

Rulemaking Advisory Committee Meeting #2

Plastic Pollution and Recycling Modernization Act

Sept. 19, 2023
Zoom meeting

Agenda

Time	Topic
9 a.m.	Welcome and overview
9:10 a.m.	Introductions: DEQ staff and RAC members
9:20 a.m.	Follow-ups from the last meeting
9:35 a.m.	Draft rule concept presentation and discussion: Material Impact Reduction and Reuse Oregon
10:30 a.m.	BREAK
10:40 a.m.	Draft rule concept presentation and discussion: Defining “responsive to conditions of diverse populations”
11:40 a.m.	Recycling processing in Oregon
12 p.m.	Public input opportunity
12:15 p.m.	Resume discussion, next steps*
12:30 p.m.	Meeting adjourns*

*Note: Times subject to change and topics may begin earlier than listed

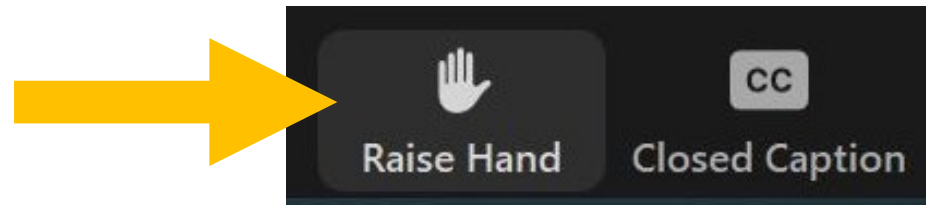
Zoom meeting tips

Join audio either by phone or computer, not both

Committee members: For discussion and comments, use the raise hand button to get in the queue; if by phone press *9

This meeting is being recorded

For Zoom technical issues email stephanie.caldera@deq.oregon.gov or text 971-279-9517



Meeting agreements

- Listen and treat everyone with respect
- Allow one person to speak at a time
 - Please raise your hand
- Please add your organizational affiliation to your displayed name
- Move around and take care of yourself as needed
- Share constructive feedback on rule concepts



Introductions: DEQ Staff



Alex Bertolucci, Meeting facilitator



Roxann Nayar, Rulemaking coordinator



Stephanie Caldera, Lead for living wage and supportive benefits topic

Introductions: DEQ Staff



Blaine Mershon, Lead for Material Impact Reduction and Reuse topic



Arianne Sperry, Lead for contamination reduction programs topic



Justin Gast, Lead for processor permit/certification and fees topics

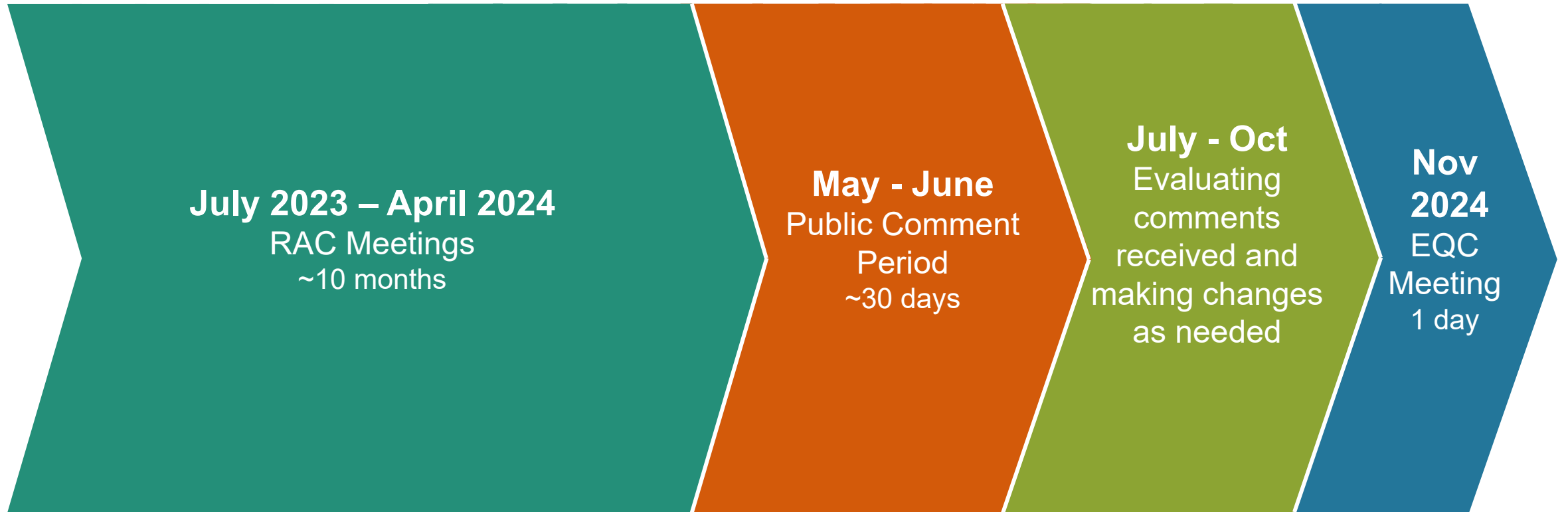
Introductions: Committee members

Name	Affiliation	Representing
Maria Gabriela Buamscha	Lanin Iman Consulting	Community
Claire Dorfman	Amazon	Producer
Rob Jones (alternate for Chris Drier)	Waste Management	Commingled Recycling Processing Facility
Rick Dukes	H2 Compliance	Producer Responsibility Organization
Sydney Harris	Upstream Solutions	Environmental
Marcel Howard	GAIA	Environmental
Warren Johnson	Metro	Local Government
Kristin Leichner	Pride Disposal	Service Provider
Doug Mander	Circular Action Alliance	Producer Responsibility Organization

Introductions: Committee members

Name	Affiliation	Representing
Catherine McCausland	Reverse Logistics Group Americas	Producer Responsibility Organization
Katy Nesbitt	Wallowa County	Local Government
Rick Paul	Rimrock Recycling	Community
Will Posegate	Garten Services Inc.	Commingled Recycling Processing Facility
Tracey Reed	Rogue Basin Partnership	Community
Greg Ryan	Pioneer Recycling Services	Commingled Recycling Processing Facility
Aimee Thompson	Thompson Sanitary Service	Service Provider

Rulemaking Timeline: 2023-2024



Meeting topics

Meeting 1 *July 13*

Living wage and supportive benefits, part 1

Meeting 2 *Sept 19*

Material Impact Reduction and Reuse Program
Contamination reduction programming and Oregon's diverse populations

Meeting 3 *Nov 1*

Recycling processors: permit and certification programs; responsible end markets; and living wages and supportive benefits, part 2

Meeting 4 *Jan*

Fees for recycling processors
Covered product exemptions and defining packaging

Meeting 5 *Feb*

Lifecycle impact analysis and disclosure

Meeting 6 *Mar*

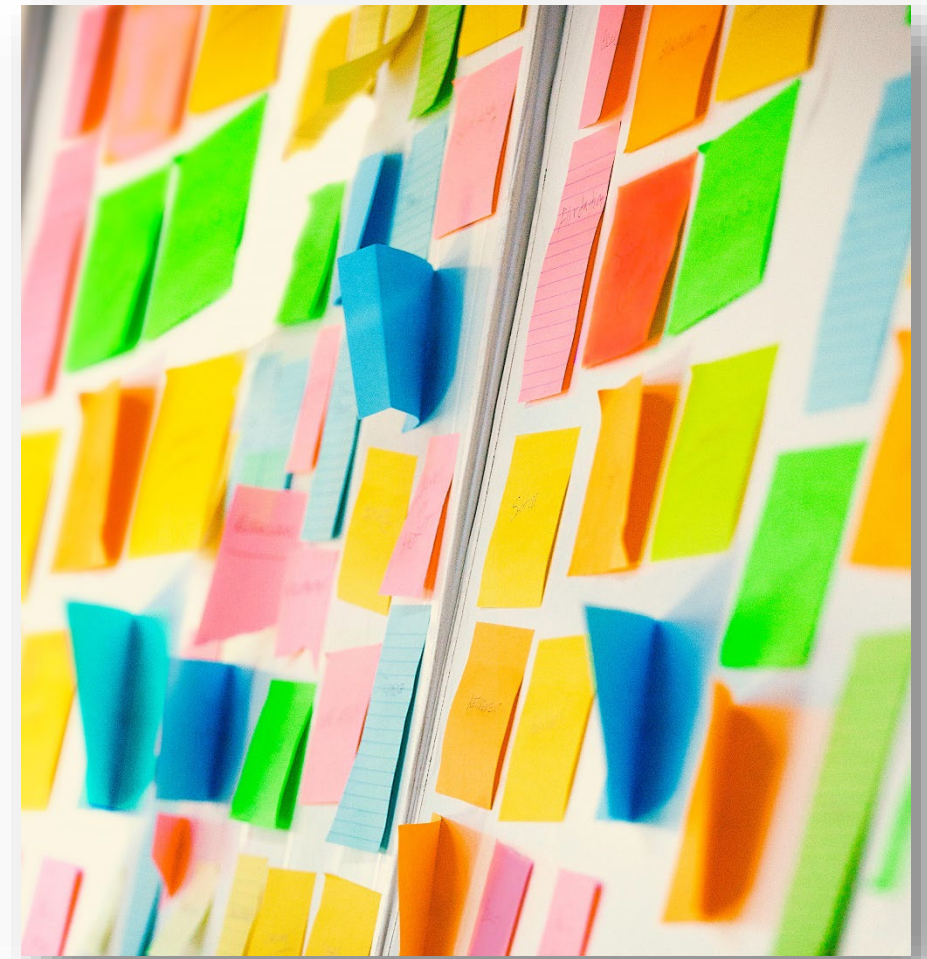
Local government reimbursement for contamination evaluation; refining definition of "recyclable material"

Meeting 7 *Apr*

Draft Racial Equity and Fiscal Impact Statements
Preview of draft rules

Follow-up: Process and logistics

- Slides will be posted after each meeting, not prior.
- Only written comments from RAC members will be published.
- The charter is updated with alternates' names.
- No deadline for providing input following each RAC meeting.



Follow up: Living Wage and Supportive Benefits

- DEQ will review wage data from third-party study
- DEQ to present updated draft proposal at November RAC meeting
 - Assessing using 1 worker/0 dependents for wage proposal
 - Ongoing conversations regarding benefit proposals





Rule concept presentation and discussion: Material Impact Reduction and Reuse Program

blaine.mershon@deq.oregon.gov



Material Impact Reduction and Reuse Program

The Act requires:

- “program to reduce the environmental impacts of covered products”
- “means other than waste recovery”

ORS 459A.941



2050 Vision

Envisions an Oregon where:

- Materials are produced and used responsibly
- Resources are conserved
- Environment is protected
- People have well-being

Oregon in 2050:

- Producers make products sustainably. Every option is a sustainable option.
- People live well and consume sustainably.
- Materials have the most useful life possible before and after discard.

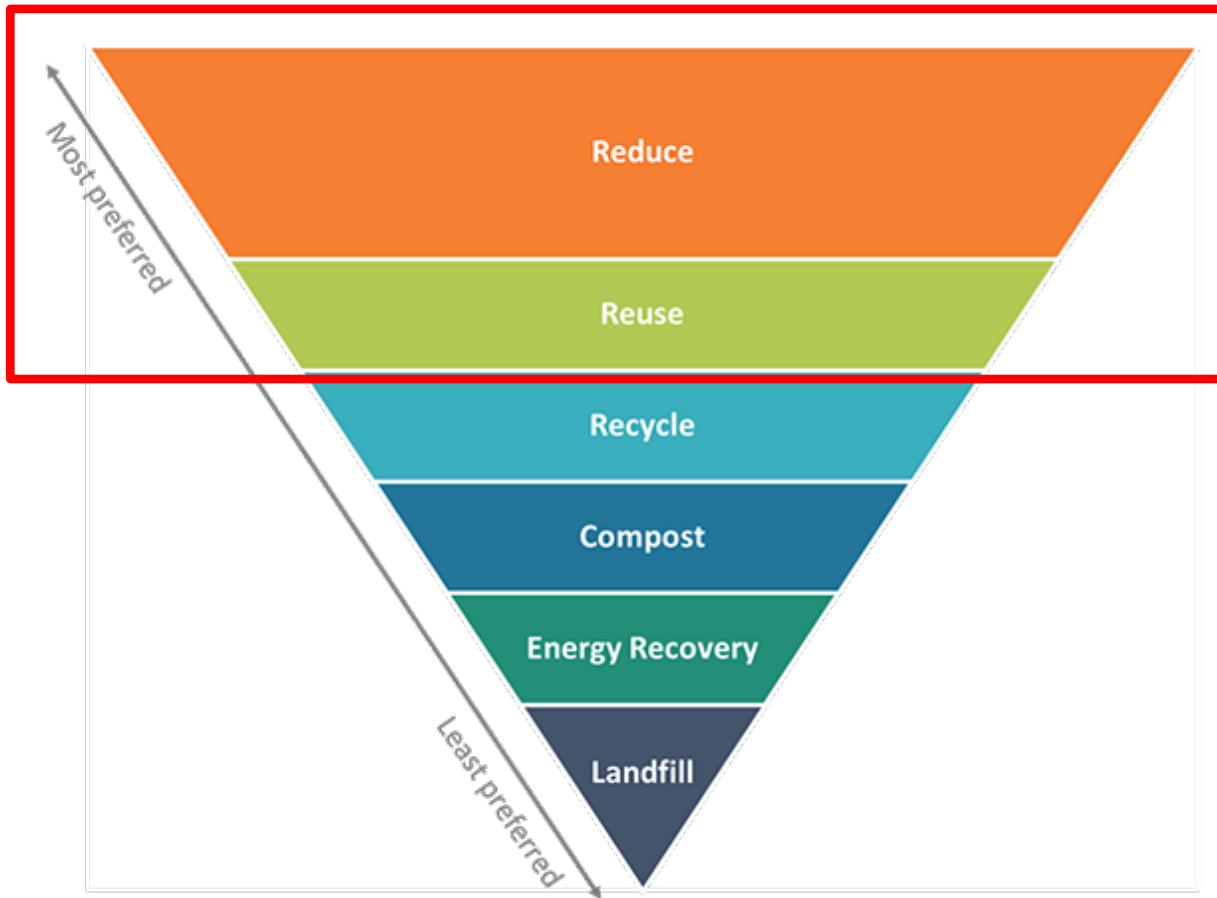


The Life Cycle of Materials

- Waste prevention and cleaner production are **upstream** activities
- Reduce environmental impacts over life cycle of materials
- Changes to design, purchase, and use of materials



Waste Hierarchy



- Ranks waste management practices by preference
- Upstream practices focus on early stages of production and consumption
- Reduce and Reuse are most preferred

Criteria

DEQ may:

- Enter into agreements
- Provide grants or loans

Potential partners:

- public bodies
- tribal governments
- nonprofit organizations
- private organizations, if funds are used for public benefit

Fee may not exceed 10% of the three-year average of PROs' annual expenditures.



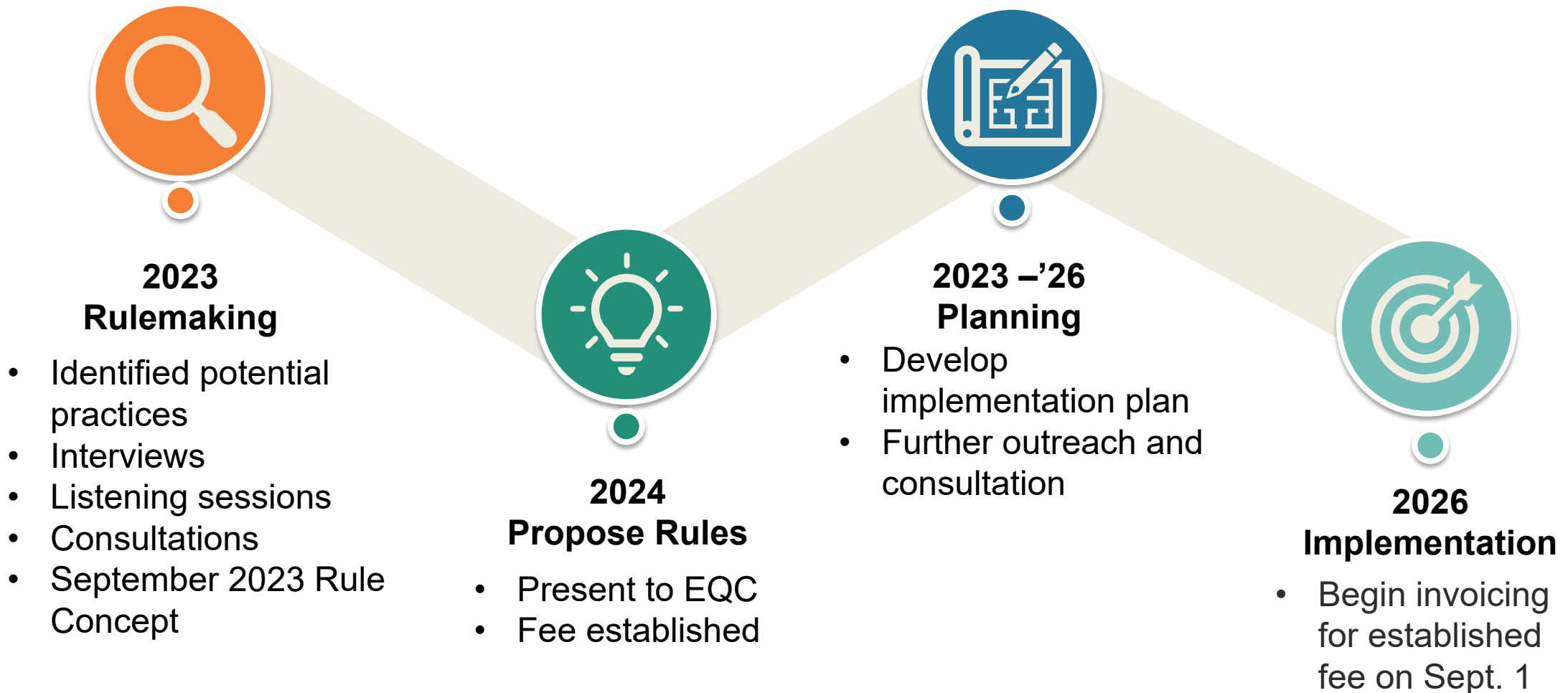
Covered products

Grants or loans must consider



- Environmental benefits
- Human health benefits
- Social and economic benefits
- Cost-effectiveness
- Needs of economically distressed or underserved communities

MIRROR Program



We envision

A structured program that utilizes a portfolio approach to include a diverse range of prioritized implementation **focus areas** and **projects** within those focus areas.

- **Projects** describe the on the ground efforts to reduce environmental impacts.
- **Focus areas** describe the types of work those projects might advance.



Example

Replacing single-use food serviceware with durable dishware might be a focus area that encompasses projects that could involve school districts or restaurants.

Potential Focus Areas



Reusable food
serviceware



Reusable
packaging



Low impact
production

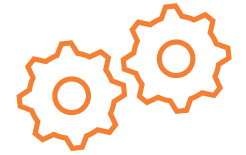


Applied
research

Engagement to Gather Input from Diverse Perspectives



Develop or Update Implementation Plan



**MIRROR
Program
next steps**

Program Administration and Implementation



Evaluation and Reporting to Assess Program Success and Areas for Improvement



Draft rule concept 1: Proposed Fee

Equal to the lesser of:

- a. \$11.5 million*, or
- b. 10% of the average of all PROs' annual expenditures for the prior three calendar years.

*As adjusted based on Consumer Price Index for All Urban Consumers (CPI-U)

The Fee is calculated to ensure:

- a. Revenue that will allow for a reduction in environmental impacts,
- b. DEQ may adjust the fee downwards in a given year if DEQ determines a lesser amount is adequate to support established programs.

Potential Fee Assessed

Year	Example annual expenditures factored into average	Fee Assessed*
Year 1	2023 - \$0	\$2,666,667
	2024 - \$0	
	2025 - \$80,000,000	
Year 2	2024 - \$0	\$6,000,000
	2025 - \$80,000,000	
	2026 - \$100,000,000	
Year 3	2025 - \$80,000,000	\$9,333,333
	2026 - \$100,000,000	
	2027 - \$100,000,000	
Year 4	2026 - \$100,000,000	\$10,000,000
	2027 - \$100,000,000	
	2028 - \$100,000,000	

*10% of avg. Annual expenditures from previous 3 years

Note: Numbers do not reflect actual estimates of PRO annual expenditures, but rather are shown as examples to illustrate how fee revenue is expected to ramp up over the first several years of implementation.

Draft rule concept 2- Proposed eligible items

Funds may be used to advance these programs including:

- DEQ's administrative expenses
- Types of expenses MIRROR can support:
 - ❑ Staffing
 - ❑ Capital investments
 - ❑ Reusable items
 - ❑ Repair and lifespan extension
 - ❑ Research, evaluation, surveys, and assessment
 - ❑ Pollution control technology that exceeds regulatory requirements
 - ❑ Feasibility assessments and pilot projects
 - ❑ Technical assistance
 - ❑ Education, outreach, training, and skills development
 - ❑ Community engagement

Clarifying questions?



Discussion Questions

- 1 What kind of projects could you envision being funded?
- 2 Is there anything on, or excluded from, the list of eligible items for support by the Fee that would prevent that project from being funded?
- 3 What types of projects would remote, small, and rural communities be interested in? What are the barriers for them in developing a project and accessing these funds?
- 4 Do you have any other feedback that could improve these rule concepts?
- 5 Is there anything that we should consider when drafting rule language or items that could be clarified?

Break





Rule concept presentation and discussion: Contamination reduction programming and Oregon's diverse populations

arianne.sperry@deq.oregon.gov



Contamination reduction



State of Oregon Department of Environmental Quality

Rule Concept: Contamination Reduction Programming and Oregon's Diverse Populations

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)
Rulemaking Advisory Committee Meeting 2, Rulemaking 2

Aug. 24, 2023

Introduction

This rule concept proposes draft rule concepts regarding new contamination reduction programming required in ORS 459A.929.

ORS 459A.929 obligates DEQ to establish and maintain a list of approved contamination reduction program elements, including:

1. Customer-facing materials and methods that are responsive to the needs of diverse populations;
2. Standards for providing feedback to generators that contribute to contamination that is responsive to the needs of diverse populations; and
3. Standards for service or financial consequences to generators that are significant and repeated sources of contamination and that continue to contaminate separated recyclables after being subject to customer-facing materials and targeted feedback. Consequences must be responsive to the conditions of diverse populations.

Local governments that provide the opportunity to recycle must establish and implement a program to reduce contamination that includes at least one each of the three types of program elements from DEQ's approved list or uses materials or methods that are at least as effective as those on the approved list.

New obligation for local governments

- Implement a contamination reduction program using DEQ-approved program elements.
- Only required as PRO funding is provided.



New obligation for DEQ

Establish list of approved contamination reduction program elements:

Customer-facing materials and methods

Standards for providing feedback

Standards for service or financial consequences

All elements must be responsive to the needs of diverse populations

Terms and definitions

In this rule concept:

- “Customers” set up and pay for service
- “Tenants” are people who recycle who are not also the customer



I. Responsive to the needs of diverse populations

- Information is accessible
- Information is easy to understand
- Assistance is provided in multiple ways



Discussion question

Will this proposed definition result in materials, methods, and standards for feedback that are clear, accessible, inclusive, and understood by Oregon's diverse communities?



II. Significant and repeated contamination

- **Significant:** At least 25% of material is not on the Uniform Statewide Collection List
- **Repeated:** Significant contamination three times in three consecutive months



Discussion questions

1. Is the threshold for repeated recycling contamination fair for both customers and service providers?
2. What challenges will local governments or their designated service providers face in measuring and documenting “significant” recycling contamination?



III. Standards for consequences

Prior to reaching “significant and repeated” threshold:

1. Identify contamination equitably
2. Provide targeted feedback to customer and tenants for significant contamination



III. Standards for consequences, continued

After “significant and repeated” threshold is reached:

3. Notify customer and provide opportunities to remedy
4. Provide assistance that is “responsive to the needs of diverse populations”
5. Consequences may be applied if opportunities to remedy are refused or response not received

III. Standards for consequences, continued

6. Set consequences to reflect goal of maintaining the value of collected recyclables
7. Maintain the opportunity to recycle



Discussion questions

1. Will these standards help to ensure customers understand why consequences may be applied and provide them with opportunity to make changes?
2. Does this approach meet the needs of commercial and residential multi-tenant properties?
3. What type of standards are needed for depot collection?





Recycling processing in Oregon

justin.gast@deq.oregon.gov



Recycling processing in Oregon

- 12 facilities:
 - 10 in Oregon
 - one in Washington
 - one in California
- Most located close to I-5
 - Portland metropolitan area
 - Salem-Keizer area
 - Eugene-Springfield area



Recycling processing in Oregon

- Material accepted from:
 - On-route collection
 - Distant depots or reload facilities
 - On-site drop-off depots
 - Direct from large-generating businesses
- Service providers tip material at facility of their choice

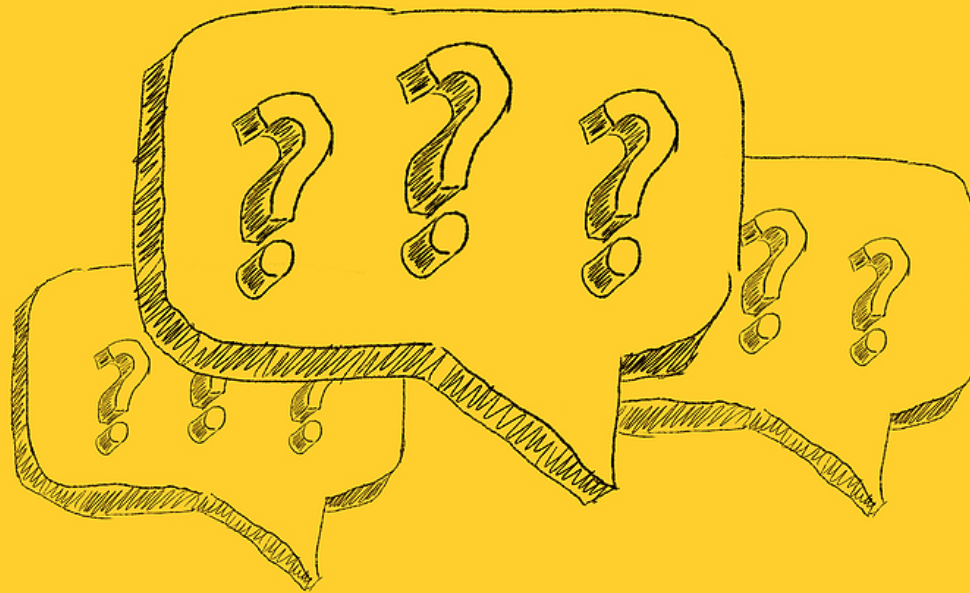


Recycling processing in Oregon

- Level of technology differs from facility to facility
- End markets can be local, domestic or international



Questions?



Public input opportunity

To request to provide input today, please message **Host** in the chat.

You will be added to the speakers' list, and input taken in the order requested.

Input can also be emailed to recycling.2024@deq.oregon.gov

Coming up

Plastic Pollution and Recycling Modernization Act | September 2023 Newsletter



Upcoming meetings and reminders

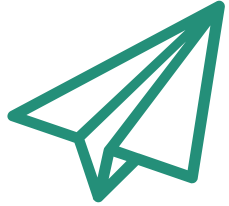
- Sept. 19, 2023, 9:00 a.m. – 12:30 p.m. | Rulemaking Advisory Committee Meeting 2 ([Register in advance](#))
- Sept. 25, 2023, 11:00 a.m. – 3:30 p.m. | Commingled Recycling Processing Facilities Technical Workgroup ([Register in advance](#))
- Oct. 17, 2023, time TBD | Recycling Council Meeting 9

Next steps



- Connect with your networks
- Email any questions or feedback to:
recycling.2024@deq.oregon.gov
- Next RAC meeting is **Nov. 1, 2023**

More info



Sign-up for GovDelivery notifications

https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_633



Recycling 2024 Webpage:

<https://www.oregon.gov/deq/rulemaking/Pages/recycling2024.aspx>

Title VI and alternative formats

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