



Oregon Department of Environmental Quality

Rule Concept: Limited Sort Facilities, Commingled Materials and Reload Facilities

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)
Rulemaking Advisory Committee Meeting 6, Rulemaking 2

March 1, 2024 - CORRECTED

Introduction

ORS 459A.863(3)(b)(I) requires the Environmental Quality Commission to define in rule 'limited sort facilities.' Discussions with the [Commingled Recycling Processing Facility Technical Workgroup](#) and other interested parties informed the need to clarify the terms 'limited sort facility', 'reload facilities' and "commingled materials" in rule. This rule concept also establishes permit requirements for limited sort facilities transporting to a responsible end market any amount of incoming commingled recyclable material collected by a collection program providing the Opportunity to Recycle.

Please note that proposed rule concepts here differ from what DEQ previously shared with the Technical Workgroup.

Rule concept for discussion at March 14, 2024 RAC meeting

This rule concepts will address the following regarding limited sort facilities and reload facilities:

- I. Definitions
- II. Reload/limited sort facility permit
- III. Other

Background and Statutory Context

Per ORS 459A.863(2):

(2) "Commingled recycling" means the recycling or recovery of two or more materials that are mixed together and that generally would be separated into individual materials at a commingled recycling processing facility in order to be marketed.

Per ORS 459A.863(3):

(3)(a) "Commingled recycling processing facility" means a facility that:

- (A) Receives source separated commingled recyclable materials that are collected commingled from a collection program providing the opportunity to recycle; and*
- (B) Separates the recyclable materials described in subparagraph (A) of this paragraph into marketable commodities or streams of materials that are intended for use or further processing by others.*

(b) "Commingled recycling processing facility" does not include:

- (A) Scrap metal recycling facilities;*
- (B) Scrap automotive or appliance recycling facilities;*
- (C) Full-service redemption centers or dealer redemption centers, as those terms are defined in ORS 459A.700, and recycling facilities owned and operated by a distributor cooperative established under ORS 459A.718;*
- (D) Recycling facilities handling covered electronic devices, as defined in ORS 459A.305;*

Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

- (E) Recycling processing facilities that process only noncommingled, source separated recyclable material from commercial entities;
- (F) Recycling processing facilities that recover commingled recyclable material primarily from the construction and demolition debris waste stream;
- (G) Recycling depots;
- (H) Recycling reload facilities; or
- (I) Limited sort facilities, as defined by rule by the Environmental Quality Commission.

Per ORS 459A.863(27):

- (27) “Recycling reload facility” means a facility other than a recycling depot where recyclable materials are received, consolidated and made ready for transport to another location for processing or to a responsible end market

Per ORS 459A.905(1):

- (1) “commingled recycling reload facility” means a facility that receives commingled recyclables collected by a local government or local government’s service provider as an intermediate step prior to delivery to a commingled recycling processing facility.

The law requires the Environmental Quality Commission to define in rule the term ‘Limited sort facilities.’ “Limited sort facilities” by definition, are excluded from the definition of “commingled recycling processing facilities”. DEQ convened the [Commingled Recycling Processing Facility Technical Workgroup](#) to discuss what the definition of limited sort facility should include. Limited sort facilities, like other facilities noted under ORS 459A.863(3)(b), are not eligible for any funding associated with the Contamination Management Fee (ORS 459A.920) or the Processor Commodity Risk Fee (ORS 459A.923).

I. Definitions:

DEQ proposes the following definitions:

- Limited sort facility:
 - A. A facility that receives a specific subset of processed Uniform Statewide Collection List materials from a commingled recycling processing facility that meets the requirements under ORS 459A.905(2)(a) and that could be considered a secondary processor or a responsible end market; or
 - B. A facility that: a) removes more than 0% and less than 50%, by weight, of incoming commingled recyclable material collected by a collection program providing the Opportunity to Recycle; b) markets removed materials to responsible end markets; c) manages contaminants in those removed materials to avoid impacts on other waste streams or facilities; d) accurately reports to DEQ the final end markets of removed materials; e) sends remaining material to a CRPF that meets the requirements under ORS 459A.902(2)(a); and, (f) obtains a disposal site permit from DEQ. The facility must meet all requirements of the permit.
- Commingled Materials:
 - Materials that:
 - Are collected as part of the provision of the Opportunity to Recycle rules and from receptacles located at residential and/or non-residential sources (generators) that are designated and promoted for the acceptance of commingled materials including at least the materials described in the Recycling Acceptance Lists rules found in either:
 - OAR 340-090-0630(2)(a) through (c) and (e) through (i), or
 - OAR 340-090-0630(2)(j) through (l); or
 - Contain at least two or more of the materials on the Uniform Statewide Collection List that are mixed together; and
 - Are intended to be properly processed by a commingled recycling processing facility that meets the requirements contained in ORS 459A.905(2)(a).

Discussion prompts

- Is there additional language that should be considered for the definition of “limited sort facility”?
- Is there additional language that should be considered for the definition of “commingled material”?

II. Limited Sort Facility Permit

Rule concept for discussion:

DEQ proposes the following regarding a permit for limited sort facilities that meet (B) under the proposed ‘Limited sort facility’ definition:

- A DEQ Solid Waste Disposal Permit is required for a limited sort facility that processes and transports to a responsible end market any amount of Uniform Statewide Collection List-related material collected by a collection program providing the Opportunity to Recycle.
- If the limited sort facility is already operating under an existing Solid Waste Disposal Site permit, that facility’s permit would need to be amended to recognize the new requirements.
- The limited sort facility will need to meet the following requirements established under the commingled recycling processing facility permit program: ORS 459A.955(2)(d)(e)(f) and (g). The “capture rate” performance standard (.955(2)(a)) is not included, since a reload facility presumably is already focused on capturing materials that have economic value to end markets.
- The limited sort facility must report material disposition to DEQ on a schedule consistent with that noted under ORS 459A.887(6).

Discussion prompts

- Should DEQ consider more or fewer requirements on limited sort facilities?

III. Other

Rule concept for discussion

- Reload facilities, which meet the definitions listed under ORS 459A.863(27) or ORS 459A.905(1) and are consolidating and reloading commingled material (with no material removal) may not need a DEQ solid waste permit, unless there are other requirements that warrant a DEQ solid waste permit such as potential for environmental or human health impacts.
- Reload and limited sort facilities, like other facilities noted under ORS 459A.863(3)(b), would not be eligible for any funding associated with either the Contamination Management Fee (ORS 459A.920) or the Processor Commodity Risk Fee (ORS 459A.923).

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ’s [Civil Rights and Environmental Justice page](#).