

HOUSE AMENDMENTS TO HOUSE BILL 4126

By COMMITTEE ON ENERGY AND ENVIRONMENT

February 16

- 1 On page 1 of the printed bill, line 2, after “459.415” insert “and 459.995”.
- 2 On page 2, delete lines 13 and 14 and insert:
- 3 “(H) A vitamin or dietary supplement.
- 4 “(3) ‘Environmentally sound management’ includes, but is not limited to, the following manage-
- 5 ment practices, implemented in a manner that is designed to protect public health, safety and the
- 6 environment.”.
- 7 Delete lines 16 and 17 and insert:
- 8 “(b) Keeping detailed documentation of the methods used to:
- 9 “(A) Manage covered products; and
- 10 “(B) Track and document the fate of covered products from collection through final disposition
- 11 within this state and outside this state;”.
- 12 In line 27, after “is” insert “funded and”.
- 13 On page 4, delete lines 3 through 5 and insert:
- 14 “(b) Fund the household hazardous waste stewardship program, including how the stewardship
- 15 organization will fund all the costs incurred for the environmentally sound management of covered
- 16 products during each stage of management, from collection of the covered products from the public
- 17 through final disposition of the covered products.
- 18 “(c) Apportion the costs of the household hazardous waste stewardship program among each
- 19 manufacturer participating in the stewardship organization.”.
- 20 In line 6, delete “(c)” and insert “(d)”.
- 21 In line 7, delete “(d)” and insert “(e)”.
- 22 Delete lines 9 and 10 and insert:
- 23 “(f) Work to develop and implement the household hazardous waste stewardship program in co-
- 24 ordination with:
- 25 “(A) An approved statewide architectural paint stewardship program as described in ORS
- 26 459A.820 to 459A.855; and
- 27 “(B) Any other stewardship organizations in this state.”.
- 28 In line 11, delete “(f)” and insert “(g)”.
- 29 Delete line 12.
- 30 Delete lines 15 through 31 and insert:
- 31 “(a) For a county or metropolitan service district where a permanent publicly owned or publicly
- 32 contracted household hazardous waste collection site is located, the plan describes how the
- 33 stewardship organization will provide for the environmentally sound management of covered pro-
- 34 ducts received at the permanent site and received through collection events conducted by an entity
- 35 approved by the department to conduct collection events, the county or the metropolitan service

1 district;

2 “(b) For a county that does not have a permanent publicly owned or publicly contracted
3 household hazardous waste collection site and that contains all or part of a city having a population
4 of 25,000 or more, the plan describes how the stewardship organization will provide for:

5 “(A) At least one collection event per year; and

6 “(B) The environmentally sound management of covered products received at the collection
7 event provided for by the stewardship organization and at any additional collection events con-
8 ducted by the department, an entity approved by the department to conduct collection events or the
9 county; and

10 “(c) For a county that does not have a permanent publicly owned or publicly contracted house-
11 hold hazardous waste collection site and that does not contain all or part of a city having a popu-
12 lation of 25,000 or more, the plan describes how the stewardship organization will provide for:

13 “(A) At least one collection event every other year; and

14 “(B) The environmentally sound management of covered products received at the collection
15 event provided for by the stewardship organization and at any additional collection events con-
16 ducted by the department, an entity approved by the department to conduct collection events or the
17 county.

18 “(3)(a) A plan submitted under subsection (1) of this section must describe how the stewardship
19 organization has made a good faith effort to coordinate with an appropriate local government as
20 defined in ORS 174.116, collection service franchise holder under ORS 459A.085 or person who pro-
21 vides collection service for the payment of costs associated with the receipt at collection events of
22 products that are not covered products.

23 “(b) If the department determines that the stewardship organization has made a good faith effort
24 under paragraph (a) of this subsection and was unable to coordinate with the appropriate local
25 government, collection service franchise holder or person who provides collection service, the de-
26 partment may allow the stewardship organization to refuse to accept at collection events products
27 that are not covered products.”.

28 In line 32, delete “(3)” and insert “(4)”.

29 In line 44, after “sell” insert “or offer for sale”.

30 On page 5, line 3, after “year,” insert “or by a later date as determined by the department,” and
31 delete “to” and insert “for review by”.

32 In line 4, after “year” insert “, including but not limited to information about the services that
33 were provided and the material collected during the previous calendar year”.

34 In line 15, delete “issue an order either approving or rejecting” and insert “approve or reject”.

35 In line 16, delete “include in the order” and insert “inform the stewardship organization of”.

36 In line 18, delete “issues an order rejecting” and insert “rejects”.

37 In line 21, after “shall” delete the rest of the line and insert “approve or reject the revised
38 plan.”.

39 Delete lines 22 and 23 and insert:

40 “(c) If the department rejects a revised plan under paragraph (b) of this subsection, the depart-
41 ment shall either:”.

42 In line 40, after the second “department” insert “rejects a revised plan submitted by”.

43 Delete line 41.

44 On page 6, line 1, after “to” delete the rest of the line and lines 2 and 3 and insert “pay an
45 entity approved by the department to conduct collection events for the costs the approved entity

1 incurs for the collection, transport, processing and disposal or other management of covered pro-
2 ducts.”.

3 In line 4, delete “transport to processors or disposal facilities.”.

4 Delete lines 6 through 17 and insert:

5 “(5) For calendar year 2023 and each subsequent year, the department shall calculate the weight
6 of covered products managed in this state during the previous calendar year using information
7 supplied by the stewardship organizations and household hazardous waste collection sites in this
8 state and gathered from collection events, and shall establish a statewide weight-based collection
9 target for covered products, including orphan covered products, for the upcoming calendar year. The
10 department shall:

11 “(a) Set an annual minimum return share for each stewardship organization that enables the
12 state to reach the statewide weight-based collection targets;

13 “(b) No later than June 1 of each year, inform each stewardship organization of its return share
14 for the next calendar year;”.

15 After line 25, insert:

16 “(6) The department may adopt by rule methods for measuring program performance that the
17 department may implement in addition to, or in lieu of, the provisions of subsection (5) of this sec-
18 tion. Program performance methods adopted under this subsection may include, but need not be
19 limited to, convenience standards or public awareness measures.”.

20 In line 27, delete “(6)” and insert “(5)”.

21 In line 33, after “any” delete the rest of the line and insert “person”.

22 In line 34, delete “ganization”.

23 On page 7, after line 40, insert:

24 “**SECTION 13.** ORS 459.995 is amended to read:

25 “459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty
26 provided by law:

27 “(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.705 to
28 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335, 459A.675 to 459A.685 or 646A.080 **or sections**
29 **1 to 11 of this 2018 Act**, or any rule or order of the Environmental Quality Commission pertaining
30 to the disposal, collection, storage or reuse or recycling of solid wastes, as defined by ORS 459.005,
31 or any rule or order pertaining to the disposal, storage or transportation of waste tires, as defined
32 by ORS 459.705, or any rule or order pertaining to the sale of novelty items that contain
33 encapsulated liquid mercury, incurs a civil penalty not to exceed \$25,000 per day for each day of the
34 violation.

35 “(b) Any person who violates the provisions of ORS 459.420 to 459.426 incurs a civil penalty not
36 to exceed \$500 for each violation. Each battery that is disposed of improperly is a separate violation.
37 Each day an establishment fails to post the notice required under ORS 459.426 is a separate vio-
38 lation.

39 “(c) For each day a city, county or metropolitan service district fails to provide the opportunity
40 to recycle as required under ORS 459A.005, the city, county or metropolitan service district incurs
41 a civil penalty not to exceed \$500 for each violation.

42 “(d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs a civil penalty not to
43 exceed \$500 for each violation. Each covered electronic device that is disposed of improperly is a
44 separate violation.

45 “(e) Any retailer that violates the provisions of ORS 459A.825 (1) or (2)(b) incurs a civil penalty

1 not to exceed \$100 per day for each day of the violation.

2 “(f) Any producer that violates the provisions of ORS 459A.825 (1) incurs a civil penalty not to
3 exceed \$1,000 per day for each day of the violation.

4 “(g) Any stewardship organization that violates the provisions of ORS 459A.825 (2)(a), 459A.827,
5 459A.830 to 459A.837 or 459A.842 incurs a civil penalty not to exceed \$1,000 per day for each day
6 of the violation.

7 “(2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665
8 or any rule adopted under ORS 459A.650 to 459A.665 incurs a civil penalty not to exceed \$1,000 per
9 day for each day of the violation. A violation of ORS 459A.650 to 459A.665 is not subject to addi-
10 tional penalties under subsection (1) of this section.

11 “(3) Any civil penalty authorized by subsection (1) or (2) of this section shall be imposed in the
12 manner provided by ORS 468.135.”.

13 In line 41, delete “13” and insert “14” and after “459.415” insert “and 459.995”.

14 In line 42, delete “section 12” and insert “sections 12 and 13”.

15 On page 8, line 1, delete “14” and insert “15” and after “459.415” insert “and 459.995”.

16 In line 2, delete “section 12” and insert “sections 12 and 13”.

17 In line 8, delete “by section 12” and insert “and 459.995 by sections 12 and 13”.

18 In line 9, delete “15” and insert “16”.

19 In line 12, delete “(3)(a)” and insert “(4)(a)”.

20 In line 18, delete “16” and insert “17”.

21 In line 24, delete “17” and insert “18”.

22
