



Oregon Department of Environmental Quality

Recycling Modernization Act and Local Government Opportunity to Recycle Requirements

Dear local governments and service providers,

Hello and welcome to Update #3 of the Local Government Opportunity to Recycle Requirements information document. If this is the first time you are seeing this document, we have retained the background information for your reference. If you read our information documents from June and October of 2024, this continues to serve as a reminder of the upcoming changes for local governments due to the Recycling Modernization Act, known as RMA. Please note that the RMA is still evolving and DEQ recognizes the challenges associated with planning for requirements that are under development. However, to keep you up to date with the latest changes, we will continue to send this informational document to local governments and service providers and indicate any changes or important new information in **red**.

As a reminder, DEQ will be providing technical assistance during initial implementation to these new OTR requirements in lieu of enforcement to help local governments come into compliance with the regulations through Dec. 31, 2025. This will allow local governments, if needed, 6 months to roll out new programs. The specific OTR requirements that the technical assistance period will apply to are marked with a ****Red****.

Background: RMA was signed into law in 2021 and requires producers of packaging, printing and writing paper, and food serviceware to share responsibility for effective management of their products after use. Producers will be required to join and pay a membership fee to a Producer Responsibility Organization, referred to as a PRO, and the funding generated from membership fees will be used to finance improvements to Oregon's recycling system, making recycling programs more convenient, accessible, and responsible. The prospective PRO in Oregon is Circular Action Alliance, or CAA.

RMA requires local governments to improve recycling services beginning July 1, 2025. This document is a summary of new Opportunity to Recycle, or OTR, requirements for local governments resulting from the enactment of the RMA. The complete Opportunity to Recycle rules as well as other administrative rules cited in this document may be found on the [Oregon Secretary of State's website](#).

How RMA Will Impact Your Communities

The RMA creates new requirements for cities 4,000 and greater in population, the areas within their urban growth boundaries (which counties are responsible for), and all cities in the Portland Metro Regional Service District. For cities with less than 4,000 people and unincorporated communities, there are just a few new requirements. The RMA builds upon existing standards and requirements contained in Oregon's Opportunity to Recycle Act in Oregon Revised Statute 459A.005 and .007. The new requirements are in addition to the current Opportunity to Recycle requirements. Regional Specialists around the state will continue to work closely with local governments on the Opportunity to Recycle requirements.

Translation or other formats

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Part 1 – For all Local Governments regardless of population

✓ Ensure that commingled materials are directed to approved processors (OAR 340-090-0030(2)): Begins July 1, 2025

- Commingled recyclables collected under the Opportunity to Recycle Act will be prohibited from being delivered to commingled processing facilities unless such facilities have a valid Commingled Recycling Processor Facility permit for an in-state facility, or an approved and certified facility out of state. Oregon processors will be ready to accept commingled recyclable materials by July 1, 2025.

✓ At recycling depots at permitted facilities or more convenient locations, begin collecting materials on acceptance list for depots (OAR 340-090-0030(1)): Beginning July 1, 2025

- Permitted disposal sites, such as landfills and transfer stations, that provide a place for collecting source-separated recyclable materials at the disposal site **or** a more convenient location will begin collecting materials identified on the recycling acceptance list for depots in 340-090-0630(4)(a).

Note: OAR 340-090-0630 (4) (f) states that a local government may submit a request for additional time to meet the obligation to collect materials on the Uniform Statewide Collection List 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.

✓ A material may not be collected as part of the commingled recycling program unless the material is identified for collection on the Uniform Statewide Collection List, or USCL. (OAR 340-090-0030(5)). Beginning July 1, 2025

- Local governments should begin transitioning commingled collection programs to include the materials on the USCL. Cities below the population of 4,000 will not be required to collect every material on the list.

Note: OAR 340-090-0630(7) If, prior to July 1, 2025, a local government is collecting materials listed in Section (3) of this rule (materials on the PRO acceptance list) as part of a commingled recycling program, the local government may submit a request to continue to collect such materials in commingled recycling until such time as the producer responsibility organization has met the convenience standard pursuant to OAR 340-090-0640(2) and OAR 340-090-0640(6).

✓ Newly purchased roll carts, bins and containers shall contain at least 10% post-consumer recycled content. (OAR 340-090-0030(4)): Beginning Jan 1, 2026

- New roll carts, bins and containers purchased by the local government or service providers will need to contain at least 10 percent verified post-consumer recycled content.

Part 2 – For cities 4,000 and greater, areas inside the UGB of those cities, and cities in the metro service district

✓ Collect on-route materials designated for recycling collection from collection service customers at least monthly (OAR 340-090-0030 (7)(a)): Beginning July 1, 2025 - **Dec. 31, 2025******

- Begin promoting and collecting materials on the local government's acceptance list identified in 340-090-0630(4)(b) as conditions allow.
- Materials on this list may be commingled together (but commingling is not required). Additional materials may be collected separately (e.g., motor oil), but not commingled with the USCL materials.
- Inside the **Portland Metro region only**, local governments are also required to provide for the on-route collection of glass from non-residential sources, such as bars and restaurants.
- Inside the **Portland Metro region only**, local governments are also required to provide collection of yard debris as part of the opportunity to recycle.

Note: OAR 340-090-0630 (4) (f) states that a local government may submit a request for additional time to meet the obligation to collect materials on the Uniform Statewide Collection List 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.

✓ Implement new contamination reduction programs (OAR 340-090-0030 (7)(c)) Begins as PRO funding becomes available starting July 1, 2025 – **Dec. 31, 2025******

- Set contamination reduction goals consistent with statewide goal(s).
- Choose and implement contamination reduction program elements from a DEQ-approved list, including at least one element from each of the three categories:
 1. Provide customer-facing contamination reduction materials and methods that are responsive to diverse populations.
 2. Standards for providing feedback to generators who contribute to contamination that is responsive to diverse populations.
 3. Standards for providing financial or service consequences to generators that are significant and repeated sources of contamination despite receiving feedback. Consequences must be responsive to diverse populations.
- At least every five years, review and revise as appropriate the local contamination reduction goals and elements being implemented.
- ~~Periodically evaluate source-separated recyclable materials for quality and contamination if sent to a recycling reload facility in accordance with forms and procedures established by the Department.~~
Rule clarification: DEQ will establish contamination evaluation procedures to meet the

requirements of periodic evaluation that will be conducted by the PRO. Therefore, the PRO will implement the periodic evaluation of contamination requirement for the entire state.

NOTE: DEQ is in the process of establishing a statewide contamination reduction goal and the list of approved contamination reduction program elements for each of the three categories. A local government will be required to choose one element from each category to implement OR use materials or methods that are at least as effective as materials or methods approved by DEQ.

Stay tuned for more information. The PRO will compensate local governments or their service providers \$3 per capita per year for contamination reduction programming. Local governments are only required to implement contamination programming to the extent that such funding is provided.

✓ **Use education resources created by the PRO (OAR 340-090-0030 (8)(h)):
Beginning July 1, 2025**

The PRO is required to develop and make available to local governments culturally responsive educational resources to promote the uniform statewide collection list. These materials will be available to local governments through CAA's portal by mid-May.

- **Local governments and service providers must use the PRO's educational materials when possible and appropriate. During the first program plan period local governments and service providers may choose to use their own images/photos or CAA-provided illustrations. Local governments will need to pay to print and disseminate materials that do not meet the standards developed by the PRO.**
- Local governments will maintain their existing responsibilities to conduct other community education about recycling and waste prevention as specified in the Opportunity to Recycle requirements.

✓ **If a local government chooses any of the following recycling program elements from OAR 340-090-0040 (3), specific materials are required for collection:
Beginning July 1, 2025 – ****Dec. 31, 2025******

- Provide collection of materials identified in 340-090-0630(4)(b) on the local government's acceptance list.
 - (b) weekly same day as garbage residential curbside collection
 - (d) multifamily dwelling recycling
 - (f) commercial and institutional recycling
- Provide collection of materials identified in 340-090-0630(4)(a) on the local government's acceptance list; however, there could be exceptions for used oil and appliances.
 - (g) Expanded recycling drop-off depot

✓ **Ensure adequate collection and access for multifamily residents (OAR 340-090-0030 (7)(b)): ~~Begin July 1, 2026*~~ Rule has been revised.**

- ~~Ensure there is adequate space onsite for collection of recyclables at multifamily properties.~~
- ~~Demonstrate a plan to ensure that newly constructed properties and properties that undergo significant remodeling provide adequate space for recycling.~~
- ~~Establish or ensure that service standards for collection include standards for adequate collection through volume, collection frequency or a combination of both.~~
- ~~Ensure containers are accessible to children and people using wheelchairs.~~
- **(b) To comply with the requirements of ORS 459A.911 to ensure adequate space for the recycling collection of materials identified on the uniform statewide collection list at multifamily properties, submit an implementation plan to DEQ by November 1, 2027 in a manner and form prescribed by DEQ, report on activities undertaken to execute the implementation plan in the periodic report submitted according to the requirements of OAR 340-090-0100, and initiate plan implementation no later than July 1, 2028. The implementation plan shall describe how the city, county, or metropolitan service district will:**
 - (A) Ensure adequate space for collection and access for collection vehicles after new construction or significant remodels.**
 - (B) Ensure adequate space for collection in existing buildings.**
 - (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.**

Part 3 – Optional for all communities

- ✓ **Participate in future needs assessments to expand recycling collection (ORS 459A. 890 (8)): First assessment completed in April 2023, will be repeated periodically.**
 - DEQ completed the first statewide needs assessment in 2023 and worked with local governments and service providers around the state to determine interest in adding or expanding recycling programs. For those local governments that identified eligible cost in the initial needs assessment, funding from the PRO is planned to begin no earlier than July 1, 2025.

Note: Local governments seeking compensation from the PRO for equipment and infrastructure expenses identified in the needs assessment **should not purchase or order equipment without first entering into a contract or formal agreement with the PRO.**

- ✓ **Authorize service providers or other entities that may receive compensation directly from the PRO (ORS 459A.890): Compensation begins July 1, 2025; funding authorization process begins earlier**
 - Local governments that choose to seek compensation from the PRO shall identify which service providers (if any), or other entities are authorized to receive compensation directly from the PRO on the local government's behalf. The official funding authorization form was sent to local

governments in December of 2024 and is due back to DEQ March 31, 2025. Please see contact information below for the RMA TA in each of DEQ's geographic regions.

Eastern Region: Rachel VanWoert 971-269-7671 or Rachel.VanWoert@deq.oregon.gov

Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Milton-Freewater, Morrow, Umatilla, Sherman, Union, Wasco, Wallowa and Wheeler counties or wastesheds

Northwest Region: Steven Chang at 971-803-2493 or Steven.Chang@deq.oregon.gov

Clatsop, Columbia, Tillamook, and Portland Metro Area (Clackamas, Multnomah, and Washington) counties

Western Region: Telicia Hixson at 503-995-9491 or Telicia.I.Hixson@deq.oregon.gov

Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, and Yamhill counties

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