

Plastic Pollution and Recycling Modernization Act: Public Hearing

Rulemaking 1

June 27 and 29, 2023
Zoom Virtual Meeting

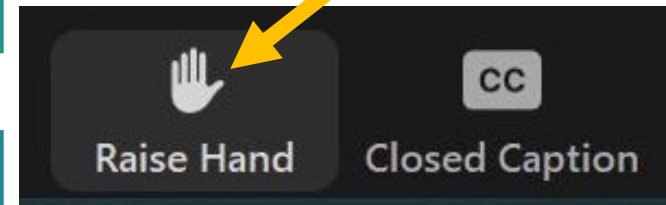
Zoom Meeting Tips

Join audio either by phone or computer, not both

To comment or ask a question, use the raise hand button; if by phone press *9

This meeting is being recorded

For Zoom technical issues email stephanie.caldera@deq.oregon.gov or text 971-279-9517



Agenda

- Welcome
- Rules overview
- Question and answer period
- Formal public comment period
- Adjourn meeting

Public Hearing Comments

- Verbal comments will be documented in DEQ staff report
- DEQ will respond to all comments in the staff report
- Environmental Quality Commission will review and decides whether to adopt the proposed rules

Rulemaking Notice



State of Oregon Department of Environmental Quality

Notice of Proposed Rulemaking

May 25, 2023

Plastic Pollution and Recycling Modernization Act, Rulemaking 1

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules: Edits Highlighted
- Draft Rules: Edits Included (final clean version)

Note for Readers:

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

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- Click on “New Window”
- A second copy of the PDF will open in a new window

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- Double click on the name of the PDF you want to open
- A second copy of the PDF will open in a separate tab in the same window

Recycling Modernization Act

- SB 582 signed into law 2021
- Creates an extended producer responsibility recycling system for packaging, paper products and food serviceware

First RMA Rulemaking

- First of two rulemakings
- Rulemaking Advisory Committee convened
- Topics:
 - Recycling Acceptance Lists
 - Producer Responsibility Organization Obligations
 - Local Government Compensation

Implementation

- Requirements come into effect July 1, 2025
- Producers of packaging, paper and food serviceware: pay fees into Oregon's recycling system
- PRO(s): collect fees and administer most aspects of the program
- Goals: increase transparency, improve and expand recycling services, ensure equity in the recycling system

Recycling Acceptance Lists, page 184

OAR 340-090-0630

Recycling Acceptance Lists

(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” 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 thin protective layers of polyethylene and aluminum.
- (c) “Bottle” means a rigid container 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.

Proposed Rules

- Recycling Acceptance Lists
 - Local Government Acceptance List
 - Uniform Statewide Collection List
 - PRO Acceptance List

Recycling Acceptance Lists

- Convenience Standards
 - Increase accessibility and convenience for customers
- Performance Standards
 - Describe the standards the PRO(s) will need to meet for recycling the materials on the PRO Recycling Acceptance List
- Collection Targets
 - Material-specific collection targets

PRO Obligations, page 199

OAR 340-090-0670

Responsible End Markets

(1) Definition of end market. For purposes of ORS 459A.869(7) and ORS 459A.896(2)(a), end markets are defined by material as follows:

(a) For glass the end market is the entity that first uses the glass in lieu of a virgin material downstream of the beneficiation plant, if any, where bottles are crushed, for example a bottle manufacturer, fiberglass manufacturer or pozzolan (used to make cement and concrete) producer.

(b) For metal the end market is the entity that smelts the recycled material and produces ingots, sheet, coil, or other materials that are subsequently refabricated into packaging or product.

(c) For paper the end market is the entity that re-pulps the recycled material either into a pulp product that is sold to paper manufacturers or used to produce paper or paperboard products. If paper is recycled in a manner that does not involve repulping (for example, used to produce a wallboard product), the end market is the entity that uses the waste paper to produce a product that is sold without further transformation or manufacturing.

(d) For plastic, except for plastic that is recycled to produce packaging for food or beverage applications or for production of children's products, the end market is the entity that last handles flake or pellet containing recycled plastic prior to sale or transfer to another person that creates a new product either by placing it into a mold or through extrusion or thermoforming.

Proposed Rules

- PRO Obligations
 - Annual Administration Fees
 - Market Share
 - PRO Coordination
 - Responsible End Markets
 - Confidentiality
 - Covered Product Estimates
 - Entry of New PROs into the system

Local Government Compensation, page 215

340-090-0770

Local Government Transportation Costs Reimbursement

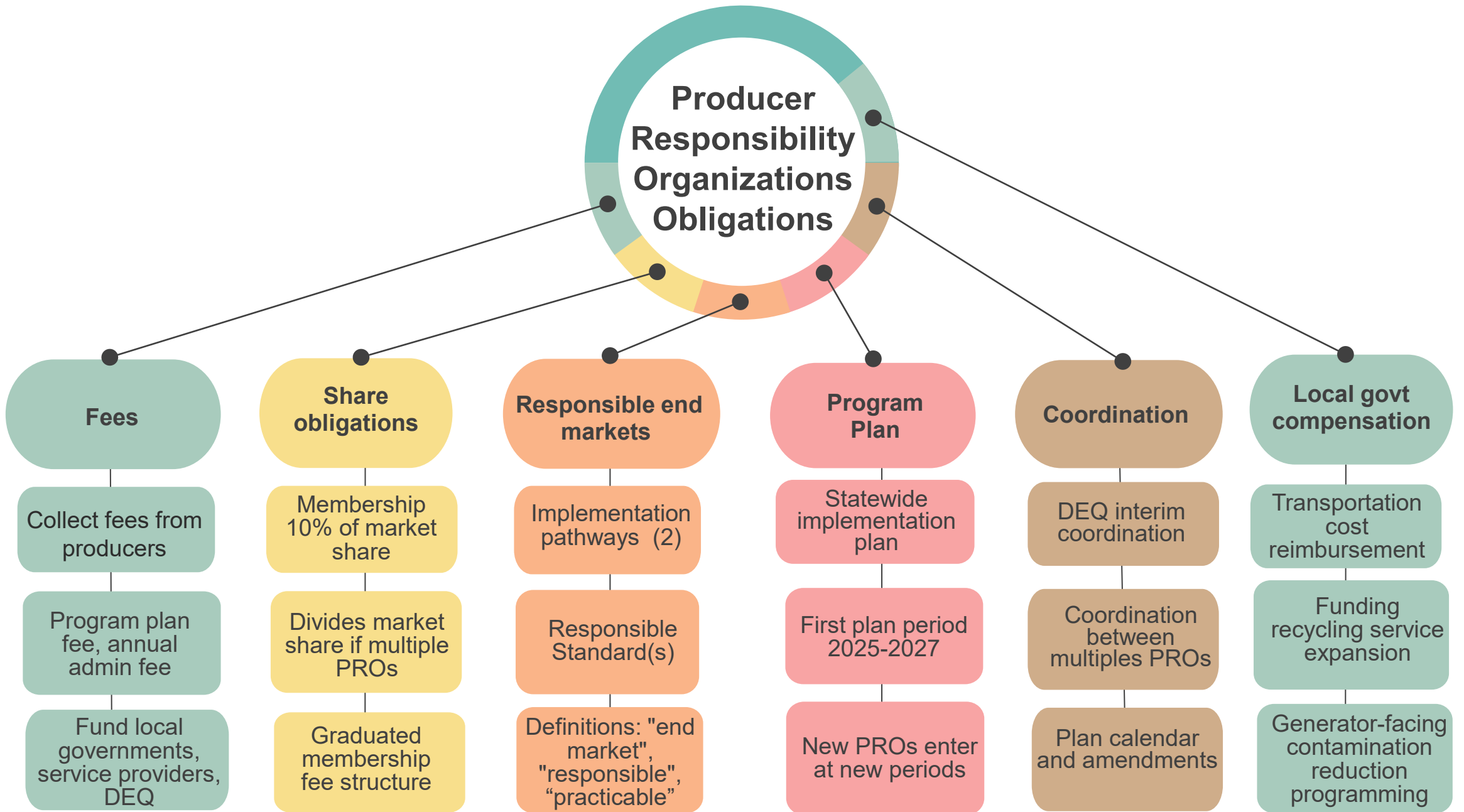
- (1) A producer responsibility organization must pay the costs of transporting covered products from a recycling depot or recycling reload facility to a commingled recycling processing facility or a responsible end market as provided by ORS 459A.890(2) and this rule.
- (2) Transportation costs must be based on the actual costs of managing and transporting covered products that must be shipped more than 50 miles.
- (3) The 50-mile distance in section 2 of this rule and ORS 459A.890(2)(b)(E) is the shortest driving distance to the nearest commingled recycling processing facility or a responsible end market with capacity to accept the material and applies to covered products as stated in subsections (a) through (d) of this section.
 - (a) If the material is fully commingled, the distance measured is to the nearest commingled recycling processing facility with capacity to accept the material.
 - (b) If the material is collected separately (for example glass) or is not fully commingled and requires further sorting or processing before being received by a responsible end market, then the distance is measured to the nearest processing or sorting facility that will prepare the material and send it to a responsible end market.
 - (c) If the material is collected separately and in a condition that would allow it to be received directly by a responsible end market without additional processing, then the distance is measured to a responsible end market.
 - (d) If a separated material or a group of materials is initially taken to a commingled recycling processing facility or other processing facility and the material requires additional processing or sorting before it can be accepted by a responsible end market, then the distance is measured to the initial commingled recycling processing facility or other processing facility. The producer responsibility organization is not responsible under this

Proposed Rules

- Local Government Compensation
 - Transportation costs reimbursement
 - Recycling services expansion

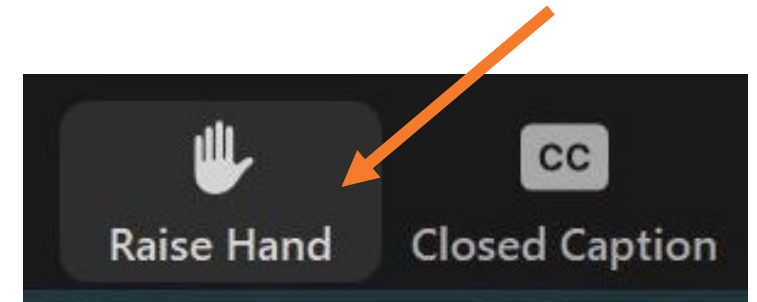
Local Government Compensation

- Transportation costs reimbursement
 - Clarifying funding or reimbursement eligibility for transportation costs
- Recycling services expansion
 - Clarifying eligibility for PRO funding to expand recycling services
 - Proposes PSU's Population Research Center for population data



Q&A

- Zoom attendees: Please use the “raise hand” function
- Phone attendees: dial *9



Formal Comment Period

- To make a verbal comment, please:
 - Use the “raise hand” function, on the Zoom video
 - Press *9 to access this function on a phone
 - Message the host (Stephanie), using the chat feature, to indicate that you’d like to provide comment

How to comment

- At this public hearing
- Email: Send comments by email to recycling.2023@deq.oregon.gov
- Postal mail:
Oregon DEQ
Attn: Roxann Nayar/Materials Management
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

More information

- All comments must be received by 4 p.m. PST on Friday, July 28, 2023.
- To view the public notice packet or sign up for email alerts, visit the Recycling 2023 Rulemaking Website:
www.oregon.gov/deq/rulemaking/Pages/Recycling2023.aspx
- DEQ intends to bring proposed rules to the EQC at the November 2023 meeting.

Thank You

Comments: recycling.2023@deq.Oregon.gov

Contact: Roxann Nayar, Rulemaking Coordinator
roxy.nayar@deq.Oregon.gov

www.oregon.gov/deq/rulemaking/Pages/Recycling2023.aspx

Title VI and alternative formats

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