

Materials Management Program

Recycling Modernization Act: Commingled Recycling Processing Facility Technical Workgroup Charter

For Recycling Modernization Act – Section 24 (ORS 459A.920), Section 25 (ORS 459A.923), Section 37 (ORS 459A.955) and Section 38 (ORS 459A.956). Work to be known as MRF Fees and MRF Permit and Certification Programs project.

Purpose

DEQ is convening a Technical Workgroup to evaluate data and provide information related to commingled recycling processing facilities. These facilities are one type of material recovery facility, commonly referred to as MRFs. The Commingled Recycling Processing Facility Technical Workgroup will review and provide technical feedback to DEQ on research, reports, and memos related to the following:

1. Comingled recycling processing facility permit and certification programs
2. The contamination management fee
3. The processor commodity risk fee
4. Living wage and supportive benefits definition

Data and information

The technical workgroup will evaluate and discuss datasets that include, but are not limited to:

- MRF data related to contamination management fee (aggregated data only)
- MRF data related to the processor commodity risk fee (aggregated data only)
- Inbound commingled recycling data (including data associated with contamination)
- Outbound commingled recycling bale data (data associated with contamination, residue and measures of sorting effectiveness)
- Data associated with the feasibility and potential cost impacts of different potential permitting standards and requirements.

Background

Oregon's Plastic Pollution and Recycling Modernization Act (2021) will update Oregon's recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The new law became effective Jan. 1, 2022 and recycling program changes start in July 2025. The law establishes:

- A person may not establish or operate a commingled recycling processing facility in this state unless the person obtains a **disposal site permit** issued by the DEQ under ORS 459.205. [Section 37 (ORS 459A.955)]

Permit requirements include, but are not limited to:

- Ensure facilities refrain from creating a public nuisance or health hazard.



State of Oregon
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Quality

Materials Management

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*DEQ is a leader in
restoring, maintaining and
enhancing the quality of
Oregon's air, land and
water.*

- Ensure that materials collected from the public are sorted so as to not become contaminants in other waste streams.
- Establish requirements associated with the effort of permitted facilities redirecting, in response to an emergency failure of critical equipment at their own facility, and on a temporary basis, small amounts of unsorted inbound materials to other recycling processing facilities for sorting and recycling, so long as those facilities meet certain requirements established under ORS 459A.955 (2).
- A **program to certify commingled recycling processing facilities** located outside of Oregon. The department may issue certificates under the program or develop a list of approved contractors to issue certificates. [Section 38 (ORS 459A.956)]
- The **Contamination Management Fee**, a fee to be paid by producer responsibility organizations (PROs) to commingled recycling processing facilities to compensate the facilities for the costs of removing and disposing covered products that are contaminants. [Section 24 (ORS 459A.920)]
- The **Processor Commodity Risk Fee** to be paid by the PRO(s) to commingled recycling processing facilities to ensure that producers share in the costs of fully processing commingled recyclables that are covered products and to allow local governments to reduce the financial impacts on ratepayers. [Section 25 (ORS 459A.923)]
- Processors to provide workers at the facility with a **living wage and supportive benefits**, as defined by the rule by the Environmental Quality Commission. [Section 19A (ORS 459A.905 (2))]
- A requirement for **administrative rulemaking**. [Sections 24, 25 and 37]. The standards required by Section 38 must parallel the requirements of Section 37. These topics will be included in a rulemaking DEQ plans to present in 2024 for the Environmental Quality Commission's consideration.
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Anticipated Schedule

The technical workgroup will meet from December 2022 to November 2023 and will conduct most of its meetings during the first half of 2023. DEQ anticipates 6-8 meetings between three to six hours each, with support from DEQ's consultant Crowe LLP.

Format

DEQ will convene workgroup meetings to discuss topics of interest. Individual members of the workgroup will discuss between themselves and with DEQ staff a variety of topics, but will not be voting on, or making formal recommendations as a group. Meetings will be structured to allow for significant and meaningful conversation between technical workgroup members and DEQ staff.

Other entities may be invited as special guests when topics relevant to them are intended to be addressed. Those entities include, but are not limited to:

- Small-volume rural MRFs (e.g. REACH, Inc. in Klamath Falls)
- Equipment manufacturers
- Brokers
- Small, rural Oregon service providers
- Organizations representing front-line workers
- Community members living near impacted facilities

Meetings of the technical workgroup will be held in accordance with standards for public meetings.

- Agendas will be posted in advance.
- Other meeting materials will be posted in advance to the extent possible.
- Meetings will be open to the public.
- Meeting summaries will be provided following each meeting.

Roles for Non-Members

All technical workgroup meetings will be open to the public, and DEQ will invite public input during all meetings. Non-members seeking to provide public input longer than the standard two minutes in duration may contact DEQ staff at least two weeks prior to a meeting to request (and confirm) time on the agenda.

Relationship to Oregon Recycling System Advisory Council

DEQ consultation with the Oregon Recycling System Advisory Council (The Recycling Council) on MRF-related topics will occur in parallel with, but separate from, meetings with this technical workgroup.

Relationship to administrative rulemaking

DEQ will consider outputs from the technical workgroup when evaluating data and information to develop proposed rule concepts. After the technical workgroup concludes, a future Rules Advisory Committee (RAC) will advise DEQ on the rule concepts. These topics will be included in a rulemaking DEQ plans to present in 2024 for the Environmental Quality Commission's consideration.

Participation Guidelines

All members of the technical workgroup are expected to:

- Participate in each meeting to the best of their abilities and to ensure continuity throughout the process.
 - If an unavoidable conflict occurs and an invited member is unable to participate in a given meeting, that member can provide an alternate in his/her/their place. The invited member must inform DEQ prior to the meeting of their unavailability and who their sub will be for that meeting.
- Come prepared for meetings by reading materials prior to the meeting, considering questions and developing responses and discussion ideas.
- Engage in honest, open-minded, constructive and good-faith discussions to seek understanding and optimal decisions and outcomes.
- Treat everyone and their opinions with respect.
- Share air time with peers. Employ the WAIT (Why Am I Talking?) rule after speaking on a topic. Comment constructively and specifically.

- Operate according to, and stay focused on, the technical workgroup's charter.

More Information

Contact DEQ's project manager, Justin Gast via email justin.gast@deq.oregon.gov or visit DEQ's Recycling Modernization Act website: RecyclingAct.Oregon.gov.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.oregon.gov.