

DEQ proposes to amend the EQC staff report on page 42 by adding an additional commenter who provided written comments before the close of the public comment period and was inadvertently omitted.

Number	Name	Organization
43	Molly Blessing	Household and Commercial Products Association

Summary of changes to Attachment 1: Summary of public comment and DEQ’s responses

- A. **Table 1: Comment Category Numbers and Descriptions**
 - Addition of Category Number “2k” for aerosol cans
- B. **Table 2: Summary of comments and DEQ responses for which changes were made to the proposed rules**
 - Summary of comments from commenter 43 and DEQ responses.
- C. **Table 3: Summary of comments and DEQ responses for which no changes were made to the proposed rules**
 - Summary of comments from commenter 43 and DEQ responses.

A. Table 1: Comment Category Numbers and Description - Edits highlighted

Category Number	Category Description (Rule Name)	OAR (First reference)
Existing Rules		
1	Existing rules	340-090-0030 to 340-090-0380
Recycling Acceptance Lists		
2a	Aseptic cartons	340-090-0630(1)(b)
2b	Bottles and caps	340-090-0630(1)(c) and (d)
2c	Pressurized cylinders	340-090-0630(1)(k)
2d	Tubs, PET thermoforms	340-090-0630(1)(n)
2e	Paperboard boxes	340-090-0630(2)(c)
2f	Spiral wound containers	340-090-0630(2)(f)
2g	Paper and plastic cups	340-090-0630(2)(c)
2h	Polyethylene film	340-090-0630(3)(d)
2i	Mechanism to add materials	340-090-0630(4)(g)
2j	Other	
2k	Aerosol cans	340-090-0630(3)(a)

B. Table 2: Summary of comments and DEQ responses for which changes were made to the proposed rules – Edits highlighted

Category Number	Rule topic	Comment	Response
2i	Mechanism to add materials	Establish and include in rulemaking a clear process for materials currently deemed unrecyclable to get added to one of the two recycling acceptance lists, <u>and a process for materials currently on the PRO Recycling Acceptance List to be moved to the Local Government Recycling Acceptance List</u>	<i>[Note: Comment shared by others (27, 31, 41); see Attachment 1, p. 9-10.]</i>
3a	Convenience standards	Include rule language that allows for a PRO to request a temporary variance from convenience standards in the event of unexpected events such as staffing shortages, technical issues, etc.	<i>[Note: Comment shared by others (27, 41, 46); see Attachment 1, p. 10.]</i>
3f	PRO fees	Require DEQ to provide accounting data to support the annual administration fee invoice.	<i>[Note: Comment shared by others (27, 41, 46); see Attachment 1, p. 20.]</i>

C. Table 3: Summary of comments and DEQ responses for which no changes were made to the proposed rules – Edits highlighted

Category Number	Rule topic	Comment	Response
<u>2k</u>	<u>Aerosol cans</u>	<u>Not including empty aerosol cans for curbside collection creates a missed opportunity to recover more high-quality recyclable metal, and will contribute to consumer confusion. Publishing research in November that could inform this topic.</u>	<u>DEQ did not propose changes in response to this comment because the results of the research referenced by the commenter were not shared as part of the public comment process. DEQ did not receive new evidence sufficient to warrant revising the draft rules. Regardless, all organizations can work directly with the PRO to propose an addition to the USCL via the “on-ramp” mechanism in ORS 459A.914(4).</u>
<u>3b</u>	<u>Performance standards</u>	<u>Support -0650(3)(b)(A) to ensure that aerosol cans that are</u>	<u>Thank you for your comment.</u>

Category Number	Rule topic	Comment	Response
		<u>non-exempt hazardous waste (e.g., full, or partially full) are not accepted.</u>	
<u>3b</u>	<u>Performance standards</u>	<u>Oppose requirements in - 0650(3)(b)(B) which require all aerosol cans to be treated as hazardous and managed in accordance with universal waste regulations. Recommend that DEQ differentiate between empty aerosol cans and full/partially full.</u>	<u>DEQ did not propose changes in response to this comment because partially emptied canisters may pose risk. Requiring that aerosol cans are managed in a manner consistent with federal universal waste regulations ensures that they will be properly punctured and drained before processing, thereby protecting the environment from any releases of content that may be flammable and/or toxic, even if it is exempt from the definition of hazardous waste.</u>
<u>3c</u>	<u>Collection targets</u>	<u>Collection targets: support Oregon’s approach of allowing PRO to propose collection targets.</u>	<u>Thank you for your comment.</u>
3f	PRO fees	PRO should be allowed to petition DEQ to adjust the annual administration fee.	<i>[Note: Comment shared by others (27, 41, 46); see Attachment 1, p. 91.]</i>
3g	Market share	Allow flexibility in the estimation methodology for producers that don’t have state-specific data.	<i>[Note: Comment shared by others (28); see Attachment 1, p. 93.]</i>
4c	Expansion of service	Allow the PRO to require local government service providers which receive funding for expansion of service to provide a periodic accounting of the use of funds, and submit to audits as necessary to ensure that the provided funds are being fully utilized for the intended purpose.	<i>[Note: Comment shared by others (41); please see Attachment 1, p. 100.]</i>