

# Plastic Pollution and Recycling Modernization Act Rulemaking #2

Environmental Quality Commission Meeting

Nov. 21-22, 2024

# About Materials Management

The 2050 Vision describes how people in Oregon:



Produce and use materials



Conserve resources



Protect the environment



Live well

## Materials Management in Oregon

2050 Vision and Framework for Action

Adopted by the  
Environmental Quality Commission  
December 6, 2012



State of Oregon  
Department of  
Environmental  
Quality



# Recycling Modernization Act: Roles



Producers



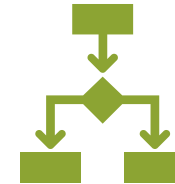
Producer responsibility organization



Local government



Service providers



Recycling facilities



Responsible end markets

Oversight and integration



Oregon Recycling System Advisory Council

# Rulemaking 2 Process

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17

Representatives from local governments, service providers, recycling processors, community-based organizations, producers and prospective PROs

8

Rulemaking Advisory Committee meetings between July 2023 and April 2024

20

Rule topics presented to the RAC

# Public Comment Period

## Public comment period

- Opened: May 29, 2024
- Closed: July 26, 2024, at 4 p.m.


## Virtual public hearings

- June 27, 2024, at 11 a.m.
- June 27, 2024, at 5 p.m.



# Public Comments Received

- 76 entities
- 400+ distinct comments



State of Oregon Department of Environmental Quality  
**Notice of Proposed Rulemaking**  
**June 10, 2024**  
Plastic Pollution and Recycling Modernization Act, Rulemaking 2

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

**Note for readers**

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

- Click on the "Windows" item in the top ribbon
- Click on "New Window"
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- Click on "File" in the top ribbon
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# What these rules will accomplish

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# Proposed Rules

## Chapter 340, Divisions 12, 90, 93, 96 and 97

- Enforcement Procedure and Civil Penalties (Division 12)
- Recycling and Waste Reduction (Division 90)
  - Local Government Obligations
  - PRO Obligations
  - Covered Products
  - PRO Reporting
  - Producer Obligations
  - Standards for Life Cycle Evaluations
- Recycling Processor Obligations (Divisions 93 and 96)
- Solid Waste Permit Fees (Division 97)

^ Division 90 - RECYCLING AND WASTE REDUCTION	
	RECYCLING AND WASTE REDUCTION
340-090-0005	Purpose
340-090-0010	Definitions
340-090-0015	Scope and Applicability
340-090-0020	Opportunity to Recycle
340-090-0030	General Requirements
340-090-0040	Local Government Recycling Program Elements

# Enforcement Procedures and Civil Penalties

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# Enforcement Procedures and Civil Penalties

OAR 340-012-0045 to OAR 340-012-0140

Update Division 12 enforcement rules to address violations of the Recycling Modernization Act

^ Division 12 - ENFORCEMENT PROCEDURE AND CIVIL PENALTIES	
ENFORCEMENT PROCEDURE AND CIVIL PENALTIES	
340-012-0026	Policy
340-012-0028	Scope of Applicability
340-012-0030	Definitions
340-012-0038	Warning Letters, Pre-Enforcement Notices, and Notices of Permit Violation
340-012-0041	Formal Enforcement Actions
340-012-0045	Civil Penalty Determination Procedure
340-012-0053	Classification of Violations that Apply to all Programs

# Local Government





# Local Government Obligations

OAR 340-090-0030

## Multifamily recycling enclosures

- Clarifies requirements and timeline for compliance
  - Submit implementation plan by Nov. 1, 2027
  - Initiate implementation by July 1, 2028



# PRO Obligations

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# PRO Obligations: Local Government Compensation

## OAR 340-090-0810

- Define eligible costs for evaluation of contamination
- Clarify funding calculation and advanced funding for contamination reduction programming



# PRO Obligations: Fees

OAR 340-090-0690

## Waste Prevention and Reuse Fee

- Establishes new fund to support waste prevention and reuse of covered products
- Lower of either \$15 million or 10 percent of the three-year average of the program budget



Milk dispenser (replaces single-use packaging)

# PRO Obligations: Fees

OAR 340-090-0820

## Processor Commodity Risk Fee

- Ensures producers share in costs of processing commingled recyclables and allows local governments to reduce financial impacts on ratepayers
- Fee = difference between established fee rate and average commodity value multiplied by eligible tons



# PRO Obligations: Fees

OAR 340-090-0830

## Contamination Management Fee

- Compensates CRPFs for costs of removing and disposing of covered products that are contaminants
- CRPFs receive per-ton funding for each ton of eligible covered product contamination landfilled
- CRPFs also receive per-ton CMF funding for material that is marketed separate of USCL material and transported to a REM





# PRO Obligations: Other

OAR 340-090-0640 to OAR 340-090-0830

- **Responsible End Markets**
  - Added disposition reporting requirements for the PRO
- **Market Share**
  - Aligned reporting years, data years and program years for the calculation of market share and setting of producer fees

# Materials Acceptance Lists

- Uniform Statewide Collection List
  - Materials that may be commingled
  - Assessed against 12 statutory criteria
- PRO Recycling Acceptance List
  - Materials PRO must collect
  - Harder to recycle items

**Fact Sheet**

### Oregon Adopted Recycling Acceptance Lists

Updated December 2023

Beginning July 2025, all Oregon community members and businesses throughout the state can recycle a consistent set of materials. The Oregon Environmental Quality Commission adopted the following recycling acceptance lists on Nov. 16, 2023. These lists may change over time. For example, producer responsibility organizations may propose to add materials to the Uniform Statewide Collection List in their program plans.

**Local government acceptance lists**

DEQ requires local governments to collect the following materials under their Opportunity to Recycle obligations in the modernized system.

**Uniform statewide collection list**

To be collected at depots and on-route collection, and suitable for commingled collection:

Corrugated cardboard (uncoated and recycle-compatible coated; clean pizza boxes OK)	All kraft paper (brown paper bags, mailers)
Paperboard packaging (e.g., cereal, cracker and medicine boxes)	Molded pulp packaging (e.g., egg cartons, but not food serviceware or flower pots)
Polycarbonate cartons (e.g., milk cartons, aseptic cartons)	Tissue paper used as packaging (not facial or sanitary tissue)

**Translation or other formats**  
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800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

State of Oregon  
Department of Environmental Quality



# Materials Acceptance Lists

OAR 340-090-0630

- Gift wrap stays on the USCL
- Listings of pressurized cylinders and aerosol containers on the PRO Recycling Acceptance List delayed until 2028







# Covered Products: Exemptions



Durable packaging for durable goods.



Some ag chemical packaging.



Packaging used in healthcare facilities for the management of infectious waste as defined in ORS 459.386.



Pressurized cylinders: 1) pure H<sub>2</sub> or O<sub>2</sub>, any size; 2) Acetylene, 10 ft<sup>3</sup> and larger; and 3) CO<sub>2</sub>, 5 lbs. and larger



Class III medical device packaging.

Class II medical device packaging sold labeled sterile and for which a 510(k) premarket notification has been cleared by the FDA.



# Producers

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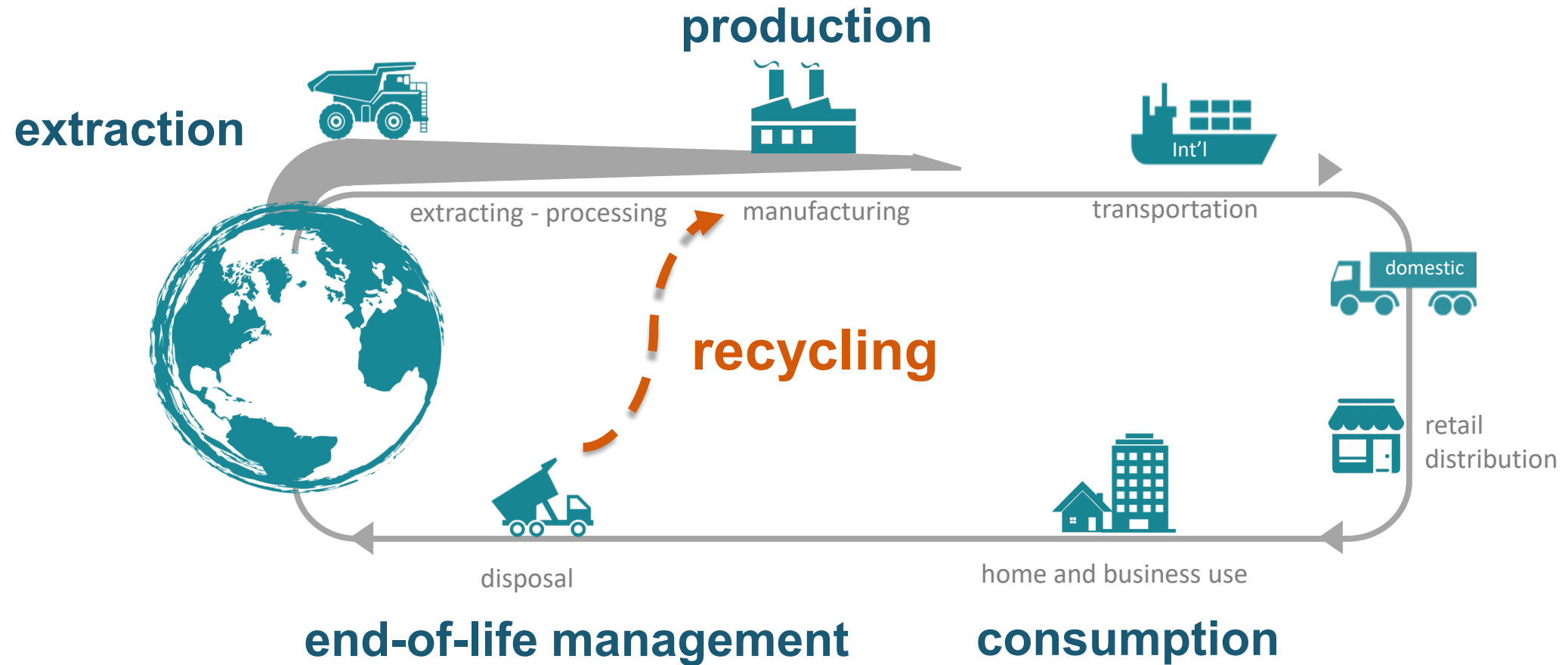
# Producer Obligations

## OAR 340-090-0860 to OAR 340-090-0870

- **Producer Definitions**
  - Clarified that manufacturers include entities that direct manufacturing
  - Clarified producer definitions for packaging-like products
  - Associated producers must lump revenues and tonnages to qualify as large and small producers
- **Producer Pre-Registration**
  - Producers must submit 2024 supply data to the PRO by March 31, 2025



# Standards for Life Cycle Evaluation



# Standards for Life Cycle Evaluations

OAR-340-090-0900 to OAR-340-090-0940

- **Scope Rules**
  - Large producer required disclosures
  - Two bonuses for voluntary disclosures
- **Core Product Category Rules**
  - Life cycle assessment method for producer use for mandated and ecomodulation evaluations
- **Additional Environmental and Human Health Info Rules**
  - Require producers to disclose the presence of hazardous substances in their products (in addition to applying the LCA method)

# Recycling Processors

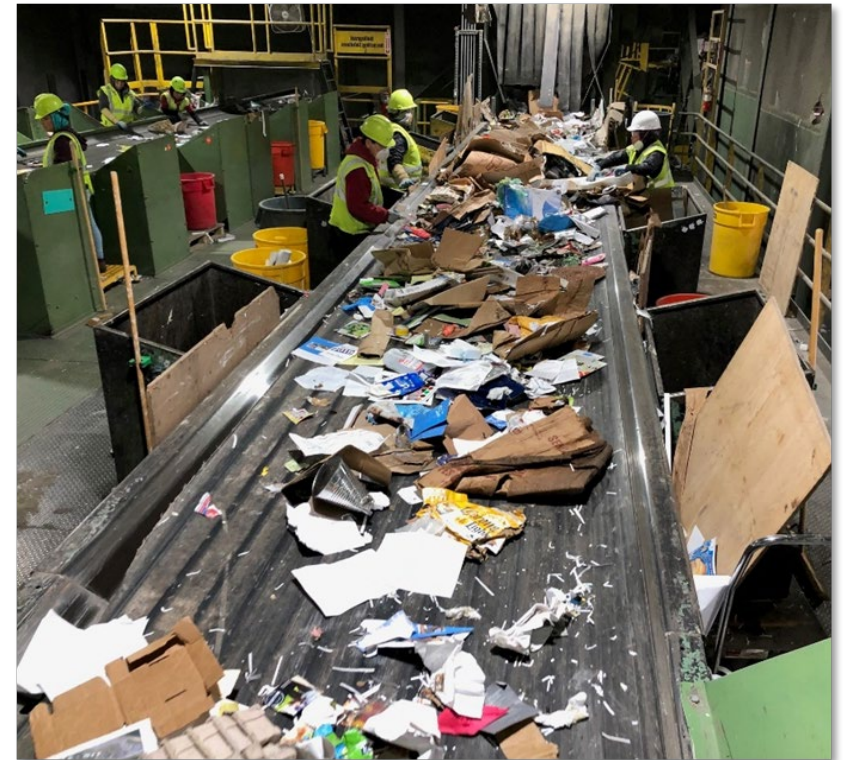




# Recycling Processor Obligations

OAR-340-096-0300 to OAR-340-096-0840

- Permitting Program
  - Requirements for commingled recycling processing facilities
  - Definition and requirements for limited sort facilities
- Certification program for facilities outside Oregon
- Living wages and supportive benefits



# Recycling Processor Obligations – Living Wage

Facility location – state (county)	Calculated hourly living wage
California (Humboldt)	\$25.82
Oregon (Clackamas)	\$31.69
Oregon (Klamath)	\$23.35
Oregon (Lane)	\$26.94
Oregon (Marion)	\$25.76
Oregon (Multnomah)	\$31.90
Oregon (Washington)	\$32.58
Washington (Clark)	\$28.42





# Permit Fees

OAR-340-097-0110 to OAR-350-097-0120

Establish permit application fee structure and annual compliance fee for commingled recycling processing facilities and limited sort facilities

- Permit Application Fee: \$100 - \$500 based on annual anticipated tons
- Permit Compliance Fee: \$50 - \$1,000 based on annual anticipated tons



# Fiscal Impacts of Rules Overview

## State Agencies - DEQ

- CRPF Permitting and Certification: Initial assessment of performance standards from permitting and tipping fees
- Administrative costs for Contamination Management Fee and Processor Commodity Risk Fee, paid by the PRO

## Local Governments

- Compliance, planning, recordkeeping and reporting costs
- Cost to develop implementation plan for ensuring adequate recycling service and enclosure space at multifamily properties

# Fiscal Impacts of Rules

## PROs

Fund through producer fees:

- Processor Commodity Risk and Contamination Management Fees
- Waste Prevention and Reuse Fee
- Responsible end market self-attestation and verifications
- Periodic evaluation of contamination and contamination reduction programming

## Businesses

- Primary impact is through producer fees paid to PRO

## Public

- DEQ does not anticipate any direct costs on the public

# Racial Equity Impacts of Rules

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- Positive Impacts:
  - Living Wages and Supportive Benefits
    - Improving the living and working conditions for a demographic of worker that is disproportionately non-white
- Negative Impacts:
  - Indirect impacts from anticipated increase in truck traffic created by increased rates of recycling on residents who live in proximity to recycling facilities

# Proposed Motion Language

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*“I move that the Environmental Quality Commission adopt the proposed rule amendments in Attachment A as part of chapter 340 of the Oregon Administrative Rules.”*



# Thank You!

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[Rulemaking website](#)



# Title VI and Alternative Formats

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