

Recycling Modernization Act: Commingled Recycling Processing Facility Technical Workgroup Meeting #6 Summary

Sept. 25, 2023 from 11:00 a.m. to 3:00 p.m. (Pacific)



Meeting minutes

- **Welcome, review agenda and meeting logistics**
 - Justin Gast with DEQ opened the meeting by taking attendance of workgroup members and alternates. Justin then reviewed the agenda and noted who was giving specific project updates, and what kind of discussion or feedback he was looking for from the group regarding the different agenda topics.
- **Project updates**
 - Justin began this portion of the meeting by sharing with the group that on Nov. 1 the rule concept associated with permit and certification programs will be presented to the RAC. Not all components of the permit and certification programs will be addressed on Nov. 1. For example, DEQ is awaiting research findings to make recommendations on outbound bale quality and recommendations relevant to ORS 459A.959. Justin reminded the group that the rule concept will be posted before Nov. 1 for folks to be able to review.
 - Next, Bob Barrows with DEQ explained that in November 2024 the Environmental Quality Commission will be approving rule language associated with rulemaking period #2, and that it could take upwards of a year to permit all facilities under the new CRPF permit program. DEQ recommended that any facility not currently holding a Disposal Site Permit should apply for one. Holding an existing permit will allow facilities to receive USCL material as of July 1, 2025. DEQ shared that their intent is to make any work submitted for the current MRF permit directly applicable to the upcoming CRPF permit, in hopes of expediting the permitting process.
- **Generator facing contamination reduction update**
 - Arianne Sperry with DEQ shared preliminary ideas for the how CRPFs and recycling reload facilities can fulfill their requirement to evaluate inbound contamination through the process of conducting a visual assessment of materials. She reviewed DEQ's preliminary considerations and protocols for how assessing inbound materials for contamination, and asked the workgroup if anyone would be willing to participate in a pilot project to test the methods suggested by DEQ's contractor.
- **Discussion: Performance standards (capture rates) and assessment of standards**
 - Justin opened this discussion by sharing that changes made to the capture rate categories were based on feedback DEQ received during and after the June TWG meeting. These changes also included moving the first day of the program period (a five-year program plan period) from Jan. 1, 2027 to Jan. 1, 2028.
 - Peter Spendelow with DEQ presented his approach for determining capture rates for materials currently being handled by Oregon's facilities. DEQ used these estimates to compare against the capture rates DEQ proposed back in June, to determine if any proposed rates needed to be updated.

Translations or other formats

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- Justin then presented on the updated material categories, and how capture rates were adjusted based on preliminary data from the waste composition study, seeking feedback from the workgroup on the updated materials categories and rates. He also made a point to remind the group that the proposed capture rate numbers are not finalized and can be updated if the Department is provided relevant data to do so, but that the numbers presented on will be in the proposed draft rule concept that will be presented to the rulemaking advisory committee on Nov. 1, 2023.
- A discussion regarding how properly prepared materials, materials that are hard to sort, and materials that have higher contamination rates and how those fit into the capture rate calculations were asked by work group members.
- Next, Justin provided a high-level overview of DEQ's preliminary thinking of how the assessments of the performance standards will look. There was some concern from workgroup members that the frequency of these manual sorts will not be adequate to determine effectiveness of education programming. There was a discussion around the request that facilities let the regulator know when their equipment is down, and what that looks like and why it is being included. Last, there was a discussion around the use of AI as an alternative method for providing information.
- **Discussion: Contamination Management Fee, invoicing (Note: Please see the CMF invoicing options white paper located on the CRPF web page)**
 - Two options for invoicing of the Contamination Management Fee were presented to the workgroup. In option 1, the invoicing approach uses data pulled from DEQ's Inbound Commingled Recycling Study to determine:
 - Percentage of inbound that is covered product; and
 - Average inbound contamination rate (based off all commingled recycling processing facilities studied).
 - Concerns expressed by the group were that the structure of this approach didn't incentivize facilities to do their best to remove contamination, and that facilities have different customers producing varying levels of contamination, which could put some facilities at a disadvantage. Discussion here revolved around how frequent the data used to inform the fees should be updated, and how customer facing education efforts are taken into consideration. A question was raised regarding the statewide average and if the amount of covered product contamination changes by customer type and if those differences are taken into consideration.
 - In option 2, the contamination rate used to calculate the fee is more facility specific and looks at how much contamination a facility removes. Discussion here was around how moving tons from one facility to another will impact both facility's rates, and how single material streams, such as cardboard, fits into the equation if there is contamination present. In the end, multiple workgroup members expressed their favor for option 2 citing that it seemed to be more reflective of real time and that it creates incentives for removing contamination.
 - Justin recommended that group think about the options, how each could be updated to be more effective and efficient, and come up with any other invoicing ideas or feedback, providing DEQ those ideas and feedback.
- **Discussion: Material Disposition Reporting, Brokers**
 - This portion of the meeting consisted of Justin presenting DEQ's current thoughts on how disposition would work and by posing a series of questions to the group. The first question was around self-attestation of CRPFs prior to sending materials to end markets. The group discussed how the verification process could look, and what the PRO's role in that is. David Allaway with DEQ provided a thorough description of the difference between self-attestation and the verification process, and whom (CRPFs or PROs) has to do which.

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- A question was asked to DEQ if a list of verified responsible end markets would be available, and eventually yes, there will be a list of verified markets from the PRO that DEQ intends to make public. Another question was asked if an end market could self-attest to meeting the requirements, and yes, they can. Concerns were expressed around making the market information available to the public, citing the unknown impacts it could have with competitors and the public, which could impact a market's willingness to work in this system.
- Justin's next question to the group was about putting language in rule that would allow for CRPFs to designate material disposition reporting requirements to a willing partner such as a broker. Justin shared interest has been expressed by brokers to be able to provide material disposition reporting to DEQ, not the processors, for the end-markets they sell to. There was lots of discussion about how that would work, who is responsible for reporting, and who would be held accountable. Since use of and reporting on material disposition to responsible end markets are CRPF permit requirements, it is the CRPF's responsibility to make sure that is happening, regardless of who is doing the reporting.
- The last question asked was regarding the granularity of reporting and tracking materials, and which categorization of materials should be used: capture rate groupings? Bale types? USCL groupings? Workgroup members indicated that more time to think about this was needed.
- **Public input**
 - There was no public input.
- **Next steps**
 - Justin shared that, at October's meeting, the bulk of the conversation will be around the preliminary results of Crowe's MRF fees report, with time also being allotted to discuss the processor commodity risk fee. He reminded the group to please think about the topics raised in this meeting and the questions asked of them, and to provide him feedback.
- **Adjourn**
 - The meeting concluded at 3:00 p.m.

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