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Background Brief on ...

Solid and Hazardous Wastes

During the mid-1600s, the City of New York instituted the nation's first waste disposal regulations when it banned dumping garbage in the streets. Solid and hazardous waste management today protects human health and the environment through proper management, disposal, and waste reduction programs, with increasing emphasis on material recovery and waste prevention.

Solid waste in Oregon is principally overseen by the Department of Environmental Quality (**DEQ**) under the federal Resource Conservation and Recovery Act (**RCRA**) and state solid waste law. However, local governments are responsible for planning for solid waste management and must provide the opportunity to recycle to every person in their jurisdictions. The large majority of local governments in Oregon franchise residential garbage and recycling collection services, while many also franchise commercial garbage and recycling collection services. RCRA also authorizes states to implement hazardous waste management programs with the approval of the Environmental Protection Agency (**EPA**), which Oregon has received. Key program elements include environmental permitting for hazardous waste management and disposal facilities, inspections, enforcement, and technical assistance to businesses and local governments.

Solid Waste Management

Oregon's first solid waste management plan was adopted in 1979. Open dumping of solid waste is prohibited in Oregon, with lawful disposal confined to permitted composting, energy recovery, incineration or landfill facilities. Hazardous and infectious waste streams are not accepted by standard landfills and require special

handling. Oregon law bans the disposal of lead acid batteries, used oil, whole tires, and discarded vehicles, large metal-jacketed appliances and certain electronics. Some landfills accept only construction and demolition wastes and inert materials.

The DEQ issues disposal permits and monitors compliance, responds to complaints about disposal issues, administers solid waste grants, oversees local government recycling programs, conducts a household hazardous waste-program that promotes prevention and permanent collection facilities, conducts studies of material recovery rates and waste composition, conducts studies of the life cycle impacts of materials, including greenhouse gas impacts, and provides education and technical assistance about waste prevention and recycling.

Oregon's current (1995-2005) Solid Waste Management Plan changes the state's focus from conserving landfill space to viewing waste and recyclables as valuable resources with the ultimate goals of conserving natural resources and reducing the environmental impacts associated with resource consumption. The 2001 Legislative Assembly placed these policy goals in statute and extended the state's 50 percent recovery goal to 2009. In addition, two waste prevention goals were set.

- For the calendar year 2005 and subsequent years, there will be no annual increase in per capita municipal solid waste generation.
- For the calendar year 2009 and subsequent years, there will be no annual increase in total municipal solid waste generation.

In addition to emphasizing commercial waste prevention as a focus area for grants to local governments and for technical assistance to businesses and local governments, the DEQ has developed a statewide strategy to guide waste prevention and reuse activities in Oregon to achieve these new waste prevention goals. Although per-capita waste generation did increase in 2005 and 2006, it has since fallen sharply, and so Oregon currently is meeting the new waste prevention goal. However, declining economic conditions rather than new programs

have probably been the main factor meeting the reduced generation goal.

Recycling

Oregon is a national leader in recycling. The 1971 Bottle Bill resulted in a 90 percent capture of carbonated beverage containers and an 80 percent reduction in roadside litter within 2 years of passage. However, an increasing percentage of beverage containers are not covered by the law. In response, the 2007 Legislative Assembly enacted Senate Bill 707, expanding the bottle bill law to include water and flavored water containers. The 2009 Legislature considered, but did not enact, additional changes to the law.

Recycling is further encouraged through the Recycling Opportunity Act (1983) that provides for curbside recycling and drop-off depots, and the Oregon Recycling Act (1991), which set goals for recovery of solid waste. (See the Background Brief on *Recycling* for more information).

A small but important part of Oregon's solid waste management program is the Household Hazardous Waste (HHW) Program. This program focuses on education and provides grants to local governments to help them establish permanent HHW collection facilities. Under this program, rules were developed for the labeling of mercury-containing thermometers as required by legislation passed in 2001.

Hazardous Waste Management

In 1984, amendments to the federal RCRA added special requirements for the handling of hazardous wastes, including managing the generation, transportation, storage, treatment, and disposal of these materials. The EPA first approved Oregon's hazardous waste program in 1986 and updated this authorization in 2010, allowing Oregon to implement federal requirements. The EPA, however, retains federal oversight authority. The legislature enacted a statewide hazardous waste program to protect "the public health and safety and environment of Oregon to the maximum extent possible" (ORS

466.010). Hazardous waste generation, transport, storage, and disposal on Tribal lands falls under federal jurisdiction.

The DEQ promotes the reduction and safe management of hazardous waste at more than 550 hazardous waste generation facilities, issues permits to hazardous waste management facilities, and conducts inspections of hazardous waste generators and used oil processors, and DEQ's Technical Assistance program assists hundreds of Oregon's small businesses in complying with complex hazardous waste regulations. In addition, the hazardous waste program registers and provides assistance to universal waste handlers and destination facilities. Universal waste includes lead-acid batteries, pesticides, mercury-containing equipment, and fluorescent lamps and bulbs. DEQ's hazardous waste program promotes toxic use reduction across all entities it regulates.

An increasingly important solid waste reduction issue is how to manage electronics waste. In 2007, the legislature passed House Bill 2626 requiring manufacturers of televisions, computers, and monitors (covered electronic devices or **CEDs**) to finance the collection and recycling of this waste beginning on January 1, 2009. Oregon E-Cycles is an example of product stewardship: an environmental management strategy in which all parties involved in the design, production, sale and use of a product take responsibility for minimizing the product's environmental impact throughout all stages of the product's life. The greatest responsibility lies with whomever has the most ability to affect the lifecycle environmental impacts of the product. In some states, there is a move away from a single-product approach to product-stewardship toward a framework approach. The Oregon legislature considered, but did not enact, framework legislation in 2009.

Recent Legislation

House Bill 3037 (2009) creates a paint stewardship pilot program to reduce the generation of postconsumer paint by promoting its reuse and developing a process

of collecting, transporting and processing it in an environmentally sound fashion. House Bill 3037 requires the creation of a stewardship organization made up of paint manufacturers to implement the program by developing a plan and funding its implementation, including the development of educational materials for consumers. Under the legislation, consumers are able to take unwanted paint to locations throughout the state for environmentally appropriate recovery and disposal free of charge. The pilot program sunsets June 30, 2014 but prior to that date DEQ must submit a report to the Legislative Assembly recommending whether or not to make the program permanent.

House Bill 3606 (2010) specifies that the total recycling weight assigned to all television manufacturers in Oregon E-Cycles program is allocated based on respective market share.

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