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STATUTORY MINOR CORRECTION

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DEQ 22-2023
CHAPTER 340
DEPARTMENT OF ENVIRONMENTAL QUALITY

FILING CAPTION: Statutory Minor Correction 340-090-0030

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule

AMEND: 340-090-0030

RULE TITLE: General Requirements

RULE SUMMARY: Adding a space to "of whether" in (3)(b) to separate the two words.

RULE TEXT:
(1) The city, county, or metropolitan service district responsible for solid waste management must ensure that a place for collecting source separated recyclable materials identified in OAR 340-090-0630(4)(a) is located at each permitted disposal site or located at an alternative location in the jurisdiction that is more convenient to the population being served by the disposal site.
(2) Effective July 1, 2025 to January 1, 2027, a city, county or metropolitan service district, a local government's service provider or a commingled recycling reload facility may not deliver to a commingled recycling processing facility commingled recyclables that were collected pursuant to the uniform statewide collection list established under ORS 459A.914 unless:
(a) At the time the city, county or metropolitan service district, the local government's service provider or the comingled recycling reload facility delivered or contracted to deliver or transport materials to the commingled recycling facility:
(A) the commingled recycling facility held a valid permit issued under ORS 459A.955; or
(B) For a commingled recycling facility located outside of this state:
(i) The facility held a valid certificate issued under ORS 459A.956; or
(ii) The facility certified that it otherwise met the requirements of ORS 459A.955 or 459A.956, even though the facility did not hold a permit or certificate.
(b) Within six months after the DEQ completes a report under ORS 459A.932, the commingled recycling processing facility has taken steps to implement any recommendations of the report related to providing opportunities in the recycling industry for women and minority individuals as defined in ORS 200.005.
(3) Effective January 1, 2027, a city, county or metropolitan service district, a local government's service provider or a commingled recycling reload facility may not deliver to a commingled recycling processing facility commingled recyclables that were collected pursuant to the uniform statewide collection list established under ORS 459A.914 unless:

(a) At the time the city, county or metropolitan service district, a local government's service provider or the comingled recycling reload facility delivered or contracted to deliver or transport materials to the commingled recycling facility:
(A) the commingled recycling facility held a valid permit issued under ORS 459A.955; or
(B) For a commingled recycling facility located outside of this state:
(i) The facility held a valid certificate issued under ORS 459A.956; or
(ii) The facility certified that it otherwise met the requirements of ORS 459A.955 or 459A.956, even though the facility did not hold a permit or certificate.
(b) The processor ensures the health, safety and wellness of workers at the facility regardless of whether the workers are employees, independent contractors or employees of another business.
(c) The processor provides workers at the facility with a living wage and supportive benefits, as defined by the rule by the Environmental Quality Commission.
(d) Within six months after the DEQ completes a report under ORS 459A.932, the commingled recycling processing facility has taken steps to implement the recommendations of the report related to providing opportunities in the recycling industry for women and minority individuals as defined in ORS 200.005.
(4) Effective January 1, 2026 a city, county, or metropolitan service district shall ensure that rolcarts, bins and containers purchased by its service providers are manufactured from at least 10 percent post-consumer recycled material and are certified by an independent verification standard, such as the Postconsumer Resin Certification Program established by the Association of Plastics Recyclers.
(5) Effective July 1, 2025, except as provided by ORS 459A.914(6), a material may not be collected as part of a commingled recycling program unless the material is identified for collection as part of a commingled recycling program on the uniform statewide collection list.
(6) For purposes of sections (2) through (5) of this rule the terms "commingled recycling," "commingled recycling processing facility," "local government's service provider," and "recycling reload facility" have the meaning provided by ORS 459A.863.
(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) Effective July 1, 2026 for the recycling collection of materials identified on the uniform statewide collection list at multifamily properties:
(A) Ensure adequate space for collection.
(B) Demonstrate a plan to ensure adequate space and access for collection vehicles after new construction or significant remodels.
(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.
(E) Report on activities to meet the requirements of this subsection in the periodic report submitted according to the requirements of OAR 340-090-0100.
(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.
(8) The city or county responsible for solid waste management must carry out a public education and promotion program that meets the following minimum requirements:
(a) An initial written or more effective notice or combination of both that is reasonably designed to reach each residential and commercial generator of recyclable materials, and that clearly explains why people should recycle, the recycling opportunities available to the recipient, the materials that can be recycled and the proper preparation of those materials for recycling. The notice must include the following specific information:
(A) Reasons why people should recycle; and
(B) Name, address and telephone number of the person providing on-route collection where applicable; and
(C) Listing of depots for recyclable materials at all disposal sites serving the area and any alternative DEQ-approved more convenient locations, including the materials accepted and hours of operation; or
(D) Instead of paragraphs (B) and (C) of this subsection a telephone number and a website address to find information about depot locations and collection service as appropriate.
(b) Existing residential and commercial collection service customers must be provided information, at least semi-annually, through a written or more effective notice or combination of both, listing the materials collected, the schedule for collection, proper method of preparing materials for collection and an explanation of the reasons why source separation of materials for recycling is necessary;
(c) Written information to be distributed to disposal site users at all disposal sites or, alternatively, more convenient locations with attendants and where it is otherwise practical. The written information must include the following:
(A) Reasons why people should recycle; and
(B) List of materials that can be recycled; and
(C) Instruction for the proper preparation of recyclable materials.
(d) At sites without attendants, a sign indicating availability of recycling at the site or at the more convenient location must be prominently displayed that indicates materials accepted and hours of operation;
(e) Identify and establish a procedure for citizen involvement for the development and implementation of an education and promotion program;
(f) Notification and education materials provided to local media and other groups that maintain regular contact with commercial and residential generators and the public in general, including local newspapers, trade publications, local television and radio stations, community groups, and neighborhood associations;
(g) A person identified as the education and promotion representative for the appropriate jurisdiction to be the official contact to work with the other affected persons in matters relating to education and promotion for recycling.
(h) A local government that provides the opportunity to recycle or the local government's service provider shall utilize and distribute educational resources developed under ORS 459A.893(1). A local government or the local government's service provider may incorporate the educational resources developed under this section into an existing education program developed to satisfy the requirements of ORS 459A.007 and 459A.008.

STATUTORY/OTHER AUTHORITY: ORS 459.045, 459A.100 - 459A.120, 468.020

STATUTES/OTHER IMPLEMENTED: ORS 459A.005, 459A.010, 459A.007, 459A.896, 459A.905, 459A.908, 459A.911, 459A.914, 459A.929