

# Handout: Informational Sessions

## Recycling Modernization Act Rulemaking #3

Updated: Sept. 18, 2025

DEQ is beginning a rulemaking process for amendments to the Recycling Modernization Act rules. Through the rulemaking process, DEQ will improve clarity, make identified corrections and provide increased consistency across the rules implementing the Plastic Pollution and Recycling Modernization Act (2021).

### Rulemaking process timeline

DEQ started the rulemaking process in August 2025. DEQ intends to present final rule amendments for proposed adoption by the [Oregon Environmental Quality Commission](#) in January or February 2027. The rough timelines for specific actions are below, all subject to change based on agency need and availability of the parties involved.

- Rulemaking Advisory Committee meetings: November 2025 through August 2026
- EQC informational item: July 2026
- Public comment period: September 2026
- EQC request for adoption: January/February 2027

### Proposed rulemaking scope

DEQ proposes to make amendments to 23 sections of the relevant Oregon Administrative Rules. Of the 23 proposed sections, DEQ has categorized the draft amendments into three types:

- Minor: Typographical or grammatical errors, edits to include facility types in established permit lists based on program implementation (17 sections)
- Moderate: Amendments that are technical in detail or are expected to garner some interest from external and interested parties (Two sections)
- Major: Policy and rule amendments with a high level of technical detail, external interest or potential to affect substantive changes for Oregon's modernized recycling system (Four sections)

A chart listing the proposed sections follows on the next pages. Please note that the scope and content of proposed amendments it still under development and may be subject to change.

#### Minor - 17 OARs: Clarifications and minor amendments

OAR	Action(s)
340-012-0098	Potential clarifications and minor grammatical corrections <b>Note:</b> Division 12 is specific to Enforcement and Civil Penalties
<b>Recycling and Waste Reduction</b>	
340-090-0100	Potential addition of Commingled Recycling Processing Facilities to Reporting Requirements

#### Translation or other formats

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OAR	Action(s)
340-090-0650(1)(b)	Potential clarifications to language related to on-route glass collection under the Performance Standards
340-090-0770	Clarification of Transportation Cost Reimbursements when related to freight on backhaul
340-090-0820	Clarify some definitions, align reporting schedules for and add clarifying language on the protection of data submitted as part of the Processor Commodity Risk Fee (aligned with -0830)
340-090-0830	Add clarifying language on the protection of data submitted as part of the Contamination Management Fee (aligned with -0820)
340-090-0860	Update some definitions regarding producer obligations
340-090-0900	Changes to Life Cycle Evaluation definitions
340-090-0920	Updates to project report requirements
<b>Solid Waste: General Provisions</b>	
340-093-0030	Add Commingled Recycling Processing Facilities and Limited Sort Facilities to Disposal site definition
340-093-0105	Add "permit" to 2(n) and 2(o)
340-093-0160	Update (1) to read "all solid waste disposal site permittees" (two occurrences)
<b>Solid Waste: Permits Special Rules for Selected Solid Waste Disposal Sites, Waste Tire Storage Sites and Waste Tire Carriers</b>	
340-096-0040	Add Limited Sort Facilities to facility types
340-096-0300	Definitional and grammatical updates to several subsections – Delete (1)(e), delete "the" before "DEQ" in (2)(c), add language to (5)(a) stating "DEQ, a contractor to DEQ, or a combination of both, will be tasked with conducting the assessment."
340-096-0310	Grammatical correction in 2(a)(A) to change "proscribe" to "prescribe"
340-096-0820	Update certification requirements to include single-commodity out-of-state processors
<b>Solid Waste: Permit Fees</b>	
340-097-0110	Add Commingled Recycling Processing Facilities to permit/fee listing

#### Moderate – 2 OARs

OAR	Action(s)
<b>Recycling and Waste Reduction</b>	
340-090-0640(1)(b)(C)	Definitions of what is included or excluded in the 110% cost threshold for Convenience Standards related to siting depots (new and existing)
340-090-0930	Several updates and definitional clarifications for Life Cycle Evaluation parameters and weightings (Core Product Category Rule)

#### Major – 4 OARs

OAR	Action(s)
<b>Recycling and Waste Reduction</b>	
340-090-0630	Materials Acceptance List amendments Note: Requires consultation with the Oregon Recycling System Advisory Council (prior to/will inform RAC)
340-090-0670	Criteria, definitions and reporting requirements for Responsible End Markets
340-090-0800	Clarification of “needs” vs. “wants” for Needs Assessments
340-090-0840	Covered Products Exemptions and Exemptions Process Note: Requires consultation with the Oregon Recycling System Advisory Council (prior to/will inform RAC)

## Rulemaking advisory committee

DEQ will convene an 11-person advisory committee for this rulemaking. The committee will meet to review and provide feedback on policy considerations and rule amendment proposals from DEQ. The committee will also provide review of the fiscal and racial equity statements, prepared by DEQ, for the implementation of the proposed rule amendments. Please see the [Advisory Committee roles document](#) for more detail on the committee membership and expectations.

#### Proposed committee membership:

- RMA Producer Responsibility Organization rep (1)
- Producer rep (1) - As defined in Recycling Council statute
- Local governments reps (2) - As defined in Recycling Council statute
- Service provider rep (1) – As defined in Recycling Council statute
- Facilities/processors rep (1) – As defined in Recycling Council statute
- Topic-specific experts (2)
- At-large members, selected by DEQ through an application process (3)

#### Proposed committee meeting dates (as ranges, final dates and times to be determined)

- Meeting 1: Nov. 10 - 20, 2025
- Meeting 2: Jan. 26 – Feb. 5, 2026
- Meeting 3: March 23 - April 2, 2026
- Meeting 4: May 18 - 28, 2026

- Meeting 5: Aug. 17 - 27, 2026

All committee meetings will be open to the public and held in a manner allowing for remote/virtual attendance. Committee meetings are subject to Oregon's public meeting laws. Information about the meetings and any written materials will be made available on [DEQ's website specific to this proposed rulemaking](#).

## **Applying to be an at-large committee member**

DEQ is soliciting interest in three at-large positions for the RMA Rulemaking #3 Rulemaking Advisory Committee. These positions are intended to provide perspectives, knowledge and input that may not be otherwise represented by the other committee members. Any person interested in the proposed rulemaking topics and able to commit to the expectations for membership is encouraged to apply, especially people with competencies, knowledge or other experience as listed here:

- Environmental advocacy/stewardship
- Community-based organizations (including social service or culturally specific service populations)
- Small business/entrepreneur
- People from or representing communities with environmental justice concerns
- Multifamily housing resident or tenant association representative
- Refill/reuse-focused businesses or organizations

An [application form](#) for the three at-large members is available on the [rulemaking web page](#), and applications will be accepted until 5 p.m. on Friday, Oct. 3, 2025.

## **Contact**

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## **Non-discrimination statement**

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