

Topic Paper: Tenant and Multifamily Recycling

RMA Rulemaking 3: Prepared for Rulemaking Advisory Committee discussion – July 20, 2026

OAR 340-090-0030 (7)(x): Tenants receive opportunity to recycle (new)

OAR 340-090-0030 (7)(b): Multifamily recycling (amendment)

Summary of proposed amendments

DEQ is proposing new rule language to implement [ORS 459A.005\(3\)\(b\)](#) and an amendment to [OAR 340-090-0030\(7\)\(b\)](#).

Background context

Senate Bill 265 extends the opportunity to recycle to tenants

The Recycling Opportunity Act was passed in 1983, with the intent that everybody in Oregon should be provided with an opportunity to recycle. In cities of 4,000 or more populations and within the Metro area, that opportunity meant regular on-route collection of recyclable materials from all collection service customers, or an equivalently effective program. However, as the law was interpreted and implemented, many residential and commercial tenants ended up being denied an opportunity to recycle because it was the landlord, rather than the tenants, who were considered to be the collection service customers. If the landlord decided not to use a recycling service, then the tenant did not have an opportunity to recycle. In 2015, the legislature corrected this with the passage of Senate Bill 265. One provision of this law is that by July 1, 2022, the definition in ORS 459A.005(3)(b) would be updated such that tenants would also be considered to be collection service customers, and so would directly be provided with the opportunity to recycle by their landlords and collection service providers.

RMA adds multifamily recycling service and space requirements; aligns effective dates

However, the Recycling Modernization Act, which passed in 2021, included new requirements related to multifamily recycling. ORS 459A.911 required local governments to ensure adequate recycling service and adequate and accessible collection space at multifamily properties, new obligations that took effect on July 1, 2025. Recognizing that the ideal sequencing for the rollout of new multifamily recycling programs would be for local governments to first ensure adequate service and adequate and accessible collection space, the RMA amended the date that the new definition of collection service customer would take effect. The RMA changed the effective date of the requirement to provide recycling service to tenants to July 1, 2026.

RMA rulemaking changes multifamily recycling implementation timeline and does not re-align dates

The second RMA rulemaking included rules clarifying how local governments will comply with ORS 459A.911 to ensure adequate recycling service and adequate and accessible collection space at multifamily properties. The rules adopted by the Oregon Environmental Quality Commission in November 2024 required local governments to submit a plan to DEQ describing how they will implement the requirements to

- (A) Ensure adequate space for collection and access for collection vehicles after new construction or significant remodels.
- (B) Ensure adequate space for collection in existing buildings.

(C) Update or establish service standards for service providers to provide adequate service volume or collection frequency, or a combination of both.

(D) Ensure that container placement is accessible to residents, including children and individuals who use a wheelchair, while giving consideration to resident and user safety considerations.

The currently effective rules adopted in OAR 340-090-0030(7)(b) require local governments to submit the plan by Nov. 1, 2027, and initiate plan implementation by July 1, 2028.

DEQ seeks to clarify the process and timeline for local government compliance with ORS 459A.005(3)(b) and align implementation dates with multifamily recycling requirements

During the second rulemaking, when developing a process and timeline for local governments to come into compliance with the new multifamily recycling requirements in ORS 459a.911, DEQ did not adjust the timeline extending the opportunity to recycle to tenants. DEQ is now seeking to clarify the process for extending the opportunity to recycle to tenants and re-align the implementation dates for two overlapping recycling requirements.

Proposed new rule language for extending opportunity to recycle to tenants:

DEQ is proposing that local governments required to provide the opportunity to recycle adopt an ordinance or other enforceable mechanism that would require property managers that provide garbage service to tenants also provide recycling service. Property managers would also need to provide recycling education to tenants when they move in and twice per year afterwards. Service providers would be required to work with property managers to set up and provide recycling service. The ordinance must allow property owners to apply for an exemption from DEQ for insurmountable challenges. The ordinance must take effect by Jan. 1, 2029.

Proposed multifamily amendment:

DEQ is proposing to update the implementation dates for the multifamily recycling requirements to align with the requirement to extend the opportunity to recycle to tenants through an enforceable mechanism beginning Jan. 1, 2029. The new dates also provide local governments with more time to come into compliance. The implementation plan would be due to DEQ by July 1, 2028, and plan implementation must be initiated by Jan. 1, 2029.

DEQ also proposes to add language acknowledging that ensuring adequate space for collection of recyclable materials may not be practicable at every existing multifamily property and local governments may propose alternative recycling opportunities.

Proposed draft redline rule language

DEQ is recommending two proposed rule changes to OAR 340-090-0030(7), which follow below. The proposed changes are identified with the use of **red bolded** text for new language, and ~~strike through~~ for deletions.

(7) Each city that is within a metropolitan service district or with a population of at least 4,000 and each county that is responsible for the area between city limits and the urban growth boundary of the city or the area outside the city limits but within a metropolitan service district shall:

(a) Provide on-route collection service for source separated recyclable materials identified in OAR 340-090-0630(4)(b) at least once a month for all collection service customers within the city limits and within the urban growth boundary or metropolitan service district but outside of the city limits.

(b) To provide the opportunity to recycle to tenants as collection service customers, pursuant to ORS 459A.005(3)(b), local governments will adopt an ordinance or other enforceable mechanism to be implemented by Jan. 1, 2029, that:

(A) Requires property managers provide recycling service to tenants if they provide garbage service and provide recycling information to tenants upon move-in and twice per year;

(B) Requires service providers to work with managers of properties where they provide garbage service to set up and provide recycling service for multifamily and commercial tenants; and

(C) Allows owners of properties with multifamily and commercial tenants to apply for and receive an exemption from the Department for insurmountable challenges.

(c)(b) To comply with the requirements of ORS 459A.911 to ensure adequate space for the recycling collection of materials identified on the uniform statewide collection list at multifamily properties, submit an implementation plan to DEQ by **July 1, 2028**, ~~November 1, 2027~~ in a manner and form prescribed by DEQ, report on activities undertaken to execute the implementation plan in the periodic report submitted according to the requirements of OAR 340-090-0100, and initiate plan implementation no later than **Jan. 1, 2029**, ~~July 1, 2028~~. The implementation plan shall describe how the city, county, or metropolitan service district will:

(A) Ensure adequate space for collection and access for collection vehicles after new construction or significant remodels.

(B) Ensure adequate space for collection in existing buildings **where practicable or provide alternative recycling opportunities**.

(C) Update or establish service standards for service providers to provide adequate service volume or collection frequency, or a combination of both.

(D) Ensure that container placement is accessible to residents, including children and individuals who use a wheelchair, while giving consideration to resident and user safety considerations.

(d)(c) To the extent that funding is provided under ORS 459A.890(4), establish and implement, or cause to be established and implemented, a program to reduce contamination that:

(A) Includes one or more local recycling contamination reduction goals that are consistent with the statewide goals established by the DEQ pursuant to ORS 495A.929(1)(a).

(B) Causes collected source separated recyclables to undergo periodic evaluation of collected material quality and contamination, in accordance with forms and procedures established by the Department of Environmental Quality under ORS 459A.959.

(C) Includes:

(i) At least one of each of the three types of contamination reduction program elements contained on the list established by the DEQ pursuant to ORS 459A.929(1)(c), or

(ii) Uses materials or methods that are at least as effective as materials or methods approved by DEQ pursuant to ORS 459A.929(1)(c).

(D) Includes, at least once every five years, a process for reviewing, and revising as appropriate, the local goals and local elements established under this subsection.

Outcomes of proposed rule language

- Clarifies the process and timing for local governments to extend the opportunity to recycle to tenants pursuant to ORS 459A.005
- Aligns implementation timing for multifamily recycling requirements with that of extending the opportunity to recycle to tenants.
- Acknowledges that ensuring adequate space for collection of recyclable materials may not be practicable at every existing multifamily property and local governments may propose alternative recycling opportunities.

Committee discussion questions

1. Do the proposed changes to rule language support local government implementation of the new tenant and multifamily recycling requirements?
2. Are the proposed implementation dates for tenant and multifamily recycling requirements realistic, given the actions required of local governments? Will local governments have sufficient time to comply?

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