

Senate Bill 245

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Environmental Quality)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies purposes for assessing, and authorized uses of, solid waste facility permit fees. Becomes operative July 1, 2016.

Consolidates disposal site tipping fee and disposal site surcharge and increases consolidated fee. Authorizes Environmental Quality Commission to establish fee schedule for disposal sites for composting under certain circumstances. Modifies authorized uses of moneys collected pursuant to tipping fee. Sets maximum amount for disposal site tipping fee for 2015-2017 biennium. Authorizes commission to adjust fees once each subsequent biennium under certain circumstances. Becomes operative April 1, 2016, with first payment due July 1, 2016.

Applies orphan site fee and disposal tipping fee to building demolition and construction disposal sites and waste tire disposal sites. Applies fee that equals up to 50 percent of full disposal tipping fee to disposal of substitute material that is also used for daily cover. Becomes operative July 1, 2019.

Repeals out-of-region fee differential.

Requires report by Department of Environmental Quality no later than October 31, 2022, on options for sustainable and adequate funding of solid waste management, prevention, reuse and recycling programs and implementation of state's plan for integrated system of materials and waste management in State of Oregon.

A BILL FOR AN ACT

1
2 Relating to solid waste disposal fees; creating new provisions; amending ORS 459.235, 459.236,
3 459A.025, 459A.110 and 459A.120; and repealing ORS 459.112, 459.114 and 459A.115.

4 **Be It Enacted by the People of the State of Oregon:**

2016 FUNDING ADJUSTMENTS

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8 **SECTION 1.** ORS 459.235, as amended by section 8 of this 2015 Act, is amended to read:

9 459.235. (1) Applications for permits shall be on forms prescribed by the Department of Envi-
10 ronmental Quality. An application shall contain a description of the existing and proposed operation
11 and the existing and proposed facilities at the site, with detailed plans and specifications for any
12 facilities to be constructed. The application shall include a recommendation by each local govern-
13 ment unit having jurisdiction and such other information the department deems necessary in order
14 to determine whether the site and solid waste disposal facilities located [*thereon*] **at the site** and
15 the operation will comply with applicable requirements.

16 (2) The Environmental Quality Commission shall establish a schedule of fees for disposal site
17 permits. [*The permit fees contained in the schedule shall be based on the anticipated cost of filing and*
18 *investigating the application, of issuing or denying the requested permit and of an inspection program*
19 *to determine compliance or noncompliance with the permit.*] **Consistent with the policies in ORS**
20 **459.015, moneys collected under this section shall be used to fund oversight activities at solid**
21 **waste disposal sites, including but not limited to permitting, inspecting, monitoring, enforc-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **ing, technical assistance, responding to complaints, rulemaking and any other activities that**
 2 **support the safe management of solid waste and activities to reduce waste generation and**
 3 **disposal.**

4 [(3) *In addition to the fees imposed under subsection (2) of this section, the commission shall es-*
 5 *tablish a schedule of permit fees for the purpose of implementing this section and ORS 90.318, 182.375,*
 6 *279A.125, 279A.155, 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418,*
 7 *459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, 459A.475, 459A.480,*
 8 *459A.500 to 459A.685, 459A.695 and 459A.750. The fees shall be based on the amount of solid waste*
 9 *received at the disposal site.]*

10 [(4)] (3) Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or
 11 459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable ma-
 12 terial other than virgin material for daily cover at a disposal site, the only fee that may be charged
 13 for the disposal of substitute material that is also used for daily cover is the permit fee established
 14 under this section.

15 **SECTION 2.** ORS 459.236 is amended to read:

16 459.236. (1) In addition to the permit fees provided in ORS 459.235, upon prior approval by the
 17 Oregon Department of Administrative Services and a report to the Emergency Board prior to
 18 adopting the fees, on January 1 of each year there is imposed a fee on all:

19 (a) Disposal sites that receive domestic solid waste [*except transfer stations*] **for final disposal**
 20 **or destruction as further defined by the Environmental Quality Commission by rule;** and

21 (b) Persons who transport solid waste out of the State of Oregon **for final disposal or de-**
 22 **struction as further defined by the commission by rule** to a disposal site that receives domestic
 23 solid waste.

24 (2) The amount raised under subsection (1) of this section shall be up to \$1 million per year,
 25 based on the estimated tonnage or the actual tonnage, if known, received at the site or transported
 26 out of state for disposal and any other similar or related factors the [*Environmental Quality*] com-
 27 mission finds appropriate. Such fees shall be within the budget authorized by the Legislative As-
 28 sembly as that budget may be modified by the Emergency Board.

29 (3) For solid waste generated within the boundaries of a metropolitan service district, the fee
 30 imposed under subsection (1) of this section[, *but not the permit fees provided in ORS 459.235 (3),*]
 31 shall be levied on the district, not the disposal site.

32 (4) Before transporting or arranging for transport of solid waste out of the State of Oregon to
 33 a disposal site that receives domestic solid waste, a person shall notify the Department of Environ-
 34 mental Quality in writing.

35 (5)(a) A local government unit that franchises or licenses a domestic solid waste site shall allow
 36 the disposal site to pass through the amount of the fees established by the commission in subsection
 37 (1) of this section to the users of the site.

38 (b) If a disposal site that receives domestic solid waste passes through all or a portion of the
 39 fees established by the commission in subsection (1) of this section to a solid waste collector who
 40 uses the site, a local government unit that franchises or licenses the collection of solid waste shall
 41 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

42 (6) Except as provided in subsection (7) of this section, moneys collected under this section shall
 43 be deposited in the Orphan Site Account created under ORS 465.381 to be used to pay the costs of
 44 removal or remedial action of hazardous substances, in excess of the maximum amount collected
 45 under ORS 459.311 at:

1 (a) Solid waste disposal sites owned or operated by a local government unit; or

2 (b) Privately owned or operated solid waste disposal sites that receive or received domestic solid
 3 waste for which the department determines the responsible party is unknown, unwilling or unable
 4 to undertake any portion or phase of a removal or remedial action.

5 (7) The moneys collected under this section, or proceeds of any bond sale under ORS 468.195 for
 6 which moneys collected under this section are pledged for repayment shall be made available to a
 7 local government unit to pay removal or remedial action costs at a site if:

8 (a) The local government unit is responsible for conducting removal or remedial action under
 9 ORS 465.260; and

10 (b) The local government unit repays any moneys equal to the amount that may be raised by the
 11 charge imposed under ORS 459.311 and interest on such moneys, in accordance with an agreement
 12 between the local government unit and the department. A local government unit is not required to
 13 repay the first \$100,000 the local government unit expends on removal or remedial action.

14 (8) As used in this section:

15 (a) "Domestic solid waste" has the meaning given that term in ORS 459A.100.

16 (b) "Person" does not include an individual who transports the individual's own residential solid
 17 waste to a disposal site located out of the state.

18 (c) "Removal" and "remedial action" have the [meaning] meanings given those terms in ORS
 19 465.200.

20 **SECTION 3.** ORS 459A.025 is amended to read:

21 459A.025. (1) According to the requirements of ORS chapter 183, the Environmental Quality
 22 Commission shall adopt rules and guidelines necessary to carry out the provisions of ORS 459.005,
 23 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665, including but not
 24 limited to:

25 (a) Acceptable alternative methods for providing the opportunity to recycle;

26 (b) Education, promotion and notice requirements, which requirements may be different for dis-
 27 posal sites and collection systems;

28 (c) Identification of the wastesheds within the state;

29 (d) Identification of the principal recyclable material in each wasteshed;

30 (e) Guidelines for local government units and other persons responsible for implementing the
 31 provisions of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to
 32 459A.665; **and**

33 (f) Standards for the joint submission of the recycling reports required under ORS 459A.050
 34 (1).[, and]

35 [(g) Subject to prior approval of the Oregon Department of Administrative Services and a report
 36 to the Emergency Board prior to adopting the fee, the amount of an annual or permit fee or both under
 37 ORS 459.235, 459.245 and 468.065 necessary to carry out the provisions of ORS 459.005, 459.015,
 38 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.]

39 (2) In adopting rules or guidelines under this section, the commission shall consider:

40 (a) The policy stated in ORS 459.015.

41 (b) Systems and techniques available for recycling, including but not limited to existing recycl-
 42 ing programs.

43 (c) Availability of markets for recyclable material.

44 (d) Costs of collecting, storing, transporting and marketing recyclable material.

45 (e) Avoided costs of disposal.

1 (f) Density and characteristics of the population to be served.

2 (g) Composition and quantity of solid waste generated and potential recyclable material found
3 in each wasteshed.

4 **SECTION 4.** ORS 459A.110 is amended to read:

5 459A.110. (1) In addition to the permit fees provided in ORS 459.235, the Environmental Quality
6 Commission shall establish a schedule of fees for all:

7 (a) Disposal sites that receive domestic solid waste [*except transfer stations*] **and solid waste**
8 **generated outside the state for final disposal or destruction as further defined by the com-**
9 **mission by rule; and**

10 (b) Persons who transport solid waste out of the State of Oregon **for final disposal as further**
11 **defined by the commission by rule** to a disposal site that receives domestic solid waste.

12 **(2) If the amount of waste tonnage per calendar year subject to the fees established un-**
13 **der subsection (1) of this section falls, for two consecutive calendar years, below 90 percent**
14 **of the amount of waste tonnage subject to the fees as averaged over the 2014 to 2016 calendar**
15 **years, the commission may establish a schedule of fees for disposal sites for composting. A**
16 **fee schedule established under this subsection shall:**

17 **(a) Apply only to tonnage received by a disposal site for composting that is in excess of**
18 **the first 5,000 tons received per year by the disposal site; and**

19 **(b) Remain in effect unless or until the commission determines that a fee under this**
20 **subsection is no longer necessary.**

21 [(2)] **(3) [The schedule adopted under subsection (1)] Fees adopted under subsections (1) and**
22 **(2) of this section shall be based on the estimated tonnage or the actual tonnage, if known, received**
23 **at the site or transported out of state for disposal and any other similar or related factors the**
24 **commission finds appropriate. [The fees collected pursuant to the schedule shall be sufficient to assist**
25 **in the funding of programs to reduce the amount of domestic solid waste generated in Oregon and to**
26 **reduce environmental risks at domestic waste disposal sites.]**

27 [(3)] **(4) For solid waste delivered to a disposal site owned or operated by a metropolitan service**
28 **district, the schedule of fees, but not the permit fees provided in ORS 459.235, established by the**
29 **commission in subsection (1) of this section shall be levied on the district, not the disposal site.**

30 [(4)] **(5) The commission also may require submittal of information related to volumes and**
31 **sources of solid waste if necessary to carry out the activities described in ORS 459A.120. For solid**
32 **waste transported out of the State of Oregon for final disposal, the required information may include**
33 **the type of solid waste, the county of origin of the solid waste and the state to which the solid waste**
34 **is transported for final disposal.**

35 [(5)] **(6) Before transporting or arranging for transport of solid waste out of the State of Oregon**
36 **to a disposal site that receives domestic solid waste, a person shall notify the Department of Envi-**
37 **ronmental Quality in writing.**

38 [(6)(a)] **(7)(a) A local government that franchises or licenses a disposal site that receives do-**
39 **mestic solid waste shall allow the disposal site to pass through the amount of the fees established**
40 **by the commission in [subsection (1)] subsections (1) and (2) of this section to the users of the site.**

41 (b) If a disposal site that receives domestic solid waste passes through all or a portion of the
42 fees established by the commission in [subsection (1)] **subsections (1) and (2)** of this section to a
43 solid waste collector who uses the site, a local government that franchises or licenses the collection
44 of solid waste shall allow the franchisee or licensee to include the amount of the fee in the col-
45 lection service rate.

1 *[(7) The fees generated under subsection (1) of this section shall be sufficient to accomplish the*
 2 *purposes set forth in ORS 459A.120 but shall be no more than 50 cents per ton.]*

3 *[(8) There shall be a fee on solid waste generated out of state. This fee shall be an amount equal*
 4 *to the sum of the fees established under subsection (1) of this section and ORS 459A.115 and shall be*
 5 *collected in the same manner as fees established under subsection (1) of this section and ORS*
 6 *459A.115.]*

7 [(9)] (8) As used in this section, “person” does not include an individual who transports the
 8 individual’s own residential solid waste to a disposal site located out of the state.

9 **SECTION 5. ORS 459A.115 is repealed.**

10 **SECTION 6. (1) The fees generated under ORS 459A.110 shall be sufficient to accomplish**
 11 **the purposes set forth in ORS 459A.120, provided that:**

12 (a) **The fees established under ORS 459A.110 (1) shall be no more than \$_____ per ton**
 13 **for the biennium beginning July 1, 2015; and**

14 (b) **Any per-ton fee on disposal sites for composting under ORS 459A.110 (2) shall be no**
 15 **more than the sum of all per-ton fees assessed on domestic solid waste disposal under ORS**
 16 **459A.110 and 459.235, less \$1.21 per ton.**

17 (2) **For the biennium beginning July 1, 2017, and each subsequent biennium and subject**
 18 **to prior approval by the Oregon Department of Administrative Services, the Environmental**
 19 **Quality Commission may:**

20 (a) **Proportionally adjust the fees established under this section and ORS 459A.110 to**
 21 **meet revenue needs consistent with the budget authorized by the Legislative Assembly as**
 22 **that budget may be modified by the Emergency Board; or**

23 (b) **Adjust for inflation by modifying the amount of the fees established under this section**
 24 **and ORS 459A.110 by a proportional amount equal to the percentage change in the West**
 25 **Region Consumer Price Index for All Urban Consumers for All Items, as published by the**
 26 **Bureau of Labor Statistics of the United States Department of Labor, for a period beginning**
 27 **on the date that the most recent prior fee adjustment took effect and ending on June 30 of**
 28 **the year prior to the biennium for which the fee adjustment will be effective.**

29 (3) **Any fee adjustment adopted pursuant to subsection (2) of this section shall be adopted**
 30 **not less than six months prior to the beginning of the biennium for which the fee adjustment**
 31 **will be effective.**

32 (4) **The commission may not adopt a fee adjustment under subsection (2) of this section**
 33 **if the adjustment would result in a fee increase or decrease of less than two percent for the**
 34 **biennium for which the fee adjustment will be effective.**

35 **SECTION 7. ORS 459A.120 is amended to read:**

36 459A.120. (1) *[Except as provided in ORS 459A.115,]* The fees established by the Environmental
 37 Quality Commission under ORS 459A.110 shall be deposited in the General Fund and credited to an
 38 account of the Department of Environmental Quality. Such moneys are continuously appropriated
 39 to the department to *[carry out the purposes set forth in subsection (2) of this section.]* **fund the up-**
 40 **date and implementation of the statewide integrated solid waste management plan under**
 41 **ORS 459A.020 and the policies set forth in ORS 459.015.**

42 (2) **Activities that may be funded to carry out the purposes of this section include but**
 43 **are not limited to:**

44 (a) **Department activities to reduce the environmental impacts of materials at all stages**
 45 **of their life cycles, such as:**

1 (A) Promoting and enhancing waste prevention, recycling and other waste recovery ac-
 2 tivities;

3 (B) Collecting data;

4 (C) Researching, planning, developing and applying performance measures;

5 (D) Developing standards and educational and promotional activities;

6 (E) Supporting markets;

7 (F) Demonstrating activities; and

8 (G) Managing household hazardous wastes and materials;

9 (b) Solid waste planning activities by counties and metropolitan service districts, as ap-
 10 proved by the department; and

11 (c) Providing grants or loans to fund the types of activities listed in paragraphs (a) and
 12 (b) of this paragraph.

13 [(2) The fees collected under ORS 459A.110 shall be used only for the following purposes:]

14 [(a) Implementation of the provisions of ORS 459.411 to 459.417.]

15 [(b) Department of Environmental Quality programs to promote and enhance waste reduction and
 16 recycling statewide, including data collection, performance measurement, education and promotion,
 17 market development and demonstration projects.]

18 [(c) Department of Environmental Quality activities for ground water monitoring and enforcement
 19 of ground water protection standards at disposal sites that receive domestic solid waste.]

20 [(d) Solid waste planning activities by counties and the metropolitan service district, as approved
 21 by the department, including planning for special waste disposal, planning for closure of solid waste
 22 disposal sites, capacity planning for domestic solid waste and regional solid waste planning.]

23 [(e) Grants to local government units for recycling and solid waste planning activities.]

24 [(f) Payment of administrative costs incurred by the department in accomplishing the purposes set
 25 forth in this section. The amount allocated under this paragraph shall not exceed 10 percent of the fees
 26 generated under ORS 459A.110.]

27 **SECTION 8.** ORS 459.235 is amended to read:

28 459.235. (1) Applications for permits shall be on forms prescribed by the Department of Envi-
 29 ronmental Quality. An application shall contain a description of the existing and proposed operation
 30 and the existing and proposed facilities at the site, with detailed plans and specifications for any
 31 facilities to be constructed. The application shall include a recommendation by each local govern-
 32 ment unit having jurisdiction and such other information the department deems necessary in order
 33 to determine whether the site and solid waste disposal facilities located thereon and the operation
 34 will comply with applicable requirements.

35 (2) The Environmental Quality Commission shall establish a schedule of fees for disposal site
 36 permits. The permit fees contained in the schedule shall be based on the anticipated cost of filing
 37 and investigating the application, of issuing or denying the requested permit and of an inspection
 38 program to determine compliance or noncompliance with the permit.

39 (3) In addition to the fees imposed under subsection (2) of this section, the commission shall
 40 establish a schedule of permit fees for the purpose of implementing this section and ORS 90.318,
 41 182.375, 279A.125, 279A.155, 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418,
 42 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, [459A.115,]
 43 459A.475, 459A.480, 459A.500 to 459A.685, 459A.695 and 459A.750. The fees shall be based on the
 44 amount of solid waste received at the disposal site.

45 (4) Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or

1 459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable ma-
 2 terial other than virgin material for daily cover at a disposal site, the only fee that may be charged
 3 for the disposal of substitute material that is also used for daily cover is the permit fee established
 4 under this section.

5 **SECTION 9.** (1) The amendments to ORS 459.235, 459.236 and 459A.025 by sections 1 to 3
 6 of this 2015 Act become operative on July 1, 2016.

7 (2) Section 6 of this 2015 Act, the amendments to ORS 459.235, 459A.110 and 459A.120 by
 8 sections 4, 7 and 8 of this 2015 Act and the repeal of ORS 459A.115 by section 5 of this 2015
 9 Act become operative on April 1, 2016.

10 **SECTION 10.** Payment of fees pursuant to section 6 of this 2015 Act, the amendments to
 11 ORS 459.235, 459.236, 459A.025, 459A.110 and 459A.120 by sections 1 to 4 and 7 of this 2015 Act
 12 and the repeal of ORS 459A.115 by section 5 of this 2015 Act shall first become due and pay-
 13 able no earlier than July 1, 2016.

14 **SECTION 11.** The Environmental Quality Commission and the Department of Environ-
 15 mental Quality may take any action before the operative dates specified in section 9 of this
 16 2015 Act that is necessary for the commission or the department to exercise, on and after
 17 the operative dates specified in section 9 of this 2015 Act, all of the duties, functions and
 18 powers conferred on the commission or the department by section 6 of this 2015 Act, the
 19 amendments to ORS 459.235, 459.236, 459A.025, 459A.110 and 459A.120 by sections 1 to 4 and
 20 7 of this 2015 Act and the repeal of ORS 459A.115 by section 5 of this 2015 Act.

21 2019 FUNDING ADJUSTMENTS

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 24 **SECTION 12.** ORS 459.235, as amended by sections 1 and 8 of this 2015 Act, is amended to read:
 25 459.235. (1) Applications for permits shall be on forms prescribed by the Department of Envi-
 26 ronmental Quality. An application shall contain a description of the existing and proposed operation
 27 and the existing and proposed facilities at the site, with detailed plans and specifications for any
 28 facilities to be constructed. The application shall include a recommendation by each local govern-
 29 ment unit having jurisdiction and such other information the department deems necessary in order
 30 to determine whether the site and solid waste disposal facilities located at the site and the operation
 31 will comply with applicable requirements.

32 (2) The Environmental Quality Commission shall establish a schedule of fees for disposal site
 33 permits. Consistent with the policies in ORS 459.015, moneys collected under this section shall be
 34 used to fund oversight activities at solid waste disposal sites, including but not limited to permitting,
 35 inspecting, monitoring, enforcing, technical assistance, responding to complaints, rulemaking and
 36 any other activities that support the safe management of solid waste and activities to reduce waste
 37 generation and disposal.

38 *[(3) Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or*
 39 *459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable material*
 40 *other than virgin material for daily cover at a disposal site, the only fee that may be charged for the*
 41 *disposal of substitute material that is also used for daily cover is the permit fee established under this*
 42 *section.]*

43 **SECTION 13.** ORS 459.236, as amended by section 2 of this 2015 Act, is amended to read:

44 459.236. (1) In addition to the permit fees provided in ORS 459.235, upon prior approval by the
 45 Oregon Department of Administrative Services and a report to the Emergency Board prior to

1 adopting the fees, on January 1 of each year there is imposed a fee on all:

2 (a) Disposal sites that receive domestic solid waste for final disposal or destruction as further
3 defined by the Environmental Quality Commission by rule; *[and]*

4 **(b) Disposal sites that are limited to the purpose of receiving only building demolition or
5 construction wastes and land clearing debris;**

6 **(c) Solid waste disposal sites permitted by the Department of Environmental Quality to
7 accept waste tires for final disposal; and**

8 *[(b)]* (d) Persons who transport solid waste out of the State of Oregon for final disposal or de-
9 struction as further defined by the commission by rule to a disposal site that receives domestic solid
10 waste.

11 (2) The amount raised under subsection (1) of this section shall be up to \$1 million per year,
12 based on the estimated tonnage or the actual tonnage, if known, received at the site or transported
13 out of state for disposal and any other similar or related factors the commission finds appropriate.
14 Such fees shall be within the budget authorized by the Legislative Assembly as that budget may be
15 modified by the Emergency Board.

16 (3) For solid waste generated within the boundaries of a metropolitan service district, the fee
17 imposed under subsection (1) of this section shall be levied on the district, not the disposal site.

18 (4) Before transporting or arranging for transport of solid waste out of the State of Oregon to
19 a disposal site that receives domestic solid waste, a person shall notify the Department of Environ-
20 mental Quality in writing.

21 (5)(a) A local government unit that franchises or licenses a domestic solid waste site shall allow
22 the disposal site to pass through the amount of the fees established by the commission in subsection
23 (1) of this section to the users of the site.

24 (b) If a disposal site that receives domestic solid waste passes through all or a portion of the
25 fees established by the commission in subsection (1) of this section to a solid waste collector who
26 uses the site, a local government unit that franchises or licenses the collection of solid waste shall
27 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

28 (6) Except as provided in subsection (7) of this section, moneys collected under this section shall
29 be deposited in the Orphan Site Account created under ORS 465.381 to be used to pay the costs of
30 removal or remedial action of hazardous substances, in excess of the maximum amount collected
31 under ORS 459.311 at:

32 (a) Solid waste disposal sites owned or operated by a local government unit; or

33 (b) Privately owned or operated solid waste disposal sites that receive or received domestic solid
34 waste for which the department determines the responsible party is unknown, unwilling or unable
35 to undertake any portion or phase of a removal or remedial action.

36 (7) The moneys collected under this section, or proceeds of any bond sale under ORS 468.195 for
37 which moneys collected under this section are pledged for repayment shall be made available to a
38 local government unit to pay removal or remedial action costs at a site if:

39 (a) The local government unit is responsible for conducting removal or remedial action under
40 ORS 465.260; and

41 (b) The local government unit repays any moneys equal to the amount that may be raised by the
42 charge imposed under ORS 459.311 and interest on such moneys, in accordance with an agreement
43 between the local government unit and the department. A local government unit is not required to
44 repay the first \$100,000 the local government unit expends on removal or remedial action.

45 (8) As used in this section:

1 (a) “Domestic solid waste” has the meaning given that term in ORS 459A.100.

2 (b) “Person” does not include an individual who transports the individual’s own residential solid
3 waste to a disposal site located out of the state.

4 (c) “Removal” and “remedial action” have the meanings given those terms in ORS 465.200.

5 **SECTION 14.** ORS 459A.110, as amended by section 4 of this 2015 Act, is amended to read:

6 459A.110. (1) In addition to the permit fees provided in ORS 459.235, the Environmental Quality
7 Commission shall establish a schedule of fees for all:

8 (a) Disposal sites that receive domestic solid waste and solid waste generated outside the state
9 for final disposal or destruction as further defined by the commission by rule; [*and*]

10 **(b) Disposal sites that are limited to the purpose of receiving only building demolition or
11 construction wastes and land clearing debris;**

12 **(c) Solid waste disposal sites permitted by the Department of Environmental Quality to
13 accept waste tires for final disposal; and**

14 [(b)] (d) Persons who transport solid waste out of the State of Oregon for final disposal as fur-
15 ther defined by the commission by rule to a disposal site that receives domestic solid waste.

16 (2) If the amount of waste tonnage per calendar year subject to the fees established under sub-
17 section (1) of this section falls, for two consecutive calendar years, below 90 percent of the amount
18 of waste tonnage subject to the fees as averaged over the 2014 to 2016 calendar years, the com-
19 mission may establish a schedule of fees for disposal sites for composting. A fee schedule established
20 under this subsection shall:

21 (a) Apply only to tonnage received by a disposal site for composting that is in excess of the first
22 5,000 tons received per year by the disposal site; and

23 (b) Remain in effect unless or until the commission determines that a fee under this subsection
24 is no longer necessary.

25 **(3) There shall be a fee in an amount established under section 6 of this 2015 Act on the
26 disposal of substitute material that is also used for daily cover.**

27 [(3)] (4) Fees adopted under subsections (1) and (2) of this section shall be based on the esti-
28 mated tonnage or the actual tonnage, if known, received at the site or transported out of state for
29 disposal and any other similar or related factors the commission finds appropriate.

30 [(4)] (5) For solid waste delivered to a disposal site owned or operated by a metropolitan service
31 district, the schedule of fees, but not the permit fees provided in ORS 459.235, established by the
32 commission in subsection (1) of this section shall be levied on the district, not the disposal site.

33 [(5)] (6) The commission also may require submittal of information related to volumes and
34 sources of solid waste if necessary to carry out the activities described in ORS 459A.120. For solid
35 waste transported out of the State of Oregon for final disposal, the required information may include
36 the type of solid waste, the county of origin of the solid waste and the state to which the solid waste
37 is transported for final disposal.

38 [(6)] (7) Before transporting or arranging for transport of solid waste out of the State of Oregon
39 to a disposal site that receives domestic solid waste, a person shall notify the Department of Envi-
40 ronmental Quality in writing.

41 [(7)(a)] (8)(a) A local government that franchises or licenses a disposal site that receives do-
42 mestic solid waste shall allow the disposal site to pass through the amount of the fees established
43 by the commission in subsections (1) and (2) of this section to the users of the site.

44 (b) If a disposal site that receives domestic solid waste passes through all or a portion of the
45 fees established by the commission in subsections (1) and (2) of this section to a solid waste collector

1 who uses the site, a local government that franchises or licenses the collection of solid waste shall
2 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

3 [(8)] (9) As used in this section, "person" does not include an individual who transports the
4 individual's own residential solid waste to a disposal site located out of the state.

5 **SECTION 15.** Section 6 of this 2015 Act is amended to read:

6 **Sec. 6.** (1) The fees generated under ORS 459A.110 shall be sufficient to accomplish the purposes
7 set forth in ORS 459A.120, provided that:

8 (a) The fees established under ORS 459A.110 (1) shall be no more than \$_____ per ton for the
9 biennium beginning July 1, 2015; [and]

10 (b) Any per-ton fee on disposal sites for composting under ORS 459A.110 (2) shall be no more
11 than the sum of all per-ton fees assessed on domestic solid waste disposal under ORS 459A.110 and
12 459.235, less \$1.21 per ton[.]; **and**

13 **(c) The fee on the disposal of substitute material that is also used for daily cover under**
14 **ORS 459A.110 (3) shall be no more than 50 percent of the fee established under ORS 459A.110**
15 **(1).**

16 (2) For the biennium beginning July 1, 2017, and each subsequent biennium and subject to prior
17 approval by the Oregon Department of Administrative Services, the Environmental Quality Com-
18 mission may:

19 (a) Proportionally adjust the fees established under this section and ORS 459A.110 to meet re-
20 venue needs consistent with the budget authorized by the Legislative Assembly as that budget may
21 be modified by the Emergency Board; or

22 (b) Adjust for inflation by modifying the amount of the fees established under this section and
23 ORS 459A.110 by a proportional amount equal to the percentage change in the West Region Con-
24 sumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor
25 Statistics of the United States Department of Labor, for a period beginning on the date that the most
26 recent prior fee adjustment took effect and ending on June 30 of the year prior to the biennium for
27 which the fee adjustment will be effective.

28 (3) Any fee adjustment adopted pursuant to subsection (2) of this section shall be adopted not
29 less than six months prior to the beginning of the biennium for which the fee adjustment will be
30 effective.

31 (4) The commission may not adopt a fee adjustment under subsection (2) of this section if the
32 adjustment would result in a fee increase or decrease of less than two percent for the biennium for
33 which the fee adjustment will be effective.

34 **SECTION 16.** The amendments to section 6 of this 2015 Act by section 15 of this 2015 Act
35 and the amendments to ORS 459.235, 459.236 and 459A.110 by sections 12 to 14 of this 2015
36 Act become operative on July 1, 2019.

37 **SECTION 17.** The Environmental Quality Commission and the Department of Environ-
38 mental Quality may take any action before the operative date specified in section 16 of this
39 2015 Act that is necessary for the commission or the department to exercise, on and after
40 the operative date specified in section 16 of this 2015 Act, all of the duties, functions and
41 powers conferred on the commission or the department by the amendments to section 6 of
42 this 2015 Act by section 15 of this 2015 Act and the amendments to ORS 459.235, 459.236 and
43 459A.110 by sections 12 to 14 of this 2015 Act.

44
45 **OUT-OF-REGION FEE DIFFERENTIAL REPEALED**

