



Oregon Department of Environmental Quality

# Rule Concept: Local Government Compensation for Evaluation of Contamination

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)

Rulemaking Advisory Committee Meeting 6, Rulemaking 2

Feb. 29, 2024

## Introduction

DEQ is proposing rules to clarify ORS 459A.890(3), which obligates a PRO to fund eligible costs related to the periodic evaluation of the quality and contamination of collected materials if the evaluation occurs at a location other than a commingled recycling processing facility. The proposed rule concept clarifies eligible and ineligible costs.

## Background and Statutory Context

ORS 459A.890(3) provides funding for local governments and their designated service providers, including reload facilities,<sup>1</sup> and limited sort facilities that are also reload facilities to meet the requirement of ORS 459A.929(2)(b).<sup>2</sup>

ORS 459A.929(2)(b) requires local governments or their designated service provider to cause collected source-separated recyclables to undergo periodic evaluation of material quality and contamination, in accordance with forms and procedures established in ORS 459A.959, to evaluate and describe levels of inbound contamination.

ORS 459A.959 requires DEQ to establish forms and procedures for commingled recycling processing facilities, recycling reload facilities and limited sort facilities that are also reload facilities, to evaluate and describe levels of inbound contamination.

Please note that DEQ is currently developing the forms and procedures for recycling reload facilities, limited sort facilities that are also reload facilities and commingled recycling processing facilities to evaluate and describe levels of inbound contamination outside of rulemaking. DEQ anticipates that the procedures will have two components:

1. A process for collecting samples from inbound recycling and conducting detailed sorting and weight-based analysis of contamination every few years. This will enable DEQ to track progress towards statewide contamination reduction goals.
2. Setting up and maintaining a communication tool to regularly provide local governments and service providers with feedback about levels and types of contamination in collected recycling at the route or

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<sup>1</sup> A reload facility not operated by or in a contractual relationship with a local government or designated service provider may be eligible for funding under ORS 459A.890(3) if the facility enters into a contractual arrangement with the local government.

<sup>2</sup> Periodic evaluation that takes place at a commingled recycling processing facility is not eligible for funding under ORS 459A.890(3) since the proposed Processor Commodity Risk Fee will compensate recycling processors for the costs of following the forms and procedures established to evaluate and describe levels of inbound contamination in accordance with ORS 459A.959.

## Translation or other formats

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customer level. Information may be collected from loads arriving at a facility or at the customer level, for example, via contamination monitoring equipment installed on a collection vehicle.

## Concepts for discussion at March 14, 2024 RAC meeting

DEQ seeks feedback from Rulemaking Advisory Committee members on the following:

### I. **Eligible and ineligible contamination evaluation costs to be funded under ORS 459A.890(3)**

DEQ proposes to clarify ORS 459A.890(3) in rule:

1. Eligible costs are those incurred by local governments and their designated service providers, including reload facilities and limited sort facilities that are also reload facilities, to carry out the procedures established by DEQ in accordance with ORS 459A.959 to meet the requirements of ORS 459A.929(2)(b).
2. Eligible costs include:
  - a. Staffing and administrative costs
  - b. Costs associated with purchase, installation, and ongoing use and maintenance of on-board contamination monitoring equipment and software.
3. Ineligible costs under these rules include:
  - a. System expansion requests made according to OAR 340-090-0800, "Expansion of Service Funding and Needs Assessment".
  - b. Costs incurred at limited sort facilities that are not also reload facilities.
  - c. Costs incurred at commingled recycling processing facilities.

### Discussion prompts

- Are there other examples of eligible or ineligible costs that you think should be described in the rule language?
- Do you have any feedback that could improve this rule concept?

### Non-discrimination statement

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