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STATUTORY MINOR CORRECTION

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CHAPTER 340
DEPARTMENT OF ENVIRONMENTAL QUALITY

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

Correcting statutory or rule references

AMEND: 340-090-0630

RULE TITLE: Recycling Acceptance Lists

RULE SUMMARY: Incorrect outlining. (3)(d)(i, ii, ii) being corrected to (3)(d)(A, B, C).

RULE TEXT:
(1) Recycling list definitions. For purposes of the recycling acceptance lists under sections 2 and 3 of this rule, the terms below have the following meanings:
(a) “Aerosol can” has the same meaning found in 40 CFR 273.9.
(b) “Aseptic carton” means a shelf-stable package made for a food or beverage product that is made mainly of paperboard, but also includes protective layers of polyethylene and aluminum.
(c) “Bottle” means a rigid container with or without a handle and with a neck or mouth smaller than the base.
(d) “Cap” means a rigid closure for tubs or bottles that has a fastening feature that involves threads.
(e) “HDPE” means high density polyethylene.
(f) “Lid” means a rigid closure for tubs that has a fastening feature other than threads.
(g) “Non-metallized gift wrap” means paper gift wrap devoid of non-paper additives like metallic flakes, glitter, metalized mylar or any similar material.
(h) “PE” means polyethylene and includes HDPE, low density polyethylene and linear low density polyethylene.
(i) “PET” means polyethylene terephthalate.
(j) “PP” means polypropylene.
(k) “Pressurized cylinder" means any packaging containing flammable pressurized gas, helium or carbon dioxide, including, but not limited to, seamless cylinders and tubes, welded cylinders and insulated cylinders intended to contain helium, carbon dioxide or flammable materials such as propane, butane or other flammable compressed gases. "Pressurized cylinder" does not include:
(A) any cylinder, tube or container intended to deliver a product that is not a compressed gas;
(B) liquified petroleum gas containers that are designed to be refilled;
(C) any other cylinder, tube or container that is designed to be refilled and which has an active and functioning exchange system that normally causes the cylinder, tube or container to be refilled, reused, or refurbished, unless the cylinder,

tube or container is damaged and not appropriate to be subsequently refilled, reused, or refurbished;
(D) any cylinder, tube or container that contains pure oxygen or hydrogen;
(E) fire extinguishers;
(F) aerosol cans; or
(G) a storage tank that is permanently fixed in location.
(l) “Recycle-compatible coating” means a water-soluble barrier that can be used on fiber-based packaging that does not negatively impact the recyclability of that packaging.
(m) “Scrap metal” means ferrous and non-ferrous waste metal, metallic material, electrical wiring and any product that contains at least 50 percent metal by weight and that is capable of being recycled. Scrap metal includes major appliances that contain refrigerants.
(n) “Tub” means a rigid container that has a neck or mouth similar in size to its base. “Tub” does not include a clamshell or similar container with a lid that is affixed to the base using a hinge or similar mechanism.
(2) Local Government Recycling Acceptance List. The following material must be collected pursuant to ORS 459A.005 and ORS 459A.914(1)(a) to provide the opportunity to recycle:
(a) Corrugated cardboard; uncoated or coated with recycle-compatible coating; including pizza boxes;
(b) Paper bags and mailing envelopes, excluding those with a plastic liner;
(c) Paperboard boxes and packaging, such as cereal, cracker and medicine boxes, excluding any non-paper flexible packaging inside such boxes or packaging, and excluding items used to package goods that are normally placed in a refrigerator or freezer;
(d) Polycoated cartons (for example milk cartons) and aseptic cartons;
(e) Molded pulp packaging, excluding food serviceware;
(f) Tissue paper used for packaging;
(g) Non-metalized gift wrap;
(h) All printing and writing paper, including newspaper, newsprint, newspaper inserts, magazines, catalogs, similar glossy paper, telephone directories, ledger, bond, copy and printer paper, notebook paper, envelopes, cards, mail, and items made of such paper and bound with staples, and paperback books, but excluding thermal paper and hardcover books;
(i) File folders and hanging files;
(j) Plastic that fits loosely in the generator’s provided on-route collection container, excluding any such item that was used to contain or store motor oil, antifreeze, or other automotive fluids, pesticides or herbicides, or other hazardous materials (flammable, corrosive, reactive, toxic), as follows:
(A) Plastic bottles that measure at least two inches in each of two or more dimensions, including caps if screwed on, made of the following materials:
(i) PET (#1) (clear only);
(ii) HDPE (#2); and
(iii) PP (#5)
(B) Plastic tubs that measure at least two inches in each of two or more dimensions, including caps if screwed on, made of the following materials:
(i) PET (#1);
(ii) HDPE (#2); and
(iii) PP (#5)
(C) Plastic buckets, pails, and storage containers, including lids if snapped on, made of the following materials:
(i) HDPE (#2); and
(ii) PP (#5)
(D) Nursery (plant) packaging, such as pots and trays, made of the following materials:
(i) HDPE (#2); and
(ii) PP
(k) Aluminum food, pet food, and beverage cans;

(l) Steel and bi-metal cans, including empty or dry metal paint cans;
(m) Scrap metal weighing less than 10 pounds and smaller than 18" in length, excluding sharp items (for example knives) and bicycle chains, electrical wiring and other wires, and other similar items likely to cause tangling;
(n) Other scrap metal;
(o) Motor oil; and
(p) Glass bottles and jars, but only from non-residential sources and only in the Metro wasteshed (this requirement is in addition to the requirements for glass recycling under section 3 of this rule).
(q) Yard debris, but only in the Metro wasteshed.
(3) Producer Responsibility Organization Recycling Acceptance List. The following materials are designated as covered products of which a producer responsibility organization must provide for the collection through recycling depot or mobile events as provided in ORS 459A.896(1):
(a) Steel and aluminum aerosol cans;
(b) Aluminum foil and products made of pressed aluminum foil;
(c) Shredded paper;
(d) Polyethylene film and packaging that is:
(A) made of polyethylene film containing a minimum of 90 percent polyethylene and copolymers by weight,
(B) free of intentionally added PET, PVC, PVDC, paper, aluminum, degradable polymers and degradable additives, and
(C) free of or including flexible seals, closures or dispensers so long as they are made of polyethylene and contribute less than 10 percent of the total package by weight;
(e) Plastic buckets, pails and storage containers made of HDPE (#2) or PP (#5) and the lids of such items, but excluding such items if used to contain or store motor oil, antifreeze, or other automotive fluids, pesticides or herbicides, or other hazardous materials (flammable, corrosive, reactive, toxic);
(f) Glass bottles and jars;
(g) Block white expanded polystyrene;
(h) PE and PP lids and caps;
(i) HDPE package handles (for example 6-pack handles); and
(j) Pressurized cylinders.
(4) The materials listed in Section 2 of this rule must be collected as follows:
(a) The materials listed in subsections (a) through (o) must be collected at depots as part of the opportunity to recycle pursuant to ORS 459A.005 and 459A.007;
(b) The materials listed in subsections (a) through (m) are also designated for recycling collection from collection service customers as described in ORS 459A.005(1)(a)(A) and ORS 459A.863(25)(a) to (c);
(c) The materials listed in subsection (p) must be collected from non-residential collection service customers as part of routine collection service described in ORS 459A.005(1)(a)(A) and ORS 459A.863(25)(b), but only in the Metro wasteshed;
(d) The materials listed in subsection (q) must be collected at depots as part of the opportunity to recycle pursuant to ORS 459A.005(1)(a)(A) and from collection service customers as described in ORS 459A.005(1)(a)(A) and ORS 459A.863(25)(a) and (b), but only in the Metro wasteshed; and
(e) The materials listed in subsections (a) through (m) are suitable for commingled collection and are included in the Uniform Statewide Collection List.
(f) In accordance with this subsection, a local government may submit a request for additional time to meet the obligation to collect materials on the Uniform Statewide Collection List pursuant to section 2 of this rule to DEQ for approval, if the local government's ability to successfully collect the materials is dependent on the local government receiving funding for trucks, containers, or a reload facility requested from a producer responsibility organization through the 2023 needs assessment, pursuant to ORS 459A.890(8), and the local government has not yet received the funding. The local government must provide any information requested by DEQ to review the local government's request and describe to the satisfaction of DEQ the local government's process and timeline for complying with the

obligation to collect all materials on the Uniform Statewide Collection List pursuant to section 2 of this rule. DEQ may approve the request, with or without conditions, if it determines that the local government's ability to successfully collect the materials that are the subject of the request is dependent on the local government receiving funding for trucks, containers, or a reload facility requested from the producer responsibility organization through the 2023 needs assessment, pursuant to ORS 459A.890(8), and the local government has not yet received the funding.

(g) A producer responsibility organization may propose additions to the Uniform Statewide Collection List as provided in ORS 459A.914(4)(b). To be considered by the department, such a proposal must address, for each material proposed for addition, each of the considerations contained in ORS 459A.914(3).

[Note: ORS 459A.914(4)(b) authorizes additions to the Uniform Statewide Collection List through methods other than rulemaking. Materials not on the Uniform Statewide Collection List shall not be collected commingled with other materials per ORS 459A.914(5). The Uniform Statewide Collection List consists of materials designated in (e) above plus additional materials approved by DEQ pursuant to ORS 459A.914(4)(b). For the full list of materials on the Uniform Statewide Collection List consult Oregon Department of Environmental Quality's Materials Management Program.]

STATUTORY/OTHER AUTHORITY: ORS 459A.975, 468.020

STATUTES/OTHER IMPLEMENTED: ORS 459A.860 - 459A.975