



Oregon Department of Environmental Quality

Rule Concept: Requiring PROs to Submit an Annual Report for 2024

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)
Rulemaking Advisory Committee Meeting 4, Rulemaking 2

Jan. 17, 2024

Background

This memo provides background information on a rule concept that will allow DEQ to assume an interim coordination role among prospective Producer Responsibility Organizations, beginning in April 2024, if multiple prospective PROs submit draft plans to DEQ for review and approval.

Statute addresses the need for coordination among PROs if DEQ receives and approves multiple PRO program plans. ORS 459A.869(9)(b) directs the Environmental Quality Commission to establish standards and requirements for coordination between PROs.

In November 2023, the Environmental Quality Commission approved the following rules to clarify this piece of statute.

- OAR 340-090-0680 sets standards and requirements for coordination plans, including an interim coordination plan to be developed by DEQ and implemented by a willing applicant and approved PROs until a long-term coordination plan is approved.
- OAR 340-090-0700(2) requires system costs to be divided among PROs in proportion to modified market share, including start-up costs incurred prior to the start date. Details on how costs will be reconciled in proportion to modified market share will be laid out in the interim coordination plan.
- DEQ will begin developing an interim coordination plan in April 2024 if multiple prospective PROs submit program plans.

Rule concept for discussion at Jan. 31, 2024 RAC meeting:

I. Requiring PROs to submit an annual report for 2024

To fulfill its interim coordination oversight role and ensure that system costs are being divided among PROs in proportion to modified market share, DEQ will need specific financial data from PROs.

DEQ proposes the following rule concept for consideration of the RAC:

Require PRO(s) to submit an abbreviated annual report for 2024 on or before July 1, 2025. These reports would detail information on expenditures to cover system costs during the calendar year of 2024, as described in ORS 459A.887(3)(e)-(i).

Non-discrimination statement

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