



Oregon Recycling Modernization Act Commingled Recycling Processing Facility Listening Session

Materials Management

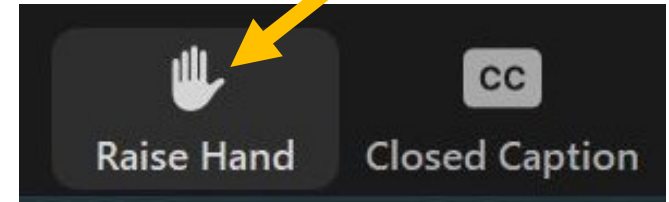
Dec. 17, 2024

Meeting tips

Join audio either by phone or computer, not both

For panelist discussion and comments, use the raise hand button to get in the queue; if by phone press *9

For Zoom technical issues email:
caitlyn.peake@deq.oregon.gov



Agenda

- **Commingled Recycling Processing Facility permitting process**
- **CRPF permit program requirements**
- **Break (five minutes)**
- **Producer Responsibility Organization funding**
- **Public input**
- **Open discussion**
- **Adjourn**



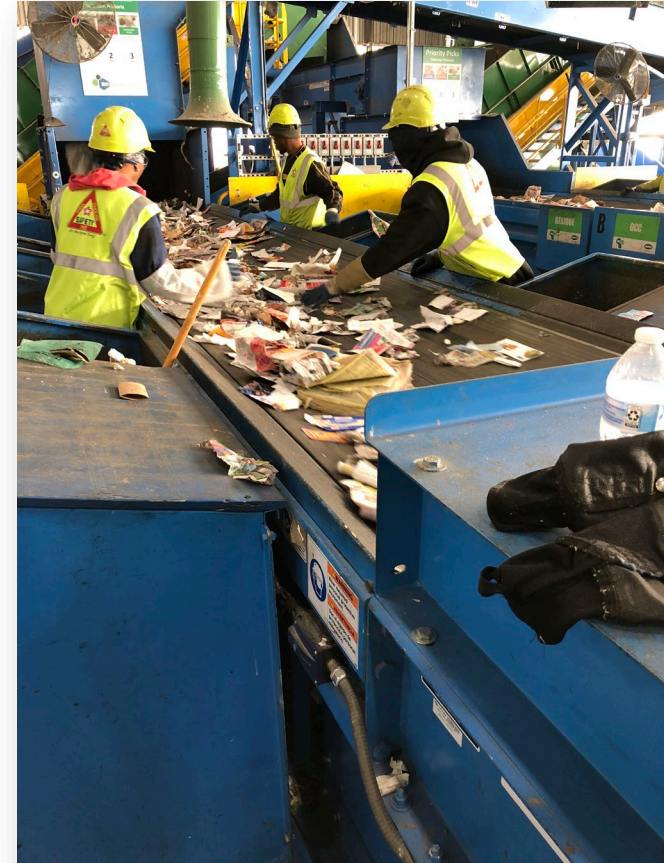
Acknowledgement

- Team involves Oregon Department of Environmental Quality team members representing each region of the state.
- Steven Chang, lead primary permit writer for CRPFs.



Why the Commingled Recycling Processing Facility term?

- RMA requires that a person may not establish or operate a CRPF in Oregon unless the person obtains a **disposal site permit** issued by DEQ.
- Requirements specific to CRPFs:
 - **Performance standards** (capture rates and outbound contamination), **including assessment** of those standards.
 - **Responsible end markets**, including material disposition reporting.
- Two major **funding mechanisms** in the RMA are specific to CRPFs.



Eligibility for a Commingled Recycling Processing Facility permit

OAR 340-096-0300, (2) Permit eligibility

(a) A commingled recycling processing facility must:

(A) Receive source separated commingled recyclable material that is collected commingled from a collection program providing the opportunity to recycle;

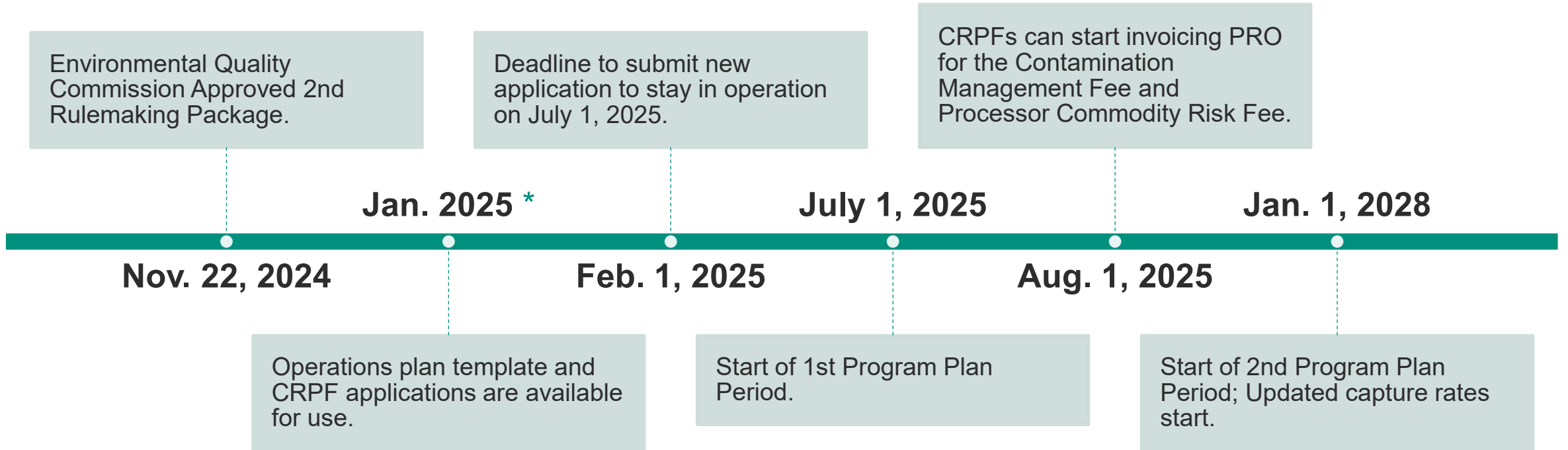
(B) Presort bulky recyclable and non-recyclable material, removing such material from the commingled stream being processed; and

(C) Separate all remaining materials into two streams, one of which is predominantly fiber and one of which is predominantly non-fiber containers, producing streams of materials that are intended for use or further processing by others; and

(D) For materials in the fiber stream, further separate and transport to a responsible end market no less than 95% of the recoverable uniform statewide collection list-related fiber in the stream.

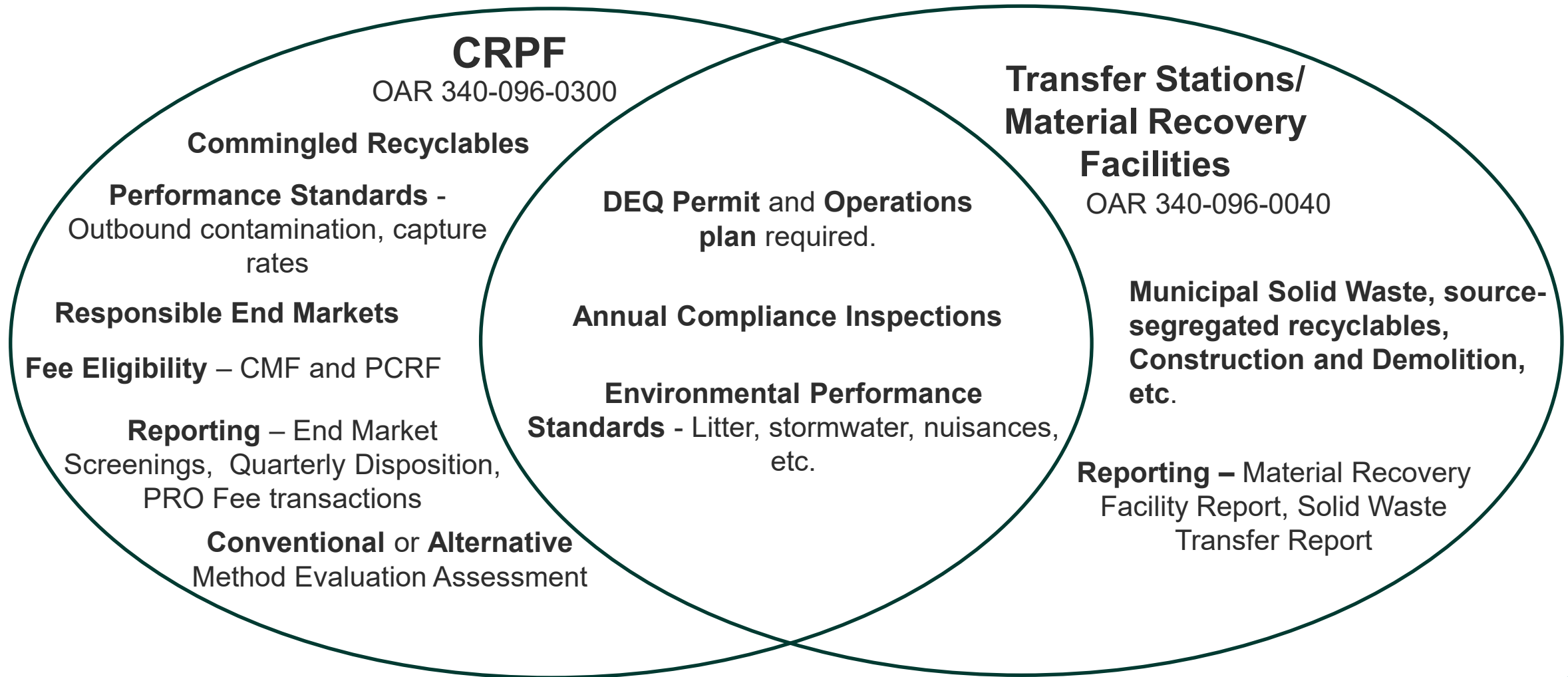
(b) A facility that does not meet the requirements of Subsection (a) of this Section is not eligible for a commingled recycling processing permit but may be a limited sort facility...

Permitting process



**Tentative date*

Permitting process



Permit application

- **Deadline to submit application** materials, including an updated operations plan, is **Feb. 1, 2025**, to remain in operation on July 1, 2025, pending a determination by the DEQ and issuance of a new CRPF Permit.
- Facilities with an active Solid Waste Disposal Site permit by **Feb. 1, 2025**, will **not** be required to pay an additional permit application fee.

**Application forms will be available on
DEQ's website**



Permit application



Application Submissions

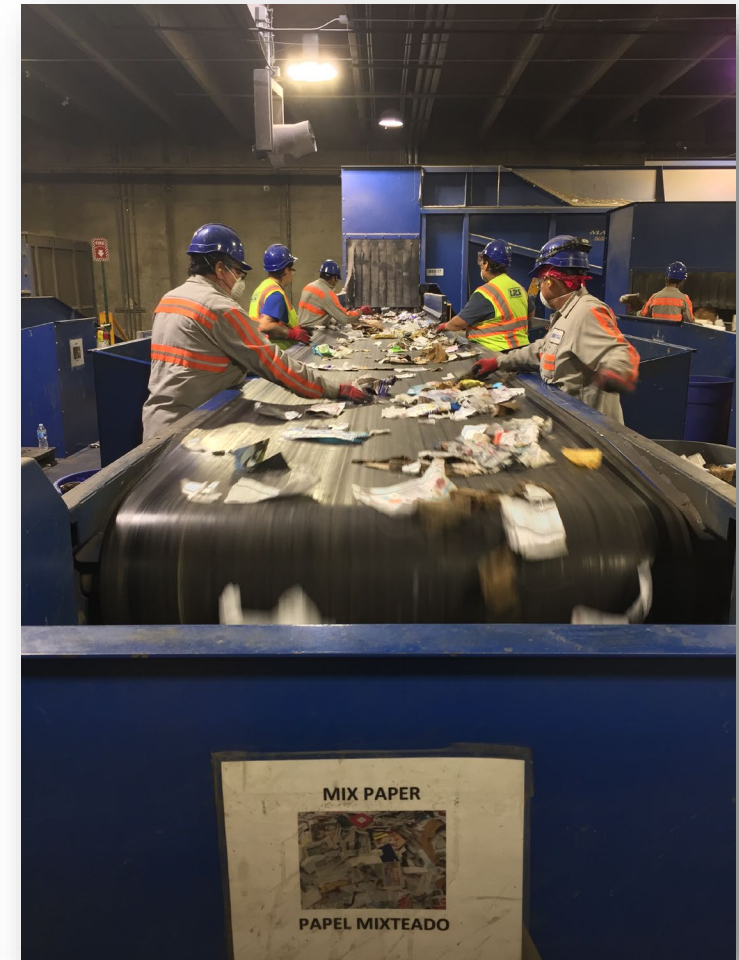
For facilities with a current MRF/TS Permit:

1. Submit a completed and signed permit application for a **permit modification**.
2. Submit an **updated Operations Plan** describing new operational requirements for performance standards and material tracking

Permit application

Application Process (4 - 6 months)

1. **Submit application** with relevant documents by Feb. 1, 2025
2. **DEQ to review** documentation, operations plan, and other relevant details. A back-and-forth process is expected. Pre-issuance inspection may be needed.
3. DEQ drafts **Permit Evaluation Report** and allows applicant to review.
4. Application goes to **Public Notice/Hearing (30-35 days)**
5. DEQ reviews and responds to comments on the permit, and **updates the permit** or permit evaluation report as needed
6. **Permit is approved**, CRPF may operate.



Permitting process



Operations Plans must address NEW topics:

- Equipment, sort lines, stations, staffing, and planning will be required to achieve new performance standards.
- Process to track inbound and outbound tonnages for each material category, and invoices sent to a PRO for the CMF and PCRFF.

CRPF & LSF Permit Manager: Steven Chang
Steven.chang@deq.oregon.gov

Compliance verification

Annual Compliance Inspections

- Addresses standard **environmental performance standards** (litter, stormwater management, nuisances, etc.).
- DEQ will respond to **complaints** from the public.
- Compliance with **capture rates** and **outbound contamination rate** is based on results of a **conventional** or **alternative evaluation method assessment**.



Questions



Permit program requirements

Recyclable Material Processing Performance Standards – Capture Rates

- A CRPF can achieve a capture rate either by capturing the material at your **own facility** or directing material to **another facility** (for secondary processing) that achieves the capture rate, or **some combination** of the two.



Permit program requirements

Fiber	July 1, 2025 Rate	Jan. 1, 2028 Rate
Cardboard (includes Kraft paper)	96%	97%
Printing and writing paper (includes newspaper, packaging tissue paper, telephone directories, non-metallized giftwrap, paperboard, magazines, catalogs and similar glossy paper, paperback books and molded pulp packaging)	96%	97%
Cartons	78%	88%

Permit program requirements

Plastic	July 1, 2025 Rate	Jan. 1, 2028 Rate
Polyethylene terephthalate bottles and containers (measuring at least 2 inches in at least 2 dimensions up to 2 gallons)	85%	93%
PET thermoformed containers	85%	93%
High-density polyethylene bottles and containers *	88%	95%
HDPE and polypropylene tubs & pails (2 to 5 gallons) and PP bottles and containers *	83%	93%
HDPE and PP flower pots *	70%	89%
HDPE and PP flower pots greater than 2 gallons	85%	92%

* Measuring at least 2 inches in at least 2 dimensions up to 2 gallons.

Permit program requirements

Metal	July 1, 2025 Rate	Jan. 1, 2028 Rate
Accepted aluminum cans (beverage and food)	88%	94%
Deposit and other steel cans accepted at curb	93%	98%
Other scrap metal (ferrous, non-ferrous + mixed metal) accepted at curb	88%	98%

New materials added to the USCL after adoption of the rules would experience a capture rate of **75%** until a capture rate can be set in rule.

Permit program requirements

Recyclable Material Processing Performance Standards – Outbound Contamination Rate

- All USCL material that is sent to a responsible end market must **not contain more than 5%** (by weight) contamination.
- If material is sent to a **secondary processor**, they are responsible for meeting outbound **contamination rates** for the material handled.
- ORS 459A.863(4)(b) "**Contamination**"- A material shipped to a recycling end market that is **not accepted or desired** by that end market.



Permit program requirements



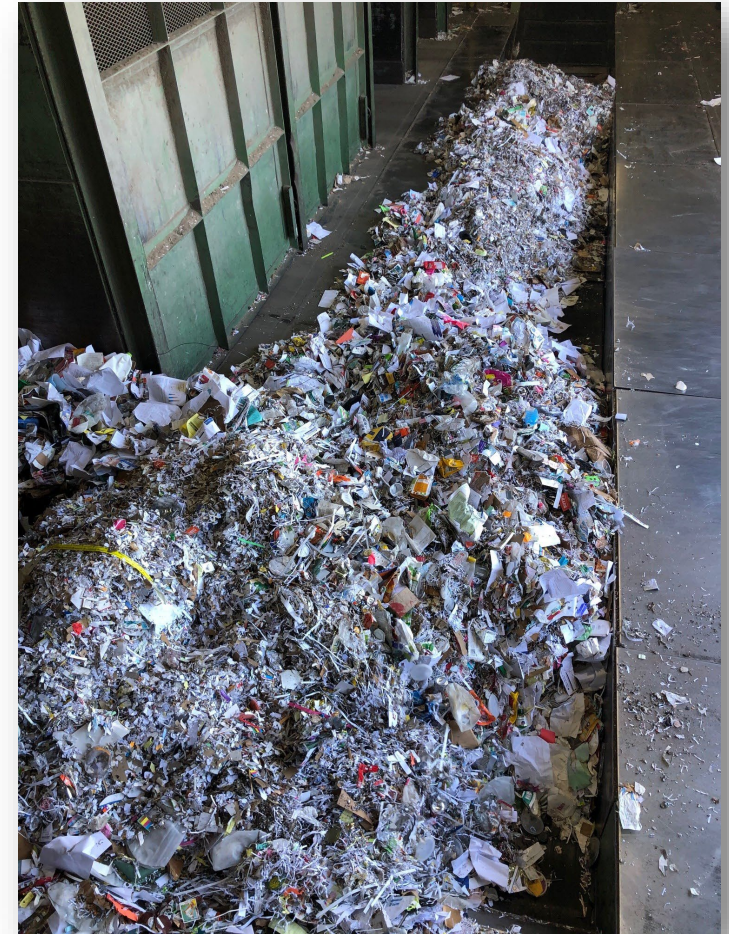
Assessment of Capture Rates and Outbound Contamination

- **“Conventional evaluation method assessment”** or "manual sort" means the manual sorting of material.
- **“Alternative evaluation method assessment”** means the use of a method other than manual sorting of material (ex. AI technology), to determine a facility’s compliance with the capture rate and outbound contamination rate performance standards.

Permit program requirements

Conventional Evaluation Method Assessment – “Manual Sort”

- **At least one** unannounced conventional evaluation method assessment within the first **2.5-year program plan period**.
- **At least two** unannounced conventional evaluation method assessments during subsequent **5-year program plan periods**.



Permit program requirements



Conventional Evaluation Method Assessment – “Manual Sort”

- CRPF must make material **available for on- or off-site** assessment.
- DEQ, or a contractor to DEQ, must be on-site to **observe selection of material**. If baled material is to be assessed, DEQ or its contractor will select the bales to be assessed, not the CRPF.
- Material to be sampled will be pulled from the material stream as it **enters a facility's baler(s)** or from finished bales.

Permit program requirements



Alternative Evaluation Method Assessments

- CRPF can request to use an alternative evaluation method at any time.
- CRPF must **fund and perform a comparison study** that demonstrates use of that alternative method provide similar or better data than the conventional approach.
 - DEQ must review and approve the study and its methodology.
- Use of an alternative method **replaces one of the two** required conventional method assessments.

Permit program requirements

Responsible End Markets, Self-Attestation Forms

- CRPFs will be required to have **completed and signed** Responsible End Market Screening Assessments **prior** to shipping material to an end market starting on **July 1, 2025**.
- Only **one** screening form is needed for each end market or other entity.
- **DEQ and Circular Action Alliance** are working together to get screening assessments from known markets **prior to July 1, 2025**.

The image shows a screenshot of the 'Oregon Responsible End Markets Screening Form and Self-Attestation Form' from the Department of Environmental Quality (DEQ). The form includes sections for 'Responsible End Market Standards Self-Attestation', 'Oregon Responsible End Markets Screening Form and Self-Attestation Form', and 'Materials Received'. A large green text box is overlaid on the form, stating 'Sent to CRPFs on Dec. 9, 2024'. The form contains various checkboxes and text boxes for providing information about the business, its operations, and the materials it processes.

Responsible End Market Standards Self-Attestation

By signing this form, I, _____, declare under penalty of false swearing (ORS 162.075 and _____) that the information provided is true and correct.

(Authorized Representative)

Please indicate whether you supply plastic to manufacturers of food contact packaging or children's products:

Yes No Don't know

Please include an attached copy of any of the following documents as applicable (select all that apply):

Oregon Responsible End Markets Screening Form and Self-Attestation Form

Pursuant to Oregon's Recycling Modernization Act (RMA) and Oregon Administrative Rule (OAR) 340-090-0670, all businesses or entities that receive processed recycled material from an Oregon commingled recycling processing facility or collection program must be screened as "Responsible" prior to receiving Oregon material. To continue receiving Oregon material, please complete this form and provide written verification and corroborating documentation that your facility meets Responsible End Market Standards.

INSTRUCTIONS: Only one form is required for each business or entity that receives processed material. If you have already provided a completed form to the Oregon DEQ, you will not need to complete a second form. Please provide a copy of the initial form to the individual who sent you this form. If you have any questions please reach out to: Nicole Portley, Nicole.Portley@deq.oregon.gov.

End Market, Type: Broker/Importer Recycler Secondary Processor Other: _____

Materials Received

Please indicate which of the following recycled materials you receive, market, transport, or process into new materials (select all that apply):

Paper	Plastic	Metal
<input type="checkbox"/> OCC (PSI # 11 and 12)	<input type="checkbox"/> PET bottles (no thermofoms)	Aluminum:
<input type="checkbox"/> SOP (PSI #37)	<input type="checkbox"/> PET bottles with thermofoms	<input type="checkbox"/> Aluminum cans
<input type="checkbox"/> Cartons (PSI #52)	<input type="checkbox"/> PET thermofoms	<input type="checkbox"/> Aluminum foil/foil products
<input type="checkbox"/> Mixed Paper (PSI #54)	<input type="checkbox"/> HDPE natural	<input type="checkbox"/> Aluminum aerosol cans
<input type="checkbox"/> SRPN (PSI #56)	<input type="checkbox"/> HDPE colored	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Shredded paper	<input type="checkbox"/> HDPE injection bulky rigid	Steel:
<input type="checkbox"/> Other: _____	<input type="checkbox"/> PP small rigid	<input type="checkbox"/> Steel, bi-metal cans
Glass	<input type="checkbox"/> Mixed small rigid (#3-7)	<input type="checkbox"/> Steel aerosol cans
<input type="checkbox"/> Glass Bottles and Jars	<input type="checkbox"/> Mixed bulky rigid	<input type="checkbox"/> Other: _____
	<input type="checkbox"/> PE film grade A	Other:
	<input type="checkbox"/> PE film grade B	<input type="checkbox"/> Pressurized cylinders
	<input type="checkbox"/> PE colored film	<input type="checkbox"/> Scrap metal
	<input type="checkbox"/> MRF Film	<input type="checkbox"/> Other: _____
	<input type="checkbox"/> Other: _____	

Department of Environmental Quality
Materials Management
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Portland, OR 97232
Created: November, 2024

Permit program requirements



End Market Verification by a PRO or Third-Party Certification

- CRPFS must ensure that **each end market or other downstream entity** that receives processed material collected in Oregon receives an **annually-audited verification** by a PRO or **third-party certification** through an EQC-approved program.
- **Additional approval and reporting** requirements for CRPFs looking to send materials to end markets using **non-mechanical recycling** methods.

Permit program requirements



Quarterly Disposition Reporting

- A CRPF must accurately report and submit quarterly disposition reports for all end markets that **have not received third-party certification** through an EQC-approved program.
 - First quarterly report is due on **Dec.15, 2025**.
 - **Otherwise**, due on the **first (1st)** of the month of each **February, May, August and November**.
- A facility may **designate other entities to report** either a **portion of or all** its disposition data to DEQ on its behalf.

Permit program requirements

Processor Commodity Risk Fee Reporting

- A CRPF must **accurately report and submit** information related to the Processor Commodity Risk Fee.
 - Information that includes, but is not limited to, **monthly transactional data** associated with each inbound load of commingled recyclables received by the CRPF.
- DEQ or PRO may conduct on-site/off-site assessments of facility-specific data, to ensure data is accurate and that a processing facility is not invoicing for ineligible material.



Permit program requirements



Contamination Management Fee Reporting

- A CRPF must **accurately report and submit** information related to the CMF. Information shall include the following:
 - Ineligible tonnage from **out of state**.
 - **Monthly transactional data** associated with each inbound load.
 - Monthly reporting of invoiceable **outbound residual tonnage**.
 - Total tonnage of **covered product contamination** sent to market.

Permit program requirements

Recordkeeping and Reporting Summary

Records to keep for Inspection/Auditing
All required reporting
Capture Rate and Assessment Records
Waste Acceptance and Disposal Records
Inbound and Outbound Tonnage Records
Fee Transaction Information
Living Wage and Supportive Benefits (Jan. 1, 2027)

Reports Required	Frequency
REM Screening and Self-Att. Form	As needed, Prior to July 1, 2025
Quarterly Disposition Report	1st of Feb., May, Aug., and Nov.
PCRF Transactional Reporting	Monthly
CMF Transactional Reporting	Monthly
Inbound Contamination	Monthly

Permit program requirements



Construction and Design, Facility Modifications

- Facilities must **inform DEQ** of any **planned modifications or equipment replacement**.
- Modifications and new construction may require additional **DEQ review and approval prior to commencement**.
- Prior to DEQ approval, anticipate a **back-and-forth discussion** with DEQ depending on the complexity of the construction project; **plan accordingly**.

Permit program requirements

Environmental/Public Health Standards

- A CRPF will be required to **maintain compliance with all environmental and public health standards** currently in place for transfer stations and material recovery facilities.
- Additional plans and permitting required when necessary:
 - Special Waste Management Plan
 - Spill Prevention Control and Countermeasure Plan
 - National Pollutant Discharge Elimination System 1200-Z Permit
 - Financial Assurance
 - Environmental Monitoring Plans



Questions





Break



Commingled Recycling Processing Facilities funding

Processor Commodity Risk Fee

- Fee shall be the total eligible tons multiplied by the total of the fee rate less the average commodity value determined by DEQ

Program plan years	Fee Rate
2025 and 2026	\$200/ton
2027	\$286/ton
2028	\$245/ton



Commingled Recycling Processing Facilities funding



- [RecyclingMarkets.net](https://www.RecyclingMarkets.net) and the Waste Paper Composite Index will be the scrap pricing indices used.
- Average Commodity Value determination includes a 7.19% Oregon specific ACV differential.
- DEQ will notify facilities of the ACV for materials received during a given month **within five business days of the start of subsequent month** and will publish the ACV on a designated DEQ webpage or in another manner similarly available to the public.

Commingled Recycling Processing Facilities funding

PCRFB Invoicing

- Can only invoice for any tons processed in a month **after that month has concluded.**
- **Shall not combine tons from different months.** Tons shall be invoiced specific to the month and year they were processed.
- All tons will be invoiced using the ACV for the **month the tons were processed,** regardless of when the tons are invoiced.



Commingled Recycling Processing Facilities funding



PCRFB Invoicing

- Shall not invoice for **any amount of non-commingled recycling** handled by the facility.
- Shall not include any amount of commingled recycling that was **already invoiced by a different CRPF**.
 - In the event multiple CRPFs process commingled recyclable material, the facilities shall negotiate and agree upon a fair distribution of the fee between the facilities.
- Shall not invoice for any amount of material that is to be invoiced for the purpose of **receiving Contamination Management Fee funding**.

Commingled Recycling Processing Facilities funding

Contamination Management Fee

- **Eligible material**
 - Any covered product that is **not listed for collection on the Uniform Statewide Collection List** and is in the inbound stream at a CRPF; and
 - Any covered product that is included on the USCL but which was improperly prepared by system users to the point the material **requires significant additional effort** for the facility to handle or market.



Commingled Recycling Processing Facilities funding



Contamination Management Fee

- **Ineligible material**
 - Any material that is listed on the USCL and properly prepared for recycling;
 - Any material that is **not a covered product** as defined by ORS 459A.863(6)(b);
 - Any material that **originated outside of Oregon**; and
 - Any material originating in a mixed waste processing system that has been transferred to a co-located CRPF for the purposes of processing.

Commingled Recycling Processing Facilities funding

Contamination Management Fee

Program plan years	Fee Rate
2025 and 2026	\$341/ton
2027	\$432/ton
2028	\$418/ton



Commingled Recycling Processing Facilities funding



Covered Product Contamination

- Invoice for all tons of Oregon-generated covered product contamination processed and marketed, provided material is **accepted and desired by a responsible end market**.
- Material must be **baled and marketed separately** from USCL material.
- Total tons of material processed/marketed multiplied by the following adjustment:
 - 75 percent for covered product glass;
 - 80 percent for non-USCL covered product plastic material; and
 - 100 percent for covered film plastic.

Questions





Public Input

**Commingled Recycling Processing
Listening Session
Dec. 17, 2024**



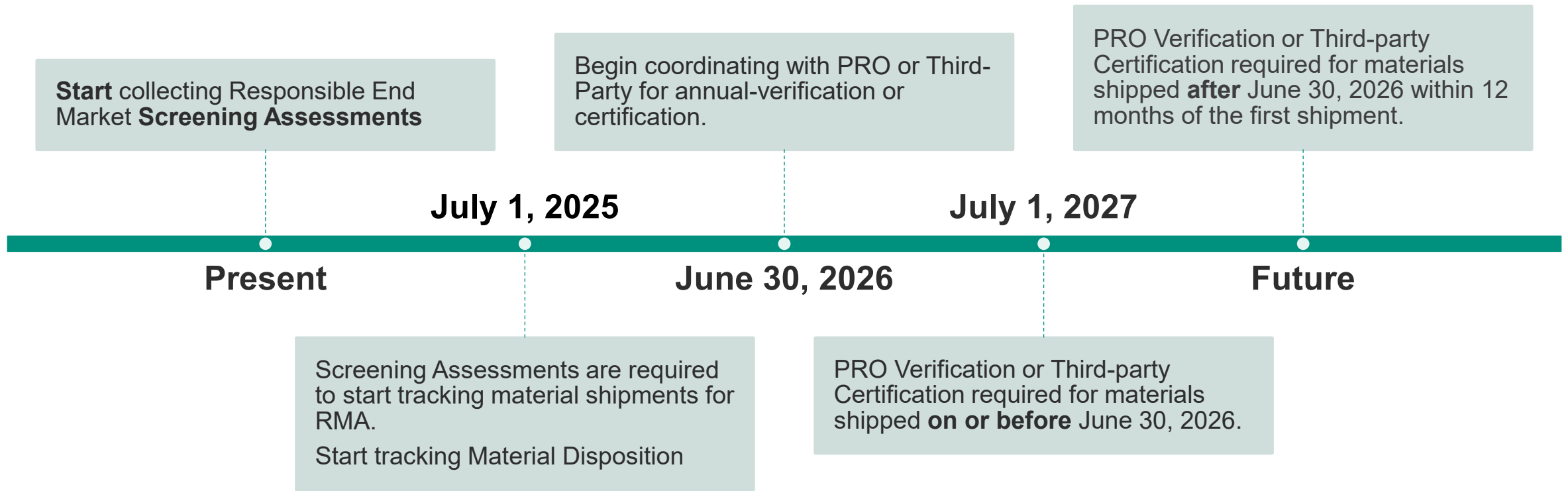


Thank you!



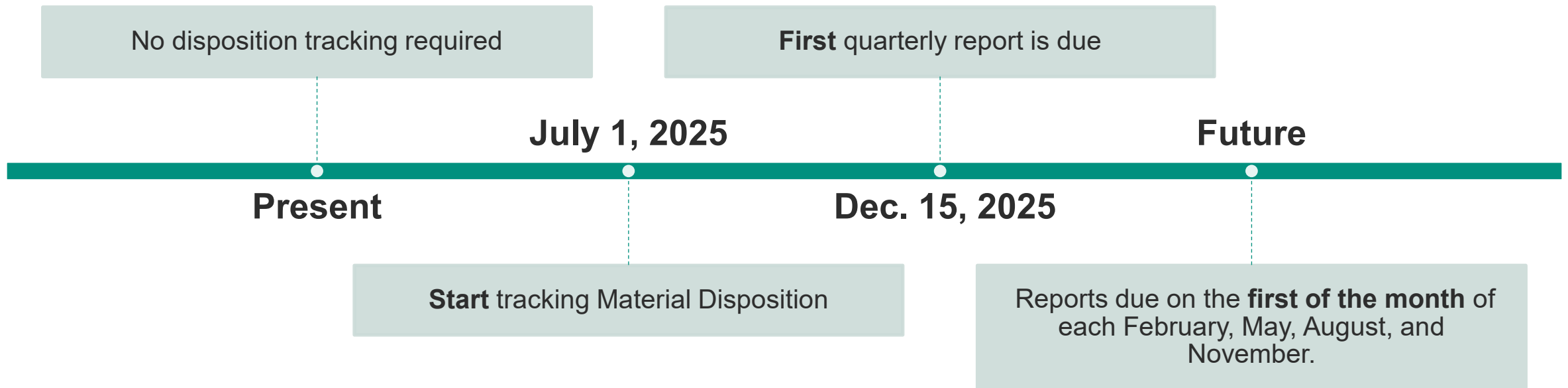
Permit program requirements

Annually-Audited Verification by a PRO or Third-Party Certification



Permit program requirements

Responsible End Market Quarterly Disposition Reporting



Title VI and alternative formats

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