

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

DEQ 8-2023

CHAPTER 340

DEPARTMENT OF ENVIRONMENTAL QUALITY

FILED

07/20/2023 3:08 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Mattress Stewardship Rulemaking

EFFECTIVE DATE: 07/21/2023

AGENCY APPROVED DATE: 07/20/2023

CONTACT: Emil Hnidey
503-568-0376
emil.hnidey@deq.oregon.gov

700 NE Multnomah St.
Suite 600
Portland, OR 97232

Filed By:
Emil Hnidey
Rules Coordinator

RULES:

340-098-0000, 340-098-0400, 340-098-0420, 340-098-0440, 340-098-0460, 340-098-0480

AMEND: 340-098-0000

RULE TITLE: Applicability

NOTICE FILED DATE: 03/28/2023

RULE SUMMARY: Adding "(3) OAR 340-098-0000 and OAR 340-098-0400 to OAR 340-098-0480 clarify requirements of the Mattress Stewardship Act, SB 1576 (2022)."

RULE TEXT:

(1) OAR 340-098-0000 to OAR 340-098-0200 apply to manufacturers of covered electronic devices sold or offered for sale in the State of Oregon for calendar years 2012 and beyond.

(2) OAR 340-098-0000, OAR 340-098-0010, and 340-098-0300 to OAR 340-098-0390 prescribe requirements and procedures for participating in, submitting program plans for, and operating, drug take-back programs under ORS 459A.200 to 459A.266.

(3) OAR 340-098-0000 and OAR 340-098-0400 to OAR 340-098-0460 clarify requirements of the Mattress Stewardship Act, SB 1576 (2022).

STATUTORY/OTHER AUTHORITY: ORS 468.020, 468.065, 459A.345, SB 1576 (2022)

STATUTES/OTHER IMPLEMENTED: ORS 459A.315, SB 1576 (2022)

ADOPT: 340-098-0400

RULE TITLE: Annual Fee

NOTICE FILED DATE: 03/28/2023

RULE SUMMARY: New Annual Fee rule for division for the Mattress Stewardship Act.

RULE TEXT:

The stewardship organization will pay DEQ an annual fee as follows:

(1) The annual fee due on July 1, 2024, is \$205,000.

(2) The annual fee due on July 1, 2025, and in subsequent years, is \$200,000.

(3) Beginning July 1, 2026, DEQ may reduce the fee in a given year if a lesser amount is adequate to cover program costs for that year.

STATUTORY/OTHER AUTHORITY: Section 9(3) of SB 1576 (2022)

STATUTES/OTHER IMPLEMENTED: SB 1576 (2022)

ADOPT: 340-098-0420

RULE TITLE: Delegation of Authority to Determine Additional Reporting Requirements

NOTICE FILED DATE: 03/28/2023

RULE SUMMARY: New Delegation of Authority to Determine Additional Reporting Requirements for the Mattress Stewardship Act.

RULE TEXT:

Under Section 6(5)(a)(B) of SB 1576 (2022), DEQ may require a stewardship organization to meet additional reporting requirements that DEQ determines by order that may be appropriate to avoid future violations.

STATUTORY/OTHER AUTHORITY: Section 6(5)(a)(B) of SB 1576 (2022)

STATUTES/OTHER IMPLEMENTED: SB 1576 (2022)

ADOPT: 340-098-0440

RULE TITLE: Stewardship Organization Submissions

NOTICE FILED DATE: 03/28/2023

RULE SUMMARY: New Stewardship Organization Submissions rule for the Mattress Stewardship Act.

RULE TEXT:

(1) Goals

(a) For purposes of the mattress stewardship program, reuse has the meaning provided by ORS 459.005(24).

(b) In establishing performance goals pursuant to Section 4(1)(g) of SB 1576 (2022), a stewardship organization must:

(A) Establish annual goals; and

(B) Account for reuse when setting the recycling rate goal.

(c) When evaluating methods and processes used to achieve goals related to the recycling rate in an annual report, a stewardship organization must report on the number of mattresses directed for reuse.

(2) Collection by Site or Event: If a stewardship organization notifies DEQ of a change to collection sites or events, or requests alternative methods for providing convenient service, DEQ may require a stewardship organization to provide information including:

(a) The number or tonnage of program mattresses collected by a collection site or event; and

(b) The number or tonnage of program mattresses collected for recycling by a collection site or event.

(3) Studies and Additional Reports

(a) No later than 90 days before undertaking the study required in section 9(4)(a) of SB 1576 (2022) or activities that will inform the reports required in section 9(4)(b) of SB 1576 (2022), a stewardship organization must submit a description of proposed activities with scope, processes, outcomes and timelines for DEQ's review and comment.

(b) A stewardship organization must provide a response to DEQ's comments, that explains why comments were or were not incorporated. A stewardship organization must respond to comments within 30 days of when comments were sent, unless otherwise specified by DEQ.

STATUTORY/OTHER AUTHORITY: Section 9(2) of SB 1576 (2022), ORS459.005

STATUTES/OTHER IMPLEMENTED: SB 1576 (2022)

ADOPT: 340-098-0460

RULE TITLE: Notification of Changes

NOTICE FILED DATE: 03/28/2023

RULE SUMMARY: New Notification of Changes rule for the Mattress Stewardship Act.

RULE TEXT:

In addition to the notifications required by Section 7(3) of SB 1576, a stewardship organization will notify DEQ no less than once per month, of the following changes to an approved plan:

- (1) A change in the retailers that are registered with a stewardship organization; or
- (2) A change in the facilities managing discarded mattresses for reuse, as part of the mattress stewardship program.

STATUTORY/OTHER AUTHORITY: Section 7(3) of SB 1576 (2022), ORS 459.005

STATUTES/OTHER IMPLEMENTED: SB 1576 (2022)

ADOPT: 340-098-0480

RULE TITLE: Website Information

NOTICE FILED DATE: 03/28/2023

RULE SUMMARY: New Website Information rule for the Mattress Stewardship Act.

RULE TEXT:

(1) A stewardship organization must make any changes to required information on the stewardship organization's website within three business days of the stewardship organization learning of the change. If the stewardship organization is unable to do so, the stewardship organization must notify DEQ in writing and include a timeframe by which the update will occur.

(2) A stewardship organization must request information from each collection site or event operator to provide on the stewardship organization's website, including:

- (a) The physical address of each collection site or event;
- (b) A phone number for each collection site or event;
- (c) The hours of operation for each collection site or event; and
- (d) Physical or language accessibility considerations at a collection site or event.

STATUTORY/OTHER AUTHORITY: Section 3(4) of SB 1576 (2022)

STATUTES/OTHER IMPLEMENTED: SB 1576 (2022)