit,¹ as assessed according to the plan, specify targeted actions to reduce contamination. At a minimum, those actions must include:

(A) educational contact with contaminating generators at the point of generation (*e.g.*, through tags on recycling containers, door hangers, additional information on solid waste invoices, etc.);

(B) communitywide educational messaging (*e.g.*, a campaign promoting behavior changes by the local government unit's generators); AND

(C) descriptions of the education's:

(i) general content,

(ii) format,

(iii) schedule for distribution or implementation,

(iv) means of distribution or implementation, and

(v) target audience.

II. Mandatory Commercial Recycling Program Element

[to be added to OAR 340-090-0040]

Proposal:

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

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

(2) The local government must require participation in the commercial recycling program by each commercial generator that has a service level of four or more cubic yards of solid waste per week.

¹ "Local Government Unit" means the territory of a political subdivision that regulates either solid waste collection, disposal, or both, including but not limited to incorporated cities, municipalities, townships, counties, parishes, regional associations of cities and counties, Indian reservations, and Metropolitan Service Districts If a county regulates solid waste collection within unincorporated areas of the county but not within one or more incorporated cities or municipalities, then the county local government unit shall be considered as only those areas where the county directly regulates solid waste collection. OAR 340-090-0010(18).

Rationale:

- The threshold of four or more yd³ of commercial solid waste is based on the requirements of California Assembly Bill (AB) 341, which mandates commercial recycling in California. AB 341 has been in effect since 2012. Its requirements were developed from analysis and stakeholder feedback, which focused on design and implementation of mandatory commercial recycling.

In the lead up to AB 341, HF&H Consulting surveyed data, which was acquired during 2008, to better understand the 4 yd³ per week threshold. Samples came from 16,244 commercial accounts in 24 Bay Area jurisdictions representing 4,903,158 yd³ per year of service. The survey estimates that, although about 48% of businesses would be exempt under AB 341, those exempt businesses would represent just 16% of the service volume. So AB 341 still covers businesses with the largest percentage of the service volume.

III. Residential Curbside Food Collection Program Element

[to be added to OAR 340-090-0040]

Proposal:

A program for monthly or more frequent on-route collection and composting for food and other compostable waste from residential collection service customers.

That program must include education or promotion to reduce contamination of the compost feedstock collected. The education and program must:

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

IV. Construction and Demolition Debris Recovery and Education Program Element
[to be added to OAR 340-090-0040]

Proposal:

A recovery program for construction and demolition debris. The program may be implemented through:

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

The program's requirements must include the following:

- (1) Requirements that construction and demolition debris be source separated at the generation site or sent to a material recovery facility for processing and recovery.
 - (a) Materials subject to this program must minimally include:
 - (A) any construction and demolition debris for which there is a viable market, including packaging waste generated at a site;
 - (B) which is not contaminated by other construction and demolition debris; AND
 - (C) the recovery of which results in a net positive environmental impact.
 - (b) Sites and operations covered by this program must minimally include:
 - (A) buildings;
 - (B) land clearing operations; AND
 - (C) major infrastructure, such as bridges.
 - (c) 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.
- (2) An education or promotion program for developers, contractors, and residential owners that provides strategies to:

- (a) reduce waste during preconstruction planning and in building construction, renovation and demolition phases; AND
- (b) direct waste to reuse and material recovery facilities.

V. Mandatory Non-Residential Food Waste Collection Program Element

[to be added to OAR 340-090-0040]

Proposal:

A food waste collection program requiring nonresidential generators that generate large amounts of food waste to source separate the food waste for recovery. The program may be implemented through:

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

The program must:

- (1) target, at least, food waste that:
 - (a) is not packaged, and
 - (b) for which final disposal by the nonresidential generator is controlled by the nonresidential generator's employees or agents; AND
- (2) include all nonresidential generators that dispose of more than one ton of food waste per week.

Rationales:

- *for (1)* – DEQ's 2008 waste composition analysis conducted found that approximately 75% of food waste in the garbage was unpackaged. There are also barriers to recovering packaged food, such as additional labor and associated costs.

Regarding the requirement that final disposal by the nonresidential generator be controlled by its employees or agents: keeping food waste collected in public/dining areas from contamination is difficult. Waste from public/dining areas generally contains smaller quantities of food waste compared to the amount of non-food items such as paper and plastic.

- *for (2)* – Methodologies to estimate food waste generation by business sector are currently under development. The City of Portland and Metro are using NAICS codes, state employment data, and a recent California commercial

waste composition study to identify businesses based on estimated tons of food waste per generator. Large generators of food waste have been identified as those that produce more than 50 tons per year or one ton per week of food waste.



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Waste Prevention and Reuse Program Elements

Note to Advisory Committee members: SB 263 discontinues the Two Percent Recovery Rate Credit Program. SB 263 also adds a Waste Prevention and Reuse Program, which, though distinct from the Two Percent Recovery Rate Credit Program, uses some similar language in statute.

DEQ expects to complete – although not by the May 9th Advisory Committee meeting – a review of local government’s recent programs to obtain Two Percent Recovery Rate Credits. That review will clarify how DEQ should provide technical assistance to help local governments meet the Waste Prevention and Reuse Program’s requirements. The review should also help DEQ add details on performance measures (e.g., “X%” in “provide education to X% of elementary and secondary students”). If DEQ determines, after its review of local governments’ recent Two Percent Recovery Rate Credit programs, that these draft rules require more revision, then DEQ will provide the Advisory Committee with those revised rules before the third meeting.

I. Definitions

Proposal:

- (a) “**Consumer purchasing practice**” means the act of purchasing a toxic or energy intensive material, a product containing toxic materials, or a product consisting at least 50% by weight of energy intensive materials.
- (b) “**Energy intensive materials**” means metals, paper, plastic, and food, including products that are primarily made of metals, paper, or plastic, such as some furniture, small and large appliances, and consumer electronics.
- (c) “**Environmental benefits**” means a reduction in a material’s environmental impacts at any point in the material’s life cycle, including reductions in impacts

occurring upstream of the material's use, such as resource extraction and manufacturing.

- (d) “**Food rescue**” means the practice of safely retrieving wholesome food still fit for human consumption, which would otherwise be left unharvested or go to animal feed, a composting facility, anaerobic digestion facility, energy recovery facility, or other disposal site, and redistributing that food through a food assistance program.
- (e) “**Infrastructure support**” means in kind contributions including facilities, office space, equipment, access to land, and vehicles in support of reuse, repair, leasing or sharing of efforts to reduce waste.
- (f) “**Leasing**” means commercial programs, including rental programs, that convey equipment or materials for a specific term and for a specific rent, and that reduce the number of items produced and subsequently purchased for use in a community.
- (g) “**Local government**” means a city, county, or metropolitan service district.
- (h) “**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: number 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.
- (i) “**Repair**” means restoring a product to a condition that allows its continued use for its originally intended purpose.
- (j) “**Reuse**” means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

Note: this definition is in statue and cannot be changed in rules.

- (k) “**Sharing**” means promoting the shared use of products or other materials, for free or for a nominal fee, that reduces the number of products produced and subsequently purchased for use.
- (l) “**Technical Assistance**” means assistance provided to businesses or non-profit staff including: program design and implementation; publicizing and promoting opportunities and research to support efforts; and expending funds to hire specialists or contractors who provide information and advice in topics such as business planning, operations, facility design, market research, or marketing.

(m) **“Toxic materials”** means products or other materials that contain chemicals or groups of chemicals on DEQ’s toxics focus list or that are otherwise designated as “toxic” by DEQ.

(n) **“Waste prevention”** means to reduce the amount of solid waste generated or resources used, without increasing toxicity, in the design, manufacture, purchase or use of products or packaging. “Waste prevention” does not include reuse, recycling or composting.

Note: this definition is in statue and cannot be changed in rules.

(o) **“Waste prevention campaign”** means an organized effort intended to change one or more specific behaviors or practices that reduces the amount of solid waste generated or resource used without increasing toxicity in the design, manufacture, purchase, or use of products or packaging. A food rescue program is not a waste prevention campaign for the purpose of complying with Waste Prevention and Reuse Elements (b) or (c).

II. Applicability of Waste Prevention and Reuse Program Requirements

Reference statute at ORS 459A.007(2), (6)-(8) but do not restate those sections, excerpted below, in Oregon Administrative Rules.

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

(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.

(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.

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

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

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

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

...

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

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

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

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

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

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

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

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

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

III. Waste Prevention and Reuse Elements

Note: “Countywide” refers to affected cities and the areas between their city limits and urban growth boundaries.

Proposal:

The waste prevention education and reuse program elements that a local government must use to implement the requirements are as follows:

- (a) **Citywide or countywide education and promotion.** 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.
 - (1) The education and promotion program must include the following components:
 - (A) Information for existing residential and commercial collection service customers that:
 - (i) is designed to reach various solid waste generators and is provided at least four times per calendar year through: written notice, an effective alternative, or some combination of both;
 - (ii) addresses how to reduce the generation of waste, how to reuse materials, and solutions to common challenges to waste prevention and reuse.
 - (B) An activity targeting at least one community or one media event each year that promotes waste prevention and reuse. This activity or event must be in addition to any campaigns used to comply with (b) or (c) below. An activity or event may promote waste prevention activities, reuse activities, or some combination of both.
 - (2) To reach the maximum number of residential and commercial solid waste generators, the education and promotion program must utilize a variety of materials and media formats to disseminate information.
 - (3) Each local government must, using a format provided by DEQ or an alternative written format chosen by the local government, submit to DEQ a program plan during the first year the plan is in effect. Thereafter, the local government must submit a summary of activities in the plan to DEQ at the same time the local government

submits its periodic report.² The summary must cover at least the time period until the next periodic report is due to DEQ. The plan must describe how it will implement the elements in (1) above, including:

- (A) a description of the information to be provided, including messages to be conveyed, program material format and general content, and schedules for distribution;
- (B) a description of how the information meets the needs of various types of residential generators, such as multi-family or rural residents, and various types of commercial and institutional generators;
- (C) a description of how information will be provided, such as events, volunteer activities, community meetings and presentations, or door-to door outreach; and
- (D) a description of who will provide the information, such as local government staff, collectors, depot operators, disposal site operators, and non-governmental organizations.

(b) **Waste prevention campaign targeting residential generators.** A waste prevention campaign targeting residential generators of waste and focused on one or more toxic or energy intensive materials or consumer purchasing practices. The campaign must meet the following criteria:

- (1) For either a campaign provided by DEQ or an alternative campaign chosen by the local government and approved by DEQ, each local government must develop, submit to DEQ, and implement a campaign plan that:
 - (A) identifies at least one specific waste generating behavior or practice targeted for change;
 - (B) describes the campaign's strategy;
 - (C) describes the campaign materials' general content, format, and delivery methods;
 - (D) provides an implementation schedule; and
 - (E) describes a performance measurement plan.
- (2) The duration of a campaign may not exceed five years, and the local government's implementation schedule must include a schedule for refreshing elements of the campaign at least once every two years.

² ORS 459A.050(1)(a).

(c) **Waste prevention campaign targeting commercial or institutional generators.** 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. The campaign must meet the following criteria:

- (1) For either a campaign provided by DEQ or an alternative campaign chosen by the local government and approved by DEQ, each local government must develop, submit to DEQ, and implement a campaign plan that:
 - (A) identifies at least one specific waste generating behavior or practice targeted for change;
 - (B) describes the campaign's strategy;
 - (C) describes the campaign materials' general content, format and delivery methods;
 - (D) provides an implementation schedule; and
 - (E) describes a performance measurement plan.
- (2) The duration of a campaign may not exceed five years, and the local government's implementation schedule must include a schedule for periodically refreshing elements of the campaign at least once every two years.

(d) **Education program in schools.** A waste prevention and reuse education program in elementary and secondary schools must satisfy the following criteria:

- (1) Each local government must develop, submit to DEQ, and implement a plan to deliver elementary and secondary school education and promotion programs, which:
 - (A) identifies targeted groups or classes of students;
 - (B) describes how information will be delivered;
 - (C) identifies at least one specific waste generating behavior or practice targeted for change and barriers to that change;
 - (D) provides an implementation schedule; and
 - (E) describes a performance measurement plan.

- (2) The education program must address students in both elementary and secondary schools and may include activities such as:
 - (A) classroom presentations;
 - (B) school assemblies;
 - (C) classroom curricular activities, such as service learning projects;
 - (D) after school programs; or
 - (E) student education implemented as part of in-school waste prevention and reuse programs, such as school cafeteria projects to measure and reduce food waste.
 - (3) If the program is a general waste prevention and reuse education and outreach program designed primarily to deliver information and increase knowledge about actions that support waste prevention and reuse, then the program must provide education to at least X% of elementary and secondary students in each calendar year for which this element is used to comply with waste prevention and reuse program requirements. A city or county may comply with this element through compliance by its county or Metropolitan Service District provided that:
 - (A) The education by the county or Metropolitan Service District is made available to all local governments within the jurisdiction; and
 - (B) The county or Metropolitan Service District is providing the education to at least this element's percentage threshold of elementary and secondary students in each calendar year for which this element is used to comply.
 - (4) A local government may propose a metric, besides the percentage in (3) above, for approval by DEQ that allows for more in-depth programs designed to engage a smaller number of students. The proposal must explain how targeting a smaller number of students supports longer term engagement in elementary and secondary education on waste prevention and reuse.
- (e) **Funding or infrastructure support program.** A program for the provision of city or watershed funding or infrastructure support to promote and sustain reuse, repair, leasing or sharing efforts. The program must meet the following criteria:
- (1) A local government must identify the specific forms of funding or infrastructure support that the local government will provide to support reuse, repair, leasing or sharing activities and describe how the funding or infrastructure support contributes to sustaining and, where possible, expanding reuse, repair, leasing or sharing efforts within the local government unit.

- (2) Support must be provided annually unless a local government makes a larger investment and the value of that investment, when amortized over multiple years, is at least equivalent to the annual support that the local government would otherwise provide.
 - (3) Annual funding or the estimated value of infrastructure support must be no less than [X].
 - (4) Funding may include: grants; payments on behalf of organizations for equipment; and funding to support outreach efforts (*e.g.*, website development, development of social media venues, media buys).
 - (5) Infrastructure support may include: equipment; vehicles needed to transport materials; space for storage and display of reusable building materials; and space at a facility owned by a local government to allow an organization to operate, for example, a tool library, equipment, and vehicles needed to transport materials.
- (f) **Technical assistance program.** A program for the provision of city or watershed technical assistance to promote and sustain the reuse, repair or leasing of materials or other sharing of efforts to reduce waste. The program must meet the following criteria:
- (1) A local government must identify the specific forms of technical assistance that the local government will provide to support reuse, repair, leasing or sharing activities and describe how the technical assistance contributes to sustaining and, where possible, expanding reuse, repair, leasing or sharing efforts within the local government unit.
 - (2) Support must be provided annually unless:
 - (A) a local government makes a larger investment; and
 - (B) the value of that investment, when amortized over multiple years, is at least equivalent to the annual support that the local government would otherwise provide.
 - (3) Annual funding or the estimated value of technical assistance must be no less than [X].
- (g) **Food rescue program support.** Support by a local government for a food rescue program. The local government's support must meet the following criteria:
- (1) The local government must identify and describe specific support for a food rescue program within the local government unit.
 - (2) A local government's support must include at least two of the following components:

- (A) The review of local health ordinances, identification of barriers to food rescue, and removal of those barriers as appropriate to facilitate food rescue.
 - (B) Funding that may include: grants; payments on behalf of organizations for equipment; building space or staff for food rescue facilities; or vehicles to transport rescued food and fellowships for gleaners and other food rescue workers.
 - (C) Infrastructure support that may include: providing space for rescued food storage; loan of vehicles for food transport; and development and implementation of donor matching programs or farm to food bank programs.
 - (D) Technical assistance that may include: convening meetings to assist in the development of a food rescue program; a local government website page to inform and promote food rescue opportunities; providing other program promotional support; developing success stories for use in promotional materials; and supporting measurement programs to help develop programs and demonstrate the efficacy of food rescue.
- (3) Support must be provided annually unless:
- (A) a local government makes a larger investment; and
 - (B) the value of that investment, when amortized over multiple years, is at least equivalent to the annual support that the local government would otherwise provide.
- (4) The annual estimated value of the food rescue program's funding, infrastructure support, or technical assistance must be no less than [X].

IV. Alternative Waste Program & Reuse Program

[Cross-reference alternative program criteria for WPR.]



SB 263 Rulemaking

Advisory Committee Meeting #2 – Monday, May 9, 2016

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Alternative Programs

I. Definitions

Proposal:

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

- (a) population or population density;
- (b) demographics;
- (c) distance to a viable market;
- (d) costs of collection and disposal; and
- (e) other criteria approved by DEQ.

II. Alternative Program for Providing the Opportunity to Recycle

[amend OAR 340-90-0080]

Proposal:

Each application for approval of an alternative program for providing the opportunity to recycle must include detailed written information and data on how the alternative program would achieve at least the lesser of:

- (1) the local government unit’s recovery rate required under Wasteshed Designation and Recovery Rates; or
- (2) recovery levels comparable to similar communities.

Note: Waste Designation and Recovery Rates are the wasteshed-specific recovery goals in SB 263 for each wasteshed to achieve in 2025 and thereafter.

III. Alternative Program for Implementing a Waste Prevention and Reuse Program

[New rule section modeled after existing rules for evaluating Alternative Program for Providing the Opportunity to Recycle, OAR 340-90-0080.]

Proposal:

A local government may apply for DEQ approval of an alternative program for implementing the waste prevention and reuse program elements. To apply, a local government must follow these procedures:

- (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.
- (3) Each application must include the following detailed information:
 - (a) a description of the proposed alternative waste prevention and reuse program;
 - (b) explanations 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;
 - (c) a written plan describing how the proposed alternative waste prevention and reuse program would provide citywide or countywide 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 that change would be measured.