



AGENDA COVER MEMO

Memorandum Date: September 12, 2025

First Reading Date: September 30, 2025

Second Reading Date/Hearing: October 14, 2025

TO:	Board of County Commissioners
DEPARTMENT:	Waste Management Division
PRESENTED BY:	Angie Marzano
AGENDA ITEM TITLE:	ORDINANCE No: 25-05/ In the Matter of Amending Lane Code Chapter 9 Sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040 to Adopt New Provisions Related to the Oregon Recycling Modernization Act and Conforming and Aligning Language to Lane County Standards.

I. MOTION

- A. September 30, 2025 (**1st Reading**): Move to approve the first reading of Ordinance No. 25-05, in the matter of amending Lane Code Chapter 9, sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040 and set the second reading and public hearing for October 14, 2025, at 1:30 PM in the Lane County Public Service Building, 125 E. 8th Avenue, Eugene, Oregon.
- B. October 14, 2025 (**2nd Reading and Public Hearing**): Alternative motions after public hearing:
 1. Move to approve Ordinance No. 25-05, amending Lane Code Chapter 9 sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040.
 2. Move to direct staff to return with a revised ordinance for the Board's consideration and to set a third reading.
 3. Move to deny Ordinance No. 25-05, amending Lane Code Chapter 9 sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010,

9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve amendments to Lane Code (LC) Chapter 9, specifically 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040. Changes reflect minor grammatical errors, consistency of terms, with largest edits to sections 9.005.010 (Definitions) and 9.015.005 (Urban Growth Area Recycling Regulations). These changes are necessary for Lane County to comply with Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) Chapter 340, which set forth new provisions related to the Recycling Modernization Act relating to recycling and solid waste management.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Under Oregon law, all cities with at least 4,000 people must be provided single-family and multi-tenant recycling services. Oregon's recycling laws require the Division to implement recycling programs, and in some jurisdictions, waste prevention and reuse programs. Oregon's base recycling law is the Opportunity to Recycle Act (Oregon Revised Statute 459A), which the Oregon the Department of Environmental Quality (DEQ) most recently amended in 2021. The DEQ regulates local governments' recycling, waste prevention and reuse programs according to Materials Management in Oregon: 2050 Vision and Framework for Action.

In 2018, China implemented a ban on importation of mixed recyclables including almost all post-consumer plastics. Many other Asian countries took similar steps, strongly limiting the markets for plastics and mixed paper. With the disappearance of markets for these materials, the price of plastic and paper for recycling dropped precipitously, and revenue from commingled recyclables vanished, leaving Lane County with an additional expense to process commingled recycling.

On January 1, 2022, the Oregon Legislature passed the Plastic Pollution and Recycling Modernization Act (RMA - Senate Bill 582). The RMA updated Oregon's aging recycling systems and policies by leveraging resources from producers of plastic, paper and food serveware products. Producers of these products will pay for expanding access to recycling services, upgrading facilities that collect and sort recyclables, and funding consistent statewide education and outreach campaigns. The program will be administered on behalf of producers through Circular Action Alliance (CAA), the Producer Responsibility Organization (PRO). The law went into effect state-wide July 1, 2025.

Lane County Waste Management staff have been actively engaged in discussions with city representatives and waste service providers regarding proposed amendments to Lane Code Chapter 9 since 2023. Cities and service providers

have played a significant role in the development and implementation of the RMA and the requirements outlined in Oregon Revised Statute 459A. Due to the funding made available through the PRO to cities—and, by extension, to service providers—there is a strong understanding among Lane County regional coalition members (e.g., cities, service providers, processors) for the needed updates to the Lane County Code.

The amendments being proposed to Lane Code Chapter 9, sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040 align with DEQ's definitions, and local government, service provider and processor requirements outlined in Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) Chapter 340.

B. Policy Issues

None.

C. Board Goals

The amendments being proposed to enhance recycling services for all members of the County support the County's Strategic Priority of Vibrant Communities.

D. Financial and/or Resource Considerations

Circular Action Alliance (CAA), the Producer Responsibility Organization (PRO), represents producers of plastic, paper and food serveware products. Producers will be charged a per-unit amount based on the number of products they sell into the state of Oregon. These funds will be used to make necessary system improvements needed to reduce contamination and collect more recyclable materials. This includes funding to enhance local recycling depots, containers, trucks for on-route expanded services, technology and sorting upgrades to regional processing facilities, staffing, and education and outreach funding. CAA will target funding for municipalities with a population of over 4,000 to establish curbside recycling for communities that currently do not. This means that rural communities of Lane County will be prioritized first.

Funding for the new program will begin July 1, 2025. Lane County is receiving the most funding per capita of any watershed in Oregon estimated at thirteen million dollars (\$34 per capita), whereas the state average is \$19 per capita. Coburg, Cottage Grove, Creswell, Eugene, Florence, Junction City, Lane County, Lowell, Springfield and Veneta are all eligible to receive system expansion and contamination reduction programming funding.

E. Health Implications

The proposed amendments recognize the responsibility to protect and promote public health, environmental quality, and long-term resilience through evidence-

based policy and action. Increased recycling and recovery for Lane County will result in measurable reductions in carbon emissions, particulate pollution, and environmental toxins, which directly benefit community health by improving air quality, reducing respiratory illness, and mitigating climate change-related health risks.

Analysis

Approving Ordinance 25-05, amending Lane Code Chapter 9, sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040; will allow the County to adopt new provisions related to the Recycling Modernization Act to comply with ORS 459 and 459A and OAR 340-090, which set forth requirements relating to recycling and solid waste management.

F. Alternatives/Options

Do not approve Ordinance 25-05, amending Lane Code Chapter 9, sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040 and be out of compliance with state law.

IV. RECOMMENDATION

It is recommended that the Board approve the Ordinance No. 25-05, amending Lane Code Chapter 9, sections 9.005.005, 9.005.010, 9.010.005, 9.010.050, 9.015.005, 9.020.005, 9.020.010, 9.020.015, 9.020.020, 9.020.025, 9.020.030, 9.020.035, and 9.020.040 to comply with state recycling and solid waste management laws.

V. TIMING/IMPLEMENTATION

The new law and the funding from the PRO began on July 1, 2025.

VI. FOLLOW-UP

Staff will present a final summary of all Lane County investments from the PRO once negotiations have been completed, and projects have been implemented.

VII. ATTACHMENTS

Board Ordinance No. 25-05

LC09.005-9.020 LEGVER

LC09.005-9.020 BCCVER

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 25-05

In the Matter of Amending Lane Code
Chapter 9 Sections 9.005.005, 9.005.010,
9.010.005, 9.010.050, 9.015.005, 9.020.005,
9.020.010, 9.020.015, 9.020.020, 9.020.025,
9.020.030, 9.020.035, and 9.020.040 to
Adopt New Provisions Related to the Oregon
Recycling Modernization Act and
Conforming and Aligning Language to Lane
County Standards.

The Board of County Commissioners of Lane County ordains as follows:

Chapter 9 of Lane Code is hereby amended by removing, substituting, and adding new sections as follows:

REMOVE THESE SECTIONS

LC 9.005.005
LC 9.005.010
LC 9.010.005
LC 9.010.050
LC 9.015.005
LC 9.020.005
LC 9.020.010
LC 9.020.015
LC 9.020.020
LC 9.020.025
LC 9.020.030
LC 9.020.035
LC 9.020.040

INSERT THESE SECTIONS

LC 9.005.005
LC 9.005.010
LC 9.010.005
LC 9.010.050
LC 9.015.005
LC 9.020.005
LC 9.020.010
LC 9.020.015
LC 9.020.020
LC 9.020.025
LC 9.020.030
LC 9.020.035
LC 9.020.040

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to amend, clarify, and correct provisions for revising the Lane Code.

ENACTED this ____ day of _____, 2025.

David Loveall, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

Chapter 9 – ENVIRONMENT AND HEALTH

9.005 – SOLID WASTE POLICY AND AUTHORITY

9.005.005 - Purpose and Authority.

- A. It is policy of Lane County to provide for safe and sanitary accumulation, storage, collection, transportation, disposal, ~~and recycling,~~ **and recovery** of solid waste, while providing opportunities for its citizens to recycle and divert waste or unwanted materials from the waste disposal stream.
- B. The regulations in this chapter are established to:
1. Prohibit and provide for abatement of accumulated solid waste on both public and private property ~~in such a manner so as to~~ prevent a public nuisance, hazard to health, or condition of unsightliness; ~~;~~
 2. Provide for the proper and lawful disposal of waste **and recyclable** materials; ~~;~~
 3. Provide opportunities, education, and encouragement ~~to for recycling,~~ **as mandated by ORS 459A**; ~~;~~
 4. Encourage coordinated solid waste collection, disposal, and recycling programs with the cities located in the County; ~~;~~ and
 5. Comply with the requirements of applicable laws and regulations, **such as, but not limited to, ORS 459 and 459A, and OAR 340-090 and 340-093.**
- C. In carrying out the County's policy, the Director is authorized to:
1. Enforce the provisions of LC 9.010.005 through LC 9.010.055; ~~;~~
 2. Require that **Service Providers** ~~haulers~~ operating within the urban growth boundary of a city conduct their collection, hauling, and recycling operations in accordance with the rules adopted by that city; ~~;~~
 3. Establish such rules as are necessary, in the Director's judgment, to ensure that the County's policy and the requirements of Oregon laws and administrative rules are met; ~~;~~ and
 4. To enforce such rules in accordance with this chapter, provided that:
 - a. Such rules may not be adopted until the **Service Provider** ~~haulers~~ **have** been notified of the proposed rules and given not less than thirty (30) days' opportunity to comment; ~~;~~ and
 - b. Written notice of adopted rules is provided to **Service Providers, haulers,** cities, and other known affected parties at the time of adoption.

(Ordinance 18-01, 3.29.18)

9.005.010 - Definitions.

Lane Code

The definitions included here reflect ORS 459A.863 and OAR 340-090-0010 and Lane Code defers to those definitions should a discrepancy arise. As used in LC 9.005.005 through LC 9.020.040, the following words and phrases mean:

“Commingled ~~R~~ecycling ~~P~~rocessing ~~F~~acility” (“CRPF”) means a facility that:

A. ~~Receives source separated commingled recyclable materials that are collected commingled from~~

a collection program providing the opportunity to recycle; and

B. ~~Separates the recyclable materials described in subparagraph (A) of this paragraph into marketable commodities or streams of materials that are intended for use or further processing by others.~~

C. “Commingled ~~R~~ecycling ~~P~~rocessing ~~F~~acility” (“CRPF”) does not include:

1. ~~Scrap metal recycling facilities;~~

2. ~~Scrap automotive or appliance recycling facilities;~~

3. ~~Full-service redemption centers or dealer redemption centers, as those terms are defined in ORS 459A.700, and recycling facilities owned and operated by a distributor cooperative established under ORS 459A.718;~~

D. ~~Recycling facilities handling covered electronic devices, as defined in ORS 459A.305;~~

E. ~~Recycling processing facilities that process only non-commingled, source separated recyclable material from commercial entities;~~

F. ~~Recycling processing facilities that recover commingled recyclable material primarily from the construction and demolition debris waste stream;~~

G. ~~Recycling depots;~~

H. ~~Recycling reload facilities; or~~

I. ~~Limited sort facilities, as defined by rule by the Environmental Quality Commission.~~

“Contaminant” means:

A. ~~A material set out for recycling collection that is not properly prepared and on the list of materials accepted for recycling collection by a recycling collection program; or~~

B. ~~A material shipped to a recycling end market that is not accepted or desired by that end market.~~

“Contamination” means the presence of one or more contaminants in a recycling collection or commodity stream in an amount or concentration that negatively impacts the value of the material or negatively impacts a processor’s ability to sort that material.

“Covered product” means:

A. ~~Packaging;~~

B. ~~Printing and writing paper; and~~

C. ~~Food serviceware.~~

D. “Covered product” does not include:

1. ~~A beverage container, as defined in ORS 459A.700.~~

2. ~~Bound books.~~

3. ~~Napkins, paper towels or other paper intended to be used for cleaning or the absorption of liquids.~~

4. ~~Rigid pallets used as the structural foundation for transporting goods lifted by a forklift, pallet jack, or similar device.~~ ~~and~~

5. ~~Specialty packaging items that are used exclusively in industrial or manufacturing processes, including but not limited to:~~

i. ~~a. Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food processor; and~~

i.

Lane Code

- ii. ~~b.~~ Trays, whether designed for a single use or multiple uses, used for the transport of component parts from a parts supplier to a manufacturer that assembles those parts.

F. Liquified petroleum gas containers that are designed to be refilled.

G. A material that the producer demonstrates is exempt under ~~ORS 459A.869.~~ section 4 of this 2021 Act.

H. Pallet wrap or similar packaging used to secure a palletized load if added by a person that is not the producer of the palletized covered products.

I. Packaging related to containers for architectural paint, as defined in ORS 459A.822, that has been collected by a producer responsibility organization under the program established under ORS 459A.820 to 459A.855.

J. Any item that is not ultimately discarded inside this state, whether for purposes of recovery or disposal.

K. Items sold on a farm or used on a farm, including items used for farm use, ~~as defined in ORS 215.203,~~ or for processing on a farm, provided that an item used on a farm is not subsequently sold at a retail establishment that is not located on a farm.

L. Items used by a nursery licensed under ORS 571.055 that generates the majority of the nursery's revenue through the sale of nursery stock, as defined in ORS 571.005, provided that the items are not sold through retail sales.

M. Packaging and paper products sold or supplied in connection with:

- i. ~~1.~~ Prescription drugs as defined in ORS 689.005;
ii. ~~2.~~ Nonprescription drugs as defined in ORS 689.005;
iii. ~~3.~~ Drugs marketed under a brand name as defined in ORS 689.515; or
iv. ~~4.~~ Drugs marketed under a generic name as defined in ORS 689.515.

N. Packaging and paper products sold or supplied in connection with drugs that are used for animal medicines, including but not limited to parasiticide drugs for animals.

O. Packaging and paper products sold or supplied in connection with:

- i. ~~1.~~ Infant formula as defined in 21 U.S.C. 321(z);
ii. ~~2.~~ Medical food as defined in 21 U.S.C. 360ee(b)(3); or
iii. ~~3.~~ Fortified oral nutritional supplements used for individuals who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by the International Classification of Diseases, Tenth Revision, or other medical conditions as determined by the commission.

P. Wine and spirit containers for which a refund value is established under Oregon law.

Q. Packaging for products:

- i. ~~i.~~ 1. That are required under 40 C.F.R. 156.140, or other federal regulation pertaining to toxic or hazardous materials, to state on the label or container that the packaging should not be recycled or should be disposed of in a manner other than recycling; or
ii. ~~2.~~ Identified by the commission by rule as product that is required by law to state on the label or container that the packaging should not be recycled or should be disposed of in a manner other than recycling.

R. Any other material, as determined by the commission by rule, after consultation with the Oregon Recycling System Advisory Council.

Lane Code

“Cover Material” means soil or other suitable material approved by the department that is placed over the top and side slopes of solid wastes in a landfill.

“DEQ” means the Department of Environmental Quality.

“Depot” means a place for receiving source separated recyclable material.

“Director” means the Director of the Lane County Department of Public Works.

“Disposal Site” means a location used for the lawful disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, incinerators for solid waste delivered by the public or by a solid waste collection service, and composting plants. The term disposal site does not include a Material Recovery Facility, a Commingled Recycling Processing Facility, Recycling Depot, Recycling Reload Facility, or a facility subject to the permit requirements of ORS 468B.050 or a landfill site not open to the public or a ~~Service Provider hauler~~ that is used by a property owner or owner’s agent to dispose of soil, rock, concrete, or other similar non-decomposable material.

“Division” means the Waste Management Division of the Lane County Department of Public Works.

“Enforcement Officer” means a person authorized to enforce provisions of the Lane Code, as defined in LC 5.005.005.

“Franchise” includes a franchise, certificate, contract or license issued by a local government unit authorizing a person to provide solid waste management services.

“Food serviceware” means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery, straws, lids, bags, aluminum foil or clamshells or similar containers:

A. That are generally intended for single use; and

B. That are sold to a retailer or a dine-in food establishment or a take-out food establishment, regardless of whether the item is used to prepackage food for resale, is filled on site for food ordered by a customer or is resold as is.

“Garbage” means mixed putrescible and non-putrescible solid wastes consisting of either of the following (also see “Municipal Solid Waste”):

A. Combustible wastes such as soiled paper, waxed cardboard, plastic wrappers, bags, ~~and~~ containers, lids, small rigid plastic packaging, and flexible plastic packaging; ~~and~~

B. Noncombustible wastes such as ashes, glass, and crockery.

“Generator” means a person within Lane County that produces municipal solid waste or that pays for municipal solid waste collection or disposal services, whether on that person’s behalf or on behalf of another.

“Organic Waste” means animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food, yard clippings, and untreated wood.

“Hazardous Waste” means discarded, useless or unwanted materials or residues and other wastes that are defined as hazardous waste pursuant to ORS 466.005.5 ~~(Definitions for ORS 453.635 and 466.005 to 466.385).~~

Lane Code

~~“Hauler” means a person or /business? engaged in the business of collecting, transporting, or disposing of municipal solid waste generated within Lane County. (change to service provider?)~~

“Landfill” means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

“Leachate” means liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact.

“Litter” means waste that is improperly placed so as to be a nuisance or aesthetic, health or environmental concern.

“Local government” means:

- A. A city;
- B. A county; or
- C. A metropolitan service district.

“Local ~~G~~overnment’s ~~S~~ervice ~~P~~rovider” means:

- A. A collection service franchise holder under ORS 459A.085;
- B. Any person authorized by a city or county to provide recycling collection services described in subsection (25)(a) to (d) of this section; or
- C. Any person authorized by a metropolitan service district to provide recycling collection services described in subsection (25)(d) of this section.

“Manager” means the Manager of the Waste Management Division of the Lane County Department of Public Works, or the Manager’s authorized representative.

“Material ~~R~~ecovery” means any process of obtaining from solid waste, by presegregation or otherwise, materials that still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose.

“Material Recovery Facility” means a facility permitted by the State of Oregon to accept non-source separated commercial waste for the purpose of extracting the recyclable fraction thereof.

“Multi-family” means dwellings of five or more units.

“Municipal Solid Waste” means all Domestic Solid Waste delivered to any permitted Incinerator, Transfer Station or Municipal Solid Waste Landfill, as those terms are defined in OAR 340-093-0030, excluding:

- A. Waste containing more than one percent (1%) asbestos by weight.
- B. Inert wastes, as defined in OAR 340-093-0030(55), when used as landfill cover material.
- C. Material delivered to a permitted construction and demolition landfill as defined in OAR 340-93-0030(27).
- D. Infectious wastes as defined in OAR 340-93-0030(56).
- E. Hazardous waste exempted from regulation under 40 CFR 261.4 (b)(1) and 40 CFR 261.5, when managed as hazardous waste.

“Opportunity to recycle” has the meaning given that term in ORS 459A.005.

“On-route collection” means pick up of source separated recyclable material from the generator at the place of generation.

“Packaging” means:

- A. Materials used for the containment or protection of products, including but not limited to paper, plastic, glass, ~~or~~ metal, or a mixture thereof;
- B. Single-use bags, including but not limited to shopping bags; and
- C. Nondurable materials used in storage, shipping or moving, including but not limited to packing materials, moving boxes, file boxes and folders.
- D. “Packaging” does not include:
 - 1. Food serviceware; or
 - 2. Sharps, as defined in ORS 459.386.

“Permit” means a document issued by the department which by its conditions may authorize the permittee to construct, install, modify, operate, or close a disposal site in accordance with specified limitations.

“Person” means an individual or entity as defined in LC 1.005.010.

“Program Elements” means those specific services required to promote and implement an opportunity to recycle, as provided in ORS 459A.007 and OAR 340-090-0040.

“Printing and ~~W~~writing ~~P~~paper” includes, but is not limited to, newspaper, magazines, flyers, brochures, booklets, catalogs, telephone directories, ~~and~~ paper used for copying, writing, or other general use.

“Processor” means a person that owns or operates a ~~C~~ommingled ~~R~~ecycling ~~P~~rocessing ~~F~~acility.

“Producer” means a person that is determined to be the producer of a covered product under section 3 of this 2021 Act.

“Producer ~~R~~esponsibility ~~O~~rganization” (“PRO”) means a nonprofit organization established by a producer or group of producers to administer a producer responsibility program.

“Producer ~~R~~esponsibility ~~P~~rogram” means a statewide program for the responsible management of covered products that is administered by a ~~PRO producer responsibility organization~~ pursuant to a plan approved by the Department of Environmental Quality per ORS 459A.

“Putrescible Solid Waste” means organic material that can decompose and give rise to foul smelling and offensive products or attract vectors, as defined in OAR 340-093-0030(78).

“Recycling” means any material listed on the ~~Uniform Unified~~ Statewide Collection List or the ~~PRO Producer Responsibility Organization~~ Material Acceptance List~~Collection List~~, as defined in ORS 459A.

“Recycling collection” means the act or process of gathering recyclable materials by:

- A. On-route residential collection from the generator at the place of generation;
- B. On-site nonresidential collection from the generator at the place of generation;
- C. Multifamily on-route residential collection from each multifamily dwelling that has five or more units;
- D. Recycling depots at a disposal site or another designated location that is more convenient to the population being served and expanded depots as described in ORS 459A.007; or
- E. Other collection methods included in an approved producer responsibility program plan.

Lane Code

“Recycling depot” means a location where recyclable materials are accepted from the public or commercial businesses and transported to a location for processing or to an end market.

“Recycling ~~R~~reload ~~F~~facility” means a facility other than a recycling depot where recyclable materials are received, consolidated and made ready for transport to another location for processing, or to a responsible end market.

“Refuse” means rubbish, trash, garbage, vegetable and animal waste, ashes, waste household articles, and other materials ordinarily and customarily hauled off and placed in a dump or landfill.

“Responsible ~~E~~end ~~M~~market” means a materials market in which the recycling or recovery of materials or the disposal of contaminants is conducted in a way that benefits the environment and minimizes ~~the risks~~ to public health and worker health and safety.

“Responsible management” means the handling, tracking and disposition of covered products from the point of collection through the final ~~disposition destination~~ of the collected material in a way that benefits the environment and minimizes ~~the risks~~ to public health and worker health and safety.

“Responsible recycling” means the handling of covered products for recycling and removal of contaminants by a ~~certified or CRPF permitted processor~~ and disposition to a ~~R~~Responsible ~~E~~end ~~M~~market.

“Reuse” means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

“Salvage” means the practice of retrieving reclaimable materials, such as paper, metal, bottles, rags or other objects, from solid waste for the purpose of sale or other use.

“Self-hauler” means a person that transports municipal solid waste produced by that person in Lane County.

“Sharps” means needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers.

“Solid Waste” means all putrescible and non-putrescible wastes as defined in OAR 240-093-0030(91). Solid Waste does not include:

A. Hazardous waste as defined in ORS 466.005.

B. Materials used for fertilizer or for other productive purposes as defined in OAR 340-093-0030(91)(b).

C. Woody biomass fuel combusted in a licensed facility, as defined in OAR 340-093-0030(91)(c).

“Source Separate” means that the person who last uses recyclable materials separates the recyclable material from solid waste.

“Specifically ~~identified~~ ~~M~~material” means a material or covered product identified by the ~~DEQ department~~ under ORS 459A.917.

“Uniform Statewide Collection List” ~~–~~ (“USCL”) means the list of materials established in accordance with the requirements of ORS 459A.914 (4). [2021 c.681 §2]

Lane Code

“Wasteshed” means the areas of the state of Oregon as defined in ORS 459A.010 (Policy) and OAR 340-090-0050 (Wasteshed Designation and Recovery Rates).

“Wood waste” means chemically untreated wood pieces or particles generated from processes commonly used in the timber products industry. Such materials include but are not limited to sawdust, chips, shavings, stumps, bark, hog-fuel, and log sort yard waste, but do not include wood pieces or particles containing or treated with chemical additives, glue resin, or chemical preservatives.

“Yard debris” means vegetative and woody material generated from residential property or from commercial landscaping activities. This includes grass clippings, leaves, hedge trimmings, and similar vegetative waste but does not include stumps, or similar bulky wood materials.

~~——“Director” means the Director of the Lane County Department of Public Works.~~

~~——“Disposal Site” means a location used for the lawful disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, incinerators for solid waste delivered by the public or by a solid waste collection service, and composting plants.; The term disposal site does not include a Material Recovery Facility, a facility subject to the permit requirements of ORS 468B.050 or a landfill site not open to the public or a hauler that is used by a property owner or owner’s agent to dispose of soil, rock, concrete or other similar non-decomposable material.~~

~~“Division” means the Waste Management Division of the Lane County Department of Public Works.~~

~~——“Enforcement Officer” means a person authorized to enforce provisions of the Lane Code, as defined in LC 5.005.005.~~

~~“Generator” means a person within Lane County that produces municipal solid waste or that pays for municipal solid waste collection or disposal services, whether on that person’s behalf or on behalf of another.~~

~~“Hauler” means a person engaged in the business of collecting, transporting or disposing of municipal solid waste generated within Lane County.~~

~~——“Manager” means the Manager of the Waste Management Division of the Lane County Department of Public Works, or the Manager’s authorized representative.~~

~~“Material Recovery Facility” means a facility permitted by the State of Oregon to accept non-source separated commercial waste for the purpose of extracting the recyclable fraction thereof.~~

~~——“Municipal Solid Waste” means all Domestic Solid Waste delivered to any permitted Incinerator, Transfer Station or Municipal Solid Waste Landfill, as those terms are defined in OAR 340-093-0030, excluding:~~

~~——A. Waste containing more than one percent (1%) asbestos by weight.~~

~~——B. Inert wastes, as defined in OAR 340-093-0030(55), when used as landfill cover material.~~

~~——C. Material delivered to a permitted construction and demolition landfill as defined in OAR 340-93-0030(27).~~

~~——D. Infectious wastes as defined in OAR 340-93-0030(56).~~

Lane Code

~~— E. Hazardous waste exempted from regulation under 40 CFR 261.4 (b)(1) and 40 CFR 261.5, when managed as hazardous waste.~~

~~“Person” means an individual or entity as defined in LC 1.005.010.~~

~~— “Program Elements” means those specific services required to promote and implement an opportunity to recycle, as provided in ORS 459A.007 and OAR 340-090-0040.~~

~~— “Putrescible Solid Waste” means Organic material that can decompose and give rise to foul smelling and offensive products or attract vectors, as defined in OAR 340-093-0030(78).~~

~~“Refuse” means rubbish, trash, garbage, vegetable and animal waste, ashes, waste household articles, and other materials ordinarily and customarily hauled off and placed in a dump or landfill.~~

~~“Salvage” means the practice of retrieving reclaimable materials, such as paper, metal, bottles, rags or other objects, from solid waste for the purpose of sale or other use.~~

~~— “Self hauler” means a person that transports municipal solid waste produced by that person in Lane County.~~

~~— “Solid Waste” means all putrescible and nonputrescible wastes as defined in OAR 240-093-0030(91). Solid Waste does not include:~~

~~— A. Hazardous waste as defined in ORS 466.005.~~

~~— B. Materials used for fertilizer or for other productive purposes as defined in OAR 340-093-0030(91)(b).~~

~~— C. Woody biomass fuel combusted in a licensed facility, as defined in OAR 340-093-0030(91)(c).~~

(Ordinance 5-92, 6.3.92; Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 13-07, 1.11.08; Ordinance 18-01, 3.29.18)

9.010 – REGULATIONS AND ENFORCEMENT

9.010.005 - Illegal Dumping and Penalty

- A. Illegal Dumping means the act of ~~Any person who~~ throwings, placinges, ~~or dispos~~inges of, or directings or ~~permit~~permittings another person to throw, place, or dispose of refuse, electronic waste, yard debris, construction/demolition debris, or hazardous waste upon private land without the permission of the landowner, or upon public lands, public places, or in public waters, other than in receptacles provided for the purpose of collecting such waste, ~~commits the violation of illegal dumping.~~
- B. A person is presumed to have participated in illegal dumping in violation of LC 9.010.005A where that person's name or other markindicia of identity, or something in particular~~indicia~~ that would ordinarily denote a person's ownership of the item, such as a name or an addressee on an envelope, is found on an item that has been illegally thrown, placed, or disposed of on public or private land, or in public waters. A person may rebut the presumption in this section by providing the County with evidence that establishes that the person was likely not responsible for the illegal dumping of the item in violation of LC 9.010.005A.

Lane Code

- C. Illegal Dumping is a Class A violation, pursuant to ORS Chapter 153. Repeated violations may be subject to the maximum fine even if the individual violations are not severe. Fines are to be determined by the enforcement officer at the time a violation is identified.

(Ordinance 13-07, 1.11.08; Ordinance 6-12, 11.17.12; Ordinance 22-02, 2.8.22)

9.010.007 - Illicit Discharge

- A. Definitions. For the purposes of this section, the following words and phrases mean:

“Director” means the Director of the Department of Public Works or the Director’s designee.

“Illicit Discharge” means any discharge to the stormwater system that is not composed entirely of stormwater, as determined by the Environmental Protection Agency Stormwater Phase II Final Rule, as it may be modified from time to time. The following non-stormwater discharges are not categorized by Oregon Department of Environmental Quality (DEQ) to be an Illicit Discharge, unless they become a source of pollutants:

1. A discharge regulated under a separate DEQ National Pollutant Discharge Elimination System (NPDES) permit.
2. A discharge that originates from emergency firefighting activities or fire hydrant flushing.
3. Uncontaminated water line flushing.
4. Landscape irrigation, only if pesticides and fertilizers are applied in accordance with the manufacturer’s instructions.
5. Diverted stream flows.
6. Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers.
7. Rising groundwaters.
8. Uncontaminated pumped groundwater.
9. Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
10. Start up flushing of groundwater wells.
11. Foundation footing and crawlspace drains (where flows are not contaminated [i.e., process materials or other pollutant]).
12. Uncontaminated air conditioning condensation or compressor condensate.
13. Irrigation water, only if pesticides and fertilizers are applied in accordance with the manufacturer’s instructions).
14. Springs.
15. Lawn watering.
16. Individual residential car washing.

Lane Code

17. Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).
18. Flows from riparian habitats and wetlands.
19. De-chlorinated swimming pool discharges including hot tubs (heated water must be cooled for at least twelve (12) hours prior to discharge).
20. Street and pavement wash waters (provided chemicals, soaps, detergents, steam or heated water are not used).
21. Routine external building wash-down (provided chemicals, soaps, detergents, steam or heated water are not used).
22. Water associated with dye testing activity.
23. Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to ORS Chapter 465.

“Illicit connection” means:

1. Any surface or subsurface drain or conveyance that allows an illicit discharge to enter the stormwater system, including but not limited to:
 - a. Any conveyances that allow any illicit discharge to enter the stormwater system, and
 - b. Any connections to the stormwater system from indoor drains and sinks. The above activities are considered illicit connections regardless of whether the drain, conveyance, or connection was previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the stormwater system that has not been documented in plans, maps, or equivalent records and approved by the County through the Facility Permits process.

“Non-stormwater Discharge” means any discharge to the public storm drainage, groundwater and surface water systems that is not composed entirely of stormwater.

“Person in Charge of Property” means an owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sand, soil, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips. The term “premises” shall include recreational vehicles.

“Public Way” means any property over which the public has acquired a right of use or passage through dedication, grant, use, or conduct. Public ways include, but are not limited to, “public roads,” as defined in LC 15.010(41), easements, and drainage ways.

Lane Code

“Recreational Vehicle” means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including, but not limited to camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

“Responsible Person” as defined in LC 5.025.005, and including:

1. The person in charge of property from which the discharge emanates, and
2. The person who directly or indirectly causes the discharge.

“Stormwater Sewer System, Stormwater System, Storm Drainage System” means for purposes of this chapter, a drain and collection system owned, operated, or under the control of Lane County for the sole purpose of collecting naturally occurring precipitation or stormwater runoff, including roads, ditches, channels, pipes, and culverts, catch basins, manholes. The stormwater sewer system is not a combined sewer system and does not include conveyance of any wastewater.

“Storm Water, Stormwater, Stormwater Runoff, Storm Water Runoff” means water that washes off or runs off the land as a result of naturally occurring precipitation, such as a snow or rainstorm, which does not infiltrate into the soil, as determined by the Environmental Protection Agency Stormwater Phase II Final Rule, as it may be modified from time to time.

B. Purpose and Scope. The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the County, protect groundwater and waters of the state to which stormwater systems discharge, through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable under Federal and Oregon law.

C. Applicability:

1. This section applies to illicit discharges and to discharges from illicit connections, when such discharges occur on property located outside the Urban Growth Boundaries of the cities of Springfield and Eugene, as defined in LC 10.600-10 and LC 10.600-20, respectively.
2. For areas within the City of Springfield Urban Growth Boundary, the Lane County Board of Commissioners has adopted the City of Springfield’s illicit discharge regulations as part of Ordinance No. 3-10. Those regulations shall be applied by the City of Springfield within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.
3. For areas within the City of Eugene Urban Growth Boundary, the Lane County Board of Commissioners has adopted the City of Eugene’s illicit discharge regulations as part of Ordinance No. 01-12. Those regulations shall be applied by the City of Eugene within the Eugene Urban Growth Boundary as set forth in LC 10.600-10.
4. The County retains the right to enforce the adopted regulations in LC 9.010.007C.2 and LC 9.010.007C.3, pursuant to LC 9.010.007E, where compliance cannot be obtained by the cities.

D. Requirements and Prohibitions.

1. Prohibited Discharges:
 - a. No person may place or cause to be placed in the County Stormwater Sewer System a substance that is harmful to water quality or has a tendency to clog the County Stormwater Sewer System. No person, within the person’s ability to control, may permit a substance that is harmful to or has a tendency to clog the County Stormwater Sewer System, to enter the County Stormwater System.

Lane Code

- b. No person may allow an illicit discharge from his or her premises to flow out, on, or under a public way or public property.
 - c. No person may permit any discharge from an illicit connection to flow out, on, or under a public way or public property.
 - 2. Exceptions to Prohibited Discharges. Except as provided in LC 9.010.007D.2, no person may discharge or cause to be discharged into the County Storm Water System, any substance other than stormwater:
 - a. Discharges authorized by written approval of the Oregon Department of Environmental Quality or the Director.
 - b. Discharges pursuant to a National Pollutant Discharge Elimination System permit issued on or before March 10, 2004, which are deemed to have received written approval from the Director.
 - c. The foregoing exceptions notwithstanding, the Director may deny or withdraw approval for discharge, including the approval under LC 9.010.007D.2.b, if the Director determines that discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law.
- E. Enforcement.
 - 1. Illicit Discharge is a Class A violation, pursuant to ORS Chapter 153.
 - 2. A person who violates any provision of LC 9.010.007 is subject to administrative enforcement pursuant to LC Chapter 5 and LC Chapter 15, and abatement pursuant to the nuisance abatement procedures set forth in LC Chapter 9. Abatement or correction under those provisions may include installation of infrastructure as necessary to prevent illicit discharges from entering the public way or public property. Repeated violations may be subject to the maximum fine even if the individual violations are not severe. Fines are to be determined by the enforcement officer at the time a violation is identified.

(Ordinance 22-02, 2.8.22)

9.010.010 - Violation of Posted Restrictions of Use.

- A. A person commits the violation of posted restrictions of use of a County Road or Local Access Road or Public Works Facility if the person does any of the following:
 - 1. Enters or remains in a Public Works Facility, or on a Local Access Road or County Road and appurtenant right-of-way in violation of the terms of any posted County sign giving notice of the limits of use.
 - 2. Operates or parks, or causes to be operated or parked, any motor vehicle on a Local Access Road, County Road and appurtenant right-of-way or Public Works Facility in violation of the terms of any posted County sign giving notice of the limits of use.
- B. Definitions. For the purposes of LC 9.010.010, the following words and phrases mean:
 - “Local Access Road” means any road as so defined in LM 15.010(33).
 - “County Road” means any County road as defined in LM 15.0101(17).

Lane Code

“Posted Limits of Use” means any County sign duly posted at a Public Works Facility, Local Access Road or County Road giving notice of the Board of County Commissioners’ order limiting hours, seasons or other conditions of use.

“Public Works Facility” means any facility or property operated or managed by the Lane County Public Works Department or any Division thereof, including but not limited to solid waste disposal or transfer sites, road maintenance shops, materials stockpile sites, County parks, and open spaces or areas managed by the Public Works Department for the purpose of wetland or habitat mitigation or enhancement.

C. Violation of LC 9.010.010 is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.015 - Non-Payment of Fees.

A. A person commits the violation of non-payment of fees if the person knowingly fails to pay an established fee as required by LM 60.800.010 at any Lane County solid waste disposal or transfer site.

B. A violation of LC 9.010.015A is a Class C violation.

(Ordinance 13-07, 1.11.08)

9.010.020 - Destruction of Public Property.

A. Other than duly authorized County employees or agents in the performance of their duties, a person commits the violation of destruction of public property where the person, defaces, damages, destroys or removes a County structure, sign, equipment, facility, plant, tree, wood, soil, gravel, sand, or other substance.

B. Violation of LC 9.010.020A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.025 - Interference with Official Duties.

A. A person commits the violation of interference with official duties if the person obstructs, harasses or interferes with the official duties of an Enforcement Officer.

B. Violation of LC 9.010.025A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.030 - Failure to Identify.

A. A person commits the violation of failure to identify if the person refuses to disclose their identity to an enforcement officer who requests the identification for the purpose of investigating or issuing a violation citation.

Lane Code

B. Violation of LC 9.010.030A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.035 - False Information.

A. A person commits the violation of giving false information to an enforcement officer if the person knowingly uses or gives a false or fictitious name, address or date of birth to any enforcement officer.

B. A violation of LC 9.010.035A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.040 - Disposal - Public Place; Private Property.

A. No person shall place, throw, deposit or otherwise dispose of solid waste in any public place, public road, public park, or on any private property, or in the waters within the County, except at the official disposal sites provided by the County, at other disposal sites which have been approved by all appropriate regulatory agencies, or short-term storage as provided in LC 9.010.040B.

B. No owner or occupant of private property shall deposit, accumulate, or permit to be deposited or accumulated, putrescible solid waste upon such private property for a period in excess of seven days. Storage of putrescible solid waste shall be in public or private litter receptacles, approved by the Health Officer, or in garbage cans or in securely tied bundles.

(Ordinance 5-92, 6.3.92)

9.010.045 - Solid Waste Hauling.

No person shall transport or carry solid waste in or on a motor vehicle or trailer, upon a public road in the County, unless such solid waste is either:

A. Completely covered on all sides and on the top and bottom thereof and such cover is either a part of or securely fastened to the body of such motor vehicle or trailer; or

B. Securely tied to the body of such motor vehicle or trailer so that no piece, article, item or part of such solid waste is not fastened to the body of such motor vehicle or trailer; or

C. Contained in the body of the transport vehicle in such a way as not to cause any part of the hauled solid waste to be deposited upon any roadway or driveway in the County.

(Ordinance 5-92, 6.3.92; Ordinance 18-01, 3.29.18)

9.010.050 - Deposits Prohibited.

Except under conditions specified by the Manager, no person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, into any disposal facility at any disposal site, any of the following materials:

Lane Code

- A. Hot ashes or other burning material;
- B. Sewage sludge, offal, or the contents of septic tanks and pit privies;
- C. Auto motive bodies ~~or vehicle tires~~ ;
- D. Animal carcasses;
- E. Explosives, carbides, chemicals, drugs, or other materials considered to be dangerous;
- F. Household appliances (refrigerators, stoves, washing machines s , dryer s , etc.);
- G. Motor oil;
- H. Computer monitors and CPUs, laptops, and televisions;
- I. Lead acid batteries; ~~and~~
- J. All primary and rechargeable batteries; and
- K. Tires (all tire types and classes are intended to be included).

(Ordinance 18-01, 3.29.18)

9.010.055 - Salvage and Other Orders by Manager.

- A. No person shall salvage at disposal sites unless specifically authorized in writing by the Manager.
- B. A person using Lane County disposal sites shall obey all orders of the Manager, Director, and site attendant given for the purpose of carrying out this chapter.

(Ordinance 18-01, 3.29.18)

9.010.060 - Failure to Comply.

Failure to comply with any of the requirements of LC 9.010.040 through LC 9.020.040 may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a license or other discretionary permit approval issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement pursuant to LC Chapter 5.

(Ordinance 18-01, 3.29.18)

9.015 – URBAN GROWTH AREA RECYCLING REGULATIONS

9.015.005 - Urban Growth Area Recycling Regulations.

- A. Any person or company providing collection or processing of refuse and recycling for a fee, (or exchange of value,) within the area between the city limits and the urban growth boundary (“UGB”) of any city with a population of four thousand (4,000) or greater in Lane County must:
 - 1. Provide residential and commercial customers with the same program elements adopted by the particular city within each UGB , and UGB and comply with the applicable requirements of ORS Chapter 459, and 459A, and OAR 340-Chapter 090.

Lane Code

2. Submit to the Division for approval by ~~On November 1 of every year~~ **a description of the proposed plan for compliance for cities, and service providers over the population of 4,000.** ~~the November 1 of each year, cities, and service providers over the population of 4,000 will submit provide to the Division for approval a description of the person or company's proposed plan for compliance with the requirements of each applicable program element contained in OAR 340-090-0040(3). Collection service providers may also use this plan to propose and seek approval for alternate methods of complying with LC 9.015.005A.1,~~
3. Provide to the Division for approval a copy of ~~For~~ all educational materials ~~to be~~ provided to customers, provide a copy of the materials to the Division for approval not less than thirty (30) days prior to distribution. ~~and~~
4. Provide an annual **Opportunity to Recycle** report, in a manner and prescribed by DEQ, ~~form acceptable to the Division,~~ demonstrating compliance with the approved plan.
5. Collect materials ~~Shaulers and service Pproviders and permitted disposal sites collecting recyclable materials and permitted disposal sites that are providing a place for collecting source-separated recyclable materials are at the disposal site or a more convenient location, will be required to collect materials identified on the USCL pursuant to ORS 459A.914, recycling acceptance list for depots (OAR 340-090-0630(4)(a)), including but not limited to:~~
 - ~~—Corrugated cardboard (uncoated and recycle-compatible coated. Clean pizza boxes OK)~~
 - ~~—Paperboard packaging (e.g., cereal, cracker, and medicine boxes)~~
 - ~~—All kraft paper (brown paper bags, mailers)~~
 - ~~—Molded pulp packaging (e.g., egg cartons — not food serviceware or flower pots)~~
 - ~~—Tissue paper used as packaging (not facial or sanitary tissue)~~
 - ~~—High-grade office paper (e.g., white and colored ledger)~~
 - ~~—Polycoated cartons (e.g., milk cartons), aseptic cartons.~~
 - ~~—Non-metalized gift wrap (no ribbons or bows)~~
 - ~~—Newspaper/newsprint~~
 - ~~—Magazines, catalogs, and similar glossy paper~~
 - ~~—Other printing and writing paper (e.g., envelopes, "junk mail", cards)~~
 - ~~—Telephone directories~~
 - ~~—Paperback books~~
 - ~~—Aluminum food and beverage cans~~
 - ~~—Steel cans, including empty/dry paint cans~~
 - ~~—Scrap metal less than 10 pounds in weight and 18 inches in length; excluding sharp items and "tanglers" (e.g., bicycle chains, wire)~~
 - ~~—Plastic tubs (e.g., cottage cheese) larger than 2 inches in two dimensions, made of PET (#1), HDPE (#2), or polypropylene (#5)~~
 - ~~—Plastic bottles larger than 2 inches in two dimensions, made of clear PET (#1), natural or colored HDPE (#2) or clear or colored polypropylene (#5) (caps OK if screwed on)~~
 - ~~—Plastic buckets, pails, storage containers and other bulky HDPE (#2) or polypropylene (#5) plastic packaging that fit loosely in the provided on-route collection container~~
 - ~~—Nursery (plant) packaging: HDPE (#2) and PP (#5) only~~

a. 6. —USCL materials ~~Commingled recyclables collected pursuant to ORS 459A.914 under the Opportunity to Recycle Act are required to be delivered to facilities that have~~ ~~will be prohibited from being delivered to commingled processing facilities unless such (or "will be required to be delivered to facilities that have") facilities have a~~ **valid CRPF** ~~Commingled Recycling Processor Facility permit for an in-state facility, or~~

Lane Code

a ~~DEQ~~ **n-approved** and certified facility ~~out-of-state facility, per ORS 459A.955~~.AR 340-090-0030(2).

b. 7. ~~—A material may **not**NOT be collected as part of the commingled recycling program unless the material is identified for collection on the USCL Uniform Statewide Collection List pursuant to~~ **ORS 459A.914**AR 340-090-0030(5).

68. ~~—Ensure new recycling and waste containers purchased by the local government or service providers contain at least 10 percent verified post-consumer recycled content if purchased after January 1, 2026~~2026, pursuant to ~~—ORS 459A.908. mandates that local governments ensure roll carts, bins, and containers purchased by their service providers are manufactured from at least 10% post-consumer recycled material and are certified by an independent verification standard, such as the Postconsumer Resin Certification Program established by the Association of Plastic Recyclers.~~

79. ~~Offer and provide recycling collection services to all multifamily tenants living in housing with five (5) or more units, as~~ **pursuant to** ~~provided in OAR 340-090-0040(3)(d). If the city within the UGB requires recycling collection services for multifamily properties of fewer than five (5) units, the services within the UGB must be the same as provided in the city.~~

1a. 0. ~~Cities, counties, and metropolitan service districts are required to~~ **To comply with the requirements of ORS 459A.911 to ensure adequate space for the recycling collection of materials identified on the USCL** ~~the uniform statewide collection list at multifamily properties.~~

b. 11. ~~Cities, counties, and metropolitan service district's providing the opportunity to recycle must, for the recycling collection of materials identified on the USCL at multifamily properties: submit an implementation plan to DEQ by November 1, 2027 in a manner and form prescribed by DEQ, report on activities undertaken to execute the implementation plan in the periodic report submitted according to the requirements of OAR 340-090-0100, and initiate plan implementation no later than July 1, 2028. The implementation plan shall describe how the city, county, or metropolitan service district will:~~

i. **Ensure adequate space for collection.**

ii. **Demonstrate a plan to ensure adequate space and access for collection vehicles after** ~~and access for collection vehicles after~~ **new construction or significant remodels.**

~~—Ensure adequate space for collection in existing buildings.~~

iii. **Update or establish service standards for** ~~Sservice~~ **Pproviders to outline provide** ~~adequate service volume or collection frequency, or a combination of both.~~

iv. **Ensure that container placement is accessible to residents, including children and individuals who use a wheelchair.** ~~, while giving consideration to resident and user safety considerations.~~

v. **Report on activities to meet the requirements of this section in the periodic report submitted to DEQ according to the requirements of ORS 459A.050.**

Lane Code

~~8424.~~ To receive advance funding or reimbursement under ORS 459A.890(4), cCities, counties, and metropolitan service district's receiving advance funding or reimbursement To the extent that funding is provided under ORS 459A.890(4), must establish and implement ,or cause to be established and implemented, a program to reduce contamination that:

- a. Includes one or more local recycling contamination reduction goals that are consistent with the statewide goals established by the DEQ pursuant to ORS 495A.929(1)(a).
- b. Causes collected source separated recyclables to undergo Undergo periodic evaluation of collected source separated recyclable material to assess quality and contamination, in accordance with forms and procedures established by the Department of Environmental Quality under ORS 459A.959.

9. Implement cContamination reduction programing education and outreach materials thatwill iInclude the followinginges:

- a. CAt least one of each of the three types of contamination reduction program elements contained on the list established by the DEQ pursuant to ORS 459A.929(1)(c); ,or
- b. MUses materials or methods that are at least as effective as materials or methods approved by DEQ pursuant to ORS 459A.929(1)(c); and-

Includes, at least once every five years, a process for reviewing, and revising as appropriate, the local goals and local elements established under this subsection.

c.

- B. In addition to the requirements of LC 9.015.005A, any person or company providing collection or processing of refuse for a fee, ~~(or exchange of value,)~~ within the area between the city limits and the UGB of any city with a population of fifty thousand (50,000) or greater in Lane County must:
1. ~~If requested by the CountyP,~~ provide a copy of their its residential ~~refuse~~ collection service rate schedule, if requested by the County, which will be handled by the County as confidential information pursuant to OAR 340-090-0120~~;~~
 2. ~~SortDeliver all loads of~~ construction and demolition debris at the generation site or send materials containing recyclables and ten (10) cubic yards or greater in size to a material recoveryhandling facility for processing and sortingrecoverysorting for all loads greater than sixteen (610) cubic yards; and
 3. ~~POffer and-~~ provide recycling collection services to all multifamily properties with five (5) or more housing units, as provided in OAR 340-090-0040(3)(d). ~~In the event that~~If the particular citycity within the UGB requires recycling collection services for multifamily properties of fewer than five (5) units, the services within the UGB must be the same as provided in the city.
- C. Failure to comply with any of the above provisions is a Class 1 failure to comply.

(Ordinance 18-01, 3.29.18)

9.020 – SOLID WASTE SYSTEM BENEFIT FEE

Lane Code

9.020.005 - Solid Waste System Benefit Fee.

- A. A Solid Waste System Benefit Fee ("Fee") is imposed for solid waste Management Services provided by the Division. ~~The Fee~~ is assessed against the weight of any municipal solid waste generated inside Lane County, and the ~~F~~ee will be collected by the Division from the Service Provider ~~hauler~~ of such waste. ~~The Fee~~ is a user fee charged to all solid waste generators in Lane County for the provision of services including, but not limited to, waste reduction and recycling services, special and household hazardous waste services and the user convenience/transfer station system.
- B. The Board will establish or adjust the amount of the Fee by Order, which will not exceed the estimated reasonable costs for the County's provision of these services. The Order must state the effective date of the established or adjusted Fee, which may not be less than thirty (30) days after the adoption of the Order.

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.010 - Solid Waste System Benefit Fee Collection, Remittance, and Reporting.

- A. Collection. For municipal solid waste collected within Lane County and disposed of at County facilities, the Fee will be collected at the disposal facility in the same manner as the disposal fees.
1. A person hauling its own waste to a disposal site or facility operated by Lane County must pay the ~~Solid Waste System Benefit~~ Fee at the ~~time~~ time that disposal fees are paid.
 2. A Service Provider ~~hauler~~ disposing of municipal solid waste collected within Lane County and disposed of at non-county facilities, must remit the appropriate ~~Solid Waste System Benefit~~ Fee to the County based on the number of tons collected within Lane County. Any municipal solid waste collected outside of Lane County and ~~dis~~-posed of at County facilities is not subject to the Fee.
- B. Reporting. Each Service Provider ~~hauler~~ subject to the ~~Solid Waste~~ Fee must complete a Solid Waste System Benefit ~~System Benefit~~ Fee report in accordance with instructions and on forms provided by the Division. The report, accompanied by any required payment, must be submitted on or before the twenty-fifth (25th) day of the month for the preceding month's disposal quantities. The report form may include, but is not limited to, total gross billings and receipts for all collection and disposal services performed within the County, the number of residential and non-residential generators within the Service Provider's ~~hauler's~~ service area, the number of tons collected within the service area and disposed of within and outside the County, and other such information as requested by the Division.
- C. Remittance. Each Service Provider ~~hauler~~ subject to the ~~Solid Waste~~ Fee for wastes collected within Lane County and disposed of at non-County facilities must remit payment with the monthly report. ~~The Manager may, upon written request of a Service Provider, hauler,~~ allow payment to be made on a different date to accommodate the hauler's billing practices.
- D. Billing Notice. Each Service Provider ~~hauler~~ subject to the ~~Solid Waste~~ Fee must incorporate in each of its billings sent to Lane County waste generators, the statement with the current ~~Solid Waste~~ Fee amount included:

____ "This billing includes a \$_____ per ton Lane County Solid Waste System Benefit ~~System Benefit~~ Fee charged to all waste generators in Lane County for County-provided waste reduction

Lane Code

and recycling, special and household hazardous waste, and user convenience/ transfer station services.”

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.015 - Calculation of Solid Waste System Benefit Fee.

If the Manager determines, after review of the Solid Waste ~~System Benefit~~ **System Benefit** Fee report, or upon failure of a **Service Provider** ~~hauler~~ to submit the **Solid Waste System Benefit** ~~Solid Waste System Benefit~~ Fee report, that the **Service Provider** ~~hauler~~ has not supplied appropriate information, the Manager may recalculate the **Service Provider's** ~~hauler's Solid Waste System Benefit~~ Fee in accordance with this subsection. If the Manager finds that the information supplied by the **Service Provider** ~~hauler~~ is inaccurate, incomplete or understated, the Manager may, at ~~their~~ **his or her** sole discretion, determine an appropriate amount for the ~~Solid Waste System Benefit~~ Fee due from the **Service Provider** ~~hauler~~. The Manager shall send the **Service Provider** ~~hauler~~ a notice, by certified mail, setting forth the recalculated ~~Solid Waste Solid Waste System Benefit~~ Fee amount. The notice shall include a statement ~~for of the~~ **for of the** reasons why the ~~Solid Waste Fee Solid Waste System Benefit Fee~~ has been recalculated. The Manager may base the recalculation on information in County records or on any data currently or previously supplied by the **Service Provider** ~~hauler~~. The written notice shall be deemed received by the **Service Provider** ~~hauler~~ three (3) days after the date of mailing, and payment shall be due within ten (10) days of receipt unless appealed. Upon receipt of the notice, the **Service Provider** ~~hauler~~ shall have seven (7) days in which to respond. The **Service Provider** ~~hauler~~ may, within the seven (7) day response period, request a meeting with the Manager to appeal ~~the amount of~~ the recalculated ~~Solid Waste Solid Waste System Benefit~~ Fee. The Manager shall issue and mail, by certified mail, a written decision to the **Service Provider** ~~hauler~~ within three (3) days following such a meeting, and any ~~Solid Waste Fees~~ due per the Manager's decision, shall be payable within ten (10) days of the Manager's decision.

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.020 - Examination of Records.

The Manager shall have the right to examine records, including access to computer records, maintained by ~~a a Service Provider~~ **hauler**. The term “record” shall include, but is not limited to, all accounts of a **Service Provider** ~~hauler~~. The Manager shall be allowed access ~~(at all reasonable hours) the~~ **ability** ~~times~~ to inspect and copy, ~~at reasonable cost~~ all business records related to a **Service Provider's** ~~hauler's~~ collection, transportation and disposal of solid waste to the extent necessary to ensure that all ~~Solid Waste Fees~~ **fees** required to be collected or paid have been remitted to the Division. Such records shall be maintained by the **Service Provider** ~~hauler~~ for no less than six (6) years.

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.025 - Confidential Character of Information Obtained.

To the extent permitted by law, the Manager, or any person having an administrative or clerical duty under the provisions of LC 9.020.050 through LC 9.020.035, ~~will~~ **shall** not disclose or make known in any manner ~~whatever~~ the business affairs, operations, or information obtained by an investigation of records, and equipment of any person required to file a ~~Solid Waste System Benefit~~ **Solid Waste System Benefit** Fee report. ~~Such person will not disclose, or any other person visited or examined in the discharge of~~

Lane Code

~~official duty, or~~ the amount or source of income profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this subsection shall be construed to prevent:

- A. The disclosure to, or the examination of records and equipment by another Lane County official, employee or agent for collection of fees for the sole purpose of administering or enforcing any provision of this sub-chapter; or collecting fees imposed hereunder.
- B. The disclosure, after the filing of a written request to that effect, to the fee payer himself or herself, receivers, trustees, executors, administrators assignees, and guarantors, if directly interested, of information as to any paid fees, any unpaid fees or amount of fees required to be collected, or interest and penalties, further provided, however, that the County Counsel approves each such disclosure and that the Manager may refuse to make any disclosure referred to in this paragraph when in his or her opinion the public interest would suffer thereby.
- C. The disclosure of general statistics regarding fees collected or business done in the County or portion thereof.
- D. Necessary disclosures in connection with appeals or forced collections as provided in LC 9. 020.005 through LC 9.020.040.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

9.020.030 - Collection Actions.

Exercise of any remedy by the County under LC 9.020.050 through LC 9.020.040 does not preclude exercise of other remedies.

- A. If a Service Provider ~~hauler~~ has failed to remit ~~Solid Waste System Benefit~~ Solid Waste Fees to the County in a timely manner, the County may use any available legal remedy to collect the overdue, unpaid ~~Solid Waste System Benefit~~ Solid Waste System Benefit Fee from the Service Provider ~~hauler~~.
- B. If a self-hauler fails to pay the ~~Solid Waste System Benefit~~ Solid Waste Fee to the County in a timely manner, the County may use any available legal remedy to collect the unpaid ~~Solid Waste System Benefit~~ Solid Waste Fee from the self-hauler.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

9.020.035 - Failure to Comply.

Any person who hauls municipal solid waste and willfully or negligently fails to bill, fails to collect, or fails to pay or remit to the Division the ~~Solid Waste System Benefit~~ Solid Waste System Benefit Fee commits a failure to comply with LC 9.020.005 through LC 9.020.030. -Failure to comply with any of the requirements of LC 9.020.005 through LC 9.020.030 shall be subject to administrative enforcement pursuant to LC Chapter 5.

LC 9.020.035 shall not preclude prosecution for any other violations, misdemeanors, or felonies under Oregon law committed by such person while hauling municipal solid waste. -The provisions of LC 9.020.005 through LC 9.020.040 are cumulative and are additional limitations upon all other laws and

| At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

Lane Code

| ordinances. -The County may recover costs, including staff and other related costs, incurred to enforce compliance with the provisions of LC 9.020.005 through LC 9.020.040.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

9.020.040 - Injunctive Relief.

| The County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate actions to prevent, restrain, correct, or abate any violation or threatened violation of LC 9.020.005 through LC 9.020.040.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

Chapter 9 – ENVIRONMENT AND HEALTH

9.005 – SOLID WASTE POLICY AND AUTHORITY

9.005.005 - Purpose and Authority.

- A. It is policy of Lane County to provide for safe and sanitary accumulation, storage, collection, transportation, disposal, recycling, and recovery of solid waste, while providing opportunities for its citizens to recycle and divert waste or unwanted materials from the waste disposal stream.
- B. The regulations in this chapter are established to:
 - 1. Prohibit and provide for abatement of accumulated solid waste on both public and private property to prevent a public nuisance, hazard to health, or condition of unsightliness;
 - 2. Provide for the proper and lawful disposal of waste and recyclable materials;
 - 3. Provide opportunities, education, and encouragement to recycle, as mandated by ORS 459A;
 - 4. Encourage coordinated solid waste collection, disposal, and recycling programs with the cities located in the County; and
 - 5. Comply with the requirements of applicable laws and regulations, such as, but not limited to, ORS 459 and 459A, and OAR 340-090 and 340-093.
- C. In carrying out the County's policy, the Director is authorized to:
 - 1. Enforce the provisions of LC 9.010.005 through LC 9.010.055;
 - 2. Require that Service Providers operating within the urban growth boundary of a city conduct their collection, hauling, and recycling operations in accordance with the rules adopted by that city;
 - 3. Establish such rules as are necessary, in the Director's judgment, to ensure that the County's policy and the requirements of Oregon laws and administrative rules are met; and
 - 4. To enforce such rules in accordance with this chapter, provided that:
 - a. Such rules may not be adopted until the Service Provider has been notified of the proposed rules and given not less than thirty (30) days' opportunity to comment; and
 - b. Written notice of adopted rules is provided to Service Providers, cities, and other known affected parties at the time of adoption.

(Ordinance 18-01, 3.29.18)

9.005.010 - Definitions.

The definitions included here reflect ORS 459A.863 and OAR 340-090-0010 and Lane Code defers to those definitions should a discrepancy arise. As used in LC 9.005.005 through LC 9.020.040, the following words and phrases mean:

“Commingled Recycling Processing Facility” (“CRPF”) means a facility that:

- A. Receives source separated commingled recyclable materials that are collected commingled from

a collection program providing the opportunity to recycle; and

B. Separates the recyclable materials described in subparagraph (A) of this paragraph into marketable commodities or streams of materials that are intended for use or further processing by others.

C. "Commingled Recycling Processing Facility" ("CRPF") does not include:

1. Scrap metal recycling facilities;
2. Scrap automotive or appliance recycling facilities;
3. Full-service redemption centers or dealer redemption centers, as those terms are defined in ORS 459A.700, and recycling facilities owned and operated by a distributor cooperative established under ORS 459A.718;

D. Recycling facilities handling covered electronic devices, as defined in ORS 459A.305;

E. Recycling processing facilities that process only non-commingled, source separated recyclable material from commercial entities;

F. Recycling processing facilities that recover commingled recyclable material primarily from the construction and demolition debris waste stream;

G. Recycling depots;

H. Recycling reload facilities; or

I. Limited sort facilities, as defined by rule by the Environmental Quality Commission.

"Contaminant" means:

A. A material set out for recycling collection that is not properly prepared and on the list of materials accepted for recycling collection by a recycling collection program; or

B. A material shipped to a recycling end market that is not accepted or desired by that end market.

"Contamination" means the presence of one or more contaminants in a recycling collection or commodity stream in an amount or concentration that negatively impacts the value of the material or negatively impacts a processor's ability to sort that material.

"Covered product" means:

A. Packaging;

B. Printing and writing paper; and

C. Food serviceware.

D. "Covered product" does not include:

1. A beverage container, as defined in ORS 459A.700.
2. Bound books.
3. Napkins, paper towels or other paper intended to be used for cleaning or the absorption of liquids.
4. Rigid pallets used as the structural foundation for transporting goods lifted by a forklift, pallet jack, or similar device.
5. Specialty packaging items that are used exclusively in industrial or manufacturing processes, including but not limited to:
 - i. Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food processor; and
 - ii. Trays, whether designed for a single use or multiple uses, used for the transport of component parts from a parts supplier to a manufacturer that assembles those parts.

F. Liquified petroleum gas containers that are designed to be refilled.

G. A material that the producer demonstrates is exempt under ORS 459A.869.

H. Pallet wrap or similar packaging used to secure a palletized load if added by a person that is not the producer of the palletized covered products.

I. Packaging related to containers for architectural paint, as defined in ORS 459A.822, that has been collected by a producer responsibility organization under the program established under ORS 459A.820 to 459A.855.

J. Any item that is not ultimately discarded inside this state, whether for purposes of recovery or disposal.

- K. Items sold on a farm or used on a farm, including items used for farm use, as defined in ORS 215.203, or for processing on a farm, provided that an item used on a farm is not subsequently sold at a retail establishment that is not located on a farm.
- L. Items used by a nursery licensed under ORS 571.055 that generates the majority of the nursery's revenue through the sale of nursery stock, as defined in ORS 571.005, provided that the items are not sold through retail sales.
- M. Packaging and paper products sold or supplied in connection with:
 - i. Prescription drugs as defined in ORS 689.005;
 - ii. Nonprescription drugs as defined in ORS 689.005;
 - iii. Drugs marketed under a brand name as defined in ORS 689.515; or
 - iv. Drugs marketed under a generic name as defined in ORS 689.515.
- N. Packaging and paper products sold or supplied in connection with drugs that are used for animal medicines, including but not limited to parasiticide drugs for animals.
- O. Packaging and paper products sold or supplied in connection with:
 - i. Infant formula as defined in 21 U.S.C. 321(z);
 - ii. Medical food as defined in 21 U.S.C. 360ee(b)(3); or
 - iii. Fortified oral nutritional supplements used for individuals who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by the International Classification of Diseases, Tenth Revision, or other medical conditions as determined by the commission.
- P. Wine and spirit containers for which a refund value is established under Oregon law.
- Q. Packaging for products:
 - i. That are required under 40 C.F.R. 156.140, or other federal regulation pertaining to toxic or hazardous materials, to state on the label or container that the packaging should not be recycled or should be disposed of in a manner other than recycling; or
 - ii. Identified by the commission by rule as product that is required by law to state on the label or container that the packaging should not be recycled or should be disposed of in a manner other than recycling.
- R. Any other material, as determined by the commission by rule, after consultation with the Oregon Recycling System Advisory Council.

"Cover Material" means soil or other suitable material approved by the department that is placed over the top and side slopes of solid wastes in a landfill.

"DEQ" means the Department of Environmental Quality.

"Depot" means a place for receiving source separated recyclable material.

"Director" means the Director of the Lane County Department of Public Works.

"Disposal Site" means a location used for the lawful disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, incinerators for solid waste delivered by the public or by a solid waste collection service, and composting plants. The term disposal site does not include a Material Recovery Facility, a Commingle Recycling Processing Facility, Recycling Depot, Recycling Reload Facility, or a facility subject to the permit requirements of ORS 468B.050 or a landfill site not open to the public or a Service Provider that is used by a property owner or owner's agent to dispose of soil, rock, concrete, or other similar non-decomposable material.

"Division" means the Waste Management Division of the Lane County Department of Public Works.

"Enforcement Officer" means a person authorized to enforce provisions of the Lane Code, as defined in LC 5.005.005.

“Franchise” includes a franchise, certificate, contract or license issued by a local government unit authorizing a person to provide solid waste management services.

“Food serveware” means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery, straws, lids, bags, aluminum foil or clamshells or similar containers:

- A. That are generally intended for single use; and
- B. That are sold to a retailer or a dine-in food establishment or a take-out food establishment, regardless of whether the item is used to prepackage food for resale, is filled on site for food ordered by a customer or is resold as is.

“Garbage” means mixed putrescible and non-putrescible solid wastes consisting of either of the following (also see “Municipal Solid Waste”):

- A. Combustible wastes such as soiled paper, waxed cardboard, plastic wrappers, bags, containers, lids, small rigid plastic packaging, and flexible plastic packaging; and
- B. Noncombustible wastes such as ashes, glass, and crockery.

“Generator” means a person within Lane County that produces municipal solid waste or that pays for municipal solid waste collection or disposal services, whether on that person’s behalf or on behalf of another.

“Organic Waste” means animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food, yard clippings, and untreated wood.

“Hazardous Waste” means discarded, useless or unwanted materials or residues and other wastes that are defined as hazardous waste pursuant to ORS 466.005.

“Landfill” means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

“Leachate” means liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact.

“Litter” means waste that is improperly placed so as to be a nuisance or aesthetic, health or environmental concern.

“Local government” means:

- A. A city;
- B. A county; or
- C. A metropolitan service district.

“Local Government’s Service Provider” means:

- A. A collection service franchise holder under ORS 459A.085;
- B. Any person authorized by a city or county to provide recycling collection services described in subsection (25)(a) to (d) of this section; or
- C. Any person authorized by a metropolitan service district to provide recycling collection services described in subsection (25)(d) of this section.

“Manager” means the Manager of the Waste Management Division of the Lane County Department of Public Works, or the Manager’s authorized representative.

“Material Recovery” means any process of obtaining from solid waste, by presegregation or otherwise, materials that still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose.

“Material Recovery Facility” means a facility permitted by the State of Oregon to accept non-source separated commercial waste for the purpose of extracting the recyclable fraction thereof.

“Multi-family” means dwellings of five or more units.

“Municipal Solid Waste” means all Domestic Solid Waste delivered to any permitted Incinerator, Transfer Station or Municipal Solid Waste Landfill, as those terms are defined in OAR 340-093-0030, excluding:

- A. Waste containing more than one percent (1%) asbestos by weight.
- B. Inert wastes, as defined in OAR 340-093-0030(55), when used as landfill cover material.
- C. Material delivered to a permitted construction and demolition landfill as defined in OAR 340-93-0030(27).
- D. Infectious wastes as defined in OAR 340-93-0030(56).
- E. Hazardous waste exempted from regulation under 40 CFR 261.4 (b)(1) and 40 CFR 261.5, when managed as hazardous waste.

“Opportunity to recycle” has the meaning given that term in ORS 459A.005.

“On-route collection” means pick up of source separated recyclable material from the generator at the place of generation.

“Packaging” means:

- A. Materials used for the containment or protection of products, including but not limited to paper, plastic, glass, metal, or a mixture thereof;
- B. Single-use bags, including but not limited to shopping bags; and
- C. Nondurable materials used in storage, shipping or moving, including but not limited to packing materials, moving boxes, file boxes and folders.
- D. “Packaging” does not include:
 - 1. Food serveware; or
 - 2. Sharps, as defined in ORS 459.386.

“Permit” means a document issued by the department which by its conditions may authorize the permittee to construct, install, modify, operate, or close a disposal site in accordance with specified limitations.

“Person” means an individual or entity as defined in LC 1.005.010.

“Program Elements” means those specific services required to promote and implement an opportunity to recycle, as provided in ORS 459A.007 and OAR 340-090-0040.

“Printing and Writing Paper” includes, but is not limited to, newspaper, magazines, flyers, brochures, booklets, catalogs, telephone directories, paper used for copying, writing, or other general use.

“Processor” means a person that owns or operates a Commingled Recycling Processing Facility.

“Producer” means a person that is determined to be the producer of a covered product under section 3 of this 2021 Act.

“Producer Responsibility Organization” (“PRO”) means a nonprofit organization established by a producer or group of producers to administer a producer responsibility program.

“Producer Responsibility Program” means a statewide program for the responsible management of covered products that is administered by a PRO pursuant to a plan approved by the Department of Environmental Quality per ORS 459A.

“Putrescible Solid Waste” means organic material that can decompose and give rise to foul smelling and offensive products or attract vectors, as defined in OAR 340-093-0030(78).

“Recycling” means any material listed on the Uniform Statewide Collection List or the PRO Material Acceptance List, as defined in ORS 459A.

“Recycling collection” means the act or process of gathering recyclable materials by:

- A. On-route residential collection from the generator at the place of generation;
- B. On-site nonresidential collection from the generator at the place of generation;
- C. Multifamily on-route residential collection from each multifamily dwelling that has five or more units;
- D. Recycling depots at a disposal site or another designated location that is more convenient to the population being served and expanded depots as described in ORS 459A.007; or
- E. Other collection methods included in an approved producer responsibility program plan.

“Recycling depot” means a location where recyclable materials are accepted from the public or commercial businesses and transported to a location for processing or to an end market.

“Recycling Reload Facility” means a facility other than a recycling depot where recyclable materials are received, consolidated and made ready for transport to another location for processing, or to a responsible end market.

“Refuse” means rubbish, trash, garbage, vegetable and animal waste, ashes, waste household articles, and other materials ordinarily and customarily hauled off and placed in a dump or landfill.

“Responsible End Market” means a materials market in which the recycling or recovery of materials or the disposal of contaminants is conducted in a way that benefits the environment and minimizes the risk to public health and worker health and safety.

“Responsible management” means the handling, tracking and disposition of covered products from the point of collection through the final disposition of the collected material in a way that benefits the environment and minimizes the risk to public health and worker health and safety.

“Responsible recycling” means the handling of covered products for recycling and removal of contaminants by a CRPF and disposition to a Responsible End Market.

“Reuse” means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

“Salvage” means the practice of retrieving reclaimable materials, such as paper, metal, bottles, rags or other objects, from solid waste for the purpose of sale or other use.

“Self-hauler” means a person that transports municipal solid waste produced by that person in Lane County.

“Sharps” means needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers.

“Solid Waste” means all putrescible and non-putrescible wastes as defined in OAR 240-093-0030(91). Solid Waste does not include:

- A. Hazardous waste as defined in ORS 466.005.
- B. Materials used for fertilizer or for other productive purposes as defined in OAR 340-093-0030(91)(b).
- C. Woody biomass fuel combusted in a licensed facility, as defined in OAR 340-093-0030(91)(c).

“Source Separate” means that the person who last uses recyclable materials separates the recyclable material from solid waste.

"Specifically Identified Material" means a material or covered product identified by the DEQ under ORS 459A.917.

"Uniform Statewide Collection List" ("USCL") means the list of materials established in accordance with the requirements of ORS 459A.914 (4). [2021 c.681 §2]

"Wasteshed" means the areas of the state of Oregon as defined in [ORS 459A.010 \(Policy\)](#) and [OAR 340-090-0050 \(Wasteshed Designation and Recovery Rates\)](#).

"Wood waste" means chemically untreated wood pieces or particles generated from processes commonly used in the timber products industry. Such materials include but are not limited to sawdust, chips, shavings, stumps, bark, hog-fuel, and log sort yard waste, but do not include wood pieces or particles containing or treated with chemical additives, glue resin, or chemical preservatives.

"Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. This includes grass clippings, leaves, hedge trimmings, and similar vegetative waste but does not include stumps, or similar bulky wood materials.

(Ordinance 5-92, 6.3.92; Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 13-07, 1.11.08; Ordinance 18-01, 3.29.18)

9.010 – REGULATIONS AND ENFORCEMENT

9.010.005 - Illegal Dumping and Penalty

- A. Illegal Dumping means the act of throwing, placing, disposing of, or directing or permitting another person to throw, place, or dispose of refuse, electronic waste, yard debris, construction/demolition debris, or hazardous waste upon private land without the permission of the landowner, or upon public lands, public places, or in public waters, other than in receptacles provided for the purpose of collecting such waste.
- B. A person is presumed to have participated in illegal dumping in violation of LC 9.010.005A where that person's name or other mark of identity, or something in particular that would ordinarily denote a person's ownership of the item, such as a name or an addressee on an envelope, is found on an item that has been illegally thrown, placed, or disposed of on public or private land, or in public waters. A person may rebut the presumption in this section by providing the County with evidence that establishes that the person was likely not responsible for the illegal dumping of the item in violation of LC 9.010.005A.
- C. Illegal Dumping is a Class A violation, pursuant to ORS Chapter 153. Repeated violations may be subject to the maximum fine even if the individual violations are not severe. Fines are to be determined by the enforcement officer at the time a violation is identified.

(Ordinance 13-07, 1.11.08; Ordinance 6-12, 11.17.12; Ordinance 22-02, 2.8.22)

9.010.007 - Illicit Discharge

- A. Definitions. For the purposes of this section, the following words and phrases mean:

"Director" means the Director of the Department of Public Works or the Director's designee.

"Illicit Discharge" means any discharge to the stormwater system that is not composed entirely of stormwater, as determined by the Environmental Protection Agency Stormwater Phase II Final Rule, as it

may be modified from time to time. The following non-stormwater discharges are not categorized by Oregon Department of Environmental Quality (DEQ) to be an Illicit Discharge, unless they become a source of pollutants:

1. A discharge regulated under a separate DEQ National Pollutant Discharge Elimination System (NPDES) permit.
2. A discharge that originates from emergency firefighting activities or fire hydrant flushing.
3. Uncontaminated water line flushing.
4. Landscape irrigation, only if pesticides and fertilizers are applied in accordance with the manufacturer's instructions.
5. Diverted stream flows.
6. Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers.
7. Rising groundwaters.
8. Uncontaminated pumped groundwater.
9. Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
10. Start up flushing of groundwater wells.
11. Foundation footing and crawlspace drains (where flows are not contaminated [i.e., process materials or other pollutant]).
12. Uncontaminated air conditioning condensation or compressor condensate.
13. Irrigation water, only if pesticides and fertilizers are applied in accordance with the manufacturer's instructions).
14. Springs.
15. Lawn watering.
16. Individual residential car washing.
17. Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).
18. Flows from riparian habitats and wetlands.
19. De-chlorinated swimming pool discharges including hot tubs (heated water must be cooled for at least twelve (12) hours prior to discharge).
20. Street and pavement wash waters (provided chemicals, soaps, detergents, steam or heated water are not used).
21. Routine external building wash-down (provided chemicals, soaps, detergents, steam or heated water are not used).
22. Water associated with dye testing activity.

23. Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to ORS Chapter 465.

“Illicit connection” means:

1. Any surface or subsurface drain or conveyance that allows an illicit discharge to enter the stormwater system, including but not limited to:
 - a. Any conveyances that allow any illicit discharge to enter the stormwater system, and
 - b. Any connections to the stormwater system from indoor drains and sinks. The above activities are considered illicit connections regardless of whether the drain, conveyance, or connection was previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the stormwater system that has not been documented in plans, maps, or equivalent records and approved by the County through the Facility Permits process.

“Non-stormwater Discharge” means any discharge to the public storm drainage, groundwater and surface water systems that is not composed entirely of stormwater.

“Person in Charge of Property” means an owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sand, soil, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips. The term “premises” shall include recreational vehicles.

“Public Way” means any property over which the public has acquired a right of use or passage through dedication, grant, use, or conduct. Public ways include, but are not limited to, “public roads,” as defined in LC 15.010(41), easements, and drainage ways.

“Recreational Vehicle” means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including, but not limited to camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

“Responsible Person” as defined in LC 5.025.005, and including:

1. The person in charge of property from which the discharge emanates, and
2. The person who directly or indirectly causes the discharge.

“Stormwater Sewer System, Stormwater System, Storm Drainage System” means for purposes of this chapter, a drain and collection system owned, operated, or under the control of Lane County for the sole purpose of collecting naturally occurring precipitation or stormwater runoff, including roads, ditches, channels, pipes, and culverts, catch basins, manholes. The stormwater sewer system is not a combined sewer system and does not include conveyance of any wastewater.

“Storm Water, Stormwater, Stormwater Runoff, Storm Water Runoff” means water that washes off or runs off the land as a result of naturally occurring precipitation, such as a snow or rainstorm, which does

not infiltrate into the soil, as determined by the Environmental Protection Agency Stormwater Phase II Final Rule, as it may be modified from time to time.

- B. Purpose and Scope. The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the County, protect groundwater and waters of the state to which stormwater systems discharge, through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable under Federal and Oregon law.
- C. Applicability:
 - 1. This section applies to illicit discharges and to discharges from illicit connections, when such discharges occur on property located outside the Urban Growth Boundaries of the cities of Springfield and Eugene, as defined in LC 10.600-10 and LC 10.600-20, respectively.
 - 2. For areas within the City of Springfield Urban Growth Boundary, the Lane County Board of Commissioners has adopted the City of Springfield's illicit discharge regulations as part of Ordinance No. 3-10. Those regulations shall be applied by the City of Springfield within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.
 - 3. For areas within the City of Eugene Urban Growth Boundary, the Lane County Board of Commissioners has adopted the City of Eugene's illicit discharge regulations as part of Ordinance No. 01-12. Those regulations shall be applied by the City of Eugene within the Eugene Urban Growth Boundary as set forth in LC 10.600-10.
 - 4. The County retains the right to enforce the adopted regulations in LC 9.010.007C.2 and LC 9.010.007C.3, pursuant to LC 9.010.007E, where compliance cannot be obtained by the cities.
- D. Requirements and Prohibitions.
 - 1. Prohibited Discharges:
 - a. No person may place or cause to be placed in the County Stormwater Sewer System a substance that is harmful to water quality or has a tendency to clog the County Stormwater Sewer System. No person, within the person's ability to control, may permit a substance that is harmful to or has a tendency to clog the County Stormwater Sewer System, to enter the County Stormwater System.
 - b. No person may allow an illicit discharge from his or her premises to flow out, on, or under a public way or public property.
 - c. No person may permit any discharge from an illicit connection to flow out, on, or under a public way or public property.
 - 2. Exceptions to Prohibited Discharges. Except as provided in LC 9.010.007D.2, no person may discharge or cause to be discharged into the County Storm Water System, any substance other than stormwater:
 - a. Discharges authorized by written approval of the Oregon Department of Environmental Quality or the Director.
 - b. Discharges pursuant to a National Pollutant Discharge Elimination System permit issued on or before March 10, 2004, which are deemed to have received written approval from the Director.
 - c. The foregoing exceptions notwithstanding, the Director may deny or withdraw approval for discharge, including the approval under LC 9.010.007D.2.b, if the Director determines that

discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law.

E. Enforcement.

1. Illicit Discharge is a Class A violation, pursuant to ORS Chapter 153.
2. A person who violates any provision of LC 9.010.007 is subject to administrative enforcement pursuant to LC Chapter 5 and LC Chapter 15, and abatement pursuant to the nuisance abatement procedures set forth in LC Chapter 9. Abatement or correction under those provisions may include installation of infrastructure as necessary to prevent illicit discharges from entering the public way or public property. Repeated violations may be subject to the maximum fine even if the individual violations are not severe. Fines are to be determined by the enforcement officer at the time a violation is identified.

(Ordinance 22-02, 2.8.22)

9.010.010 - Violation of Posted Restrictions of Use.

A. A person commits the violation of posted restrictions of use of a County Road or Local Access Road or Public Works Facility if the person does any of the following:

1. Enters or remains in a Public Works Facility, or on a Local Access Road or County Road and appurtenant right-of-way in violation of the terms of any posted County sign giving notice of the limits of use.
2. Operates or parks, or causes to be operated or parked, any motor vehicle on a Local Access Road, County Road and appurtenant right-of-way or Public Works Facility in violation of the terms of any posted County sign giving notice of the limits of use.

B. Definitions. For the purposes of LC 9.010.010, the following words and phrases mean:

“Local Access Road” means any road as so defined in LM 15.010(33).

“County Road” means any County road as defined in LM 15.0101(17).

“Posted Limits of Use” means any County sign duly posted at a Public Works Facility, Local Access Road or County Road giving notice of the Board of County Commissioners’ order limiting hours, seasons or other conditions of use.

“Public Works Facility” means any facility or property operated or managed by the Lane County Public Works Department or any Division thereof, including but not limited to solid waste disposal or transfer sites, road maintenance shops, materials stockpile sites, County parks, and open spaces or areas managed by the Public Works Department for the purpose of wetland or habitat mitigation or enhancement.

C. Violation of LC 9.010.010 is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.015 - Non-Payment of Fees.

A. A person commits the violation of non-payment of fees if the person knowingly fails to pay an established fee as required by LM 60.800.010 at any Lane County solid waste disposal or transfer site.

- B. A violation of LC 9.010.015A is a Class C violation.

(Ordinance 13-07, 1.11.08)

9.010.020 - Destruction of Public Property.

- A. Other than duly authorized County employees or agents in the performance of their duties, a person commits the violation of destruction of public property where the person, defaces, damages, destroys or removes a County structure, sign, equipment, facility, plant, tree, wood, soil, gravel, sand, or other substance.

- B. Violation of LC 9.010.020A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.025 - Interference with Official Duties.

- A. A person commits the violation of interference with official duties if the person obstructs, harasses or interferes with the official duties of an Enforcement Officer.

- B. Violation of LC 9.010.025A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.030 - Failure to Identify.

- A. A person commits the violation of failure to identify if the person refuses to disclose their identity to an enforcement officer who requests the identification for the purpose of investigating or issuing a violation citation.

- B. Violation of LC 9.010.030A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.035 - False Information.

- A. A person commits the violation of giving false information to an enforcement officer if the person knowingly uses or gives a false or fictitious name, address or date of birth to any enforcement officer.

- B. A violation of LC 9.010.035A is a Class A violation.

(Ordinance 13-07, 1.11.08)

9.010.040 - Disposal - Public Place; Private Property.

- A. No person shall place, throw, deposit or otherwise dispose of solid waste in any public place, public road, public park, or on any private property, or in the waters within the County, except at the official disposal sites provided by the County, at other disposal sites which have been approved by all appropriate regulatory agencies, or short-term storage as provided in LC 9.010.040B.

- B. No owner or occupant of private property shall deposit, accumulate, or permit to be deposited or accumulated, putrescible solid waste upon such private property for a period in excess of seven days. Storage of putrescible solid waste shall be in public or private litter receptacles, approved by the Health Officer, or in garbage cans or in securely tied bundles.

(Ordinance 5-92, 6.3.92)

9.010.045 - Solid Waste Hauling.

No person shall transport or carry solid waste in or on a motor vehicle or trailer, upon a public road in the County, unless such solid waste is either:

- A. Completely covered on all sides and on the top and bottom thereof and such cover is either a part of or securely fastened to the body of such motor vehicle or trailer; or
- B. Securely tied to the body of such motor vehicle or trailer so that no piece, article, item or part of such solid waste is not fastened to the body of such motor vehicle or trailer; or
- C. Contained in the body of the transport vehicle in such a way as not to cause any part of the hauled solid waste to be deposited upon any roadway or driveway in the County.

(Ordinance 5-92, 6.3.92; Ordinance 18-01, 3.29.18)

9.010.050 - Deposits Prohibited.

Except under conditions specified by the Manager, no person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, into any disposal facility at any disposal site, any of the following materials:

- A. Hot ashes or other burning material;
- B. Sewage sludge, offal, or the contents of septic tanks and pit privies;
- C. Automotive bodies;
- D. Animal carcasses;
- E. Explosives, carbides, chemicals, drugs, or other materials considered to be dangerous;
- F. Household appliances (refrigerators, stoves, washing machines, dryers, etc.);
- G. Motor oil;
- H. Computer monitors and CPUs, laptops, and televisions;
- I. Lead acid batteries;
- J. All primary and rechargeable batteries; and
- K. Tires (all tire types and classes are intended to be included).

(Ordinance 18-01, 3.29.18)

9.010.055 - Salvage and Other Orders by Manager.

- A. No person shall salvage at disposal sites unless specifically authorized in writing by the Manager.
- B. A person using Lane County disposal sites shall obey all orders of the Manager, Director, and site attendant given for the purpose of carrying out this chapter.

(Ordinance 18-01, 3.29.18)

9.010.060 - Failure to Comply.

Failure to comply with any of the requirements of LC 9.010.040 through LC 9.020.040 may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a license or other discretionary permit approval issued pursuant to the requirements of any of the sections of this chapter is also subject to administrative enforcement pursuant to LC Chapter 5.

(Ordinance 18-01, 3.29.18)

9.015 – URBAN GROWTH AREA RECYCLING REGULATIONS

9.015.005 - Urban Growth Area Recycling Regulations.

- A. Any person or company providing collection or processing of refuse and recycling for a fee, or exchange of value, within the area between the city limits and the urban growth boundary (“UGB”) of any city with a population of four thousand (4,000) or greater in Lane County must:
 - 1. Provide residential and commercial customers with the same program elements adopted by the city within each UGB and comply with the applicable requirements of ORS 459, 459A, and OAR 340-090.
 - 2. Submit to the Division for approval by November 1 of every year a description of the proposed plan for compliance for cities, and service providers over the population of 4,000, the requirements of each applicable program element contained in OAR 340-090-0040(3).
 - 3. Provide to the Division for approval a copy of all educational materials provided to customers no less than thirty (30) days prior to distribution.
 - 4. Provide an annual Opportunity to Recycle report, in a manner prescribed by DEQ, demonstrating compliance with the approved plan.
 - 5. Collect materials identified on the USCL pursuant to ORS 459A.914.
 - a. USCL materials collected pursuant to ORS 459A.914 are required to be delivered to facilities that have a valid CRPF permit for an in-state facility, or a DEQ approved out-of-state facility, per ORS 459A.955.
 - b. A material may *not* be collected as part of the commingled recycling program unless the material is identified for collection on the USCL pursuant to ORS 459A.914.
 - 6. Ensure new recycling and waste containers purchased by the local government or service providers contain at least 10 percent verified post-consumer recycled content if purchased after January 1, 2026, pursuant to ORS 459A.908.
 - 7. Offer and provide recycling collection services to all multifamily tenants living in housing with five (5) or more units, as pursuant to OAR 340-090-0040(3)(d). If the city within the UGB requires recycling collection services for multifamily properties of fewer than five (5) units, the services within the UGB must be the same as provided in the city.

- a. Cities, counties, and metropolitan service districts are required to comply with ORS 459A.911 to ensure adequate space for the recycling collection of materials identified on the USCL at multifamily properties.
 - b. Cities, counties, and metropolitan service district's providing the opportunity to recycle must, for the recycling collection of materials identified on the USCL at multifamily properties:
 - i. Ensure adequate space for collection.
 - ii. Demonstrate a plan to ensure adequate space and access for collection vehicles after new construction or significant remodels.
 - iii. Update or establish service standards for Service Providers to outline adequate service volume or collection frequency, or a combination of both.
 - iv. Ensure that container placement is accessible to residents, including children and individuals who use a wheelchair.
 - v. Report on activities to meet the requirements of this section in the periodic report submitted to DEQ according to the requirements of ORS 459A.050.
- 8. To receive advance funding or reimbursement under ORS 459A.890(4), cities, counties, and metropolitan service district's must establish and implement a program to reduce contamination that:
 - a. Includes one or more local recycling contamination reduction goals that are consistent with the statewide goals established by ORS 495A.929(1)(a).
 - b. Undergo periodic evaluation of collected source separated recyclable material to assess quality and contamination, in accordance with ORS 459A.959.
- 9. Implement contamination reduction programming education and outreach materials that include the following:
 - a. Contamination reduction program elements contained on the list established by the DEQ pursuant to ORS 459A.929(1)(c);
 - b. Materials or methods that are at least as effective as materials or methods approved by DEQ pursuant to ORS 459A.929(1)(c); and
 - c. Include, at least once every five years, a process for reviewing, and revising as appropriate, the local goals and elements established under this subsection.
- B. In addition to the requirements of LC 9.015.005A, any person or company providing collection or processing of refuse for a fee, or exchange of value, within the area between the city limits and the UGB of any city with a population of fifty thousand (50,000) or greater in Lane County must:
 - 1. Provide a copy of their residential collection service rate schedule, if requested by the County, which will be handled by the County as confidential information pursuant to OAR 340-090-0120;
 - 2. Sort construction and demolition debris at the generation site or send materials to a material recovery facility for processing and sorting for all loads greater than six (6) cubic yards; and
 - 3. Provide recycling collection services to all multifamily properties with five (5) or more housing units, as provided in OAR 340-090-0040(3)(d). If the city within the UGB requires recycling collection services for multifamily properties of fewer than five (5) units, the services within the UGB must be the same as provided in the city.

C. Failure to comply with any of the above provisions is a Class 1 failure to comply.

(Ordinance 18-01, 3.29.18)

9.020 – SOLID WASTE SYSTEM BENEFIT FEE

9.020.005 - Solid Waste System Benefit Fee.

- A. A Solid Waste System Benefit Fee ("Fee") is imposed for solid waste Management Services provided by the Division. The Fee is assessed against the weight of any municipal solid waste generated inside Lane County, and the Fee will be collected by the Division from the Service Provider of such waste. The Fee is a user fee charged to all solid waste generators in Lane County for the provision of services including, but not limited to, waste reduction and recycling services, special and household hazardous waste services and the user convenience/transfer station system.
- B. The Board will establish or adjust the amount of the Fee by Order, which will not exceed the estimated reasonable costs for the County's provision of these services. The Order must state the effective date of the established or adjusted Fee, which may not be less than thirty (30) days after the adoption of the Order.

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.010 - Solid Waste System Benefit Fee Collection, Remittance, and Reporting.

- A. Collection. For municipal solid waste collected within Lane County and disposed of at County facilities, the Fee will be collected at the disposal facility in the same manner as the disposal fees.
 - 1. A person hauling its own waste to a disposal site or facility operated by Lane County must pay the Fee at the time that disposal fees are paid.
 - 2. A Service Provider disposing of municipal solid waste collected within Lane County and disposed of at non-county facilities, must remit the appropriate Fee to the County based on the number of tons collected within Lane County. Any municipal solid waste collected outside of Lane County and disposed of at County facilities is not subject to the Fee.
- B. Reporting. Each Service Provider subject to the Fee must complete a Solid Waste System Benefit Fee report in accordance with instructions and on forms provided by the Division. The report, accompanied by any required payment, must be submitted on or before the twenty-fifth (25th) day of the month for the preceding month's disposal quantities. The report form may include, but is not limited to, total gross billings and receipts for all collection and disposal services performed within the County, the number of residential and non-residential generators within the Service Provider's service area, the number of tons collected within the service area and disposed of within and outside the County, and other such information as requested by the Division.
- C. Remittance. Each Service Provider subject to the Fee for wastes collected within Lane County and disposed of at non-County facilities must remit payment with the monthly report. The Manager may, upon written request of a Service Provider, allow payment to be made on a different date to accommodate the hauler's billing practices.
- D. Billing Notice. Each Service Provider subject to the Fee must incorporate in each of its billings sent to Lane County waste generators, the statement with the current Fee amount included:

"This billing includes a \$_____ per ton Lane County Solid Waste System Benefit Fee charged to all waste generators in Lane County for County-provided waste reduction and recycling, special and household hazardous waste, and user convenience/ transfer station services."

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.015 - Calculation of Solid Waste System Benefit Fee.

If the Manager determines, after review of the Solid Waste Fee report, or upon failure of a Service Provider to submit the Solid Waste Fee report, that the Service Provider has not supplied appropriate information, the Manager may recalculate the Service Provider's Fee in accordance with this subsection. If the Manager finds that the information supplied by the Service Provider is inaccurate, incomplete or understated, the Manager may, at their sole discretion, determine an appropriate amount for the Fee due from the Service Provider. The Manager shall send the Service Provider a notice, by certified mail, setting forth the recalculated Fee amount. The notice shall include a statement for why the Fee has been recalculated. The Manager may base the recalculation on information in County records or on any data currently or previously supplied by the Service Provider. The written notice shall be deemed received by the Service Provider three (3) days after the date of mailing, and payment shall be due within ten (10) days of receipt unless appealed. Upon receipt of the notice, the Service Provider shall have seven (7) days in which to respond. The Service Provider may, within the seven (7) day response period, request a meeting with the Manager to appeal the recalculated Fee. The Manager shall issue and mail, by certified mail, a written decision to the Service Provider within three (3) days following such a meeting, and any Fees due per the Manager's decision, shall be payable within ten (10) days of the Manager's decision.

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.020 - Examination of Records.

The Manager shall have the right to examine records, including access to computer records, maintained by a Service Provider. The term "record" shall include, but is not limited to, all accounts of a Service Provider. The Manager shall be allowed access (at reasonable hours) the ability to inspect and copy, all business records related to a Service Provider's collection, transportation and disposal of solid waste to the extent necessary to ensure that all Solid Waste Fees required to be collected or paid have been remitted to the Division. Such records shall be maintained by the Service Provider for no less than six (6) years.

(Ordinance 1-99, 6.25.99; Ordinance 18-01, 3.29.18)

9.020.025 - Confidential Character of Information Obtained.

To the extent permitted by law, the Manager, or any person having an administrative or clerical duty under the provisions of LC 9.020.050 through LC 9.020.035, will not disclose or make known in any manner the business affairs, operations, or information obtained by an investigation of records, and equipment of any person required to file a Solid Waste System Benefit Fee report. Such person will not disclose the amount or source of income profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this subsection shall be construed to prevent:

- A. The disclosure to, or the examination of records and equipment by another Lane County official, employee or agent for collection of fees for the sole purpose of administering or enforcing any provision of this sub-chapter; or collecting fees imposed hereunder.
- B. The disclosure, after the filing of a written request to that effect, to the fee payer himself or herself, receivers, trustees, executors, administrators assignees, and guarantors, if directly interested, of information as to any paid fees, any unpaid fees or amount of fees required to be collected, or interest and penalties, further provided, however, that the County Counsel approves each such disclosure and that the Manager may refuse to make any disclosure referred to in this paragraph when in his or her opinion the public interest would suffer thereby.
- C. The disclosure of general statistics regarding fees collected or business done in the County or portion thereof.
- D. Necessary disclosures in connection with appeals or forced collections as provided in LC 9. 020.005 through LC 9.020.040.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

9.020.030 - Collection Actions.

Exercise of any remedy by the County under LC 9.020.050 through LC 9.020.040 does not preclude exercise of other remedies.

- A. If a Service Provider has failed to remit Fees to the County in a timely manner, the County may use any available legal remedy to collect the overdue, unpaid Solid Waste Fee from the Service Provider.
- B. If a self-hauler fails to pay the Fee to the County in a timely manner, the County may use any available legal remedy to collect the unpaid Fee from the self-hauler.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

9.020.035 - Failure to Comply.

Any person who hauls municipal solid waste and willfully or negligently fails to bill, fails to collect, or fails to pay or remit to the Division the Solid Waste System Benefit Fee commits a failure to comply with LC 9.020.005 through LC 9.020.030. Failure to comply with any of the requirements of LC 9.020.005 through LC 9.020.030 shall be subject to administrative enforcement pursuant to LC Chapter 5.

LC 9.020.035 shall not preclude prosecution for any other violations, misdemeanors, or felonies under Oregon law committed by such person while hauling municipal solid waste. The provisions of LC 9.020.005 through LC 9.020.040 are cumulative and are additional limitations upon all other laws and ordinances. The County may recover costs, including staff and other related costs, incurred to enforce compliance with the provisions of LC 9.020.005 through LC 9.020.040.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)

9.020.040 - Injunctive Relief.

Lane Code

The County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate actions to prevent, restrain, correct, or abate any violation or threatened violation of LC 9.020.005 through LC 9.020.040.

(Ordinance 1-99, 6.25.99; Ordinance 1-00, 4.12.00; Ordinance 18-01, 3.29.18)