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SUBJECT TO CHANGE



DRAFT Rules for OAR 340, Division 90
SB 263 Materials Management Rulemaking (“Recycling 2016”)
Advisory Committee Meeting #3
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Oregon Department of Environmental Quality
811 SW Sixth Ave
Portland OR 97204

DISCLAIMER: The Oregon Department of Environmental Quality (“DEQ”) makes these draft rules available to assist the Advisory Committee with its role in the SB 263 Materials Management Rulemaking (“Recycling 2016”). These draft rules remain subject to change by DEQ based on: advice and comments offered to DEQ; or DEQ’s own initiative.

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 90

RECYCLING AND WASTE REDUCTION

340-090-0005

Purpose

The purpose of these rules is to establish the minimum requirements for providing the opportunity to recycle. These rules describe the standards for materials management, recovery, and recycling programs. ~~These rules describe the standards for local recycling programs, assure measurable recovery rates, and establish standards for used oil recycling signs.~~ The rules are adopted pursuant to the authority of ORS 459.045, 459A.025 and 468.020. These rules relate to the requirements of ORS 459.015, 459.250, 468.862 and Chapter 459A.

Stat. Auth.: ORS 459A.025, ORS 459.045 & ORS 468.020

Stats. Implemented: ORS 459A.005, ORS 459A.010, ORS 459A.025 & ORS 459A.575

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0005

340-090-0010

Definitions

The definitions in this rule apply to OAR Chapter 340, Divisions 90 and 91. As used in these Divisions 90 and 91 unless otherwise specified:

(1) "Affected Person" means a person or entity involved in the solid waste collection service process including but not limited to a recycling collection service, disposal site permittee or owner, city, county and Metropolitan Service District. For the purposes of these rules "affected person" also means a person involved in operation of a place to which persons not residing on or occupying the property may deliver source separated recyclable material.

() "Alternative Program" means "alternative method" or "alternative program" as used in ORS 459A.

(2) "Collection Service" means a service that provides for collection of solid waste or recyclable material or both, but does not include that part of a business operated under a certificate issued under ORS 822.110. "Collection service" of recyclable materials does not include a place to

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which persons not residing on or occupying the property may deliver source separated recyclable material.

() “Collection Service Customers” includes: residential and commercial customers of a collection service as defined in ORS 459.005; and also, as of July 1, 2022, the Multi-Family residential and commercial tenants of landlords or property managers that are customers of a collection service for the benefit of their tenants.

(3) "Collector" means the person who provides collection service.

(4) "Commercial" means stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals, and other non-manufacturing entities, but does not include manufacturing activities. Business, manufacturing or processing activities in residential dwellings are also not included.

(5) "Commission" means the Environmental Quality Commission.

() “Compostable waste” means feedstock that is acceptable for composting at a composting facility.

(6) "Composting" means the managed process of controlled biological decomposition of organic or mixed solid waste. It does not include composting for the purposes of soil remediation. Compost is the product resulting from the composting process. “Composting” includes both aerobic composting and anaerobic digestion.

() “Contamination” means the presence of a material that the local government’s recycling program does not ultimately recycle through the collection service or depot into which that material was discarded.

() “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 percent by weight of energy intensive materials.

(7) "Consumer of Newsprint" means a person who uses newsprint in a commercial or government printing or publishing operation.

() “Countywide” means, for any county or metropolitan service district with one or more cities required to implement a waste prevention and reuse program, the cities required to implement waste prevention and reuse programs and the areas between each such city’s city limits and its urban growth boundary.

(8) "Department" means the Department of Environmental Quality.

(9) "Depot" means a place for receiving source separated recyclable material.

(10) "Director" means the Director of the Department of Environmental Quality.

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(11) "Disposal Site" means land and facilities used for the disposal, handling or transfer of or energy recovery, material recovery, and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both a hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050; a site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.

() "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.

(12) "Energy Recovery" means recovery in which all or a part of the solid waste materials are processed to use the heat content, or other forms of energy, of or from the material.

() "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.

() "Food Waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, and grains, which attends or results from the storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes, but is not limited to, excess, spoiled or unusable food, and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include dead animals not intended for human consumption, or animal excrement.

(13) "Franchise" includes a franchise, certificate, contract or license issued by a local government unit authorizing a person to provide solid waste management services.

(14) "Generator" means a person who last uses a material and makes it available for disposal or recycling.

(15) "Glass Container Manufacturer" means a person that manufactures new glass containers in Oregon or that manufactures new glass containers outside Oregon sold by the manufacturer to packagers located in Oregon.

(16) "Industrial Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under ORS Chapters 465 and 466. Such waste may include, but is not limited to, waste resulting from the following processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic

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chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; water treatment; and timber products manufacturing. This term does not include construction/demolition waste; or municipal solid waste from manufacturing or industrial facilities such as office or "lunch room" waste, or packaging material for products delivered to the generator.

() "Infrastructure support" means in kind contributions in support of reuse, repair, leasing or sharing of efforts to reduce waste including (but not limited to): local government staff time; space at facilities owned, permitted, or franchised by a local government; space for meetings, or storage or display of materials; equipment; access to land; and access to vehicles.

(17) "Land Disposal Site" means a disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond, lagoon or land application.

() "Local Government" means 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, tribal reservations, and Metropolitan Service Districts, but not including sewer districts, fire districts, or other political subdivisions that do not regulate solid waste.

(18) "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 tribal** reservations, and Metropolitan Service Districts, but not including sewer districts, fire districts, or other political subdivisions that do not regulate solid waste. 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.

(19) "Material Recovery" means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused, recycled or composted for some purpose.

(20) "Metropolitan Service District" means a district organized under ORS Chapter 268 and exercising solid waste authority granted to such district under ORS Chapters 268, 459, and 459A.

(21) "Multi-Family" means dwellings of five or more units.

(22) "Newsprint" means paper meeting the specifications for Standard Newsprint Paper and Roto Newsprint Paper as set forth in the current edition of the *Harmonized Tariff Schedule of the United States* for such products.

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(23) "On-Route Collection" means pick up of source separated recyclable material from the generator at the place of generation.

(24) "On-Site Collection" has the same meaning as on-route collection.

(25) "Opportunity to Recycle" means those activities described in OAR 340-090-0020, 340-090-0030, 340-090-0040, and 340-090-0050, and includes a public education and promotion program that: (a) gives notice (although not necessarily in hard copy form) to each Person of the opportunity to recycle; and (b) encourages Recyclable Material to be Source Separated.

(26) "Permit" means a document issued by the Department, bearing the signature of the Director or the Director's authorized representative which by its conditions may authorize the permittee to construct, install, modify, operate or close a disposal site in accordance with specified limitations.

(27) "Person" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

(28) "Post-Consumer Waste" means a finished material which would normally be disposed of as solid waste, having completed its life cycle as a consumer item. Post-consumer waste does not include manufacturing waste.

(29) "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.

(30) "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.

(31) "Recycled-Content Newsprint" means newsprint that includes post-consumer waste paper.

(32) "Recycling" means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(33) "Recycling Setout" means any amount of source-separated recyclable material set out at or near a residential dwelling for collection by the recycling collection service provider.

(34) "Residential" means single family dwellings and multi-family dwellings having four or less units.

(35) "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.

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(36) "Solid Waste" means all useless or discarded putrescible and nonputrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. "Solid waste" does not include:

(a) Hazardous wastes as defined in [ORS 466.005](#);

(b) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates.

(37) "Solid Waste Management" means prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste, recycling, reuse and material or energy recovery from solid waste, and facilities necessary or convenient to such activities.

(38) "Source Separate" means that the person who last uses recyclable material separates the recyclable material from solid waste.

() "Technical Assistance" means assistance in support of reuse, repair, leasing or sharing provided to businesses or non-profit staff or programs including (but not limited to): program design and implementation; publicizing and promoting opportunities through channels such as hard copy or online directories of reuse and repair operations; 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.

() "Toxic materials" means products or other materials that contain chemicals or groups of chemicals on the Department's Toxics Focus List or that are otherwise designated as "toxic" by the Department.

(39) "Urbanized Area" means, for jurisdictions within the State of Oregon, the territory within the urban growth boundary of each city of 4,000 or more population, or within the urban growth boundary established by a Metropolitan Service District. For jurisdictions outside the State of Oregon, "urbanized area" means a geographic area with substantially the same character, with respect to minimum population density and commercial and industrial density, as urbanized areas within the State of Oregon.

(40) "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.

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() “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 OAR 340-090-0042(2) or (3).

(41) "Wasteshed" means the areas of the state of Oregon as defined in ORS 459A.010 and OAR 340-090-0050.

(42) "Yard Debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. Includes grass clippings, leaves, hedge trimmings and similar vegetative waste, but does not include stumps or similar bulky wood materials.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: [ORS 459.045](#), [ORS 459A.100](#) - [ORS 459A.120](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.005](#) & [ORS 459A](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 7-1987, f. & ef. 3-18-87; DEQ 5-1988, f. & cert. ef. 2-2-88; DEQ 1-1989, f. & cert. ef. 1-27-89; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-60-010; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98

340-090-0015

Scope and Applicability

(1) OAR Chapter 340, Division 90 describes, among other things, the requirements for waste reduction and recycling programs for residential and commercial solid wastes but does not include many industrial wastes. ~~Division 90 also includes the requirements for oil recycling signs at retail establishments.~~

(2) The requirements in OAR Chapter 340, Division 90 apply to ~~cities, counties and metropolitan service districts~~ local governments generally and where specified to landfill owners/operators, solid waste collection services, and other persons.

(3) OAR Chapter 340, Division 90 is adopted pursuant to the authorities in ORS Chapter 459 and 459A and should be used in conjunction with ~~these~~ the laws of the State of Oregon.

Stat. Auth.: ORS 459A.025, [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.005](#), [ORS 459A.010](#), [ORS 459A.020](#), [ORS 459A.025](#), [ORS 459A.030](#), [ORS 459A.035](#), [ORS 459A.040](#), [ORS 459A.050](#), [ORS 459A.055](#), [ORS 459A.060](#), [ORS 459A.065](#), [ORS 459A.070](#), [ORS 459A.075](#), [ORS 459A.080](#), [ORS 459A.085](#), [ORS 459A.100](#), [ORS 459A.110](#), [ORS 459A.115](#) & [ORS 459A.120](#)

Hist.: DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93)

340-090-0020

Opportunity to Recycle

The Opportunity to Recycle as set forth in [ORS 459A.005](#) and [459A.010](#), includes at a minimum the requirements as described in [OAR 340-090-0030](#), [340-090-0040](#), and [340-090-0050](#). The appropriate city, county, or metropolitan service district, may request approval of an ~~alternative method~~ alternative program for meeting the requirements of the Opportunity to Recycle in accordance with the provisions of [OAR 340-090-0080](#).

Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.005](#)

Hist.: [DEQ 26-1984](#), f. & ef. [12-26-84](#); [DEQ 31-1992](#), f. & cert. ef. [12-18-92](#) (and corrected [1-5-93](#)); Renumbered from [340-060-0020](#)

340-090-0030

General Requirements

(1) The city, county, or metropolitan service district responsible for solid waste management shall insure that a place for collecting source separated recyclable materials is located at each permitted disposal site or located at an alternative location in the jurisdiction that is more convenient to the population being served.

(2) Each city with a population of 4,000 or more or, where applicable, within the urban growth boundary established by a metropolitan service district, shall provide on-route collection service for source separated recyclable materials at least once a month for all collection service customers within the city limits and the county shall provide that service to the collection service customers within the urban growth boundary but outside of the city limits.

(3) The city or county responsible for solid waste management shall carry out a public education and promotion program that meets the following minimum requirements:

(a) An initial written or more effective notice (although not necessarily in hard copy form) or combination of both that is reasonably designed to reach each residential and commercial generator of recyclable materials, and that clearly explains why people should recycle, the recycling opportunities available to the recipient, the materials that can be recycled and the proper preparation of those materials for recycling. The notice shall include the following specific information:

(A) Reasons why people should recycle; and

(B) Name, address and telephone number of the person providing on-route collection where applicable; and

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(C) Listing of depots for recyclable materials at all disposal sites serving the area and any alternatively approved more convenient locations, including the materials accepted and hours of operation; or

(D) Instead of paragraphs (B) and (C) of this subsection a telephone number to call for information about depot locations and collection service as appropriate.

(b) Existing residential and commercial collection service customers shall be provided information, at least semi-annually, through a written or more effective notice (although not necessarily in hard copy form) or combination of both, listing the materials collected, the schedule for collection, proper method of preparing materials for collection and an explanation of the reasons why source separation of materials for recycling is necessary;

(c) Written information to be distributed to disposal site users at all disposal sites or alternatively more convenient locations with attendants and where it is otherwise practical. The written information shall include the following:

(A) Reasons why people should recycle; and

(B) List of materials that can be recycled; and

(C) Instruction for the proper preparation of recyclable materials.

(d) At sites without attendants, a sign indicating availability of recycling at the site or at the more convenient location shall be prominently displayed that indicates materials accepted and hours of operation;

(e) Identify and establish a procedure for citizen involvement for the development and implementation of an education and promotion program;

(f) Notification and education materials provided to local media and other groups that maintain regular contact with commercial and residential generators and the public in general, including local newspapers, trade publications, local television and radio stations, community groups, neighborhood associations;

(g) A person identified as the education and promotion representative for the appropriate jurisdiction to be the official contact to work with the other affected persons in matters relating to education and promotion for recycling.

Stat. Auth.: [ORS 459.045](#), [ORS 459A.100](#) - [ORS 459A.120](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.005](#) & [ORS 459A.010](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0020 & 340-060-0040; DEQ 10-1994, f. & cert. ef. 5-4-94

340-090-0040

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Local Government Recycling Program Elements

~~In addition to the minimum requirements in OAR 340-090-0030 each city with a population of 4,000 or more and any county responsible for the area between the city limits and the urban growth boundary shall implement additional recycling program requirements selected from section (3) of this rule in accordance with the following requirements:~~

~~The Department shall require local governments' compliance with ORS 459A.007 and this rule OAR 340-090-0040 by January 1, 2018.~~

~~(1) In addition to the minimum requirements in OAR 340-090-0030 each city with a population of 4,000 or more and any county responsible for the area between the city limits and the urban growth boundary or the area outside the city limits but within a metropolitan service district shall implement recycling program elements from section (3) of this rule OAR 340-090-0040 based on the following requirements:~~

~~(a) For local government units with a population of at least 4,000 but not more than 10,000 that are located 120 miles or less from the City of Portland:~~

~~(i) at least four recycling program elements set forth under section (3) of this rule OAR 340-090-0040; or~~

~~(ii) an alternative program approved by the Department that meets the requirements of OAR 340-90-0080.~~

~~(b) For cities with a population of at least 4,000 but not more than 10,000 that are more than 120 miles from the City of Portland:~~

~~(i) at least three recycling program elements set forth under section (3) of this rule OAR 340-090-0040; or~~

~~(ii) an alternative program approved by the Department that meets the requirements of OAR 340-90-0080.~~

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

~~(i) the three recycling program elements set forth under subsections (3)(a), (b) and (c) of this section and at least two additional elements set forth under section (3) of this rule OAR 340-090-0040;~~

~~(ii) at least six recycling program elements set forth under section (3) of this rule OAR 340-090-0040; or~~

~~(iii) an alternative program approved by the Department that meets the requirements of OAR 340-90-0080.~~

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

(i) the three recycling program elements set forth under subsection (3)(a), (b) and (c) of this section and at least one additional elements set forth under section (3) of this rule OAR 340-090-0040;

(ii) at least five recycling program elements set forth under section (3) of this rule OAR 340-090-0040; or

(iii) an alternative program approved by the Department that meets the requirements of OAR 340-90-0080.

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

(i) the three recycling program elements set forth under subsections (3)(a), (b) and (c) of this section and at least three additional recycling program elements set forth under section (6) of this rule OAR 340-090-0040;

(ii) at least seven recycling program elements set forth under section (3) of this rule OAR 340-090-0040; or

(iii) an alternative program approved by the Department that meets the requirements of OAR 340-90-0080.

(2) For determining a city's distance in miles from the City of Portland, the Department shall use the current mileage table or comparable current mileage statistics from the Oregon Department of Transportation.

~~(1) Each city with a population of at least 4,000 but not more than 10,000 that is not within a Metropolitan Service District and any county responsible for the area between the city limits and the urban growth boundary of such city shall implement one of the following, except where otherwise indicated:~~

~~(a) Implement subsections (3)(a), (b), and (c) of this rule; or~~

~~(b) Select and implement at least three program elements listed in section (3) of this rule; or~~

~~(c) Implement an alternative method that is approved by the Department in accordance with the requirements of OAR 340-090-0080.~~

~~(2) Each city with a population of more than 10,000 or that is within a Metropolitan Service District and any county responsible for the area within a Metropolitan Service District or the area~~

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~~between the city limits and the urban growth boundary of such city shall implement one of the following, except where otherwise indicated:~~

~~(a) Implement subsections (3)(a), (b), and (c) of this rule and one additional element in section (3) of this rule; or~~

~~(b) Select and implement at least five program elements listed in section (3) of this rule; or~~

~~(c) Implement an alternative method that is approved by the Department in accordance with the requirements of OAR 340-090-0080.~~

(3) Program elements:

(a) Deliver to each residential collection service customer at least one durable recycling container. For purposes of this program element a durable container shall be a rigid box or bucket with a volume of at least 12 gallons made of material that holds up under all weather conditions for at least five years, and is easily handled by the resident and the collector;

(b) Provide on-route collection at least once each week of source separated recyclable materials, excluding yard debris, to residential collection service customers provided on the same day that solid waste is collected from each customer;

(c) Provide a recycling education and promotion program that is expanded from the minimum requirements described in section OAR 340-090-0030(3), and supports the management of solid waste in the following priority order: first preventing the generation of waste, then reusing materials, then recycling materials, then composting materials, then recovering energy, and finally safely disposing of solid waste that cannot be prevented, reused, recycled, composted or used for energy recovery.

(A) The expanded program of each local government shall satisfy the applicable requirements of ORS 459A.008 and:

(i) Shall inform all solid waste generators of how to prevent waste, and how to reuse, recycle and compost material;

(ii) Shall inform all solid waste generators of the manner and benefits of preventing waste, and how to reuse, recycle, and compost materials; ~~reusing, recycling and composting materials;~~

(iii) Shall promote the use of ~~available~~-recycling services; ~~and~~

(iv) Shall target educational and promotional materials provided to commercial customers to meet the needs of various types of businesses and should include reasons to recycle, including economic benefits, common barriers to recycling and solutions, additional resources for commercial generators of solid waste, and other information designed to assist and encourage recycling efforts. These materials shall encourage each commercial collection customer to have a goal to achieve 50 percent recovery from its solid waste stream by the year 2009; and

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

(B) The expanded program shall be provided in one of the two following ways:

(i) A "Specified Action" program, which shall include at a minimum the following elements:

(I) All new residential and commercial collection service customers shall each receive a packet of educational materials that contain information listing the materials collected, the schedule for collection, proper method of preparing materials for collection and an explanation of the reasons why source separation of materials for recycling should be done;

(II) Existing residential and commercial collection service customers shall be provided information identified in OAR 340-090-0040(3)(c)(B)(i)(I) at least four times a calendar year through a written notice (although not necessarily in hard copy form) or effective alternative to reach various solid waste generators, or combination of both;

(III) At least annually information regarding the benefits of recycling and the type and amount of materials recycled during the past year shall be provided directly to the collection service customer in written form and shall include additional information including the procedure for preparing materials for collection;

(IV) Targeting of at least one community or media event per year to promote waste prevention, reuse, recycling and composting, although not every media event needs to promote all of those activities;

(V) Utilizing a variety of materials and media formats (although not necessarily in hard copy form) to disseminate the information in the expanded program in order to reach the maximum number of collection service customers and residential and commercial generators of solid waste;

(VI) Development and implementation of a contamination reduction plan that satisfies all of the requirements in OAR 340-090-0041; or

(ii) Development and implementation of an "Expanded Education and Promotion Plan." The Plan shall:

(I) Include actions to effectively reach solid waste generators and all new and existing collection service customers;

(II) Include such actions as necessary to fulfill the intent of this subsection;

(III) Include a timetable for implementation, which shall be implemented;

(IV) Development and implementation of a contamination reduction plan that satisfies all of the requirements in OAR 340-090-0041; and

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(IV) Be submitted to the Department:

(i) By February 28 of the first year that the Plan is to be in effect; or

(ii) Within 30 days of the beginning of the local government's fiscal year in which the Plan is first put into effect.

(d) Establish and implement a recycling collection program through local ordinance, contract or any other means enforceable by the appropriate city or county for each multi-family dwelling complex having five or more units. The collection program shall meet the following requirements:

(A) Collect at least four principal recyclable materials or the number of materials required to be collected under the residential on-route collection program, whichever is less;

(B) Provide educational and promotional information directed toward the residents of multi-family dwelling units periodically as necessary to be effective in reaching new residents and reminding existing residents of the opportunity to recycle including the types of materials to be recycled and the method for properly preparing those materials.

(e) Establish and implement an effective residential yard debris program for the collection and composting of residential yard debris. The program shall include the following elements:

(A) Promotion of home composting of yard debris through written material or some other effective media form (although not necessarily in hard copy form) that is directed at the residential generator of yard debris; and either

(B) At least monthly on-route collection of yard debris from residences for production of compost or other marketable products; or

(C) System of residential yard debris collection depots, for the production of compost or other marketable products, located such that there is at least one conveniently located depot for every 25,000 population and open to the public at least once a week.

(f) Taking into account material generation rates, establish and implement regular, on-site collection of source separated principal recyclable materials from commercial entities, taking into consideration how the generator could achieve 50 percent recovery. This program element does not apply to manufacturing, business or processing activities in residential dwellings or to the generation of industrial solid waste. At a minimum the commercial recycling program:

(A) Shall be provided to commercial entities that employ 10 or more persons and occupy 1,000 square feet or more in a single location;

(B) Shall include an education and promotion program which:

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(i) Uses materials and messages specifically designed for commercial generators of solid waste; and

(ii) Informs all commercial generators of solid waste of the benefits of recycling, the recycling opportunities available to them and how to recycle; and

(iii) If the local government is providing the expanded education and promotion program element, includes any additional requirements needed to meet OAR 340-090-0040(3)(c);

(iv) Includes information on the benefits of waste prevention to commercial generators.

(C) Shall be conducted to effectively promote the commercial recycling program to commercial generators of solid waste;

(D) Shall encourage commercial generators to strive to achieve 50 percent recovery from their solid waste stream by the year 2009;

(E) Should provide other elements including but not limited to:

(i) Provision of waste assessments to businesses;

(ii) Provision of recycling receptacles to businesses at no or low cost;

(iii) Waste prevention and recycling recognition programs. Local governments are encouraged to involve local business organizations in publicly recognizing outstanding waste prevention and recycling efforts by commercial generators of solid waste. The recognition may include awards designed to provide additional incentives to increase waste prevention and recycling efforts.

(g) Establish depots for recycling collection of all principal recyclable materials listed in OAR 340-090-0070, and where feasible, additional materials, except that used oil need not be collected at the depot if another location within the jurisdiction will accept used oil for recycling. This program shall provide at least one (1) recycling depot in addition to the depot(s), if any, required by OAR 340-090-0030(1) and shall result in at least one (1) conveniently located depot for every 25,000 population. The expanded program shall include promotion and education that maximizes the use of the expanded depot program. The depots shall operate as follows:

(A) Have regular and convenient hours for residential generators of solid waste; and

(B) Open on ~~the~~ at least one weekend days each week; and

(C) Be established in location(s) such that it is convenient for residential generators of solid waste to use the depot(s).

(h) Establish collection rates for residential solid waste from single family residences and single residential units in complexes of less than five units, that encourage waste prevention, reuse and recycling. The rates at a minimum, shall include the following elements:

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(A) At least one rate for a container that is 21 gallons or less in size and costs less than larger containers; and

(B) Rates shall be based on the average weight, as determined in paragraph (E) of this subsection, of solid waste disposed per container for various sizes of containers; and

(C) Rates, as calculated on a per pound disposed basis shall not decrease per pound with the increasing size of the container or the number of containers; and

(D) Rates per container service shall be established such that each additional container beyond the first container for each residential unit shall have a fee charged that is at least the same fee and no less than the first container; and

(E) Rates, calculated on a per pound disposed basis, shall be established by the city or county through development of their own per pound average weights for various container sizes by sampling and calculating the average weights for a cross section of containers within their residential service area.

(i) An on-going system to collect food waste, paper that is not recyclable because of contamination, and other compostable waste from commercial and institutional entities that generate large amounts of such wastes, and compost it at facilities in compliance with Department composting facility rules and local government regulations:

(A) Before diverting edible (unwanted) foods to be composted, a local government should consider how to encourage making them available:

(i) To charity for human consumption;

(ii) Or if charity channels are not available, to farmers for animal feed.

(B) A commercial composting program shall include the following elements:

(i) On-going promotion of the commercial compost program through written material or other effective formats directed to targeted commercial and institutional generators within the local government (e.g., grocery stores, restaurants, wholesale flower warehouses, hotels, businesses and institutions with food service);

(ii) To avoid problems relating to human health and the environment, periodic collection of food wastes and other compostable materials is required from commercial and institutional generators on an appropriate schedule.

(C) Any composting facility to which collected compostable material is taken shall comply with Department composting facility rules;

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(D) On-site commercial and institutional composting should be considered if the location is appropriate, space is available and the entity is in compliance with Department composting facility rules and local government regulations.

(j) A commercial recycling program that requires commercial generators of solid waste that generate large amounts of recyclable materials to source separate recyclable materials. A “commercial generator of solid waste that generates a large amount of recyclable materials” or “required commercial generator” means a commercial generator that has a service level of four or more cubic yards of solid waste per week at a single site.

(A) The local government must require participation in the commercial recycling program by each commercial generator of solid waste that generates a large amount of recyclable materials.

(B) The commercial recycling program must include requirements for required commercial generators to:

(i) Source separate recyclable materials for reuse or recycling;

(ii) Self-haul, subscribe to a hauler, and/or otherwise arrange for pick-up of the source separated recyclable materials;

(iii) Provide recycling containers for internal areas where recyclable materials may be collected, stored, or both; and

(iv) Post signs where recyclable materials may be collected, stored, or both that identify the materials that the commercial generator must source separate for reuse of recycling and that provide recycling instructions.

(C) The local government must provide education or promotion that meets at least the minimum requirements described in OAR 340-090-0030(3) for all required commercial generators.

(D) Local governments shall establish a method for identification and monitoring of businesses to ensure compliance with the requirement.

(i) If any required commercial generators are not in compliance with the commercial recycling program, then the local government shall, at a minimum, notify those commercial generators that they are out of compliance.

(ii) A local government may also consider: a penalty or fine structure that incorporates warning notices, civil injunctions, financial penalties, or criminal prosecutions.

(E) Local governments may allow for limited exemptions from these requirements for certain commercial generators from the requirements of the commercial recycling program for reasons deemed appropriate such as, but not limited to, zoning requirements, lack of sufficient space to provide additional recycling containers, or non-generation of recyclable materials.

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(F) Local governments may consider certification requirements for self-haulers of source separated recyclable materials which may include, but are not limited to, requiring commercial generators to maintain written records demonstrating that all self-hauling activities have been completed in accordance with the standards imposed by the local government's commercial recycling program.

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

(A) The local government must provide education or promotion that meets at least the minimum requirements described in OAR 340-090-0030(3) for all residential collection service customers.

(B) In addition to the requirements of subsection (3)(k)(A) of this rule OAR 340-090-0040, the local government's education or promotion to all residential collection service customers must include:

(i) types of food waste collected;

(ii) the schedule for collection;

(iii) methods of preparing food waste for collection;

(iv) explanations of why separating food waste for recovery is necessary; and

(v) explanations of how to reduce contamination of the food waste recovery stream set out for collection.

(L) A recovery program for construction and demolition debris.

(A) The program must require that:

(i) construction and demolition debris be source separated at the site of generation or be sent to a material recovery facility for processing and recovery; and

(ii) includes an education or promotion program for developers, contractors, and residential owners that provides strategies to:

(I) reduce waste during preconstruction planning and in building construction, renovation and demolition phases; and

(II) direct waste to reuse and material recovery facilities.

(B) As used in this subsection (3)(L) of this rule OAR 340-090-0040, "construction and demolition debris" means waste resulting from the construction, renovation, repair, or demolition of buildings or other structures that contain recyclable material, but does not include putrescible wastes.

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(C) Generators subject to this program include any person who generates a minimum of two cubic yards of construction and demolition debris at any time.

(D) The local government must provide education or promotion that meets at least the minimum requirements described in OAR 340-090-0030(3) for all generators of construction and demolition debris that are subject to the program.

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

(A) For subsection (3)(m) of this rule OAR 340-090-0040, “nonresidential generator” means a generator that is not “residential” as defined in OAR 340-090-0010 or “multi-family” as defined in OAR 340-090-0010.

(B) A local government’s food waste collection program requiring nonresidential generators that generate large amounts of food waste to source separate the food waste for recovery program must:

(i) cover, at least, food waste that:

(I) is not packaged, and

(II) for which final disposal by the nonresidential generator is controlled by the nonresidential generator’s employees or agents; and

(ii) include all nonresidential generators that dispose of more than fifty tons of food waste annually;

(iii) include requirements for non-residential generators to:

(I) source separate food waste for donation or recycling;

(II) self-haul, subscribe to a hauler, and/or otherwise arrange for pick-up of the source separated food waste;

(III) provide containers for internal areas where food waste may be collected, stored, or both; and

(IV) correctly label all interior and exterior containers and post signs and instructions where food waste is collected, stored, or both that identifies the types of food waste the non-residential generator must source separate for donation or recycling.

(C) The local government must provide education or promotion that meets at least the minimum requirements described in OAR 340-090-0030(3) for all nonresidential generators that generate large amounts of food waste.

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(D) The local government shall establish a method for identification and monitoring of businesses to ensure compliance with the requirement.

(i) If any required commercial generators are not in compliance with the commercial recycling program, then the local government shall, at a minimum, notify those nonresidential generators that generate large amounts of food waste that they are out of compliance.

(ii) A local government may also consider: a penalty or fine structure that incorporates warning notices, civil injunctions, financial penalties, or criminal prosecutions.

(E) The local government may allow for limited exemptions from these requirements for nonresidential generators that generate large amounts of food waste from the requirements of the program covering nonresidential generators that generate large amounts of food waste for reasons deemed appropriate such as, but not limited to, zoning requirements, lack of sufficient space to provide additional recycling containers, or non-generation of recyclable materials.

(F) The local government may consider certification requirements for self-haulers of source separated recyclable materials which may include, but are not limited to, requiring nonresidential generators that generate large amounts of food waste to maintain written records demonstrating that all self-hauling activities have been completed in accordance with the standards imposed by the local government's program covering nonresidential generators that generate large amounts of food waste.

(4) In addition to the requirements in sections (1) and (2) of this rule OAR 340-090-0040, each city with a population of 4,000 or more and any county responsible for the area within a Metropolitan Service District or the area between the city limits and the urban growth boundary of such city in any of the following wastesheds shall provide the opportunity to recycle rigid plastic containers if the conditions set forth in section (5) of this rule OAR 340-090-0040 are met:

- (a) Clackamas, Multnomah and Washington Counties, in aggregate, as a single wasteshed;
- (b) Benton wasteshed;
- (c) Clatsop wasteshed;
- (d) Columbia wasteshed;
- (e) Deschutes wasteshed;
- (f) Douglas wasteshed;
- (g) Hood River wasteshed;
- (h) Jackson wasteshed;

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(i) Josephine wasteshed;

(j) Lane wasteshed;

(k) Linn wasteshed;

(l) Marion wasteshed;

(m) Polk wasteshed;

(n) Wasco wasteshed; and

(o) Yamhill wasteshed.

(5) The opportunity to recycle rigid plastic containers is required within a wasteshed when a stable market price for rigid plastic containers, that equals or exceeds 75 percent of the necessary and reasonable collection costs for those containers, exists for such wasteshed.

(6) Each wasteshed shall prepare an individualized plan that identifies policies or programs specific to the wasteshed's local conditions to achieve the required recovery goals. The plan shall be available to the department upon the department's request. The plan shall be updated by December 31, 2006 and again by December 31, 2010. Clackamas, Multnomah and Washington Counties, in aggregate, may meet this requirement through the programs under ORS 459.340, 459.345, 459.350, and 459A.050.

(7) If a wasteshed does not achieve its 2005 or 2009 waste recovery goal, the wasteshed shall conduct a technical review of existing policies or programs and determine revisions to meet the recovery goal. The department shall, upon the request of the wasteshed, assist in the technical review. The wasteshed may request, and may assist the department in conducting, a technical review to determine whether the wasteshed goal is valid.

Stat. Auth.: ORS 459.045, 459A.025, 459A.100 - 459A.120 & 468.020

Stats. Implemented: ORS 459A.005, 459A.010 & 459A.665

Hist.: DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 8-2005, f. & cert. ef. 7-14-05

340-090-0041

Contamination Reduction Plan

The Department shall require local governments' compliance with ORS 459A.007 and this rule OAR 340-090-0041 by January 1, 2018.

Each local government implementing OAR 340-090-0040(3)(c) must have an expanded education and promotion program as described in ORS 459A.008(2)(e). To implement the

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program, a local government must have a contamination reduction plan. The plan must use a format provided by the Department or an alternative written format chosen by the local government.

A contamination reduction plan must describe how the local government will 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 contamination reduction 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., 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) collection service customers and other generators' recycling containers; or

(B) points 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, including relevant criteria, such as:

(i) calculation methods;

(ii) data to be analyzed (e.g., number of samples and average sample weight); or

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(iii) descriptions of visual inspections and estimates of contamination levels; and

(iv) description of expected results, which would include at least the types and quantities of contaminants.

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

(a)(A) educational contact with contaminating collection service customers and other generators at the point of generation, such as through color-coded tags on recycling containers, door hangers, additional information on solid waste invoices, etc.; OR

(B) communitywide educational messaging, such as through a campaign promoting behavior changes by collection service customers or generators in the local government unit that includes how to source separate and prepare materials set out for collection.

(b) descriptions of the education's:

(A) general content,

(B) format,

(C) schedule for distribution or implementation,

(D) means of distribution or implementation, and

(E) target audience.

Stat.Auth:

Stats.Implemented:

Hist.:

340-090-0042

Waste Prevention and Reuse Programs

The Department shall require local governments' compliance with ORS 459A.007 and this rule OAR 340-090-0042 by January 1, 2018.

The waste prevention education and reuse program elements that a local government must use to implement the requirements of ORS 459A.007 and this rule are as follows:

(1) 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.

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(a) 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 (although not necessarily in hard copy form), an effective alternative, or some combination of both;

(ii) describes the benefits of preventing the generation of waste in terms of the reduction in a material's environmental impact as part of its life cycle, including upstream impacts, such as resource extraction and manufacturing.

(iii) 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 sections (2) or (3) of this rule OAR 340-090-0042. An activity or event may promote waste prevention activities, reuse activities, or some combination of both.

(b) 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.

(c) Each local government must, using a format provided by the Department or an alternative written format chosen by the local government, submit to the Department 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 the Department at the same time the local government submits its periodic report. The plan must describe how it will implement the elements in subsection (1)(a) of this rule OAR 340-090-0042, 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.

(2) 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

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materials or consumer purchasing practices. A food rescue program is not a waste prevention campaign for the purpose of complying with this section (2) of this rule OAR 350-090-0042. The campaign must meet the following criteria:

(a) For either a campaign provided by the Department or an alternative campaign chosen by the local government and approved by the Department, each local government must develop, submit to the Department, 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 which specifies one or more outcomes that the local government will use to demonstrate that its campaign reached the target audience or achieved its waste prevention objective.

(b) Campaign materials must include multiple components that may be used sequentially or on a rotational basis to meet the required refresh schedule in subsection (2)(c) of this rule OAR 340-090-0042. "Multiple" components may include materials using:

(A) different visual images to convey core messaging;

(B) variations on core messaging language; or

(C) different media (e.g., print, web, social media, radio).

(c) The duration of a campaign may not exceed five years, and the local government's implementation schedule must include a schedule for refreshing components of the campaign at least once every two years. "Refreshing" components means using new or different components to deliver messages in a different way. A local government may also request, and the Department may approve, a campaign duration or implementation schedule that differs from the aforementioned timeframes provided that the local government can demonstrate that the campaign or one of its components has contributed to the desired behavior change, and that continuing the campaign or one of its components is likely to result in further behavior or practice change.

(d) Educational materials used in this campaign must be in addition to educational materials used to satisfy the requirements of section (1) of this rule OAR 340-090-0042.

(3) 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. A targeted

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business assistance program would qualify as a campaign if that program includes components that promote changes in waste generating behavior or practices consistent with the requirements of this section and targets businesses with applicable waste generating behaviors or practices. A food rescue program is not a waste prevention campaign for the purpose of complying with this section (3) of this rule OAR 350-090-0042. The campaign must meet the following criteria:

(a) For either a campaign provided by the Department or an alternative campaign chosen by the local government and approved by the Department, each local government must develop, submit to the Department, 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, which specifies one or more outcomes that the local government will use to demonstrate that its campaign reached the target audience or achieved its waste prevention objective.

(b) Campaign materials must include multiple components that may be used sequentially or on a rotational basis to meet the required refresh schedule in subsection (3)(c) of this rule OAR 340-090-0042. "Multiple" components may include materials using:

(A) different visual images to convey core messaging;

(B) variations on core messaging language; or

(C) different media (e.g., print, web, social media, radio).

(c) The duration of a campaign may not exceed five years, and the local government's implementation schedule must include a schedule for periodically refreshing components of the campaign at least once every two years. "Refreshing" components means using new or different components to deliver it in a different way. A local government may also request, and the Department may approve, a campaign duration or implementation schedule that differs from the aforementioned timeframes, provided that the local government can demonstrate that the campaign or one of its components has contributed to the desired behavior or practice change, and that continuing the campaign or one of its components is likely to result in further behavior or practice change.

(d) Educational materials used in this campaign must be in addition to educational materials used to satisfy the requirements of section (1) of this rule OAR 340-090-0042.

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

(a) Each local government must develop, submit to the Department, 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, which specifies one or more outcomes that the local government will use to demonstrate that its education program reached the targeted students or achieved its waste prevention and reuse objectives.

(b) 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;

(E) field trips to waste prevention or reuse facilities, such as tours of tool libraries or food rescue facilities; or

(F) student education implemented as part of in-school waste prevention and reuse programs, such as school cafeteria projects to measure and reduce food waste.

(c) 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 5 percent of all elementary and secondary students attending school within the area served by the local government in each calendar year for which this element is used to comply with waste prevention and reuse program requirements, or 10 percent of all students where a program is being implemented over 2 consecutive years . A city or county may comply with this element through compliance by its county or Metropolitan Service District provided that:

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(A) The education by the county or Metropolitan Service District is made available to all schools within the area served by the local government using this element to comply with waste prevent and reuse requirements; 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.

(d) A local government may propose a metric, besides the percentage in subsection (4)(c) of this rule OAR 340-090-0042, for approval by the Department 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) Education programs used to demonstrate compliance with the requirements of this element cannot also be used to demonstrate compliance with any other waste prevention and reuse program element in this section.

(5) Funding or infrastructure support program. A program for the provision of city or wasteshed funding or infrastructure support to promote and sustain reuse, repair, leasing or sharing efforts. The program must meet the following criteria:

(a) 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.

(b) Support must be provided annually unless a local government provides funding or monetized infrastructure support in an amount larger than that required under subsection (5)(c) of this rule OAR 340-090-0042 and the amount of that funding or monetized support, when amortized over multiple years, is at least equivalent to the annual support that the local government would otherwise provide.

(c) Annual funding must be no less than \$0.50 per jurisdiction resident, adjusted annually for inflation using the Consumer Price Index.

(d) Infrastructure support must result in a reuse, repair, lease or sharing opportunity that is provided continuously or on at least 1 day per year for every 50,000 in jurisdiction population or monetized at a value equal to the funding required in subsection (5)(c) of this rule OAR 340-090-0042.

(e) Funding may include: grants; payments on behalf of organizations for equipment; funding to cover the costs of outreach efforts (e.g., website development, development of social media venues, media buys); or funding to allow reuse, repair, or sharing organizations to pay staff or contractors for program development and/or implementation. However, funding of outreach

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efforts does not qualify as satisfying this element if that outreach is also used to satisfy the technical assistance requirements of section (6) of this rule OAR 340-090-0042.

(f) A city or county may comply with this element through compliance by its county or Metropolitan Service District provided that the infrastructure supported by the county or Metropolitan Service District is accessible and convenient to residents and businesses of the city or county.

(6) 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:

(a) 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.

(b) A local government may satisfy the requirements of this element through a partnership with another governmental agency, a local non-governmental organization or private enterprise provided that this partnership is documented in an agreement, such as a memorandum of understanding, an intergovernmental agreement, a franchise agreement or other contract vehicle, and:

(A) The agreement specifies the local government's contribution to the partnership. The local government's contribution must be more than token support and could be in the form of supporting ordinances or waived fees (including license fees), commitments to support volunteer recruitment, requirements that a partner implements a program on behalf of a local government, promotion that supports implementation of the partner organization's project, facilitation of community meetings or workshops to support information exchange or project development, participation of local government staff on organizational boards, providing communications channels through local government websites or other media; and

(B) The agreement specifies annual reporting of outcomes, such as increased borrowing at a tool library, pounds of building materials or household goods salvaged from solid waste disposal, or number and types of materials exchanged through a commercial or residential exchange website or distribution center that can be linked to the partnership and demonstrate year to year progress in waste prevention and reuse.

(c) Technical assistance in the form of promotion, outreach or education used to comply with the requirements of this element cannot also be used to demonstrate compliance with any other waste prevention and reuse program element.

(7) Food rescue program support. Support by a local government for a food rescue program. The local government's support must meet the following criteria:

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(a) The local government must identify and describe specific support for a food rescue program within the local government unit.

(b) A local government's support must include at least two of the following components:

(A) A review of local health ordinances or other local government regulations that may create regulatory barriers to food rescue, identification of regulatory barriers to food rescue, and implementation of solutions needed to facilitate food rescue. Such solutions could include (but are not limited to) revisions to regulations or authorization from a local health agency to take an action necessary to facilitate food rescue. Local ordinance review would be sufficient to constitute support for one component for two years.

(B) Funding, which may include: grants or payments on behalf of organizations for equipment, vehicles or building space; and stipends or other payments for gleaners and other food rescue workers. The annual amount of such funding must be no less than \$0.25 per jurisdiction resident, adjusted annually using the Consumer Price Index.

(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. Infrastructure support must result in a food rescue opportunity that is provided continuously or on at least one day per year for every 50,000 residents in the local government unit or monetized at a value equal to the funding required in paragraph (7)(b)(B) of this section OAR 340-090-0042.

(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 education or 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.

(c) A local government may satisfy the technical assistance requirements of this element through a partnership with another governmental agency, a local non-governmental organization or private enterprise provided that this partnership is documented in an agreement, such as a memorandum of understanding, an intergovernmental agreement, a franchise agreement or other contract vehicle, and:

(A) The agreement specifies the local government's contribution to the partnership. The local government's contribution must be more than token support and could be in the form of supporting ordinances or waived fees (including license fees), commitments to support volunteer recruitment, requirements that a partner implements a program on behalf of a local government, promotion that supports implementation of the partner organization's project, facilitation of community meetings or workshops to support information exchange or project development, participation of local government staff on organizational boards, providing communications channels through local government websites or other media; and

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(B) The agreement specifies annual reporting of outcomes, such as increased food diverted to food assistance programs, that can be linked to the partnership and demonstrate year to year progress in waste prevention and reuse.

(d) Support must be provided annually unless a local government provides funding or monetized infrastructure support in an amount larger than that required under subsection (7)(b) of this rule OAR 340-090-0042 and the amount of that funding or monetized support, when amortized over multiple years, is at least equivalent to the annual support that the local government would otherwise provide.

(e) A city or county may comply with this section (7) of this rule OAR 340-090-0042 through compliance by its county or Metropolitan Service District provided that the county- or Metropolitan Service District-supported food rescue program either collects from sources of food in the city or county or redistributes food to residents of the city or county.

340-090-0045

~~Wasteshed Programs for Two Percent Recovery Rate Credit~~

~~A wasteshed may implement one or more of the three following programs. For each program implemented, the wasteshed shall receive a two percent credit on the wasteshed's recovery rate, pursuant to OAR 340-090-0060(3).~~

~~(1) Waste Prevention Program. This program shall include:~~

~~(a) A wasteshed wide program to provide general educational materials to residents about waste prevention and examples of things residents can do to prevent generation of waste; and~~

~~(b) Two of the following:~~

~~(A) Reduce the wasteshed annual per capita waste generation by two percent each year;~~

~~(B) Conduct a waste prevention media promotion campaign targeted at residential generators;~~

~~(C) Expand the education program in primary and secondary schools to include waste prevention and reuse;~~

~~(D) Household hazardous waste prevention education program;~~

~~(E) Local governments will conduct waste prevention assessments of their operations, or provide waste prevention assessments for businesses and institutions and document any waste prevention measures implemented;~~

~~(F) Conduct a material specific waste prevention campaign for businesses throughout the wasteshed;~~

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~~(G) Implement a Resource Efficiency Model City program;~~

~~(H) Conduct a material-specific waste prevention education campaign that focuses on a toxic or energy intensive material;~~

~~(I) Local governments will implement programs to buy recycled-content products for their operations, consistent with procurement guidelines issued by the United States Environmental Protection Agency; or~~

~~(J) Local governments will implement programs for new construction and remodeling of local government buildings that incorporate recycled-content materials, energy conservation features, water conservation and stormwater management features and other elements to increase the resource efficiency and lower the environmental impact of these buildings.~~

~~(2) Reuse Program. This program shall include:~~

~~(a) A promotion and education campaign on the benefits and opportunities for reuse available to the public in the watershed; and~~

~~(b) Two of the following:~~

~~(A) Operate construction and demolition debris salvage programs with depots;~~

~~(B) Promote reuse programs offered by local resale businesses, thrift stores and equipment vendors, such as computer and photocopier refurbishers, to the public and businesses;~~

~~(C) Identify and promote local businesses that will take back white goods for refurbishing and resale to the public;~~

~~(D) Develop and promote use of waste exchange programs for the public and private sectors;~~

~~(E) Site accommodation for recovery of reusable material at transfer stations and landfills; or~~

~~(F) Sidewalk pickup or community fair program in cities over 4,000 population in the watershed.~~

~~(3) Residential Composting Program. This program shall include:~~

~~(a) Promotion of the residential composting program through public information and demonstration site or sites; and~~

~~(b) Two of the following:~~

~~(A) A program to encourage leaving grass clippings generated by lawn mowing on-site rather than bagging the clippings for disposal or composting;~~

~~(B) A composting program for local schools;~~

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~~(C) An increase in availability of compost bins for residents; or~~

~~(D) Another program increasing a household's ability to manage yard trimmings or food wastes.~~

~~(4) A wasteshed may receive, upon application to the Department of Environmental Quality, a recovery credit greater than two percent for a residential composting program. To receive the recovery credit under this paragraph, the wasteshed must provide quantitatively verifiable documentation of residential composting tonnage to the department. The documentation must show that more than two percent of the wasteshed's generated tonnage of solid waste is diverted from the wastestream by residential composting.~~

~~Stat. Auth.: ORS 459A.025 & 468.020~~

~~Stats. Implemented: ORS 459A.010~~

~~Hist.: DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 8-2005, f. & cert. ef. 7-14-05~~

340-090-0050

Wasteshed Designation and Recovery Rates

The purpose of this rule is to define the wastesheds as designated in ORS 459A.010, and state recovery ~~rates-goals~~ that each wasteshed ~~shall is to strive to~~ achieve and maintain:

(1) Baker wasteshed is all of the area within Baker County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 25 percent.

(2) Benton wasteshed is all of the area within Benton County excluding the City of Albany and ~~shall achieve~~ has a recovery rate goal ~~of 45 percent for calendar years 2005 through 2008 and 50 percent for calendar year 2009-2025~~ and subsequent years of 44 percent.

(3) Clatsop wasteshed is all of the area within Clatsop County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of ~~25-53~~ percent.

(4) Columbia wasteshed is all of the area within Columbia County and ~~shall achieve~~ has a recovery rate goal ~~of 28 percent for calendar years 2005 through 2008 and 32 percent for calendar year 2009-2025~~ and subsequent years of 45 percent.

(5) Coos wasteshed is all of the area within Coos County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 30 percent.

(6) Crook wasteshed is all of the area within Crook County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 20 percent.

(7) Curry wasteshed is all of the area within Curry County and ~~shall achieve~~ has and maintain a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 30 percent.

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(8) Deschutes watershed is all of the area within Deschutes County and ~~shall achieve~~ has a recovery rate ~~goal of 32 percent for calendar years 2005 through 2008 and 45 percent for calendar year 2009-2025~~ and subsequent years of 45 percent.

(9) Douglas watershed is all of the area within Douglas County and ~~shall achieve~~ has a recovery rate ~~goal of 35 percent for calendar years 2005 through 2008 and 40 percent for calendar year 2009-2025~~ and subsequent years of 34 percent.

(10) Gilliam watershed is all of the area within Gilliam County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 2025 percent.

(11) Grant watershed is all of the area within Grant County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 19-25 percent.

(12) Harney watershed is all of the area within Harney County and ~~shall achieve~~ has a recovery rate ~~goal of 30 percent for calendar years 2005 through 2008 and 40 percent for calendar year 2009-2025~~ and subsequent years of 25 percent.

(13) Hood River watershed is all of the area within Hood River County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 25-35 percent.

(14) Jackson watershed is all of the area within Jackson County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 40-25 percent.

(15) Jefferson watershed is all of the area within Jefferson County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 25-32 percent.

(16) Josephine watershed is all of the area within Josephine County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005-2025~~ and subsequent years of 38-20 percent.

(17) Klamath watershed is all of the area within Klamath County and ~~shall achieve~~ has a recovery rate ~~goal of 15 percent for calendar years 2005 through 2008 and 20 percent for calendar year 2009-2025~~ and subsequent years of 20 percent.

(18) Lake watershed is all of the area within Lake County and ~~shall achieve~~ has a recovery rate ~~goal of 8 percent for calendar years 2005 through 2008 and 10 percent for calendar year 2009-2025~~ and subsequent years of 15 percent.

(19) Lane watershed is all of the area within Lane County and ~~shall achieve~~ has a recovery rate ~~goal of 45 percent for calendar years 2005 through 2008 and 54 percent for calendar year 2009-2025~~ and subsequent years of 63 percent.

(20) Lincoln watershed is all of the area within Lincoln County and ~~shall achieve~~ has a recovery rate ~~goal of 19 percent for calendar years 2005 through 2008 and 20 percent for calendar year 2009-2025~~ and subsequent years of 37 percent.

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(21) Linn watershed is all of the area within Linn County, including the Cities of Albany and Mill City, and excluding the area within the City of Gates and the City of Idanha, and ~~shall achieve~~ has a recovery rate ~~goal of 40 percent for calendar year 2005 through 2008 and 45 percent for calendar year 2009 through 2025~~ and subsequent years of 45 percent.

(22) Malheur watershed is all of the area within Malheur County and ~~shall achieve~~ has a recovery rate ~~goal of 21 percent for calendar years 2005 through 2008 and 22 percent for calendar year 2009 through 2025~~ and subsequent years of 25 percent.

(23) Marion watershed is all of the area within Marion County and all of the area within the Cities of Gates, Idanha, and the city of Salem excluding the area within West Salem and Mill City and ~~shall achieve~~ has a recovery rate ~~goal of 37 percent for calendar years 2005 through 2008 and 54 percent for calendar year 2009 through 2025~~ and subsequent years of 64 percent.

(24) Milton-Freewater watershed is all the area within the urban growth boundary of the City of Milton-Freewater and ~~shall achieve~~ has a recovery rate ~~goal of 22 percent for calendar years 2005 through 2008 and 25 percent for calendar year 2009 through 2025~~ and subsequent years of 25 percent.

(25) Morrow watershed is all of the area within Morrow County and ~~shall achieve~~ has a recovery rate ~~goal of 18 percent for calendar years 2005 through 2008 and 20 percent for calendar year 2009 through 2025~~ and subsequent years of 20 percent.

(26) Polk watershed is all the area within Polk County including the area within West Salem and excluding all the City of Willamina and ~~shall achieve~~ has a recovery rate ~~goal of 30 percent for calendar years 2005 through 2008 and 35 percent for calendar year 2009 through 2025~~ and subsequent years of 48 percent.

(27) Sherman watershed is all of the area within Sherman County and ~~shall achieve~~ has a recovery rate ~~goal of 20 percent for calendar year 2005 through 2008 and 20 percent for calendar year 2009 through 2025~~ and subsequent years of 20 percent.

(28) Tillamook watershed is all of the area within Tillamook County and ~~shall achieve~~ has a recovery rate ~~goal of 30 percent for calendar year 2005 through 2008 and 37 percent for calendar year 2009 through 2025~~ and subsequent years of 30-37 percent.

(29) Umatilla watershed is all of the area within Umatilla County excluding the area within the urban growth boundary of the City of Milton-Freewater and ~~shall achieve~~ has a recovery rate ~~goal of 20 percent for calendar year 2005 through 2008 and 20 percent for calendar year 2009 through 2025~~ and subsequent years of 20 percent.

(30) Union watershed is all of the area within Union County and ~~shall achieve~~ has a recovery rate ~~goal of 25 percent for calendar year 2005 through 2008 and 25 percent for calendar year 2009 through 2025~~ and subsequent years of 25 percent.

(31) Wallowa watershed is all of the area within Wallowa County and ~~shall achieve~~ has a recovery rate ~~goal of 25 percent for calendar year 2005 through 2008 and 25 percent for calendar year 2009 through 2025~~ and subsequent years of 25 percent.

(32) Wasco watershed is all of the area in Wasco County and ~~shall achieve~~ has a recovery rate ~~goal of 35 percent for calendar year 2005 through 2008 and 35 percent for calendar year 2009 through 2025~~ and subsequent years of 35 percent.

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(33) Wheeler watershed is all of the area within Wheeler County and ~~shall achieve~~ has a recovery rate goal for calendar year ~~2005~~2025 and subsequent years of 20 percent.

(34) Yamhill watershed is all of the area within Yamhill County and all of the area within the City of Willamina and ~~shall achieve~~ has a recovery rate goal of 39 percent for calendar years 2005 through 2008 and 45 percent for calendar year ~~2009~~2025 and subsequent years of 45 percent.

(35) Clackamas, Multnomah and Washington Counties, in aggregate, as a single watershed ~~shall achieve~~ has a recovery rate goal of 62 percent for calendar years 2005 through 2008 and 64 percent for calendar year ~~2009~~2025 and subsequent years of 64 percent.

Stat. Auth.: ORS 459A.025, 459.045 & 468.020

Stats. Implemented: ORS 459A.010

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 1-1986, f. & ef. 2-12-86; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0025; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 8-2005, f. & cert. ef. 7-14-05

340-090-0060

Determination of Recovery Rates

(1) Recovery rates required in OAR 340-090-0050 shall be determined by the Department by dividing the total weight of material recovered by the sum of the total weight of the material recovered plus the total weight of municipal solid waste disposed that was generated in each respective watershed.

(2) Recovery rates shall include the following:

(a) All materials collected for recycling, both source separated or sorted from solid waste, including yard debris;

(b) Beverage containers collected under the requirements of ORS 459A.700 - 459A.740;

(c) Notwithstanding the foregoing, no material shall be counted toward the recovery rate if it is disposed of.

(3) Recovery rates may include a credit for each program listed in OAR 340-090-0045 for a year for which a watershed certifies to the Department that the program or programs have been implemented. No credit shall be received for a calendar year prior to 1997. In order for the watershed to receive a credit:

(a) All required components of a program must be in place and implemented in the geographic area(s) required by OAR 340-090-0045 during the entire calendar year for which the credit is claimed. If the chosen program component is seasonal, the component must be provided during the appropriate season(s) of the subject calendar year;

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(b) On behalf of a wasteshed the county shall submit a report to the Department summarizing how each chosen program was implemented in the wasteshed for the calendar year for which a credit is claimed. The information shall be submitted, on a form provided by the Department, by February 28 of the year subsequent to that calendar year. The report shall include a certification from the county that the chosen program(s) met the requirements in OAR 340-090-0045.

(c) The Metropolitan Service District on behalf of Multnomah, Clackamas, and Washington counties and the cities therein, shall submit a report to the Department summarizing how each chosen program was implemented in the wasteshed for the calendar year for which a credit is claimed. The information shall be submitted to the Department, on a form provided by the Department, by February 28 of the year subsequent to that calendar year. The report shall include a certification from the Metropolitan Service District that the chosen program(s) met the requirements in OAR 340-090-0045;

(4) Recovery rates may include the composting or burning for energy recovery the material collected under sections (1) and (2) of this rule when there is not a viable market for recycling that material, provided that the following conditions are met:

(a) 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 shall be determined by a waste composition study performed by the wasteshed at least every four years.

(b) Mixtures of materials that are composted or burned for energy recovery shall not be included in the recovery rate if more than half of the mixed materials by weight could have been recycled if properly source separated; and

(c) A place does not exist within a wasteshed that will pay for the material or accept it for free or a place does not exist outside of the wasteshed that will pay a price for the material that, at minimum, covers the cost of transportation of the material to market; and

(d) The appropriate county or Metropolitan Service District in the report required under OAR 340-090-0100 provides data on the weight, type of material and method of material recovery for material to be counted in the recovery rate under this section and written explanation of the basis for determining that a viable market did not exist for the wasteshed, including markets available within and outside of the wasteshed, transportation distances and costs, and market prices for the material if it were to be recycled as source separated material.

(5) Recovery rates shall not include the following:

(a) Industrial and manufacturing wastes such as boxboard clippings and metal trim that are recycled before becoming part of a product that has entered the wholesale or retail market, or any preconsumer waste;

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- (b) Metal demolition debris in which arrangements are made to sell or give the material to processors before demolition such that it does not enter the solid waste stream;
 - (c) Discarded vehicles or parts of vehicles that do not routinely enter the solid waste stream. Discarded vehicle parts that are received at recycling dropoff facilities operated as part of the general solid waste management system are not excluded from the recovery rate calculation;
 - (d) Commercial, industrial and demolition scrap metal, vehicles, major equipment and home or industrial appliances that are handled or processed for use in manufacturing new products and that do not routinely enter the solid waste stream through land disposal facilities, transfer stations, recycling depots or on-route collection programs;
 - (e) Material recovered for composting or energy recovery from mixed solid waste, except as provided in subsection (2)(a) and section (4) of this rule ;
 - (f) Mixed solid waste burned for energy recovery, except as provided by subsection (4)(a) of this rule.
- (6) For the purposes of calculating the recovery rate the following shall not be included in the total solid waste disposed:
- (a) Sewage sludge or septic tank and cesspool pumpings;
 - (b) Solid waste disposed of at an industrial solid waste disposal site;
 - (c) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if delivered to a municipal solid waste disposal site and if the disposal site operator keeps a record of the weight and washed of origin for such materials delivered and reports the weight and appropriate washed in the reports required to be submitted to the Department under OAR 340-090-0100(3);
 - (d) Solid waste received at an ash monofill from an energy recovery facility; and
 - (e) Any solid waste not generated within the state of Oregon.

Stat. Auth.: ORS 459.045, 459A.100 - 459A.120 & 468.020

Stats. Implemented: ORS 459A.010

Hist.: DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 8-2005, f. & cert. ef. 7-14-05

340-090-0068

Determination of Material-Specific Recovery Rates

(1) The recovery rate for each material specified in ORS 459A.010(1)(c) and (d) shall be determined by the Department based on the amount of that material which is recovered from

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within Oregon each year, divided by the amount of that material that is generated within Oregon each year.

(a) The amount of material recovered from within Oregon shall be determined based on surveying and reporting requirements specified in OAR 340-090-0100.

(b) The amount of material that is generated within Oregon each year means the combined amounts of material recovered and material disposed, for material disposed or recovered from Oregon sources.

(c) Unless otherwise specified, the amount of material disposed shall be based on results from periodic waste composition studies specified in ORS 459A.035, when combined with data on the total amount of solid waste disposed as specified in ORS 459A.010(3)(d).

(2) For the purpose of determining the recovery rate of food waste under ORS 459A.010(1)(c)(A) and this rule OAR 340-090-0080, “food waste” shall not include:

(a) crop residue or other agricultural waste

(b) waste from industrial-scale food processing facilities

(c) waste which is composted on the site of generation

(d) waste that is disposed directly by the generator to a sewage or septic system.

(3) As used in this section, “plastic” means a material composed of synthetic polymers such as polyethylene, polypropylene, polystyrene, and other similar polymers, but does not include materials commonly referred to as rubber or materials that are naturally-produced polymers such as proteins or starches. For the purpose of determining the recovery rate of plastic waste under ORS 459A.010(1)(c)(B) and this rule OAR 340-090-0080, plastic waste:

(a) Includes post-consumer plastic items that are entirely made of plastic or that contain small amounts of easily-removed non-plastic items, such as metal handles on five-gallon plastic buckets.

(b) Does not include plastic in multi-material items, such as electronics, automobiles, appliances, mixed-material toys, or household goods.

(4) As used in this rule OAR 340-090-0080, “carpet” means a manufactured article that is used in commercial or residential buildings affixed or placed on the floor or building walking surface as a decorative or functional building interior feature and that is primarily constructed of a top visible surface of synthetic or natural face fibers or yarns or tufts attached to a backing system derived from synthetic or natural materials.

(a) Examples of carpet include, but are not limited to:

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(i) commercial or residential broadloom carpet;

(ii) modular carpet tiles; and

(iii) indoor/outdoor carpet used as a floor surfacing in exterior applications.

(b) Examples of materials that are not carpet include:

(i) rugs or similar floor coverings that are either not affixed to the floor or not intended to cover the entire floor surface;

(ii) pads, cushions, or underlayment used in conjunction with, or separately from, a carpet; and

(iii) artificial turf

(6) For the purpose of determining the recovery rate of carpet waste under ORS 459A.010(1)(d) and this rule OAR 340-090-0080:

(a) any carpet which is collected and then discarded shall not be considered as being recovered; and

(b) for carpet where a significant portion of the carpet, such as the face fiber, is recovered and used, the entire carpet shall be considered as being recovered.

(7) Besides the standard method of calculating carpet recovery as described in section (1) of this rule OAR 340-090-0080, the Department may also use a different method of estimating the generation of carpet based on Oregon carpet sales data and an estimate of how much of that carpet is used as replacement carpet rather than in new construction. If the Department calculates carpet recovery using this method, the Department shall report to the Legislature the recovery rate of carpet using both methods.

340-090-0070

Principal Recyclable Material

(1) The following are identified as the principal recyclable materials in the wastesheds as described in sections (4) through (12) of this rule:

(a) Newspaper;

(b) Ferrous scrap metal;

(c) Non-ferrous scrap metal;

(d) Used motor oil;

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(e) Corrugated cardboard and kraft paper;

(f) Aluminum;

(g) Container glass;

(h) Hi-grade office paper;

(i) Tin cans;

(j) Yard debris.

(2) In addition to the principal recyclable materials listed in section (1) of this rule, other materials may be recyclable material at specific locations where the opportunity to recycle is required.

(3) The statutory definition of "recyclable material" ([ORS 459.005\(31\)](#)) determines whether a material is a recyclable material at a specific location where the opportunity to recycle is required.

(4) In the following wasteshed, Clackamas, Washington and Multnomah counties in aggregate the principal recyclable materials are those listed in subsections (1)(a) through (j) of this rule.

(5) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(a) through (i) of this rule:

(a) Benton wasteshed;

(b) Clatsop wasteshed;

(c) Hood River wasteshed;

(d) Lane wasteshed;

(e) Lincoln wasteshed;

(f) Linn wasteshed;

(g) Marion wasteshed;

(h) Polk wasteshed;

(i) Umatilla wasteshed;

(j) Union wasteshed;

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(k) Wasco wasteshed;

(l) Yamhill wasteshed.

(6) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(a) through (g) of this rule:

(a) Baker wasteshed;

(b) Crook wasteshed;

(c) Jefferson wasteshed;

(d) Klamath wasteshed;

(e) Tillamook wasteshed.

(7) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(a) through (h) of this rule:

(a) Coos wasteshed;

(b) Deschutes wasteshed;

(c) Douglas wasteshed;

(d) Jackson wasteshed;

(e) Josephine wasteshed.

(8) In the following wasteshed, the principal recyclable materials are those listed in subsections (1)(a) through (f) of this rule: Malheur wasteshed.

(9) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(a) through (g) and (i) of this rule:

(a) Columbia wasteshed;

(b) Milton-Freewater wasteshed.

(10) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(a) through (e) of this rule:

(a) Curry wasteshed;

(b) Grant wasteshed;

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(c) Harney wasteshed;

(d) Lake wasteshed.

(11) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(a) through (d) of this rule:

(a) Morrow wasteshed;

(b) Sherman wasteshed;

(c) Wallowa wasteshed.

(12) In the following wastesheds, the principal recyclable materials are those listed in subsections (1)(b) through (d) of this rule:

(a) Gilliam wasteshed;

(b) Wheeler wasteshed.

(13)(a) The opportunity to recycle shall be provided for each of the principal recyclable materials listed in sections (4) through (12) of this rule and for other materials which meet the statutory definition of recyclable material at specific locations where the opportunity to recycle is required;

(b) The opportunity to recycle is not required for any material which a recycling report, as required in OAR 340-090-0100, and approved by the Department demonstrates does not meet the definition of recyclable material for the specific location where the opportunity to recycle is required.

(14) Each city, county or metropolitan service district in a wasteshed where yard debris is a principal recyclable material shall individually, or jointly through intergovernmental agreement, implement a program that at a minimum meets the requirements of OAR 340-090-0030 when the option under OAR 340-090-0040(3)(e) is not chosen or request approval of an alternative ~~method of program for~~ providing the opportunity to recycle under the requirements of OAR 340-090-0080.

(15) Any affected person may request the Commission modify the list of principal recyclable material identified by the Commission or may request a variance under [ORS 459A.055](#).

(16) The Department will review the principal recyclable material lists as needed, and will submit any proposed changes to the Commission.

Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.010](#) & [ORS 459A.025](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 1-1986, f. & ef. 2-12-86; DEQ 7-1987, f. & ef. 3-

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18-87; DEQ 5-1988, f. & cert. ef. 2-2-88; DEQ 27-1988, f. & cert. ef. 9-16-88; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0030

340-090-0080

Alternative Methods Alternative Programs for Providing the Opportunity to Recycle

The Department shall require local governments' compliance with ORS 459A.007 and this rule OAR 340-090-0080 by January 1, 2018.

The purpose of this rule is to describe the necessary procedures and requirements that a city, county, metropolitan service district, or disposal site permittee on behalf of an out-of-state person must follow in order to request approval of an alternative program for meeting the requirements of OAR 340-090-0030, 340-090-0040, ~~340-090-0042.(1) and (2)~~.

(1) The city, county or metropolitan service district responsible for solid waste management may apply for and request approval by the Department of an ~~alternative method~~ alternative program for providing the opportunity to recycle. Each request shall be made in writing to the Department on a form provided by the Department. The request for an alternative program must be complete, signed by the appropriate authority for the city, county, metropolitan service district or disposal site permittee for an out-of-state request and address all of the requirements in section (3) of this rule and sections (5) and (6) of this rule OAR 340-090-0080 if applicable.

(2) The Department will review applications as they are received. Each proposed ~~alternative method~~ alternative program will be approved, approved with conditions, or rejected based on consideration of the criteria described in section (3) of this rule OAR 340-090-0080.

(3) Each ~~request application~~ for approval of an ~~alternative method~~ alternative program for providing the opportunity to recycle must include ~~in writing~~ detailed written information and data on the following:

(a) A description of the ~~alternative method~~ alternative program being proposed and how it is different than the standard method that would be required to be implemented under the opportunity to recycle requirements;

(b) How the alternative will increase recycling opportunities at least to the recovery rate required under OAR 340-090-0050;

(c) The conditions and factors which make the ~~alternative method~~ alternative program necessary;

(d) How the ~~alternative method~~ alternative program is convenient to the commercial and residential generators of solid waste using or receiving the service;

(e) How the ~~alternative method~~ alternative program is as effective in recovering recyclable materials from solid waste as the requirements in OAR 340-090-0020, 340-090-0030, 340-090-0040, and 340-090-0050 for providing the opportunity to recycle.

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(f) How the alternative program would achieve at least the lesser of:

(A) the local government unit's wasteshed recovery rate specified in OAR 340-090-0040; or

(B) recovery levels comparable to similar communities. For the purposes of OAR 340-090-0080, "similar community" means another local government unit that is similar, for the purpose of the Department's evaluation of the local government's alternative program, based on:

(i) population or population density;

(ii) relevant demographics;

(iii) distance to a viable market;

(iv) costs of collection and disposal; and

(v) other criteria approved by the Department.

(4) Anytime a city, county, metropolitan service district, or disposal site permittee on behalf of an out-of-state person desires to make changes to the approved ~~alternative method~~ alternative program, they shall submit an amended application for approval by the Department following the same requirements in sections (3), (5) and (6) of this rule OAR 340-090-0080.

(5) In addition to any other standards or conditions, an ~~alternative method~~ alternative program for providing the opportunity to recycle yard debris, where yard debris is a principal recyclable material as designated in OAR 340-090-0700, shall meet the following minimum standards:

(a) The ~~alternative method~~ alternative program is available to substantially all yard debris generators in the local jurisdiction;

(b) The ~~alternative method~~ alternative program can be demonstrated to result in the recycling of yard debris from the solid waste stream;

(c) There is a promotion campaign which is designed to inform all potential users about the availability and use of the method;

(d) The city, county or metropolitan service district shall individually or jointly, through intergovernmental agreement choose from the following yard debris recycling program options as an ~~alternative method~~ alternative program:

(A) Provide monthly or more often on-route collection of yard debris during the months of April through October with drop-off depots for noncollection service customers available at least monthly; or

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(B) Provide biweekly or more often yard debris collection depot within one mile of yard debris generators, or such that there is at least one conveniently located depot for every 25,000 population; or

(C) Provide monthly or more often yard debris collection, supplemented by a weekly or more often yard debris depot during the months of April through October, both within one mile of the yard debris generators, or such that there is at least one conveniently located depot for every 25,000 population.

(e) If the ~~alternative method~~alternative program is proposed by a metropolitan service district the alternative program request shall include written commitments from the local governments covered by the program to implement the program or a demonstration of the metropolitan service district's authority to implement the program.

(6) In addition to the requirements in section (3) of this rule OAR 340-090-0080, when a disposal site permittee is requesting approval of an ~~alternative method~~alternative program for an out-of-state person the following criteria must be met:

(a) For the purposes of satisfying the requirement in subsection (3)(b) of this rule OAR 340-090-0080 for a local government unit the ~~alternative method~~alternative program must designate a watershed having a common solid waste disposal system or an appropriate area within which to carry out a common recycling program and select and provide justification for an appropriate recovery rate based on similar watershed characteristics in Oregon including population density, and distance to recycling markets;

(b) For persons other than local government units the request for ~~alternative method~~alternative program approval shall provide information explaining how the ~~alternative method~~alternative program provides the opportunity for the person to reduce the amount of waste that would be disposed and a description of how the alternative method is implemented.

(6) In lieu of a local government implementing a waste prevention and reuse program under rule OAR 340-090-0042, a local government may apply for the Department's approval of an alternative waste prevention and reuse program. To apply, a local government must follow these procedures:

(A) Each application for an alternative waste prevention and reuse must be made in writing on a form provided by the Department. The application must be complete, signed by the local government, and address all of the requirements in section (3) of this rule OAR 340-090-0080.

(B) The Department will review applications as they are received. For each application, using the criteria in section (C) of this rule OAR 340-090-0080, the Department will, for the proposed alternative waste prevention and reuse program:

(i) approve the proposed program;

(ii) approve the proposed program with conditions; or

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(iii) reject the proposed program.

(C) Each application must include the following detailed information:

(i) a description of the proposed alternative waste prevention and reuse program;

(ii) explanations of how the proposed alternative waste prevention and reuse program would be different than and designed to achieve similar benefits as the waste prevention and reuse program that would otherwise be required under rule OAR 340-090-0042;

(iii) 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;

(iv) the conditions and factors that make the proposed alternative waste prevention and reuse program preferable; and

(v) 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.

Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.005](#), [ORS 459A.010](#), [ORS 459A.025](#) & [ORS 459A.055](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 27-1988, f. & cert. ef. 9-16-88; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0035 and 340-060-0125

340-090-0090

Collection of Recyclable Materials

(1) No city, county or Metropolitan Service District, or agent thereof, shall be required to collect or receive source separated recyclable material which has not been correctly prepared to reasonable specifications which relate to marketing, transportation, storage, or regulatory agency requirements. The specifications for material preparation shall have been publicized by the appropriate city, county or Metropolitan Service District as part of the education and promotion program requirements in OAR 340-090-0020, 340-090-0030, and 340-090-0040.

(2) In addition to the provisions set forth in [ORS 459A.080](#), no person shall dispose of source separated recyclable material which has been collected or received from the generator by any method other than reuse or recycling except for used oil and wood waste which may be collected and burned for energy recovery.

(3) Commercial and residential recyclable materials which are source separated for collection on-route or on-site but are not correctly prepared according to reasonable specifications as set forth by the city, county or Metropolitan Service District in accordance with section (1) of this rule shall not be required to be collected and may be left with the generator of the source separated

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material or may be collected and prepared for recycling by the collector, but shall not be disposed by the collector. The generator of the material shall be provided with written information that explains correct material preparation for the purposes of educating the generator.

(4) Unauthorized materials that are deposited by the generator at a recycling depot are exempt from the prohibition in sections (1), (2), and (3) of this rule and shall be managed in the appropriate manner otherwise required by law.

(5) Collected recyclable material later found to be contaminated with hazardous substances are exempt from the prohibition in sections (1), (2), and (3) of this rule and shall be managed in an appropriate manner otherwise required by law.

Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#), [ORS 459A.005](#) – [ORS 459A.085](#) & [ORS 468.020](#)
Stats. Implemented: [ORS 459A.080](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 27-1988, f. & cert. ef. 9-16-88; DEQ 1-1989, f. & cert. ef. 1-27-89; DEQ 9-1991, f. & cert. ef. 6-20-91; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0075 and 340-060-0080; DEQ 27-1998, f. & cert. ef. 11-13-98

340-090-0100

Reporting Requirements

The information in this rule is reported in order to determine statewide and local wasteshed recovery rates, to determine compliance with the opportunity to recycle requirements and to provide accurate and comprehensive information on the type and amounts of residential and commercial solid waste generated, disposed and recovered in Oregon:

(1) General requirements. The information in subsection (2)(b) and sections (3), (4), and (5) of this rule shall be reported on a form provided by the Department and shall be reported to the Department no later than February 28 of each calendar year for the previous calendar year. The information to be reported under section (6) of this rule is optional.

(2) County requirements. On behalf of each wasteshed and the cities within each wasteshed the county shall submit the following information to the Department. The information required below that relates to collection programs within each city jurisdiction shall be reported by the city to the county so that the county can provide the required information in a timely manner to the Department.

(a) The following information shall be reported periodically as required by the Department. This information constitutes the "opportunity to recycle" report. The Department will notify counties by November 1 of a year if an opportunity to recycle report is required for that year. When required, this report shall be submitted on the schedule specified in section (1) of this rule. In any case examples of all materials listed under paragraph (D) below shall be kept on file by the county for future reports or inspection by the Department:

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(A) The materials which are accepted for recycling at each disposal site in the wasteshed;

(B) If a recycling depot has been designated in place of a disposal site as a more convenient location for recycling under the opportunity to recycle requirements, the location of that recycling depot and the materials accepted for recycling at that depot;

(C) Description of all education and promotion activities conducted by or on behalf of each applicable city and the county;

(D) For each city of 4,000 or more population in the wasteshed and for each city located within a Metropolitan Service District in the wasteshed, the following information:

(i) A list of materials accepted for recycling in each on-route residential collection program that is offered to all residential collection service customers;

(ii) A list of materials accepted for recycling in multi-family collection programs;

(iii) A list of materials accepted for recycling in on-site commercial collection programs;

(iv) Listing of each program element under OAR 340-090-0040(3) that has been chosen and implemented by each city with 4,000 population or more in the wasteshed, including appropriate documentation of implementation of collection service rates, multi-family collection programs and commercial collection programs if applicable; or, as applicable, a description of the approved ~~alternative method~~ alternative program being implemented and the status of implementation.

(E) A summary of activities in an Expanded Education and Promotion Plan, if a city or county has chosen to provide the expanded education and promotion program element through implementation of a Plan pursuant to OAR 340-090-0040(3)(c)(B)(ii). The summary shall include education and promotion activities planned for implementation in the coming two years unless otherwise required by the Department. The summary should also include:

(i) Plan activities actually implemented since the wasteshed last reported to the Department on activities in the Education and Promotion Plan; and

(ii) Any changes in activities implemented from those in the Plan originally submitted to the Department, or from the previous summary submitted to the Department pursuant to paragraph (2)(a)(E) of this rule, with explanations for the changes.

(F) A city or county that has evaluated the effectiveness of one or more program elements is encouraged to include the evaluation(s) in the wasteshed "opportunity to recycle" report.

(b) The following information shall be reported annually, and constitutes the "recovery rate report":

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(A) The type and corresponding weight of each material collected for the purpose of recycling during the previous calendar year for the following sources in the wasteshed:

(i) On-route residential collection;

(ii) Multi-family residential collection;

(iii) On-site commercial collection;

(iv) Collection at disposal site recycling depots or designated more convenient locations under the opportunity to recycle requirements;

(v) Collection from alternatively approved ~~methods~~ programs under OAR 340-090-0080 if applicable.

(B) The information required in paragraph (2)(b)(A) of this rule shall be reported in the following manner:

(i) The weight of material reported shall exclude recovery of wastes as described in OAR 340-090-0060(5);

(ii) The weight of material collected shall be determined either by direct measurement or by determining the weight of material sold or otherwise sent off-site or used on-site for recycling during the calendar year, adjusted by the difference in weight of material held in inventory on the first day and last day of the calendar year;

(iii) Unless the Department and the county have agreed in writing on an alternative reporting method, the weight of material collected shall be reported separately for each collection service provider or other recycler, on forms provided by the Department;

(iv) The type and corresponding weight of material reported shall be broken down by each of the following collection sources:

(I) On-route residential collection;

(II) On-site commercial collection;

(III) Multi-family residential collection;

(IV) Disposal site recycling depots or depots designated as more convenient locations under the opportunity to recycle requirements; and

(V) Material collected by an ~~alternative method~~ alternative program for providing the opportunity to recycle requirements.

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(v) In cases where a collection service provider is unable to provide exact weight information for the categories identified in subparagraph (2)(b)(B)(iv) of this rule, reasonable estimates allocating the weight of material collected by collection source and by wasteshed may be made.

(C) Information on participation in on-site residential collection programs should be provided if available, either by exact participation data or by a reasonable estimate;

(D) Information on participation in on-site commercial collection programs and multi-family collection programs should be provided if available, either by exact participation data or by a reasonable estimate;

(E) Total weight of all solid waste generated in the wasteshed disposed of outside of the state of Oregon. The following waste is excluded from this reporting requirement:

(i) Sewage sludge or septic tank and cesspool pumpings;

(ii) Industrial solid waste disposed of at an out-of-state industrial solid waste disposal site;

(iii) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if delivered to an out-of-state municipal solid waste disposal site and if the disposal site operator keeps a record of the weight and wasteshed of origin of such materials delivered;

(iv) Solid waste received at an out-of-state ash monofill from an energy recovery facility.

(F) A copy of any new city or county collection service franchise, or any amendment to franchise, including rates under the franchise, which relates to recycling;

(G) If a county determines that the conditions in OAR 340-090-0060(4) exist and specific materials or mixtures that are composted or burned for energy recovery may be included in the calculation of the recovery rate for the wasteshed, the county shall report the following information:

(i) Weight and type of material composted or burned for energy recovery;

(ii) For mixtures of materials, the percent by weight and description of each type of material composted or burned for energy recovery that, if properly source separated, could have been recycled;

(iii) Where markets exist for such materials in the wasteshed and outside the wasteshed;

(iv) Charge or price paid for each material at each location;

(v) Transportation distances to market at each location and the per-mile transportation cost to market by the most economical means of transportation available.

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(3) Solid waste disposal facility requirements. Except as provided in section (4) of this rule, and excluding the material listed in OAR 340-090-0060(5), each solid waste disposal site that receives solid waste for disposal, except transfer stations, shall report to the Department the weight of solid waste disposed of by each wasteshed in Oregon. The disposal site shall report this waste as either "not counting" in determining the recovery rate in OAR 340-090-0050 [wastes specified in OAR 340-090-0060(5)] or as "counting" towards the rate (all other wastes generated in Oregon). This information shall be reported by the disposal site permittee on forms provided by the Department and shall be a condition of the solid waste permit. If a disposal site is unable to determine the exact weight of waste disposed for each wasteshed in which it was generated, a reasonable estimate allocating the weight of waste to the appropriate wastesheds may be made.

(4) The Metropolitan Service District on behalf of Multnomah, Clackamas, and Washington counties and the cities therein, shall report the following information:

(a) Information in subsection (2)(b) of this rule for all counties in aggregate for said district;

(b) Weight of solid waste disposed of through facilities owned or operated by the Metropolitan Service District, or operated under contract to the Metropolitan Service District, excluding the wastes listed in OAR 340-090-0060(5); and

(c) Weight of solid waste sent to out-of-state facilities.

(5) Privately operated recycling, ~~and material recovery,~~ and energy recovery facility requirements. This section applies to buy-back centers, drop-off centers, manufacturers, distributors, pyrolysis facilities, facilities burning recovered material as a fuel, collection service providers who collect or otherwise handle materials other than those required to be reported under subsection (2)(b) of this rule, and other private recycling operations and material recovery facilities who collect, otherwise acquire, use ~~recycled-recovered~~ material in manufacturing or as a fuel, or recycle material that is not included in the reporting requirements of subsection (2)(b) and section (6) of this rule. These facilities shall accurately report to the Department the type and corresponding weight of each category of material recycled, processed, recovered as a fuel, or used in a new product containing recycled content in a calendar year as follows:

(a) Weight of each material recovered shall be reported, broken down by wasteshed of origin and by source as provided on the data form supplied by the Department;

(b) Weight of materials reported shall exclude recycling of wastes described in OAR 340-090-0060(5);

(c) Weight of material collected shall be determined either by direct measurement of the material collected, purchased, or generated; or by determining the weight sold or otherwise sent off-site or used on-site for recycling during the year, adjusted by the difference in weight of material in inventory on the first day and last day of the calendar year;

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(d) To avoid double counting of materials, entities reporting under this section shall identify weight and sources of material they collected from other recyclers, subsequent recyclers and end users that directly receive their material and the weight of material sold or delivered to each directly subsequent recycler or end user. This applies to all materials collected for recycling, including materials delivered to subsequent recyclers or end users or collected and reported to the county under subsection (2)(b) of this rule;

(e) Private recyclers shall report the final status of each material sold, delivered or utilized. The report shall indicate whether the material was recycled, composted, or burned for energy recovery in order to determine which materials will count toward the recovery rate in OAR 340-090-0050;

(f) Total weight of material recovered by each private recycler shall be reported based on actual measurement. In cases where determining the actual weight of material recovered by wasteshed or by collection source is not possible, reasonable estimates allocating the weight of material collected by wasteshed and collection source may be made.

(6) Scrap metal industry requirements. The Department shall survey the scrap metal industry annually. The scrap metal industry may report the following information to the Department on a form provided by the Department in accordance with the requirements of section (1) of this rule:

(a) Weight of post-consumer residential scrap metal, including appliances processed for use in manufacturing new products that do not routinely enter the solid waste stream;

(b) Source or wasteshed where the material was generated.

Stat. Auth.: ORS 459A.025, [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.010](#) & [ORS 459A.050](#)

Hist.: DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); DEQ 27-1998, f. & cert. ef. 11-13-98

340-090-0110

Minimum Content Reporting Requirements

[No changes anticipated. Read at http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]

340-090-0120

Confidential Information

[No changes anticipated. Read at http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]

340-090-0130

Fair Market Value Exemption

(1) To qualify for exemption under [ORS 459A.075](#) a source separated recyclable material must be:

(a) Source separated by the generator; and

(b) Purchased from or exchanged by the generator for fair market value for recycling or reuse.

(2) If, as part of the opportunity to recycle, a city or county requires by franchise that residential collection service of recyclable material be provided and identifies a group of two or more materials as the recyclable material for which the residential collection service must be provided, then:

(a) "Fair market value" of any material within the identified group shall include the provisions of collection service for all material in the identified group; and

(b) "Recyclable material" means the group identified by the city or county.

(3) Local government may designate classes of residential dwellings to which specific types or levels of collection service are to be provided.

Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.075](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0050; DEQ 27-1998, f. & cert. ef. 11-13-98

340-090-0140

Recyclable Material

The purpose of this rule is to describe the factors that shall be considered in determining if a material meets the definition of recyclable material. In determining what materials are recyclable materials:

(1) The cost of collection and sale of a recyclable material shall be calculated by considering the collector's costs from the time the material is source separated and leaves the use of the generator until it is first sold or transferred to the person who recycles it. All costs and savings associated with collection of a recyclable material shall be considered in the calculation.

(2) Any measurable savings to the collector resulting from making a material available for recycling as opposed to disposal shall be considered the same as income from sale.

(3) The cost of collection and disposal of material as solid waste shall be calculated by using the total costs of collection and disposal. Costs shall include fees charged, taxes levies or subsidy to

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collect and to dispose of solid waste. Costs shall also include but are not limited to the costs to comply with applicable statutes, rules permit conditions and insurance requirements.

(4) The amount and value of any source separated material that is collected or received as part of a recycling requirement of a permit or a city or county franchise may be used in determining whether remaining material meets the definition of recyclable material.

Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459A.010](#)

Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0055; DEQ 27-1998, f. & cert. ef. 11-13-98

~~340-090-0150~~

~~Due Consideration~~

~~(1) In determining who shall provide the opportunity to recycle, a city or county shall first give due consideration to any person lawfully providing recycling or collection service on June 1, 1983, if the person continues to provide the service until the date the determination is made and the person has not discontinued the service for a period of 90 days or more between June 1, 1983, and the date the city or county makes the determination.~~

~~(2) "Due consideration" includes at a minimum:~~

~~(a) A general notice announcing that the city or county intends to franchise recycling collection service and describing the requirements for the franchise;~~

~~(b) A timely written notice announcing that the city or county intends to franchise recycling collection service and describing the requirements for the franchise sent to persons entitled by ORS 459A.085(6)(c) to due consideration where such persons are known to the city or county or where such person has filed a timely written request for such notices with the city or county;~~

~~(c) An opportunity for public comment on the proposed franchise; and~~

~~(d) Consideration of, and response to, a timely application for a recycling collection franchise from a person entitled to "due consideration" and response.~~

~~Stat. Auth.: [ORS 459A.025](#), [ORS 459.045](#) & [ORS 468.020](#)~~

~~Stats. Implemented: [ORS 459A.085](#)~~

~~Hist.: DEQ 26-1984, f. & ef. 12-26-84; DEQ 31-1992, f. & cert. ef. 12-18-92 (and corrected 1-5-93); Renumbered from 340-060-0085~~

340-090-0180

Used Oil Recycling Signs

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0190

Yard Debris Recycling Charges

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0310

Rigid Plastic Containers: Purpose

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0320

Definitions

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0330

Rigid Plastic Containers

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0340

Exempt Rigid Plastic Containers

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0360

Recycled Content Compliance

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0370

Recycling Rate Compliance

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0380

Recycling Rate Calculation

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0390

Waste Composition

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0400

Responsibilities of a Product Manufacturer

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0410

Responsibilities of a Container Manufacturer

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0420

Confidential Information Procedure

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0430

Violations

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*

340-090-0510

Mercury Thermostat Labeling

*[No changes anticipated. Read at
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_090.html.]*