

**Enrolled**  
**Senate Bill 263**

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CHAPTER .....

AN ACT

Relating to materials management of solid waste; creating new provisions; and amending ORS 459.055, 459.305, 459A.005, 459A.010, 459A.020, 459A.029, 459A.030, 459A.035 and 459A.050.

**Be It Enacted by the People of the State of Oregon:**

**OPPORTUNITY TO RECYCLE:  
GOAL AND RECOVERY RATE UPDATES**

**SECTION 1.** ORS 459A.005 is amended to read:

459A.005. (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the “opportunity to recycle” means at least that the city, county or metropolitan service district responsible for solid waste management:

(a)(A) Provides a place for collecting source separated recyclable material located either at a disposal site or at another location more convenient to the population being served and, if a city has a population of 4,000 or more, collection at least once a month of source separated recyclable material from collection service customers within the city’s urban growth boundary or, where applicable, within the urban growth boundary established by a metropolitan service district; or

(B) Provides an alternative method [which] **that** complies with rules of the Environmental Quality Commission; and

(b) Complies with the [rates and program elements required under ORS 459A.010] **program element requirements described in section 5 of this 2015 Act.**

(2) The “opportunity to recycle” defined in subsection (1) of this section also includes a public education and promotion program that:

(a) Gives notice to each person of the opportunity to recycle; and

(b) Encourages source separation of recyclable material.

**SECTION 2.** ORS 459A.005, as amended by section 1 of this 2015 Act, is amended to read:

459A.005. (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the “opportunity to recycle” means at least that the city, county or metropolitan service district responsible for solid waste management:

(a)(A) Provides a place for collecting source separated recyclable material located either at a disposal site or at another location more convenient to the population being served and, if a city has a population of 4,000 or more, collection at least once a month of source separated recyclable

material from collection service customers within the city's urban growth boundary or, where applicable, within the urban growth boundary established by a metropolitan service district; or

(B) Provides an alternative method that complies with rules of the Environmental Quality Commission; and

(b) Complies with the program element requirements described in section 5 of this 2015 Act.

(2) The "opportunity to recycle" defined in subsection (1) of this section also includes a public education and promotion program that:

(a) Gives notice to each person of the opportunity to recycle; and

(b) Encourages source separation of recyclable material.

**(3) As used in this section, "collection service customers" includes:**

**(a) Customers of a collection service as defined in ORS 459.005; and**

**(b) The residential and commercial tenants of landlords or property managers that are customers of a collection service for the benefit of their tenants.**

**SECTION 3. The amendments to ORS 459A.005 by section 2 of this 2015 Act become operative on July 1, 2022.**

**SECTION 4. Sections 5 and 6 of this 2015 Act are added to and made a part of ORS 459A.005 to 459A.665.**

**SECTION 5. (1) A person providing the opportunity to recycle shall fulfill the requirements of subsection (3) of this section using the following recycling program elements:**

**(a) Provision of at least one durable recycling container to each residential service customer.**

**(b) On-route collection at least once each week of source separated recyclable material from residential collection service customers, provided on the same day that solid waste is collected from each customer.**

**(c) An expanded education and promotion program as described in section 6 of this 2015 Act.**

**(d) A multifamily collection program that includes:**

**(A) Collection of at least four principal recyclable materials or the number of materials required to be collected under the residential on-route collection program, whichever is less, from each multifamily dwelling complex that has five or more units; and**

**(B) Education and promotion directed to the residents of the multifamily dwelling complex.**

**(e) An effective residential yard debris collection and composting program that includes the promotion of home composting of yard debris, and that also includes either:**

**(A) Monthly or more frequent on-route collection of yard debris from residential collection service customers for production of compost or other marketable products; or**

**(B) A system of yard debris collection depots conveniently located and open to the public at least once a week.**

**(f) A commercial recycling program that includes:**

**(A) Weekly, or on a more appropriate regular schedule, onsite collection of source separated principal recyclable materials from, at a minimum, commercial generators of solid waste employing 10 or more persons and occupying 1,000 square feet or more in a single location.**

**(B) An education and promotion program conducted to inform all commercial generators of solid waste of the manner and benefits of the commercial recycling program that provides effective promotion of the program to the generators.**

**(C) Other optional elements, including but not limited to waste assessments and recycling recognition programs. A city or county is encouraged to involve local business organizations in publicly recognizing outstanding recycling efforts by commercial generators of solid waste. The recognition may include awards designed to provide additional incentives to increase recycling efforts.**

**(D) Each commercial generator of solid waste shall strive to achieve 55 percent recovery from its solid waste stream by the year 2025.**

**(g) Expanded depots for recycling of at least all principal recyclable materials, and provisions for promotion or education to maximize the use of the depots. The depots must:**

**(A) Have regular and convenient hours;**

**(B) Be open on the weekend days; and**

**(C) When feasible, collect additional recyclable materials.**

**(h) Solid waste residential collection rates that encourage waste reduction, reuse and recycling through reduced rates for smaller containers, including at least one rate for a container that is 21 gallons or less in size. Based on the average weight of solid waste disposed per container for containers of different sizes, the rate on a per pound disposed basis may not decrease with increasing size of containers, and the rates per container service may not be less with additional containers serviced.**

**(i) A collection and composting system for food and other compostable waste from commercial and institutional entities that generate large amounts of such wastes.**

**(j) A commercial recycling program that requires commercial generators of solid waste that generate large amounts of recyclable materials to source separate recyclable materials.**

**(k) A program for monthly or more frequent on-route collection and composting for food and other compostable waste from residential collection service customers. The program described in this paragraph must include education or promotion to reduce contamination of the compost feedstock collected.**

**(L) A recovery program for construction and demolition debris that:**

**(A) Requires construction and demolition debris to be source separated at the generation site or sent to a material recovery facility for processing and recovery; and**

**(B) Includes an education or promotion program for developers, contractors and residential owners that provides strategies to:**

**(i) Reduce waste during preconstruction planning and in building construction, renovation and demolition phases; and**

**(ii) Direct waste to reuse and material recovery facilities.**

**(m) A food waste collection program requiring nonresidential generators that generate large amounts of food waste to source separate the food waste for recovery.**

**(2) The waste prevention education and reuse program elements that a city or county shall use to implement the requirements of subsection (6) or (7) of this section are as follows:**

**(a) A citywide or countywide education and promotion program about the environmental benefits of, and opportunities to reduce the generation of waste through, waste prevention and reuse.**

**(b) A waste prevention campaign targeting residential generators of waste and focused on one or more toxic or energy intensive materials or consumer purchasing practices.**

**(c) A waste prevention campaign targeting commercial or institutional generators of waste and focused on one or more toxic or energy intensive materials or consumer purchasing practices.**

**(d) A waste prevention and reuse education program in elementary and secondary schools.**

**(e) A program for the provision of city or watershed funding or infrastructure support to promote and sustain reuse, repair, leasing or sharing efforts.**

**(f) A program for the provision of city or watershed technical assistance to promote and sustain the reuse, repair or leasing of materials or other sharing of efforts to reduce waste.**

**(g) City or watershed support for a food rescue program that diverts to residents food that would otherwise be composted or disposed.**

**(3) 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 implement either:

(a) The applicable number of recycling program elements for the size and location of the city as provided in subsection (4) of this section; or

(b) An alternative program that complies with the rules of the Environmental Quality Commission and that is designed to be as effective in recovering recyclable materials from solid waste as the requirements provided in subsection (4) of this section and to achieve at least the lesser of:

(A) Recovery rates specified in ORS 459A.010 (2); or

(B) Recovery levels comparable to similar communities.

(4) The number of recycling program elements that cities and counties must implement to comply with subsection (3) of this section are as follows:

(a) For cities within a metropolitan service district:

(A) The three recycling program elements set forth under subsection (1)(a), (b) and (c) of this section and at least four additional elements set forth under subsection (1) of this section; or

(B) At least eight recycling program elements set forth under subsection (1) of this section.

(b) For cities with a population of at least 4,000 but not more than 10,000 that are located 120 miles or less from the City of Portland, at least four recycling program elements set forth under subsection (1) of this section.

(c) For cities with a population of at least 4,000 but not more than 10,000 that are more than 120 miles from the City of Portland, at least three recycling program elements set forth under subsection (1) of this section.

(d) For cities with a population of more than 10,000 but not more than 50,000 that are located 150 miles or less from the City of Portland:

(A) The three recycling program elements set forth under subsection (1)(a), (b) and (c) of this section and at least two additional elements set forth under subsection (1) of this section; or

(B) At least six recycling program elements set forth under subsection (1) of this section.

(e) For cities with a population of more than 10,000 that are located more than 150 miles from the City of Portland:

(A) The three recycling program elements set forth under subsection (1)(a), (b) and (c) of this section and at least one additional elements set forth under subsection (1) of this section; or

(B) At least five recycling program elements set forth under subsection (1) of this section.

(f) For cities with a population of more than 50,000 that are located 150 miles or less from the City of Portland:

(A) The three recycling program elements set forth under subsections (1)(a), (b) and (c) of this section and at least three additional recycling program elements set forth under subsection (1) of this section; or

(B) At least seven recycling program elements set forth under subsection (1) of this section.

(5) A city or county that is not subject to subsection (6) or (7) of this section may substitute the waste prevention and reuse program element set forth in subsection (2)(a) of this section and at least two additional elements set forth in subsection (2) of this section for one recycling program element set forth under subsection (1) of this section.

(6) Each city that is within a metropolitan service district or with a population of greater than 50,000 and each county that is responsible for the area between city limits and the urban growth boundary of a city with a population of greater than 50,000 or the area outside

of city limits but within a metropolitan service district urban growth boundary shall implement either:

(a) The waste prevention and reuse program element set forth under subsection (2)(a) of this section, and at least four additional elements set forth under subsection (2) of this section; or

(b) An alternative program that complies with the rules of the Environmental Quality Commission and is designed to achieve similar benefits as the elements in subsection (2) of this section.

(7) Each city with a population of greater than 10,000 but no more than 50,000, that is within a county of greater than 100,000 population, and each county of greater than 100,000 population that is responsible for the area between city limits and the urban growth boundary of a city with a population of greater than 10,000 but no more than 50,000 shall implement either:

(a) The waste prevention and reuse program element set forth under subsection (2)(a) of this section, and at least two additional elements set forth under subsection (2) of this section; or

(b) An alternative program that complies with the rules of the Environmental Quality Commission and is designed to achieve similar benefits as the elements in subsection (2) of this section.

(8)(a) For a city using waste prevention and reuse elements set forth under subsection (2) of this section to satisfy requirements set forth in subsection (6) or (7) of this section, waste prevention and reuse elements may be provided by the county or metropolitan service district where the city is located, provided that implementation or provisions of such elements are made available throughout the city.

(b) For a county that includes or is within a metropolitan service district using waste prevention and reuse elements set forth under subsection (2) of this section to satisfy requirements set forth in subsection (6) or (7) of this section, waste prevention and reuse elements may be provided by the metropolitan service district where the county is located, provided that implementation or provision of such elements are made available within the entire urban growth boundary of the metropolitan service district.

(9)(a) Each local government that franchises or licenses the collection of solid waste and establishes the rates to be charged for collection service shall:

(A) Include in those rates all net costs incurred by the local government, franchisee or licensee for providing the opportunity to recycle and for implementing the requirements of this section; or

(B) Fund implementation of the opportunity to recycle through an alternative source of funding that may include but is not limited to disposal fees.

(b) As used in this subsection, "net costs" includes but is not limited to the reasonable costs for collecting, handling, processing, storing, transporting and delivering to market recyclable material and for providing any required education and promotion or data collection services adjusted by a factor to account for proceeds from the sale of recyclable material.

(10) A local government may assess a fee on solid waste collection or disposal services to cover costs to the local government for providing the opportunity to recycle and for implementing the requirements of this section.

**SECTION 6.** An expanded education and promotion program to satisfy the requirements of section 5 of this 2015 Act must carry out the policy set forth in ORS 459.015, inform generators of solid waste of the manner and benefits of reducing, reusing, recycling and composting material, promote use of recycling services and reduce contamination in collected recyclables. The city, county or metropolitan service district responsible for providing an opportunity to recycle shall provide the education and promotion program in one of the following ways:

(1)(a) Preparing and implementing an education and promotion plan that includes actions to effectively reach solid waste generators and all new and existing collection service customers as necessary to fulfill the intent of this section.

(b) The plan described in paragraph (a) of this subsection must be submitted to the Department of Environmental Quality during the first year that the plan is in effect. Thereafter, the wasteshed shall submit a summary of activities in the plan to the department at the same time the county submits the periodic report required under ORS 459A.050 (1)(a). The summary must cover at least the time period until the next periodic report is due to the department.

(2) Implementing all of the following:

(a)(A) Provision of recycling notification and education packets to all new residential, commercial and institutional collection service customers that include, at a minimum, information about the materials collected, the schedule for collection, the way to prepare materials for collection, why separating material for recycling is necessary and how to reduce contamination of the materials set out for collection.

(B) In addition to the requirements of subparagraph (A) of this paragraph, the educational and promotional materials provided to commercial collection customers must:

(i) Be targeted to meet the needs of various types of businesses;

(ii) Include information on the economic and other benefits of recycling, common barriers to recycling and solutions to the barriers, additional resources for commercial generators of solid waste and other information designed to assist and encourage recycling efforts and reduce contamination; and

(iii) Encourage each commercial collection customer to have a goal to achieve 55 percent recovery from the customer's solid waste stream by 2025.

(b) Provision of recycling information to collection service customers, in a variety of formats and materials at least four times per calendar year, that includes, at a minimum, the materials collected and the schedule for collection.

(c) Provision, at least annually, of the information described in paragraph (a) of this subsection to all residential, commercial and institutional collection service customers.

(d) Targeting of community and media events to promote recycling and reduce contamination in collected recyclables.

(e) A program to determine the levels of contamination of materials set out for collection and to take action to reduce contamination in collected recyclables.

**SECTION 7.** ORS 459A.010 is amended to read:

459A.010. [(1) It is the goal of the State of Oregon that:]

[(a) For the calendar year 2005, the amount of recovery from the general solid waste stream shall be at least 45 percent;]

[(b) For the calendar year 2009, the amount of recovery from the general solid waste stream shall be at least 50 percent;]

[(c) For the calendar year 2005 and subsequent years, that there be no annual increase in per capita municipal solid waste generation; and]

[(d) For the calendar year 2009 and subsequent years, that there be no annual increase in total municipal solid waste generation.]

[(2) In addition to the requirements of ORS 459A.005, the "opportunity to recycle" shall include the requirements of subsection (3) of this section using the following program elements:]

[(a) Provision of at least one durable recycling container to each residential service customer.]

[(b) On-route collection at least once each week of source separated recyclable material to residential customers, provided on the same day that solid waste is collected from each customer.]

[(c) An expanded education and promotion program conducted to carry out the policy set forth in ORS 459.015, to inform solid waste generators of the manner and benefits of reducing, reusing, recycling and composting material and to promote use of recycling services. The city, county or metropol-

itan service district responsible for providing an opportunity to recycle under ORS 459A.005 and this section shall provide the education and promotion program in either of the following two ways:]

[(A) Preparing and implementing an education and promotion plan that includes actions to effectively reach solid waste generators and all new and existing collection service customers, as necessary to fulfill the intent of this paragraph. The plan shall be submitted to the Department of Environmental Quality the first year that the plan is in effect. Thereafter, the watershed shall submit a summary of activities in the plan to the Department of Environmental Quality at the same time the county submits the periodic report required under ORS 459A.050 (1)(a). The summary shall cover at least the time period until the next periodic report is due to the department.]

[(B) Implementing all of the following:]

[(i) Provision of recycling notification and education packets to all new residential, commercial and institutional collection service customers that include at a minimum the materials collected, the schedule for collection, the way to prepare materials for collection and the reasons persons should separate their material for recycling. The educational and promotional materials provided to commercial collection customers should be targeted to meet the needs of various types of businesses and should include reasons to recycle, including economic benefits, common barriers to recycling and solutions, additional resources for commercial generators of solid waste and other information designed to assist and encourage recycling efforts. The educational and promotional materials provided to commercial collection customers shall encourage each commercial collection customer to have a goal to achieve 50 percent recovery from its solid waste stream by the year 2009.]

[(ii) Provision of recycling information in a variety of formats and materials at least four times a calendar year to collection service customers that includes at a minimum the materials collected and the schedule for collection.]

[(iii) Provision at least annually to all residential, commercial and institutional collection service customers, of the information under sub-subparagraph (i) of this subparagraph.]

[(iv) Targeting of community and media events to promote recycling.]

[(d) Collection of at least four principal recyclable materials or the number of materials required to be collected under the residential on-route collection program, whichever is less, from each multifamily dwelling complex having five or more units. The multifamily collection program shall include promotion and education directed to the residents of the multifamily dwelling units.]

[(e) An effective residential yard debris collection and composting program that includes the promotion of home composting of yard debris, and that also includes either:]

[(A) Monthly or more frequent on-route collection of yard debris from residences for production of compost or other marketable products; or]

[(B) A system of yard debris collection depots conveniently located and open to the public at least once a week.]

[(f) A commercial recycling program that includes:]

[(A) Weekly, or on a more appropriate regular schedule, onsite collection of source separated principal recyclable materials from, at a minimum, commercial solid waste generators employing 10 or more persons and occupying 1,000 square feet or more in a single location.]

[(B) An education and promotion program conducted to inform all commercial generators of solid waste of the manner and benefits of the commercial recycling program that provides effective promotion of the program to the generators.]

[(C) In addition to the requirements of subparagraphs (A) and (B) of this paragraph, a commercial recycling program may also consist of other elements including but not limited to waste assessments and recycling recognition programs. A watershed is encouraged to involve local business organizations in publicly recognizing outstanding recycling efforts by commercial generators of solid waste. The recognition may include awards designed to provide additional incentives to increase recycling efforts.]

[(D) Each commercial generator of solid waste shall strive to achieve 50 percent recovery from its solid waste stream by the year 2009.]

[(g) Expanded depots for recycling of at least all principal recyclable materials and provisions for promotion and education to maximize the use of the depots. The depots shall have regular and con-

venient hours and shall be open on the weekend days and, when feasible, shall collect additional recyclable materials.]

[(h) Solid waste residential collection rates that encourage waste reduction, reuse and recycling through reduced rates for smaller containers, including at least one rate for a container that is 21 gallons or less in size. Based on the average weight of solid waste disposed per container for containers of different sizes, the rate on a per pound disposed basis shall not decrease with increasing size of containers, nor shall the rates per container service be less with additional containers serviced.]

[(i) A collection and composting system for food, paper that is not recyclable because of contamination and other compostable waste from commercial and institutional entities that generate large amounts of such wastes.]

[(3)(a) Each city with a population of at least 4,000 but not more than 10,000 that is not within a metropolitan service district and any county responsible for the area between the city limits and the urban growth boundary of such city shall implement one of the following:]

[(A) The program elements set forth in subsection (2)(a), (b) and (c) of this section;]

[(B) A program that includes at least three elements set forth in subsection (2) of this section; or]

[(C) An alternative method of achieving recovery rates that complies with rules of the Environmental Quality Commission.]

[(b) Each city that is within a metropolitan service district or that has a population of more than 10,000 and any county responsible for the area within a metropolitan service district or the area between the city limits and the urban growth boundary of such city shall implement one of the following:]

[(A) Program elements set forth under subsection (2)(a), (b) and (c) of this section and one additional element set forth under subsection (2) of this section;]

[(B) A program that includes at least five elements set forth under subsection (2) of this section; or]

[(C) An alternative method of achieving recovery rates that complies with rules of the Environmental Quality Commission.]

[(4)(a) Recovery rates shall be determined by dividing the total weight of material recovered by the sum of the total weight of the material recovered plus the total weight of solid waste disposed that was generated in each watershed. It is the policy of the State of Oregon that recovery of material shall be consistent with the priority of solid waste management in ORS 459.015 (2).]

[(b) Each watershed implementing a waste prevention program shall receive a two percent credit on the watershed's recovery rate. A waste prevention program shall include:]

[(A) A watershed-wide program to provide general educational materials to residents about waste prevention and examples of things residents can do to prevent generation of waste; and]

[(B) Two of the following:]

[(i) Reduce the watershed annual per capita waste generation by two percent each year;]

[(ii) Conduct a waste prevention media promotion campaign targeted at residential generators;]

[(iii) Expand the education program in primary and secondary schools to include waste prevention and reuse;]

[(iv) Household hazardous waste prevention education program;]

[(v) Local governments will conduct waste prevention assessments of their operations, or provide waste prevention assessments for businesses and institutions and document any waste prevention measures implemented;]

[(vi) Conduct a material specific waste prevention campaign for businesses throughout the watershed;]

[(vii) Implement a Resource Efficiency Model City program;]

[(viii) Conduct a material-specific waste prevention education campaign that focuses on a toxic or energy-intensive material;]

[(ix) Local governments will implement programs to buy recycled-content products for their operations, consistent with procurement guidelines issued by the United States Environmental Protection Agency; or]



*[(x) Local governments will implement programs for new construction and remodeling of local government buildings that incorporate recycled-content materials, energy conservation features, water conservation and stormwater management features and other elements to increase the resource efficiency and lower the environmental impact of these buildings.]*

*[(c) Each wasteshed implementing a reuse program shall receive a two percent credit on the wasteshed's recovery rate. A reuse program shall include:]*

*[(A) A promotion and education campaign on the benefits and opportunities for reuse available to the public in the wasteshed; and]*

*[(B) Two of the following:]*

*[(i) Operate construction and demolition debris salvage programs with depots;]*

*[(ii) Promote reuse programs offered by local resale businesses, thrift stores and equipment vendors, such as computer and photocopier refurbishers, to the public and businesses;]*

*[(iii) Identify and promote local businesses that will take back white goods for refurbishing and resale to the public;]*

*[(iv) Develop and promote use of waste exchange programs for the public and private sectors;]*

*[(v) Site accommodation for recovery of reusable material at transfer stations and landfills; or]*

*[(vi) Sidewalk pickup or community fair program in cities over 4,000 population in the wasteshed.]*

*[(d) Each wasteshed implementing a residential composting program shall receive a two percent credit on the wasteshed's recovery rate. A residential composting program shall include:]*

*[(A) Promotion of the residential composting program through public information and demonstration sites or sites; and]*

*[(B) Two of the following:]*

*[(i) A program to encourage leaving grass clippings generated by lawn mowing on-site rather than bagging the clippings for disposal or composting;]*

*[(ii) A composting program for local schools;]*

*[(iii) An increase in availability of compost bins for residents; or]*

*[(iv) Another program increasing a household's ability to manage yard trimmings or food wastes.]*

*[(e) A wasteshed may receive, upon application to the Department of Environmental Quality, a recovery credit greater than two percent for a residential composting program. To receive the recovery credit under this paragraph, the wasteshed must provide quantitatively verifiable documentation of residential composting tonnage to the department. The documentation must show that more than two percent of the wasteshed's generated tonnage of solid waste is diverted from the wastestream by residential composting.]*

*[(f)(A) If there is not a viable market for recycling a material under paragraph (a) of this subsection, the composting or burning of the material for energy recovery may be included in the recovery rate for the wasteshed.]*

*[(B) If the material is burned for energy recovery and then included in the recovery rate for Clackamas, Multnomah or Washington Counties in aggregate or for Benton, Lane, Linn, Marion, Polk or Yamhill County wastesheds, the same material, when burned as part of mixed solid waste, may be included in the recovery rate for a wasteshed that burns mixed solid waste for energy recovery. The amount of the material within the mixed solid waste that may be included in the recovery rate for energy recovery shall be determined by a waste composition study performed by the wasteshed at least every four years.]*

*[(C) Mixtures of materials that are composted or burned for energy recovery shall not be included in the recovery rate if more than half of the mixed materials by weight could have been recycled if properly source separated.]*

*[(D) In its annual report to the department, the county or metropolitan service district shall state how much composting or energy recovery under this paragraph is included as recovery and state the basis for the determination that there was not a viable market for recycling the material.]*

*[(E) As used in this paragraph, “viable market” means a place within a watershed that will pay for the material or accept the material free of charge or a place outside a watershed that will pay a price for the material that, at minimum, covers the cost of transportation of the material.]*

*[(g) Recovery rates shall not include:]*

*[(A) Industrial and manufacturing wastes such as boxboard clippings and metal trim that are recycled before becoming part of a product that has entered the wholesale or retail market.]*

*[(B) Metal demolition debris in which arrangements are made to sell or give the material to processors before demolition such that it does not enter the solid waste stream.]*

*[(C) Discarded vehicles or parts of vehicles that do not routinely enter the solid waste stream.]*

*[(D) Material recovered for composting or energy recovery from mixed solid waste, except as provided in paragraph (f) of this subsection.]*

*[(h) “Solid waste disposed” shall mean the total weight of solid waste disposed other than the following:]*

*[(A) Sewage sludge or septic tank and cesspool pumpings;]*

*[(B) Waste disposed of at an industrial waste disposal site;]*

*[(C) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if delivered to a municipal solid waste disposal site or demolition disposal site and if a record is kept of such deliveries and submitted as part of the annual report submitted under ORS 459A.050;]*

*[(D) Waste received at an ash monofill from an energy recovery facility; and]*

*[(E) Solid waste not generated within this state.]*

*[(i) The statewide recovery rate shall include the two percent credit for reuse programs under paragraph (c) of this subsection and the credit for residential composting under paragraphs (d) and (e) of this subsection, beginning with the statewide recovery rate calculated for the calendar year 2001.]*

*[(5)(a) Each local government that franchises or licenses the collection of solid waste and establishes the rates to be charged for collection service shall either:]*

*[(A) Include in those rates all net costs incurred by the franchisee or licensee for providing the “opportunity to recycle” under ORS 459A.005 and for implementing the requirements of subsection (3) of this section; or]*

*[(B) Fund implementation of the “opportunity to recycle” under ORS 459A.005 or the requirements of subsection (3) of this section through an alternative source of funding including but not limited to disposal fees.]*

*[(b) As used in this subsection, “net costs” includes but is not limited to the reasonable costs for collecting, handling, processing, storing, transporting and delivering recyclable material to market and for providing any required education and promotion or data collection services adjusted by a factor to account for proceeds from the sale of recyclable material.]*

*[(6)(a) Clackamas, Multnomah and Washington counties, in aggregate, shall achieve a recovery rate of 62 percent for the calendar year 2005 and 64 percent for the calendar year 2009.]*

*[(b) The watersheds shall achieve the following recovery rates for the calendar year 2005:]*

*[(A) Baker County, 25 percent;]*

*[(B) Benton County, 45 percent;]*

*[(C) Clatsop County, 25 percent;]*

*[(D) Columbia County, 28 percent;]*

*[(E) Coos County, 30 percent;]*

*[(F) Crook County, 20 percent;]*

*[(G) Curry County, 30 percent;]*

*[(H) Deschutes County, 32 percent;]*

*[(I) Douglas County, 35 percent;]*

*[(J) Gilliam County, 20 percent;]*

*[(K) Grant County, 19 percent;]*

*[(L) Harney County, 30 percent;]*

*[(M) Hood River County, 25 percent;]*

*[(N) Jackson County, 40 percent;]*

[(O) Jefferson County, 25 percent;]  
 [(P) Josephine County, 38 percent;]  
 [(Q) Klamath County, 15 percent;]  
 [(R) Lake County, 8 percent;]  
 [(S) Lane County, 45 percent;]  
 [(T) Lincoln County, 19 percent;]  
 [(U) Linn County, 40 percent;]  
 [(V) Malheur County, 21 percent;]  
 [(W) Marion County, 37 percent;]  
 [(X) City of Milton-Freewater, 22 percent;]  
 [(Y) Morrow County, 18 percent;]  
 [(Z) Polk County, 30 percent;]  
 [(AA) Sherman County, 20 percent;]  
 [(BB) Tillamook County, 30 percent;]  
 [(CC) Umatilla County, 20 percent;]  
 [(DD) Union County, 25 percent;]  
 [(EE) Wallowa County, 20 percent;]  
 [(FF) Wasco County, 35 percent;]  
 [(GG) Wheeler County, 20 percent; and]  
 [(HH) Yamhill County, 39 percent.]  
 [(c) The wastesheds shall achieve the following recovery rates for the calendar year 2009:]  
 [(A) Baker County, 25 percent;]  
 [(B) Benton County, 50 percent;]  
 [(C) Clatsop County, 25 percent;]  
 [(D) Columbia County, 32 percent;]  
 [(E) Coos County, 30 percent;]  
 [(F) Crook County, 20 percent;]  
 [(G) Curry County, 30 percent;]  
 [(H) Deschutes County, 45 percent;]  
 [(I) Douglas County, 40 percent;]  
 [(J) Gilliam County, 20 percent;]  
 [(K) Grant County, 19 percent;]  
 [(L) Harney County, 40 percent;]  
 [(M) Hood River County, 25 percent;]  
 [(N) Jackson County, 40 percent;]  
 [(O) Jefferson County, 25 percent;]  
 [(P) Josephine County, 38 percent;]  
 [(Q) Klamath County, 20 percent;]  
 [(R) Lake County, 10 percent;]  
 [(S) Lane County, 54 percent;]  
 [(T) Lincoln County, 20 percent;]  
 [(U) Linn County, 40 percent;]  
 [(V) Malheur County, 22 percent;]  
 [(W) Marion County, 54 percent;]  
 [(X) City of Milton-Freewater, 25 percent;]  
 [(Y) Morrow County, 20 percent;]  
 [(Z) Polk County, 35 percent;]  
 [(AA) Sherman County, 20 percent;]  
 [(BB) Tillamook County, 30 percent;]  
 [(CC) Umatilla County, 20 percent;]  
 [(DD) Union County, 25 percent;]  
 [(EE) Wallowa County, 20 percent;]

*[(FF) Wasco County, 35 percent;]  
[(GG) Wheeler County, 20 percent; and]  
[(HH) Yamhill County, 45 percent.]*

*[(d) Each watershed shall prepare an individualized plan that identifies policies or programs specific to the watershed's local conditions to achieve the required recovery goals. The plan shall be available to the department upon the department's request by December 31, 2001. The plan shall be updated by December 31, 2006, and updated again by December 31, 2010. Clackamas, Multnomah and Washington Counties, in aggregate, may meet this requirement through the programs under ORS 459.340, 459.345, 459.350 and 459A.050.]*

*[(e) If a watershed does not achieve its 2005 or 2009 waste recovery goal, the watershed shall conduct a technical review of existing policies or programs and determine revisions to meet the recovery goal. The department shall, upon the request of the watershed, assist in the technical review. The watershed may request, and may assist the department in conducting, a technical review to determine whether the watershed goal is valid.]*

*[(7) In calculating the recovery rates set forth in subsection (6) of this section, commercial, industrial and demolition scrap metal, vehicles, major equipment and home or industrial appliances that are handled or processed for use in manufacturing new products and that do not routinely enter the solid waste stream through land disposal facilities, transfer stations, recycling depots or on-route collection programs shall not be counted as material recovery or recycling. The department shall annually conduct an industry survey to determine the contribution of post-consumer residential scrap metal, including home appliances, to recycling and recovery levels in a manner which prevents double counting of material recovered. Information collected under the provisions of this section, as it relates specifically to private sector customer lists or specific amounts and types of materials collected or marketed, shall be maintained as confidential by the department and exempt from disclosure under ORS 192.410 to 192.505. The department may use and disclose such information in aggregated form.]*

**(1) It is the policy of the State of Oregon that recovery of material is consistent with the priority of solid waste management set forth in ORS 459.015 (2). It is the goal of the State of Oregon that:**

**(a) For the calendar year 2009 and subsequent years, there be no annual increase in total general solid waste;**

**(b) For the calendar year 2020 and subsequent years, the rate of material recovery from the general solid waste stream shall be at least 52 percent;**

**(c) For the calendar year 2020 and subsequent years, the rate of material recovery of certain materials from the general solid waste stream shall be as follows:**

**(A) Food waste, at least 25 percent; and**

**(B) Plastic waste, at least 25 percent;**

**(d) For the calendar year 2025 and subsequent years, the rate of material recovery of carpet waste from the general solid waste stream shall be at least 25 percent;**

**(e) For the calendar year 2025 and subsequent years, the rate of material recovery from the general solid waste stream shall be at least 55 percent;**

**(f) For calendar years 2025 through 2049, total general solid waste generation shall be 15 percent below total general solid waste generation for the calendar year 2012; and**

**(g) For the calendar year 2050 and subsequent years, total general solid waste generation shall be 40 percent below total general solid waste generation for the calendar year 2012.**

**(2)(a) The recovery goal for the watershed consisting of Clackamas, Multnomah and Washington Counties, in aggregate, shall be to achieve a recovery rate of 64 percent for the calendar year 2025 and subsequent years.**

**(b) The recovery goals for the following watersheds shall be to achieve the following recovery rates for the calendar year 2025 and subsequent years:**

**(A) Baker County, 25 percent;**

**(B) Benton County, 44 percent;**

**(C) Clatsop County, 53 percent;**

(D) Columbia County, 45 percent;  
(E) Coos County, 30 percent;  
(F) Crook County, 20 percent;  
(G) Curry County, 30 percent;  
(H) Deschutes County, 45 percent;  
(I) Douglas County, 34 percent;  
(J) Gilliam County, 25 percent;  
(K) Grant County, 25 percent;  
(L) Harney County, 25 percent;  
(M) Hood River County, 35 percent;  
(N) Jackson County, 25 percent;  
(O) Jefferson County, 32 percent;  
(P) Josephine County, 20 percent;  
(Q) Klamath County, 20 percent;  
(R) Lake County, 15 percent;  
(S) Lane County, 63 percent;  
(T) Lincoln County, 37 percent;  
(U) Linn County, 45 percent;  
(V) Malheur County, 25 percent;  
(W) Marion County, 64 percent;  
(X) City of Milton-Freewater, 25 percent;  
(Y) Morrow County, 20 percent;  
(Z) Polk County, 48 percent;  
(AA) Sherman County, 20 percent;  
(BB) Tillamook County, 37 percent;  
(CC) Umatilla County, 20 percent;  
(DD) Union County, 25 percent;  
(EE) Wallowa County, 25 percent;  
(FF) Wasco County, 35 percent;  
(GG) Wheeler County, 20 percent; and  
(HH) Yamhill County, 45 percent.

(c) The Environmental Quality Commission may temporarily revise the waste recovery goal for a watershed downward if the commission determines that a revision is necessary because reasonably available markets do not exist for one or more high-volume recoverable materials, including but not limited to paper, scrap metal, yard debris, wood, glass, food waste and plastic.

(d) For purposes of providing the opportunity to recycle under ORS 459A.005, the recovery goals provided under this subsection are voluntary and may not be interpreted to authorize the Department of Environmental Quality to require compliance with the goals by a watershed.

(e)(A) Except as provided in paragraph (c) of this subsection, if the commission or the department initiates efforts to revise the waste recovery goals in this subsection, the department must provide written notice and an opportunity to comment to members of the governing body of each city, county or metropolitan service district within the watersheds that would be affected by any proposed revisions.

(B) As used in this paragraph, "governing body" means the council, commission, board or other controlling body, however designated, in which the legislative powers of the city, county or metropolitan service district are vested.

(3)(a) Recovery rates under this section shall be calculated by dividing the total weight of material recovered by the sum of the total weight of the material recovered plus the total weight of solid waste disposed that was generated in each watershed.

(b) Recovery rates may not include:

(A) Industrial and manufacturing wastes such as boxboard clippings and metal trim that are recycled before becoming part of a product that has entered the wholesale or retail market.

(B) Metal demolition debris for which arrangements are made to sell or give the debris to processors before demolition such that it does not enter the solid waste stream.

(C) Discarded vehicles or parts of vehicles that do not routinely enter the solid waste stream.

(D) Material recovered for composting or energy recovery from mixed solid waste, except as provided in subsection (4) of this section.

(c)(A) In calculating the recovery rates set forth in subsection (2) of this section, commercial, industrial and demolition scrap metal, vehicles, major equipment and home or industrial appliances that are handled or processed for use in manufacturing new products and that do not routinely enter the solid waste stream through land disposal facilities, transfer stations, recycling depots or on-route collection programs may not be counted as material recovery or recycling.

(B) The Department of Environmental Quality shall annually conduct an industry survey to determine the contribution of post-consumer residential scrap metal, including home appliances, to recycling and recovery levels in a manner that prevents double counting of material recovered.

(C) Information collected under the provisions of subparagraph (B) of this paragraph, as it relates specifically to private sector customer lists or specific amounts and types of materials collected or marketed, is confidential and exempt from disclosure under ORS 192.410 to 192.505. The department may use and disclose such information in aggregate form.

(d) As used in this subsection, "solid waste disposed" means the total weight of solid waste disposed other than the following:

(A) Sewage sludge or septic tank and cesspool pumpings;

(B) Waste disposed of at an industrial waste disposal site;

(C) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if delivered to a municipal solid waste disposal site or demolition disposal site and if a record is kept of such deliveries and submitted as part of the annual report submitted under ORS 459A.050;

(D) Waste received at an ash monofill from an energy recovery facility; and

(E) Solid waste not generated within this state.

(4)(a) If there is not a viable market for recycling a material, the composting or burning of the material for energy recovery may be included in the recovery rate for the wasteshed calculated under subsection (3) of this subsection.

(b) If the material is burned for energy recovery and then included in the recovery rate for Clackamas, Multnomah or Washington Counties in aggregate or for Benton, Lane, Linn, Marion, Polk or Yamhill County wastesheds, the same material, when burned as part of mixed solid waste, may be included in the recovery rate for a wasteshed that burns mixed solid waste for energy recovery. The amount of the material within the mixed solid waste that may be included in the recovery rate for energy recovery shall be determined by a waste composition study performed by the wasteshed at least every six years.

(c) Mixtures of materials that are composted or burned for energy recovery may not be included in the recovery rate if more than half of the mixed materials by weight could have been recycled if properly source separated.

(d) In its annual report to the department, the county or metropolitan service district shall state how much composting or energy recovery under this subsection is included as recovery and state the basis for the determination that there was not a viable market for recycling the material.

(e) As used in this subsection, "viable market" means a person located within a wasteshed that will pay for the material or accept the material free of charge or a person

located outside a watershed that will pay a price for the material that, at minimum, covers the cost of transportation of the material.

(5) As an alternative to achieving the weight-based recovery goals described in this section, watersheds may achieve outcome-based recovery goals as adopted by the Environmental Quality Commission in accordance with section 9 of this 2015 Act.

**SECTION 8.** Section 9 of this 2015 Act is added to and made a part of ORS 459A.005 to 459A.665.

**SECTION 9.** (1)(a) The Environmental Quality Commission shall develop and adopt by rule a method for calculating recovery rates based on the rate of energy savings achieved by recovering materials from the general solid waste stream. The calculation method must account for:

- (A) The energy savings achieved from material recovery, as opposed to material disposal;
- (B) Recovery of energy from waste, including methane recovery at landfills; and
- (C) Energy saving practices implemented as part of local solid waste reduction, reuse and recycling programs or solid waste management programs, including but not limited to:
  - (i) Fuel, efficiency and other improvements involving waste collection vehicles;
  - (ii) Energy efficiency improvements at recycling and solid waste facilities; and
  - (iii) Production of energy from renewable sources at solid waste facilities through means other than recovery of energy from waste, such as the use of solar energy to produce electricity.

(b) A recovery rate of 100 percent under the calculation method is equivalent to the energy savings achieved if all materials in the general solid waste stream are directed to their optimal final destinations for purposes of the energy savings that can be achieved through the recovery of each type of material.

(2) Using the calculation method developed under subsection (1) of this section, the commission shall adopt by rule recovery goals consistent with the goals under ORS 459A.010 (1) and (2).

(3)(a) The commission may develop and adopt by rule other methods for calculating recovery rates from the general solid waste stream that are based on achieving outcomes that result from waste recovery and management, and may include but are not limited to the following:

- (A) Reductions in greenhouse gas emissions.
- (B) Reductions in the emissions of toxic or potentially toxic chemicals.
- (C) Water conservation.

(b) The commission may adopt by rule other outcome-based recovery goals consistent with the goals under ORS 459A.010 (1) and (2) using outcome-based calculation methods developed under this subsection.

#### **DEPARTMENT STUDY AND REPORTING REQUIREMENT REVISIONS**

**SECTION 10.** ORS 459A.020 is amended to read:

459A.020. (1) The Environmental Quality Commission shall adopt a statewide integrated solid waste management plan. The plan shall include, but need not be limited to, the following components of solid waste management:

- (a) Waste prevention;
- (b) Recycling;
- (c) Solid waste collection and processing;
- (d) Composting and energy recovery;
- (e) Incineration;
- (f) Disposal;
- (g) Disposal capacity and facility siting; and

(h) Transportation.

(2) The **commission shall develop the** statewide integrated solid waste management plan [*shall be developed*] in consultation with local government **units**, the Oregon Business Development Department and other appropriate state and regional agencies, commissions and task forces. The plan [*shall*] **must** address integrated solid waste management for at least 10 years into the future. The Department of Environmental Quality shall review the plan every two years and submit the report to the commission. The report [*shall*] **must** include:

(a) The status of implementation of the provisions of ORS 459A.005 to 459A.665, including:

(A) The annual weight of material disposed of per capita, by watershed and statewide;

(B) The annual recovery rate achieved by each watershed and statewide **as calculated by:**

**(i) Weight as provided for in ORS 459A.010;**

**(ii) Rate of energy savings as provided for in section 9 of this 2015 Act; and**

**(iii) Any other method adopted by the commission under section 9 of this 2015 Act;** and

(C) The amount of each type of material recovered annually statewide and, based on available information, the amount of each type of material recycled annually statewide;

(b) Compliance with and implementation of the provisions of ORS 459.015, 459.035, 459.055, 459.992 (1) and (2) and 459.995;

(c) **The** status of the metropolitan service district's waste reduction program as submitted to the commission under ORS 459.345 and its compliance with the criteria in ORS 459.350; and

(d) Recommendations for improvements in waste prevention, reuse, recycling and composting programs.

(3) The commission shall revise the plan at regular intervals in order to allow local government units to take advantage of the data and analysis in the state plan.

**SECTION 11.** ORS 459A.035 is amended to read:

459A.035. The Department of Environmental Quality shall conduct a solid waste composition study **to determine the quantities and sources of different materials disposed of in the waste stream** at least once [*a biennium*] **every three biennia** for all areas of the state not covered by other solid waste composition studies. The study may include:

[*(1) A measurement of the per capita waste disposal rate; or*]

[*(2) A statewide survey of the amount of waste reduced through material and energy recovery.*]

**(1) Measurement and composition of wastes disposed of through nonstandard methods such as litter; and**

**(2) The composition of commingled and other recovered materials collected or processed in Oregon.**

**SECTION 12.** (1) For calendar year 2020, the Department of Environmental Quality shall conduct a statewide survey of recovery rates for food waste and plastic waste.

(2) If the statewide survey reveals that the statewide waste recovery goals for food waste or plastic waste under ORS 459A.010 are not being met, the department shall submit a report to the interim committees of the Legislative Assembly related to solid waste, as appropriate, no later than September 15, 2022. The report must include:

(a) An evaluation of options to improve recovery; and

(b) Recommendations for meeting or modifying the recovery goals for food waste and plastic waste under ORS 459A.010.

**SECTION 13.** Section 12 of this 2015 Act is repealed on the date of the convening of the 2023 regular session of the Legislative Assembly as specified in ORS 171.010.

**SECTION 13a.** (1) For calendar year 2025, the Department of Environmental Quality shall conduct a statewide survey of recovery rates for carpet waste.

(2) If the statewide survey reveals that the statewide waste recovery goal for carpet waste under ORS 459A.010 is not being met, the department shall submit a report to the interim committees of the Legislative Assembly related to solid waste, as appropriate, no later than September 15, 2027. The report must include:

(a) An evaluation of options to improve recovery; and



(b) Recommendations for meeting or modifying the recovery goals for carpet waste under ORS 459A.010.

**SECTION 13b.** Section 13a of this 2015 Act is repealed on the date of the convening of the 2028 regular session of the Legislative Assembly as specified in ORS 171.010.

**SECTION 13c.** As part of the report made to the Legislative Assembly in 2019 as required in ORS 459A.015 (3), the Department of Environmental Quality shall provide information on the implementation of multitenant recycling throughout Oregon, including:

(1) Actions undertaken by the department to encourage and support recycling at multi-family and other multitenant facilities;

(2) Efforts to reduce contamination in multitenant recycling, such as studies, pilot projects and education efforts; and

(3) An evaluation of the costs of implementing multitenant recycling within the urban growth boundaries of cities with populations of 4,000 or more that have not fully implemented multitenant recycling.

### CONFORMING AMENDMENTS

**SECTION 14.** ORS 459.055 is amended to read:

459.055. (1) Before issuing a permit for a landfill established after October 3, 1979, in any area zoned for exclusive farm use, the Department of Environmental Quality shall determine that the site can and will be reclaimed for uses permissible in the exclusive farm use zone. A permit issued for a landfill in an exclusive farm use zone *[shall]* **must** contain requirements that:

(a) Ensure rehabilitation of the site at the termination of the use for solid waste disposal to a condition comparable to its original use;

(b) Protect the public health and safety and the environment;

(c) Minimize the impact of the landfill on adjacent property;

(d) Minimize traffic; and

(e) Minimize rodent and vector production and sustenance.

(2) Before issuing a permit for any disposal site, including a landfill established under ORS 459.047 or 459.049, the department shall require:

(a) Any person who sends more than 75,000 tons of solid waste a year to the disposal site to prepare a waste reduction program accepted by the department; and

(b) That any contract or agreement to dispose of more than 75,000 tons of out-of-state solid waste a year in an Oregon disposal site established under ORS 459.047 or 459.049 provides for a waste reduction program accepted by the department.

(3) A disposal site subject to the requirements of subsection (2) of this section may not accept solid waste from any person disposing of solid waste originating in any local government unit that does not have a waste reduction program or a contract accepted by the department. The department shall review the local government programs and the contract programs in the manner provided in subsection (5) of this section. A waste reduction program shall provide for:

(a) A commitment by the local government unit to reduce the volume of waste that would otherwise be disposed of in a landfill through techniques such as waste prevention, recycling, reuse, composting and energy recovery;

(b) An opportunity to recycle that:

(A) Includes a program for recycling that achieves the applicable recovery rate in ORS 459A.010 ~~[(6)]~~ **(2)** for waste originating in Oregon, or as demonstrated by the disposal site operator for waste originating outside Oregon, either a recovery rate equivalent to that achieved in a comparable county in Oregon or a recycling **and waste prevention** program equivalent to the opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program elements in ~~[ORS 459A.010 (2) and (3)]~~ **section 5 of this 2015 Act**; and

(B) For waste originating inside Oregon, meets or exceeds the requirements of ORS 459.250 and 459A.005 to 459A.085;

(c) A timetable for implementing each portion of the waste reduction program;  
(d) Energy efficient, cost-effective approaches for waste reduction;  
(e) Procedures commensurate with the type and volume of solid waste generated in the area;  
and

(f) Legal, technical and [economical] **economic** feasibility.

(4) For each area outside the state from which a disposal site receives solid waste, the disposal site [shall have] **has** two years after first accepting solid waste from the area to demonstrate how the area complies with the requirements of subsection (3) of this section. If[,] after two years the waste reduction program required under subsection (3) of this section is not implemented, the Environmental Quality Commission may, by order, direct such implementation, or may prohibit the disposal site from accepting waste from the person responsible for preparing the waste reduction program. The disposal site operator shall provide written notice to the department prior to first accepting solid waste from outside the state. The requirements of this subsection [shall] apply only to contracts entered into after September 9, 1995.

(5) **The department shall review** a waste reduction program prepared under subsection (2) of this section [shall be reviewed by the department] and shall [be accepted by the department] **accept the program** if it meets the criteria prescribed in subsection (3) of this section.

(6) Notwithstanding ORS 459.245 (1), if the department fails to act on an application subject to the requirements of this section within 60 days, the application [shall not be] **is not** considered granted.

(7) [No] **A** contract or agreement for the disposal of solid waste made between an owner or operator of a disposal site and a person [shall] **does not** affect the authority of the commission to establish or modify the requirements of an acceptable waste reduction program under subsection (2) of this section.

(8) Notwithstanding any other provision of law relating to solid waste disposal, if the state of origin prohibits or restricts the disposal of any kind of solid waste within the state of origin, [such] **the** prohibition or restriction also [shall apply] **applies** to the disposal of [such] **the** solid waste in Oregon.

**SECTION 15.** ORS 459.305 is amended to read:

459.305. (1) Except as otherwise provided by rules adopted by the Environmental Quality Commission under subsection (4) of this section, a disposal site may not accept solid waste generated outside the county in which the disposal site is located unless the Department of Environmental Quality certifies or, for waste that originates outside Oregon in an amount exceeding 75,000 tons annually from a single source generator or wasteshed, the disposal site operator demonstrates to the department, that the person responsible for solid waste management in the area from which the solid waste originates has implemented an opportunity to recycle that:

[*(a) Includes a program for recycling that achieves the applicable recovery rate in ORS 459A.010 (6) for waste originating in Oregon, or for waste originating outside Oregon, either a recovery rate equivalent to that achieved in a comparable county in Oregon or a recycling program equivalent to the opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program elements in ORS 459A.010 (2) and (3); and*]

**(a) For waste originating outside Oregon, achieves either a recovery rate equivalent to that achieved in a comparable county in Oregon or a recycling and waste prevention program equivalent to the opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program elements in section 5 of this 2015 Act; and**

(b) For waste originating inside Oregon, meets the requirements of ORS 459.250 and 459A.005 to 459A.085.

(2) The [Environmental Quality] commission shall adopt rules to establish a program for certification of recycling programs established by a person in order to comply with the requirement of subsection (1) of this section. [No] **A** contract or agreement for the disposal of solid waste made between an owner or operator of a disposal site and a person [shall] **does not** affect the authority

of the commission to establish or modify the requirements established under subsection (1) of this section.

(3) For each area outside the state from which a disposal site receives solid waste, the disposal site *[shall have]* **has** two years after first accepting solid waste from the area to demonstrate how the area complies with the requirements of subsection (1) of this section. The disposal site operator shall provide written notice to the department *[of Environmental Quality]* prior to first accepting solid waste from outside the state. The requirements of this subsection *[shall]* apply only to contracts entered into after September 9, 1995.

(4) The commission shall establish by rule the amount of solid waste that may be accepted from outside the county in which the disposal site is located before the person must comply with the requirements set forth in subsection (1) of this section.

(5) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, and within the budget authorized by the Legislative Assembly as that budget may be modified by the Emergency Board, the Department of Environmental Quality may establish a certification fee in accordance with ORS 468.065. The fees *[shall]* **may** not exceed the cost of the program.

(6) The certification requirement under subsection (1) of this section *[shall]* **does** not apply to a person implementing a waste reduction program under ORS 459.055.

(7) Notwithstanding any other provision of law relating to solid waste disposal, if the laws of the state of origin prohibit or restrict the disposal of any kind of solid waste within the state of origin, *[such]* **the** prohibition or restriction *[shall]* also *[apply]* **applies** to the disposal of *[such]* **the** solid waste in Oregon.

**SECTION 16.** ORS 459A.029 is amended to read:

459A.029. (1) The Department of Environmental Quality shall work with local government units to provide educational and promotional materials that local government units may distribute to commercial generators of solid waste. The educational and promotional materials should be targeted to businesses[,] and include reasons to recycle, including economic benefits, common barriers to recycling and solutions **to the barriers**, additional resources for commercial generators and other information designed to assist and encourage meeting the state's *[50]* **55** percent recovery rate.

(2) Each wasteshed is encouraged to involve local business organizations in publicly recognizing outstanding recycling efforts by commercial generators of solid waste. The recognition may include awards designed to provide additional incentives to increase recycling efforts.

(3) Each commercial generator of solid waste shall strive to achieve *[50]* **55** percent recovery from its solid waste stream by *[the year 2000]* **2025**.

(4) The Legislative Assembly encourages local government units that have chosen to implement commercial recycling programs to evaluate the effectiveness of those programs. The effectiveness of a program may be determined by measuring solid waste diverted by programs, by participation in programs or **by** some other method.

**SECTION 17.** ORS 459A.030 is amended to read:

459A.030. The Department of Environmental Quality shall provide technical assistance to cities, counties or metropolitan service districts in the development, revision, amendment and implementation of local solid waste reduction, reuse and recycling **and waste prevention** programs and solid waste management programs that comply with the opportunity to recycle established in ORS 459A.005 and *[459A.010]* **section 5 of this 2015 Act**. The department shall give special emphasis to assisting rural and remote counties.

**SECTION 18.** ORS 459A.050 is amended to read:

459A.050. (1) On behalf of each wasteshed and the cities within each wasteshed, each county shall submit to the Department of Environmental Quality:

(a) A periodic report, as required by the department, but not more frequently than annually, that documents how the wasteshed and the cities within the wasteshed are implementing the opportunity to recycle, including the requirements of **section 5 of this 2015 Act and** ORS 459A.010. A

wasteshed is encouraged to report the results of the wasteshed's commercial recycling program evaluations in the wasteshed's periodic report to the department [of *Environmental Quality*].

(b) An annual report that states for the wasteshed the type of material and the weight of each type of material collected through the following means:

- (A) On-route collection;
- (B) Collection from commercial customers; and
- (C) Collection at disposal site recycling depots.

(c) If solid waste generated in the wasteshed is disposed of outside of the state, the total weight of the solid waste disposed of outside the state, which shall be included in the annual report.

(2) The metropolitan service district for Multnomah, Washington and Clackamas counties and the cities therein in aggregate shall submit to the department annual reports that include the information required under subsection (1) of this section.

(3) Except as provided in subsection (4) of this section and subject to the exclusions of ORS 459A.010 [(4)(h)] **(3)(d)**, each solid waste disposal site that receives solid waste, except transfer stations, shall report, for each wasteshed, the weight of in-state solid waste disposed of at the solid waste disposal site that was generated in each wasteshed.

(4) The metropolitan service district for Multnomah, Washington and Clackamas counties and the cities therein in aggregate shall submit to the department the weight of solid waste disposed of through the following facilities:

- (a) Metropolitan service district central transfer station;
- (b) Metropolitan service district south transfer station;
- (c) Municipal solid waste compost facility; and

(d) Any disposal facility or transfer facility owned, operated or under contract by the metropolitan service district.

(5) The cities and counties within each wasteshed shall share proportionally in the costs incurred for the preparation and submission of the annual report required under this section.

(6) At least annually, the department shall survey privately operated recycling and material recovery facilities, including but not limited to buy back centers, drop off centers, recycling depots other than those at permitted land disposal facilities, manufacturers and distributors. The department shall collect the following information:

(a) By type of material for each wasteshed, the weight of in-state material collected from other than on-route collection programs, both residential and commercial.

(b) Any other information necessary to prevent double counting of material recovered or to determine if a material is recyclable.

(7) Information collected under subsection (6) of this section, as it relates specifically to the entity's customer lists or specific amounts and types of materials collected or marketed, [*shall be maintained as*] **is confidential** [*by the department*] and exempt from disclosure under ORS 192.410 to 192.505. The department may use and disclose such information in aggregated form.

(8) The information in subsections (1)(b) to (4) and (6) of this section shall be collected and reported annually on a form provided by the department.

(9) Unless extended by the Environmental Quality Commission upon application under ORS 459A.055 after the affected persons show good cause for an extension, the affected persons within the wasteshed shall implement the opportunity to recycle and submit the recycling report to the department.

## MISCELLANEOUS

**SECTION 19. The unit captions used in this 2015 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2015 Act.**

**Passed by Senate April 9, 2015**

**Repassed by Senate June 11, 2015**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

**Passed by House June 3, 2015**

.....  
Tina Kotek, Speaker of House

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Kate Brown, Governor

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.....M,....., 2015

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Jeanne P. Atkins, Secretary of State