

**PROPOSED AMENDMENTS TO
SENATE BILL 245**

1 On page 1 of the printed bill, delete lines 5 through 21 and delete pages
2 2 through 11 and insert:

3
4 **“2016 FUNDING ADJUSTMENTS**

5
6 **“SECTION 1.** ORS 459.235, as amended by section 8 of this 2015 Act, is
7 amended to read:

8 “459.235. (1) Applications for permits shall be on forms prescribed by the
9 Department of Environmental Quality. An application shall contain a de-
10 scription of the existing and proposed operation and the existing and pro-
11 posed facilities at the site, with detailed plans and specifications for any
12 facilities to be constructed. The application shall include a recommendation
13 by each local government unit having jurisdiction and such other informa-
14 tion the department deems necessary in order to determine whether the site
15 and solid waste disposal facilities located [*thereon*] **at the site** and the op-
16 eration will comply with applicable requirements.

17 “(2) The Environmental Quality Commission shall establish a schedule
18 of fees for disposal site permits. [*The permit fees contained in the schedule*
19 *shall be based on the anticipated cost of filing and investigating the applica-*
20 *tion, of issuing or denying the requested permit and of an inspection program*
21 *to determine compliance or noncompliance with the permit.*] **Consistent with**
22 **the policies in ORS 459.015, moneys collected under this section shall**

1 **be used to fund oversight activities at solid waste disposal sites, in-**
2 **cluding but not limited to permitting, inspecting, monitoring,**
3 **enforcement, technical assistance, responding to complaints,**
4 **rulemaking and any other activities that support the safe management**
5 **of solid waste, and activities to reduce waste generation and disposal.**

6 “[(3) *In addition to the fees imposed under subsection (2) of this section, the*
7 *commission shall establish a schedule of permit fees for the purpose of imple-*
8 *menting this section and ORS 90.318, 182.375, 279A.125, 279A.155, 279B.025,*
9 *279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418, 459.995,*
10 *459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110,*
11 *459A.475, 459A.480, 459A.500 to 459A.685, 459A.695 and 459A.750. The fees*
12 *shall be based on the amount of solid waste received at the disposal site.]*

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

19 “**SECTION 2.** ORS 459.236 is amended to read:

20 “459.236. (1) In addition to the permit fees provided in ORS 459.235, upon
21 prior approval by the Oregon Department of Administrative Services and a
22 report to the Emergency Board prior to adopting the fees, [*on January 1 of*
23 *each year*] there is imposed a fee on all:

24 “(a) Disposal sites that receive domestic solid waste [*except transfer*
25 *stations*] **or solid waste generated outside the state, for final disposal**
26 **or destruction;** and

27 “(b) Persons who transport solid waste out of the State of Oregon **for**
28 **final disposal or destruction** to a disposal site that receives domestic solid
29 waste.

30 “(2) The amount raised under subsection (1) of this section shall be up to

1 \$1 million per year, based on the estimated tonnage or the actual tonnage,
2 if known, received at the site or transported out of state for **final** disposal
3 **or destruction** and any other similar or related factors the Environmental
4 Quality Commission finds appropriate. Such fees shall be within the budget
5 authorized by the Legislative Assembly as that budget may be modified by
6 the Emergency Board.

7 “(3) For solid waste [*generated within the boundaries of*] **delivered to a**
8 **disposal site owned and operated by** a metropolitan service district, the
9 fee imposed under subsection (1) of this section[, *but not the permit fees pro-*
10 *vided in ORS 459.235 (3),*] shall be levied on the district, not the disposal
11 site.

12 “(4) Before transporting or arranging for transport of solid waste out of
13 the State of Oregon to a disposal site that receives domestic solid waste, a
14 person shall notify the Department of Environmental Quality in writing.

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

19 “(b) If a disposal site that receives domestic solid waste passes through
20 all or a portion of the fees established by the commission in subsection (1)
21 of this section to a solid waste collector who uses the site, a local govern-
22 ment unit that franchises or licenses the collection of solid waste shall allow
23 the franchisee or licensee to include the amount of the fee in the collection
24 service rate.

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

30 “(a) Solid waste disposal sites owned or operated by a local government

1 unit; or

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

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

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

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

18 “(8) As used in this section:

19 “(a) ‘Domestic solid waste’ has the meaning given that term in ORS
20 459A.100.

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

24 “(c) ‘Removal’ and ‘remedial action’ have the [*meaning*] **meanings** given
25 those terms in ORS 465.200.

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

27 “459A.025. (1) According to the requirements of ORS chapter 183, the
28 Environmental Quality Commission shall adopt rules and guidelines neces-
29 sary to carry out the provisions of ORS 459.005, 459.015, 459.035, 459.250,
30 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665, including but not lim-

1 ited to:

2 “(a) Acceptable alternative methods for providing the opportunity to re-
3 cycle;

4 “(b) Education, promotion and notice requirements, which requirements
5 may be different for disposal sites and collection systems;

6 “(c) Identification of the wastesheds within the state;

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

8 “(e) Guidelines for local government units and other persons responsible
9 for implementing the provisions of ORS 459.005, 459.015, 459.035, 459.250,
10 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665; **and**

11 “(f) Standards for the joint submission of the recycling reports required
12 under ORS 459A.050 (1).[; and]

13 “[g] *Subject to prior approval of the Oregon Department of Administrative*
14 *Services and a report to the Emergency Board prior to adopting the fee, the*
15 *amount of an annual or permit fee or both under ORS 459.235, 459.245 and*
16 *468.065 necessary to carry out the provisions of ORS 459.005, 459.015, 459.035,*
17 *459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.]*

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

20 “(a) The policy stated in ORS 459.015.

21 “(b) Systems and techniques available for recycling, including but not
22 limited to existing recycling programs.

23 “(c) Availability of markets for recyclable material.

24 “(d) Costs of collecting, storing, transporting and marketing recyclable
25 material.

26 “(e) Avoided costs of disposal.

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

28 “(g) Composition and quantity of solid waste generated and potential
29 recyclable material found in each wasteshed.

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

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

3 “(a) Disposal sites that receive domestic solid waste [*except transfer*
4 *stations*] **or solid waste generated outside the state, for final disposal**
5 **or destruction**; and

6 “(b) Persons who transport solid waste out of the State of Oregon **for**
7 **final disposal or destruction** to a disposal site that receives domestic solid
8 waste.

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

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

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

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

29 “[~~(3)~~] **(4)** For solid waste delivered to a disposal site owned or operated
30 by a metropolitan service district, the schedule of fees, but not the permit

1 fees provided in ORS 459.235, established by the commission in subsection (1)
2 of this section shall be levied on the district, not the disposal site.

3 “[~~(4)~~] (5) The commission also may require submittal of information re-
4 lated to volumes and sources of solid waste if necessary to carry out the
5 activities **described** in ORS 459A.120. For solid waste transported out of the
6 State of Oregon for **final disposal or destruction**, the required information
7 may include the type of solid waste, the county of origin of the solid waste
8 and the state to which the solid waste is transported for final disposal **or**
9 **destruction**.

10 “[~~(5)~~] (6) Before transporting or arranging for transport of solid waste out
11 of the State of Oregon to a disposal site that receives domestic solid waste,
12 a person shall notify the Department of Environmental Quality in writing.

13 “[~~(6)(a)~~] (7)(a) A local government that franchises or licenses a disposal
14 site that receives domestic solid waste shall allow the disposal site to pass
15 through the amount of the fees established by the commission in [~~subsection~~
16 (1)] **subsections (1) and (2)** of this section to the users of the site.

17 “(b) If a disposal site that receives domestic solid waste passes through
18 all or a portion of the fees established by the commission in [~~subsection (1)]~~
19 **subsections (1) and (2)** of this section to a solid waste collector who uses
20 the site, a local government that franchises or licenses the collection of solid
21 waste shall allow the franchisee or licensee to include the amount of the fee
22 in the collection service rate.

23 “[~~(7) The fees generated under subsection (1) of this section shall be suffi-~~
24 ~~cient to accomplish the purposes set forth in ORS 459A.120 but shall be no~~
25 ~~more than 50 cents per ton.]~~

26 “[~~(8) There shall be a fee on solid waste generated out of state. This fee~~
27 ~~shall be an amount equal to the sum of the fees established under subsection~~
28 ~~(1) of this section and ORS 459A.115 and shall be collected in the same man-~~
29 ~~ner as fees established under subsection (1) of this section and ORS~~
30 ~~459A.115.]~~

1 “[9] (8) As used in this section, ‘person’ does not include an individual
2 who transports the individual’s own residential solid waste to a disposal site
3 located out of the state.

4 **“SECTION 5. ORS 459A.115 is repealed.**

5 **“SECTION 6. (1) The fees generated under ORS 459A.110 shall be
6 sufficient to accomplish the purposes set forth in ORS 459A.120, pro-
7 vided that:**

8 **“(a) The fees established under ORS 459A.110 (1) shall be no more
9 than \$1.18 per ton for the biennium beginning July 1, 2015; and**

10 **“(b) Any per-ton fee on disposal sites for composting under ORS
11 459A.110 (2) shall be no more than the per-ton fee assessed on domestic
12 solid waste disposal under ORS 459A.110 (1), less \$0.81 per ton.**

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

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

20 **“(b) Adjust for inflation by modifying the amount of the fees es-
21 tablished under this section and ORS 459A.110 based on the West Re-
22 gion Consumer Price Index for All Urban Consumers for All Items, as
23 published by the Bureau of Labor Statistics of the United States De-
24 partment of Labor.**

25 **“(3) Any fee adjustment adopted pursuant to subsection (2) of this
26 section shall be adopted not less than six months prior to the date that
27 the fee adjustment will be effective.**

28 **“(4) The commission may not adopt a fee adjustment under sub-
29 section (2) of this section if the adjustment would result in:**

30 **“(a) A fee increase or decrease of less than two percent for the**

1 **biennium for which the fee adjustment will be effective; or**

2 **“(b) A fee under ORS 459A.110 (1) that is greater than the maximum**
3 **fee provided for in subsection (1)(a) of this section adjusted annually**
4 **on July 1 by a three percent increase in the maximum fee.**

5 **“(5) The commission may not adopt more than one fee adjustment**
6 **under subsection (2) of this section each biennium.**

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

8 **“459A.120. (1) [*Except as provided in ORS 459A.115,*] The fees established**
9 **by the Environmental Quality Commission under ORS 459A.110 shall be de-**
10 **posited in the General Fund and credited to an account of the Department**
11 **of Environmental Quality. Such moneys are continuously appropriated to the**
12 **department to [*carry out the purposes set forth in subsection (2) of this***
13 ***section.*] fund the update and implementation of the statewide inte-**
14 **grated solid waste management plan under ORS 459A.020 and the pol-**
15 **icies set forth in ORS 459.015.**

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

18 **“(a) Activities to reduce the environmental and human health im-**
19 **pacts of materials at all stages of their life cycles, such as:**

20 **“(A) Promoting and enhancing waste prevention, recycling and**
21 **other waste recovery activities;**

22 **“(B) Collecting data;**

23 **“(C) Researching, planning, developing and applying performance**
24 **measures;**

25 **“(D) Developing standards and educational and promotional activ-**
26 **ities;**

27 **“(E) Supporting markets;**

28 **“(F) Demonstrating activities; and**

29 **“(G) Managing household hazardous wastes and materials;**

30 **“(b) Solid waste planning activities by counties and metropolitan**

1 **service districts, as approved by the department; and**

2 **“(c) Providing grants or loans to fund the types of activities listed**
3 **in paragraphs (a) and (b) of this paragraph.**

4 *“(2) The fees collected under ORS 459A.110 shall be used only for the*
5 *following purposes:]*

6 *“(a) Implementation of the provisions of ORS 459.411 to 459.417.]*

7 *“(b) Department of Environmental Quality programs to promote and en-*
8 *hance waste reduction and recycling statewide, including data collection, per-*
9 *formance measurement, education and promotion, market development and*
10 *demonstration projects.]*

11 *“(c) Department of Environmental Quality activities for ground water*
12 *monitoring and enforcement of ground water protection standards at disposal*
13 *sites that receive domestic solid waste.]*

14 *“(d) Solid waste planning activities by counties and the metropolitan ser-*
15 *vice district, as approved by the department, including planning for special*
16 *waste disposal, planning for closure of solid waste disposal sites, capacity*
17 *planning for domestic solid waste and regional solid waste planning.]*

18 *“(e) Grants to local government units for recycling and solid waste plan-*
19 *ning activities.]*

20 *“(f) Payment of administrative costs incurred by the department in accom-*
21 *plishing the purposes set forth in this section. The amount allocated under this*
22 *paragraph shall not exceed 10 percent of the fees generated under ORS*
23 *459A.110.]*

24 **“SECTION 8. ORS 459.235 is amended to read:**

25 **“459.235. (1) Applications for permits shall be on forms prescribed by the**
26 **Department of Environmental Quality. An application shall contain a de-**
27 **scription of the existing and proposed operation and the existing and pro-**
28 **posed facilities at the site, with detailed plans and specifications for any**
29 **facilities to be constructed. The application shall include a recommendation**
30 **by each local government unit having jurisdiction and such other informa-**

1 tion the department deems necessary in order to determine whether the site
2 and solid waste disposal facilities located thereon and the operation will
3 comply with applicable requirements.

4 “(2) The Environmental Quality Commission shall establish a schedule
5 of fees for disposal site permits. The permit fees contained in the schedule
6 shall be based on the anticipated cost of filing and investigating the appli-
7 cation, of issuing or denying the requested permit and of an inspection pro-
8 gram to determine compliance or noncompliance with the permit.

9 “(3) In addition to the fees imposed under subsection (2) of this section,
10 the commission shall establish a schedule of permit fees for the purpose of
11 implementing this section and ORS 90.318, 182.375, 279A.125, 279A.155,
12 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418,
13 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070,
14 459A.110, [459A.115,] 459A.475, 459A.480, 459A.500 to 459A.685, 459A.695 and
15 459A.750. The fees shall be based on the amount of solid waste received at
16 the disposal site.

17 “(4) Notwithstanding any other fee or surcharge imposed under ORS
18 459.005 to 459.437 or 459A.005 to 459A.120, for the disposal of solid waste, in
19 order to encourage the use of suitable material other than virgin material
20 for daily cover at a disposal site, the only fee that may be charged for the
21 disposal of substitute material that is also used for daily cover is the permit
22 fee established under this section.

23 **“SECTION 9. (1) The amendments to ORS 459.235, 459.236 and**
24 **459A.025 by sections 1 to 3 of this 2015 Act become operative on July**
25 **1, 2016.**

26 **“(2) Section 6 of this 2015 Act, the amendments to ORS 459.235,**
27 **459A.110 and 459A.120 by sections 4, 7 and 8 of this 2015 Act and the**
28 **repeal of ORS 459A.115 by section 5 of this 2015 Act become operative**
29 **on April 1, 2016.**

30 **“SECTION 10. Payment of fees pursuant to section 6 of this 2015**

1 Act, the amendments to ORS 459.235, 459.236, 459A.025, 459A.110 and
2 459A.120 by sections 1 to 4 and 7 of this 2015 Act and the repeal of ORS
3 459A.115 by section 5 of this 2015 Act shall first become due and paya-
4 ble no earlier than July 1, 2016.

5 **“SECTION 11. The Environmental Quality Commission and the**
6 **Department of Environmental Quality may take any action before the**
7 **operative dates specified in section 9 of this 2015 Act that is necessary**
8 **for the commission or the department to exercise, on and after the**
9 **operative dates specified in section 9 of this 2015 Act, all of the duties,**
10 **functions and powers conferred on the commission or the department**
11 **by section 6 of this 2015 Act, the amendments to ORS 459.235, 459.236,**
12 **459A.025, 459A.110 and 459A.120 by sections 1 to 4 and 7 of this 2015 Act**
13 **and the repeal of ORS 459A.115 by section 5 of this 2015 Act.**

14
15 **“2019 FUNDING ADJUSTMENTS**

16
17 **“SECTION 12. ORS 459.235, as amended by sections 1 and 8 of this 2015**
18 **Act, is amended to read:**

19 “459.235. (1) Applications for permits shall be on forms prescribed by the
20 Department of Environmental Quality. An application shall contain a de-
21 scription of the existing and proposed operation and the existing and pro-
22 posed facilities at the site, with detailed plans and specifications for any
23 facilities to be constructed. The application shall include a recommendation
24 by each local government unit having jurisdiction and such other informa-
25 tion the department deems necessary in order to determine whether the site
26 and solid waste disposal facilities located at the site and the operation will
27 comply with applicable requirements.

28 “(2) The Environmental Quality Commission shall establish a schedule
29 of fees for disposal site permits. Consistent with the policies in ORS 459.015,
30 moneys collected under this section shall be used to fund oversight activities

1 at solid waste disposal sites, including but not limited to permitting, in-
2 specting, monitoring, enforcing, technical assistance, responding to com-
3 plaints, rulemaking and any other activities that support the safe
4 management of solid waste and activities to reduce waste generation and
5 disposal.

6 “[(3) *Notwithstanding any other fee or surcharge imposed under ORS*
7 *459.005 to 459.437 or 459A.005 to 459A.120, for the disposal of solid waste, in*
8 *order to encourage the use of suitable material other than virgin material for*
9 *daily cover at a disposal site, the only fee that may be charged for the disposal*
10 *of substitute material that is also used for daily cover is the permit fee estab-*
11 *lished under this section.*]

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

14 “459.236. (1) In addition to the permit fees provided in ORS 459.235, upon
15 prior approval by the Oregon Department of Administrative Services and a
16 report to the Emergency Board prior to adopting the fees, there is imposed
17 a fee on all:

18 “(a) Disposal sites that receive domestic solid waste, **building demolition**
19 **or construction wastes, land clearing debris, waste tires** or solid waste
20 generated outside the state, for final disposal or destruction; and

21 “(b) Persons who transport solid waste out of the State of Oregon for final
22 disposal or destruction to a disposal site that receives domestic solid waste,
23 **building demolition or construction wastes, land clearing debris or**
24 **waste tires.**

25 “(2) The amount raised under subsection (1) of this section shall be up to
26 \$1 million per year, based on the estimated tonnage or the actual tonnage,
27 if known, received at the site or transported out of state for final disposal
28 or destruction and any other similar or related factors the Environmental
29 Quality Commission finds appropriate. Such fees shall be within the budget
30 authorized by the Legislative Assembly as that budget may be modified by

1 the Emergency Board.

2 “(3) For solid waste delivered to a disposal site owned and operated by a
3 metropolitan service district, the fee imposed under subsection (1) of this
4 section shall be levied on the district, not the disposal site.

5 “(4) Before transporting or arranging for transport of solid waste out of
6 the State of Oregon to a disposal site that receives domestic solid waste, a
7 person shall notify the Department of Environmental Quality in writing.

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

12 “(b) If a disposal site that receives domestic solid waste passes through
13 all or a portion of the fees established by the commission in subsection (1)
14 of this section to a solid waste collector who uses the site, a local govern-
15 ment unit that franchises or licenses the collection of solid waste shall allow
16 the franchisee or licensee to include the amount of the fee in the collection
17 service rate.

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

23 “(a) Solid waste disposal sites owned or operated by a local government
24 unit; or

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

29 “(7) The moneys collected under this section, or proceeds of any bond sale
30 under ORS 468.195 for which moneys collected under this section are pledged

1 for repayment shall be made available to a local government unit to pay re-
2 moval or remedial action costs at a site if:

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

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

11 “(8) As used in this section:

12 “(a) ‘Domestic solid waste’ has the meaning given that term in ORS
13 459A.100.

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

17 “(c) ‘Removal’ and ‘remedial action’ have the meanings given those terms
18 in ORS 465.200.

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

21 “459A.110. (1) In addition to the permit fees provided in ORS 459.235, the
22 Environmental Quality Commission shall establish a schedule of fees for all:

23 “(a) Disposal sites that receive domestic solid waste, **building demolition**
24 **or construction waste, land clearing debris, waste tires** or solid waste
25 generated outside the state, for final disposal or destruction; and

26 “(b) Persons who transport solid waste out of the State of Oregon for final
27 disposal or destruction to a disposal site that receives domestic solid waste,
28 **building demolition or construction waste, land clearing debris or**
29 **waste tires.**

30 “(2) If the amount of waste tonnage per calendar year subject to the fees

1 established under subsection (1) of this section falls, for two consecutive
2 calendar years, below 90 percent of the amount of waste tonnage subject to
3 the fees as averaged over the 2014 to 2016 calendar years, the commission
4 may establish a schedule of fees for disposal sites for composting. A fee
5 schedule established under this subsection shall:

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

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

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

13 “[~~(3)~~] **(4)** Fees adopted under subsections (1), **(2) and (3)** [*and (2)*] of this
14 section shall be based on the estimated tonnage or the actual tonnage, if
15 known, received at the site or transported out of state for disposal and any
16 other similar or related factors the commission finds appropriate.

17 “[~~(4)~~] **(5)** For solid waste delivered to a disposal site owned or operated
18 by a metropolitan service district, the schedule of fees, but not the permit
19 fees provided in ORS 459.235, established by the commission in subsection (1)
20 of this section shall be levied on the district, not the disposal site.

21 “[~~(5)~~] **(6)** The commission also may require submittal of information re-
22 lated to volumes and sources of solid waste if necessary to carry out the
23 activities described in ORS 459A.120. For solid waste transported out of the
24 State of Oregon for final disposal or destruction, the required information
25 may include the type of solid waste, the county of origin of the solid waste
26 and the state to which the solid waste is transported for final disposal or
27 destruction.

28 “[~~(6)~~] **(7)** Before transporting or arranging for transport of solid waste out
29 of the State of Oregon to a disposal site that receives domestic solid waste,
30 a person shall notify the Department of Environmental Quality in writing.

1 “[~~(7)(a)~~] **(8)(a)** A local government that franchises or licenses a disposal
2 site that receives domestic solid waste shall allow the disposal site to pass
3 through the amount of the fees established by the commission in subsections
4 **(1), (2) and (3)** [~~and (2)~~] of this section to the users of the site.

5 “(b) If a disposal site that receives domestic solid waste passes through
6 all or a portion of the fees established by the commission in subsections
7 **(1), (2) and (3)** [~~and (2)~~] of this section to a solid waste collector who uses
8 the site, a local government that franchises or licenses the collection of solid
9 waste shall allow the franchisee or licensee to include the amount of the fee
10 in the collection service rate.

11 “[~~(8)~~] **(9)** As used in this section, ‘person’ does not include an individual
12 who transports the individual’s own residential solid waste to a disposal site
13 located out of the state.

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

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

17 “(a) The fees established under ORS 459A.110 (1) shall be no more than
18 \$1.18 per ton for the biennium beginning July 1, 2015; [~~and~~]

19 “(b) Any per-ton fee on disposal sites for composting under ORS 459A.110
20 (2) shall be no more than the per-ton fee assessed on domestic solid waste
21 disposal under ORS 459A.110 (1), less \$0.81 per ton[.]; **and**

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

25 “(2) For the biennium beginning July 1, 2017, and each subsequent
26 biennium and subject to prior approval by the Oregon Department of Ad-
27 ministrative Services, the Environmental Quality Commission may:

28 “(a) Proportionally adjust the fees established under this section and ORS
29 459A.110 to meet revenue needs consistent with the budget authorized by the
30 Legislative Assembly as that budget may be modified by the Emergency

1 Board; or

2 “(b) Adjust for inflation by modifying the amount of the fees established
3 under this section and ORS 459A.110 based on the West Region Consumer
4 Price Index for All Urban Consumers for All Items, as published by the Bu-
5 reau of Labor Statistics of the United States Department of Labor.

6 “(3) Any fee adjustment adopted pursuant to subsection (2) of this section
7 shall be adopted not less than six months prior to the date that the fee ad-
8 justment will be effective.

9 “(4) The commission may not adopt a fee adjustment under subsection (2)
10 of this section if the adjustment would result in:

11 “(a) A fee increase or decrease of less than two percent for the biennium
12 for which the fee adjustment will be effective; or

13 “(b) A fee under ORS 459A.110 (1) that is greater than the maximum fee
14 provided for in subsection (1)(a) of this section adjusted annually on July 1
15 by a three percent increase in the maximum fee.

16 “(5) The commission may not adopt more than one fee adjustment under
17 subsection (2) of this section each biennium.

18 **“SECTION 16. The amendments to section 6 of this 2015 Act by
19 section 15 of this 2015 Act and the amendments to ORS 459.235, 459.236
20 and 459A.110 by sections 12 to 14 of this 2015 Act become operative on
21 April 1, 2019.**

22 **“SECTION 17. Payment of fees pursuant to the amendments to
23 section 6 of this 2015 Act by section 15 of this 2015 Act and the
24 amendments to ORS 459.235, 459.236 and 459A.110 by sections 12 to 14
25 of this 2015 Act shall first become due and payable no earlier than July
26 1, 2019.**

27 **“SECTION 18. The Environmental Quality Commission and the
28 Department of Environmental Quality may take any action before the
29 operative date specified in section 16 of this 2015 Act that is necessary
30 for the commission or the department to exercise, on and after the**

1 operative date specified in section 16 of this 2015 Act, all of the duties,
2 functions and powers conferred on the commission or the department
3 by the amendments to section 6 of this 2015 Act by section 15 of this
4 2015 Act and the amendments to ORS 459.235, 459.236 and 459A.110 by
5 sections 12 to 14 of this 2015 Act.

6
7 **“OUT-OF-REGION FEE DIFFERENTIAL REPEALED**

8
9 **“SECTION 19. ORS 459.112 and 459.114 are repealed.**

10
11 **“REPORT**

12
13 **“SECTION 20. No later than October 31, 2022, the Department of
14 Environmental Quality shall submit a report in the manner provided
15 by ORS 192.245, and may include recommendations for legislation, to
16 the interim committees of the Legislative Assembly having subject
17 matter jurisdiction over the environment and natural resources. The
18 report shall include information on options for sustainable and ade-
19 quate funding of solid waste management, prevention, reuse and re-
20 cycling programs and the implementation of the state’s plan for an
21 integrated system of materials and waste management in the State of
22 Oregon, as adopted in accordance with ORS 459A.020.**

23
24 **“UNIT CAPTIONS**

25
26 **“SECTION 21. The unit captions used in this 2015 Act are provided
27 only for the convenience of the reader and do not become part of the
28 statutory law of this state or express any legislative intent in the
29 enactment of this 2015 Act.”.**