



Oregon Department of Environmental Quality

Recycling Opportunity Act and the Plastic Pollution & Recycling Modernization Act

City and County responsibilities and benefits

Updated August 27, 2021

Existing law: Local governments' key role in recycling

Under the Recycling Opportunity Act (ORS 459A), cities with over 4,000 people, cities in the Metro Service District and areas inside associated urban growth boundaries must provide recycling services. Oregon's recycling laws require local governments to implement recycling programs and, in some jurisdictions, waste prevention and reuse programs. Requirements are further detailed in [administrative rules](#). DEQ regulates the cities, counties and metropolitan service districts (Metro) that provide residents and businesses the opportunity to recycle. Oregon's recycling laws give local governments flexibility in implementing materials management programs and meeting voluntary material recovery goals. The laws require more from local governments with larger populations and from cities closer to Portland. Local governments report annually to DEQ.

As of 2020, 87 cities in Oregon have populations of 4,000 or more, or are located within the Metropolitan Service District. Eighty-one of these cities provide for on-route collection, and six of these cities have DEQ-approved alternative methods (or a pending request for alternative program approval) and provide very limited or no on-route collection. Counties provide for on-route collection in unincorporated areas within the urban growth boundaries of 79 of the 81 cities with on-route collection. All Metro-area cities and about 20 other cities, as well as their counties, must also implement the Recycling Opportunity Act's waste prevention and reuse program requirements. These requirements are not affected by the changes in the Recycling Modernization Act. More information about the Recycling Opportunity Act is available on DEQ's website [here](#).

Plastic Pollution and Recycling Modernization Act

[The Plastic Pollution and Recycling Modernization Act](#) (Senate Bill 582) updates Oregon's recycling system by building on local community programs and leveraging the resources of producers to make the system work for everyone. The Recycling Modernization Act creates new requirements for cities with over 4,000 people, as well as cities in the Metro Service District and associated urban growth boundaries. These additional requirements will be funded by producers through their Producer Responsibility Organization (PRO). The Recycling Modernization Act also creates new voluntary opportunities for communities not currently required to offer recycling programs to receive funding to improve or create recycling services.

The new law obligates producers of packaging, food serviceware items, and paper products to pay to stabilize and improve the recycling system. PROs will fund some transportation of recyclables to processing facilities, expand collection services, and ensure that collected materials are recycled responsibly. PROs will also compensate commingled recycling processors for a portion of their costs. These changes will protect ratepayers from increased costs, reduce confusion about what can and can't be recycled, and keep plastic out of our rivers and oceans. The Recycling Modernization Act was passed by the Oregon Legislature during the 2021 Legislative Session and signed by Governor Kate Brown on August 6, 2021. It becomes effective January 2022, and new programs will start July 2025 or later.

Recycling modernization: New responsibilities for local governments

For cities over 4,000, cities in the Metro Service District and associated urban growth boundaries:

These local governments will maintain their existing roles and responsibilities under the Recycling Opportunity Act listed above. Cities and counties will continue to determine how recycling is provided for in their communities, and how other education and waste prevention and reuse programs are provided. Producer Responsibility Organization(s) (PROs), funded by packaging producers, will protect ratepayers statewide from cost increases as a result of changes created by the new law. Local governments (or their designated service providers where appropriate) will fulfill the following new functions under the new law:

Collect materials on new uniform, statewide list (Section 22)

Receive transportation reimbursement (Section 13)

Begins July 2025

This list will be created by the Environmental Quality Commission (EQC) and DEQ, with involvement from a new Oregon Recycling System Advisory Council (ORSAC). The list will be created based on environmental, social and technical considerations. There may be different lists for on-route and drop-off collections. For communities that are located 50 miles or more from a commingled processing facility or end market, PRO(s) will cover the costs to compact, load and transport covered products collected by local governments and their service providers. Compensation will be based on distance to processing and markets, the capacity to process recyclables and other factors, based on the PRO program plan approved by DEQ.

Ensure that commingled materials are directed to approved processors (Section 19)

Begins July 2025

Local governments will direct materials collected in their communities to commingled recycling processing facilities that have received a DEQ permit, or to an out-of-state processor that meets comparable standards.

Implement new contamination reduction programs (Section 28)

Begins July 2025

Local governments will implement programs to reduce contamination in the recycling streams collected under the requirements listed above. These programs will include setting contamination reduction goals, implementing contamination reduction strategies, and periodically evaluating contamination in the recycling stream. PRO(s) will pay for these programs based on rules established by the EQC, with input from DEQ and ORSAC. EQC will establish eligible costs and formulas for reimbursing costs.

Use education resources created by producers (Section 14)

Begins July 2025

Local governments will maintain their existing responsibilities to conduct community education about recycling. The PRO(s) will fund and develop, in consultation with ORSAC, campaigns and educational resources that local governments can use to promote proper recycling of materials on the statewide

collection list. PRO(s) will provide local governments with resources and campaigns that are culturally responsive and offered in multiple languages.

Ensure adequate collection and access for multifamily residents (Section 20)
Begins July 2026

Local governments will ensure there is adequate space onsite for collection of recyclables at multifamily properties. Local governments will demonstrate how they plan to ensure that newly constructed properties and properties that undergo significant remodeling provide adequate space for recycling. Local governments will also establish or ensure their service standards for collection include standards for adequate collection through volume, collection frequency or a combination of both. Local governments will also ensure containers are accessible to children and people using wheelchairs.

DEQ will also conduct a needs assessment to determine the challenges facing residents of multifamily housing and make recommendations for improvements. The needs assessment is due no later than September 15, 2024 and may include recommendations for new PRO responsibilities and funding.

Note: The Recycling Modernization Act changes an existing requirement by postponing when local governments are required to provide multitenant recycling service to tenants from July 1, 2022 to July 1, 2026.

Use recycled plastic in recycling and waste containers (Section 21)
Begins January 1, 2026

Local governments will ensure recycling and waste containers purchased by their service providers contain at least 10 percent verified post-consumer recycled content. Purchasing will begin one year or later after the approval of the first PRO program plan.

Report on activities (Multiple sections)
Begins July 2025

Local governments will report to PROs or DEQ on the following:

- When PRO-funded expansions or improvements are implemented. (Section 13)
- Requests for reimbursement where programs are not funded in advance. (Section 13)
- Which service providers are authorized to receive compensation from PROs, on behalf of the local government. (Section 13)
- Their activities to expand or improve collection at multifamily properties. (Section 20)

For all communities regardless of size or location:

Optional – Expand collection opportunities (Section 13)
Begins July 2025 or later (following needs assessment in 2022-2023)

All cities and counties, including cities under 4,000 population and associated counties, which are interested in expanding recycling collection will register their interest when DEQ conducts a periodic statewide needs assessment in 2022-2023. The PRO will propose in its program plan how it will expand collection

opportunities based on the findings of the needs assessment. Local governments that expand on-route collection, recycling depots or both will be eligible for funding from the PRO. Eligible costs include:

- Start-up costs for on-route recycling collection, including but not limited to trucks, containers, promotional literature, and if necessary, an equipped transfer facility for reloading recyclables.
- Start-up costs for recycling depots such as containers, on-site monitoring equipment, and site preparation, and operational costs including staffing.

Optional – Receive transportation reimbursement (Section 13)

Begins July 2025

For all communities (regardless of size) that are located 50 miles or more from a commingled processing facility or end market, PROs will cover the costs to compact, load and transport covered products collected by local governments and their service providers. Compensation will be based on distance to processing and markets, the capacity to process recyclables and other factors, based on the PRO program plan approved by DEQ.

Optional – Implement new contamination reduction strategies (Section 28)

Begins July 2025

Cities under 4,000 population and associated counties not required to implement strategies to reduce contamination may choose to implement such strategies on a voluntary basis. PROs will provide funding based on rules, eligible costs and formulas established by the EQC.

Optional – Designate service providers that may receive compensation (Section 13 and 28)

Begins July 2025

Local governments that choose to seek compensation from PROs for any of the above activities may designate which service providers are authorized to receive compensation directly from PROs.

Required for disposal sites – Collect materials on new uniform, statewide list (Section 22)

Begins July 2025

Disposal sites (or more convenient locations) providing a place for collecting source separated recyclable materials under ORS 459A.005 will also be required to collect materials from the uniform statewide list that are designated for collection at a recycling depot.

More information

Additional information is available on DEQ's website here: ordeq.org/sb582. Sign up for email alerts and announcements here: https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_633.

Alternate 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.state.or.us.