

SB 263 Materials Management Rulemaking

Advisory Committee Meeting #1 April 11, 2016



Facilitator: Jordan Palmeri

This public meeting is being recorded.

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Agenda

10:30 a.m.	Welcome & Introductions
10:50 a.m.	Rulemaking Purpose & Scope
11:20 a.m.	Rulemaking Process
11:30 a.m.	Recovery Goals
12:10 p.m.	Break
12:25 p.m.	Recycling Program Elements & Expanded Education
1:55 p.m.	Break
2:10 p.m.	Waste Prevention and Reuse (WP&R) Program Elements
3:10 p.m.	Alternative Programs
3:45 p.m.	Time Check
3:55 p.m.	Action Items & Next Steps
4:20 p.m.	Public Comment
4:30 p.m.	Adjourn

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Advisory Committee

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

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Oregon's *2050 Vision for Materials Management*

Materials Management in Oregon

2050 Vision and Framework for Action



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78th OREGON LEGISLATIVE ASSEMBLY--2015 Regular Session

Enrolled
Senate Bill 263

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Environmental Quality)

CHAPTER

AN ACT

Relating to materials management of solid waste; creating new provisions; and amending ORS 459.055, 459.305, 459A.005, 459A.010, 459A.020, 459A.029, 459A.030, 459A.035 and 459A.050.

Be It Enacted by the People of the State of Oregon:

**OPPORTUNITY TO RECYCLE:
GOAL AND RECOVERY RATE UPDATES**

SECTION 1. ORS 459A.005 is amended to read:

459A.005. (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the "opportunity to recycle" means at least that the city, county or metropolitan service district responsible for solid waste management:

(a)(A) Provides a place for collecting source separated recyclable material located either at a disposal site or at another location more convenient to the population being served and, if a city has a population of 4,000 or more, collection at least once a month of source separated recyclable material from collection service customers within the city's urban growth boundary or, where applicable, within the urban growth boundary established by a metropolitan service district; or

(B) Provides an alternative method [which] that complies with rules of the Environmental Quality Commission; and

(b) Complies with the [rates and program elements required under ORS 459A.010] program element requirements described in section 5 of this 2015 Act.

(2) The "opportunity to recycle" defined in subsection (1) of this section also includes a public education and promotion program that:

(a) Gives notice to each person of the opportunity to recycle; and

(b) Encourages source separation of recyclable material.

SECTION 2. ORS 459A.005, as amended by section 1 of this 2015 Act, is amended to read:

459A.005. (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the "opportunity to

- Recovery Goals
- Recycling Program Elements & Expanded Education
- Waste Prevention and Reuse (WPR) Program Elements
- Alternative Programs
- Outcome-based recovery goals
- Multitenant statewide

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2016 Rulemaking Purpose & Scope

- Recovery Goals
- Recycling Program Elements & Expanded Education
- Waste Prevention and Reuse (WPR) Program Elements
- Alternative Programs

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Subsequent Rulemaking

- Outcome-based recovery goals
- Multitenant statewide
- Other

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Rulemaking Process

- Advisory Committee meetings
 - Monday, April 11th
 - Monday, May 9th
 - Monday, June 6th
- Public Hearing & Comment on Proposed Rules – August 2016
- Recommended for Adoption to EQC – November 2016
- Rulemaking website – <https://www.oregon.gov/deq/RulesandRegulations/Pages/2016/Rrecycling2016.aspx>
- Comments and questions – Raeburn.Matthew@deq.state.or.us

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Recovery Goals Rule Concepts



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Material Specific Recovery Goals

- Three materials:
 - Food: Goal of 25% recovery by 2020 and later
 - Plastic: Goal of 25% recovery by 2020 and later
 - Carpet: Goal of 25% recovery by 2025 and later
- Goals are voluntary
 - Report to legislature if we fail to meet the goals
- Goals are statewide – not local
 - Voluntary local participation appreciated, but not required

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Material Specific Goals: Food Waste

- 25% recovery by 2020 and later years.
- Proposal:
 - Define as including:
 - Edible food and inedible parts (husks, shells, pits, etc.)
 - Not food processor waste or crop residue.
 - Not material that is disposed down the drain or home-composted.
 - Calculate recovery rate based on data from annual Material Recovery Survey:

$$\text{Recovery Rate} = \frac{\text{Tons Food Waste Recovered}}{\text{Tons Food Waste Generated} + \text{Tons Food Waste Disposed}}$$

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Material Specific Goals: Plastic

- 25% recovery by 2020 and later years.
- Proposal:
 - Define as including only items made completely (or nearly so) of plastic, such as rigid containers, film and “other plastic.”
 - Do not include multi-material items, such as some toys, electronics, autos, appliances or household goods.
 - Calculate recovery rate using same methodology as for food waste.

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Material Specific Goals: Carpet

- 25% recovery by 2025 and later years.
- Proposal:
 - Define as including both artificial and natural fiber indoor and outdoor carpet.
 - Do not include rugs, padding or artificial turf
 - Recovery tons based on tons sent to processor, not tons of materials recovered by processor
 - Calculate recovery rate by:
 - Industry standard method: (Sales x replacement percent) + (est. percent from demo.), and adjust for carpet market share; **AND**,
 - Calculate using same methodology as for food waste.

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Other Changes:

- Two-Percent Recovery Rate Credits:
 - Eliminated by SB 263 and replaced with Waste Prevention and Reuse programs
 - Proposal: Remove references to former credits.
- New Wasteshed Recovery Goals:
 - Proposal: Update rules with new goals.
 - Remove reference to compliance requirements.
- Waste Composition Study: Now every 6 yrs.
 - Proposal: Update rules accordingly.

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Recycling Program Elements Rule Concepts



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Overview of the Recycling Opp. Act

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

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Recycling Program Elements

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

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Expanded Education and Promotion Changes

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

Two parts to proposal to address this:

- 1) Require local governments to **determine curbside recycling contamination levels** in at least two points with reasonable frequency, such as:
 - At the curb: Looking in bins or carts, manually or with hopper cams.
 - At the transfer point or at the processor: Checking tipped loads.

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Expanded Education and Promotion (cont'd)

2) Require local governments **to take action to reduce contamination** in collected recyclables in at least two points, such as:

- At the curb: Tagging bins/carts or providing other direct feedback to customers.
- At the transfer point or at the processor: Provide feedback directly to route drivers/companies so they can take appropriate action.

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Expanded Education and Promotion (cont'd)

Option – either:

- Implement either a standard program of determining contamination levels and taking action as outlined in the two previous slides, or
- Submit a plan for another way to determine levels of contamination and take action to reduce contamination.

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Expanded Education and Promotion (cont'd)

Input requested:

- Is it reasonable to specify that setouts of recyclables be inspected at some frequency, and tagged if they show excess contamination?
- Is it reasonable to require that collection programs have the contamination level of the recyclables they collect be assessed at some frequency?
- Any other suggestions for ways to satisfy the requirement to determine levels of contamination and take action to reduce contamination?

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Mandatory Commercial Recycling

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

Proposal: Require local governments selecting this element to mandate that commercial generators source separate recyclables through:

- A local ordinance codifying this requirement; or
- A local ordinance banning the disposal of commercially generated recyclable materials.

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Mandatory Commercial Recycling (cont'd)

Proposal: Clarify the types of generators to which this element applies based on criteria such as:

- Size of business, based on such criteria as:
 - Number of FTE, annual sales/revenue, square footage, or some combination of these;
 - Amount of waste generated, based on waste audits, sampling, interviews, container size & service frequency.

Possible option: use same criteria as voluntary commercial recycling program element:

- 10 or more employees in a location of 1,000 sq. ft. or more.

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Mandatory Commercial Recycling (cont'd)

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

Input requested:

- Should jurisdictions choosing this element be required to pass an ordinance to require recycling?
- Is a local disposal ban feasible and a good way of assuring source separation of commercial recyclables?
- What criteria should be used to specify the businesses that “generate large amounts of recyclable materials”?
 - Thoughts about using “10 or more employees in a single location of 1,000 or more square feet”?

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Residential Curbside Food Waste Collection

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

- Proposal: Clarify other uses of residential food waste besides composting.
- Proposal: Specify or provide guidance on minimum education requirements to prevent contamination.

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Residential Curbside Food Waste (Cont'd)

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

Input Requested:

- Should collected food be allowed to be used for other uses besides composting (including anaerobic digestion)?
- What should be the frequency and level of education requirements to prevent contamination?
 - Same as standard education and promotion requirements?
 - Same as expanded education and promotion?

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Construction & Demolition Debris Recovery

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

Proposal: Require local gov'ts to mandate that C&D generators source separate these materials for collection through either:

- Local ordinance codifying this requirement; or,
 - Revisions to local construction and demolition permit program requirements.
- Clarify the types of generators to which this applies.

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Construction & Demolition Debris (cont'd)

New Proposal: Clarify what C&D materials should be source-separated or separated at a processing facility.

Proposal: Encourage generators to implement building practices that reduce waste generation and to choose building materials with lower lifecycle impacts than conventional materials.

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Construction & Demolition Debris (cont'd)

Input Requested:

- Are requiring the separation of C&D debris by ordinance, or setting requirements using construction and demolition permit requirements, both acceptable?
- Should the separation requirements apply to household C&D waste as well as commercial C&D waste?
- What criteria should be used to determine which materials must be separated for recovery
- What ways should we encourage building practices to reduce waste and lower lifecycle impacts?

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Mandatory Commercial Food Waste Collection

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

Proposal: Require local governments to require non-residential generators to source separate food waste for collection through:

- Local ordinance codifying this requirement; or
- Changes to local code enforcement authority on certification of restaurants and other food preparation facilities that would effect this requirement.

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Mandatory Commercial Food Waste Collection (cont'd)

- Proposal: Clarify the types of generators to which this element applies based on criteria such as:
 - Type of business, based on NAICS code;
 - Specific characteristics, such as an on-site cafeteria or kitchen;
 - Amounts of food waste generated based on waste audits, sampling, and/or interviews.

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Mandatory Commercial Food Waste Collection (Cont'd)

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

Input requested:

- For those choosing this element, should an ordinance be required or are other methods acceptable?
- What criteria should be used to identify “non-residential generators that generate large amounts of food waste”?

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Waste Prevention & Reuse Program Elements Rule Concept



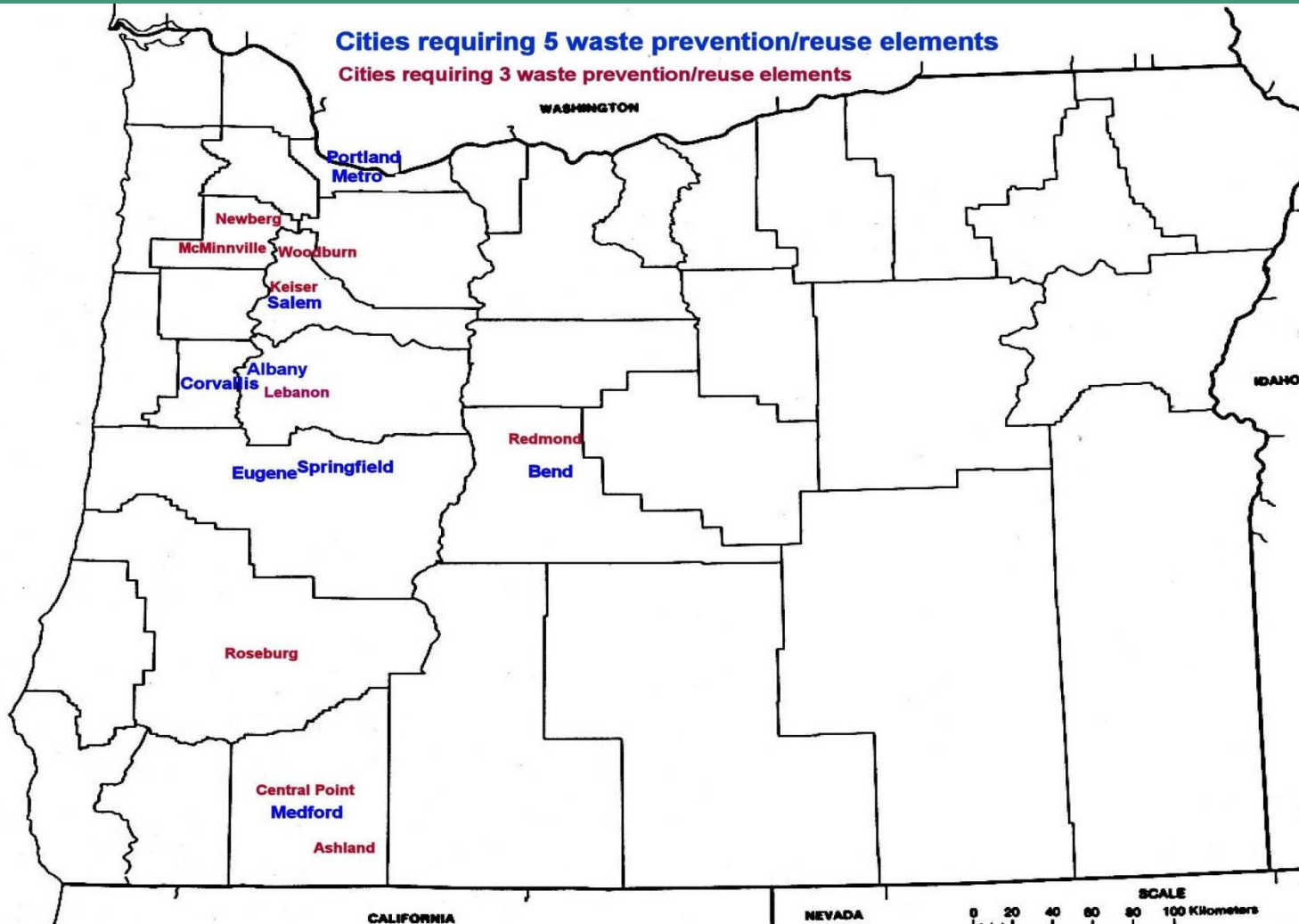
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Waste Prevention and Reuse – How is it different from Recycling?



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New Waste Prevention & Reuse Program Elements

- a) **WP&R education program.** “A citywide or countywide education and promotion program about the environmental benefits of, and opportunities to reduce the generation of waste through, waste prevention and reuse.”
- b) **Residential campaign.** “A waste prevention campaign targeting residential generators of waste and focused on one or more toxic or energy intensive materials or consumer purchasing practices.”
- c) **Commercial/institutional campaign.** “A waste prevention campaign targeting commercial or institutional generators of waste and focused on one or more toxic or energy intensive materials or consumer purchasing practices.”
- d) **Schools education program.** “A waste prevention and reuse education program in elementary and secondary schools.”

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New Waste Prevention & Reuse Program Elements

- e) **Infrastructure program.** “A program for the provision of city or watershed funding or infrastructure support to promote and sustain reuse, repair, leasing or sharing efforts.”
- f) **TA 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.”
- g) **Food rescue.** “City or watershed support for a food rescue program that diverts to residents food that would otherwise be composted or disposed.”

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New Waste Prevention & Reuse Program Element

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

Proposed concepts:

- Cities or counties would be required to develop and submit to DEQ a written program plan.
- The plan shall describe formats and materials, schedule for distribution of the material, and target audience and program deliverers.
- DEQ would provide a format for the plan to facilitate preparation or a city or county may use its own format.

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New Waste Prevention & Reuse Program Element

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

Proposed concepts:

- Cities or counties would be required to develop and implement campaign plan.
- The plan would identify specific waste generating behaviors or practices targeted for change, describe the overall campaign strategy, and provides an implementation schedule and performance measurement plan.
- DEQ identifies existing campaigns that could be used to implement this element, or cities or counties develop own campaigns with DEQ approval.

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New Waste Prevention & Reuse Program Element

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

Proposed concepts:

- Cities or counties would be required to develop and implement campaign plan.
- The plan would identify specific waste generating behaviors or practices targeted for change, describe the overall campaign strategy, and provides an implementation schedule and performance measurement plan.
- DEQ identifies existing campaigns that could be used to implement this element, or cities or counties develop own campaigns with DEQ approval.

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New Waste Prevention & Reuse Program Element

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

Proposed concepts:

- Cities or counties would be required to develop and implement a plan to guide elementary and secondary school education and promotion programs.
- The plan would identify targeted students, describe how information will be delivered, identify targeted behavior change and barriers to change, and provide an implementation schedule and performance measurement plan.

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Definitions of Terms

- **Citywide or countywide education and promotion program:** a program that provides information for the purpose of educating residents and promoting specific behaviors or practices, using one or more media that, in combination, are expected to be seen or heard by at least **X%** of the households in the city or county and is presented in the primary language spoken in the home.
- **Environmental benefits:** a reduction in environmental impacts (i.e., adverse effects caused by a material at any point in the material's life cycle), including reductions in impacts occurring upstream of product or material use during resource extraction and manufacturing.
- **Waste prevention campaign:** An organized effort intended to change one or more specific and defined behaviors or practices so as to reduce the amount of solid waste generated or resource used, without increasing toxicity, in the design, manufacture, purchase or use of products or packaging

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Definitions of Terms (continued)

- **Toxic materials:** Materials or products that contain chemicals or groups of chemicals identified by DEQ, other government agencies, or research institutions (e.g. universities) as of particular concern. Refer to DEQ's website for links to lists of chemicals that would be appropriate as a focus for this program element.
- **Energy intensive materials:** Metals, paper, plastic, and food, including products that are primarily made of metals, paper, and/or plastic, such as some furniture, small and large appliances, and consumer electronics
- **Consumer purchasing practices:** the act of purchasing a toxic or energy intensive material, a product containing toxic materials, or a product consisting at least 50% by weight of energy intensive materials.

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Alternative Program Rule Concept



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How to meet Opportunity to Recycle Requirements

- Implementation of recycling program elements as specified in rule **OR**
- Implementation of an “Alternative Program.”

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Recycling Program Elements

- a) One recycling container (at least) to each residential customer.
- b) Weekly collection from residential collection service customers.
- c) Expanded Education and Promotion program.
- d) Multifamily collection program.
- e) Residential yard debris collection and composting program.
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What is an Alternative Program?

Current Rules:

- A recycling program that deviates from the specific program elements as required in statute.
- The program must be designed to be as effective in recovering recyclable materials as required in statute and to achieve the recovery goal of the wasteshed.
- Application must be completed and be based on criteria in rule.
- DEQ evaluates application then approves or rejects it.

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Examples of Alternative Programs:

- Modifying a recycling program element.
- Adding recycling depots instead of curbside collection.
- Implementing extra partial recycling program elements.

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Measuring Effectiveness of Alternative Programs

Statutory standard:

- Designed to be as effective in recovering recyclable materials as a program using the requisite number of statutory recycling program elements.

Change to statute:

- A local government's alternative program must achieve at least the lesser of:
 - Recovery rate of that local government's wasteshed **OR**
 - Recovery levels comparable to similar communities.

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“Similar Communities” Metric for Alternative Programs

- Proposed rule based criteria for defining “**similar communities**”:
 - Population.
 - Geographic size.
 - Socioeconomics.
 - Distance to viable recycling markets

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Waste Prevention and Reuse Programs

- Requirement to implement Waste Prevention and Reuse Programs (WPR).
- WPR requirements can be met by:
 - Implementation of WPR program elements as specified in statute and rule **OR**
 - Implementation of an Alternative WPR Program.
- There are no criteria in statute or rules for how DEQ should approve WPR Alternative Programs.