

Summary Proposed Amendments to: ADMINISTRATIVE RULES
Residential Solid Waste, Recycling & Composting

This is a summary of the proposed amendments to the residential administrative rules. A public hearing will be held on June 3rd, 4pm to 6pm at 1900 SW 4th Ave, 7th Floor Conference Room 7A, Portland, OR 97201.

- 1) All references of failure to comply will be deleted, due to redundancy. It is implied that if the franchisee doesn't meet the rule, then enforcement is the consequence.
- 2) Housekeeping: All references to vehicles shall be replaced with collection vehicles.
- 3) All other changes are identified below.

PART 3.1 RESIDENTIAL DEFINITIONS

7. ~~“Back-up Vehicles” are vehicles not intended for collection on a regular basis and driven no more than 3,000 miles in a single calendar year.~~
14. “Collection Vehicle” means any vehicle designed and used for the collection of Solid Waste, Recycling or Compostables in Portland.
15. ~~“Commercial Opt In” shall mean any non-Residential Customer that has a service level as defined in Residence.~~
16. ~~“Commercial Vehicles” are vehicles used for commercial collection more than 50% of the miles they are driven.~~
15. “Compostable Material” and “Compostable” means yard debris, Food Scraps and Food Soiled Paper when source separated for controlled biological decomposition. Compostable material shall not include food soiled paper containing plastic or other materials that inhibit controlled biological decomposition.
17. ~~“Compostables/Composting” shall mean Yard Debris, Food Scraps, Food Soiled Paper and Approved Compostable Plastic Bags when source separated for composting.~~
27. “Food Soiled Paper” means paper products that have been in contact with organic materials to the degree that they would not be able to be recycled into paper products. Food Soiled Paper includes, but is not limited to, used napkins and paper towels.
36. ~~“Non-Compliant Vehicle” describes collection vehicles in the following situations:~~
 - i. ~~After December 31, 2015, any Residential collection vehicle with an engine older than 12 years of age that has not been fitted with a Diesel Particulate Filter through a Metro grant-funded program.~~
 - ii. ~~After December 31, 2017, any Commercial collection vehicle with an engine older than 12 years of age that has not been fitted with a Diesel Particulate Filter through a Metro grant-funded program.~~
 - iii. ~~After December 31, 2019, any collection vehicle with an engine older than 12 years of age~~
47. ~~“Residential Vehicles” are vehicles used for residential collection 50% or more of the miles they are driven.~~

PART 3.2 RESIDENTIAL SOLID WASTE, RECYCLING & COMPOSTING

B. SYSTEM AND EQUIPMENT REQUIREMENTS

1. Safer Service Delivery. BPS is committed to safety measures to comply with the City of Portland's Vision Zero plan, managed by the Bureau of Transportation.
 - b. Side Guards and Safety Equipment. Side guards are safety equipment designed to protect vulnerable road users from the hazards of open spaces on the sides of large trucks. The following schedule will result in the implementation of side guards on all collection trucks with side gaps between tires greater than two feet. All side guards shall meet the Volpe specifications (see Exhibit C) according to the following schedule:
 - i. All new collection truck purchases after January 1, 2020. (A/I)*
 - ii. All collection trucks newer than 2010 and older than 2019 by January 1, 2022. (A/I)*
 - iii. All side guards must have decals indicating to vulnerable road users that they are in a blind spot. Other safety actions that BPS strongly encourages, but does not require, include high visibility truck cabs, cameras and sensors. (A/I)*
 - a. ~~Side Guards and Safety Equipment. Pending the outcome of the side guard pilot project in 2017-18, the City shall consider future safety requirements on trucks that will identify which trucks need side guards and how to use the Volpe standards as the baseline for specifications listed in the Truck Side Guard Specifications described in Exhibit C (also sometimes referred to as the Volpe Standards.) According to the City of Portland Vision Zero goals, garbage and recycling trucks identified through the pilot project will be required to have side guards by December 31, 2021. In addition, decals indicating blind spots, mirrors, cameras sensors and truck design are also elements of trucks safety that will be considered for future development.~~
8. Clean and Efficient Fleet Practices. The intention of the clean and efficient fleet practices is to phase out vehicle emissions that contribute to unhealthy air for Portland residents and to reduce climate change impacts according to the Climate Action Plan.
 - A. Fleet Replacement. All Collection Vehicles with diesel engines shall be 12 years old or newer. Compressed natural gas vehicles are not subject to this rule.
 1. Federal Emissions Improvement Adjustments. Due to emissions standard improvements to Collection Vehicles manufactured in 2010 or newer, Collection Vehicle restrictions will be adjusted accordingly:
 - a. As of January 1, 2023, all Collection Vehicles using diesel fuel shall have engines 13 years old or newer.
 - b. As of January 1, 2024, all Collection Vehicles using diesel fuel shall have engines 14 years old or newer.
 - c. As of January 1, 2025, all Collection Vehicles using diesel fuel shall have engines 15 years old or newer and older back up vehicles will no longer be acceptable and subject to infraction. Starting January 1, 2026 Collection Vehicle age restrictions will continue with a rolling 15-year timeframe for compliance. (A/I)*
 - d. As of January 1, 2025, all Collection Vehicles providing service to any Portland residential or commercial customer will adhere to the Clean and Efficient Fleet Practices. At this time, exemptions to Collection Vehicles serving less than 50 percent of Portland customers will be lifted. (A/I)*
 2. Back-up Vehicles. Collection Vehicles that are intended and used as back-up vehicles can be used up to 20 percent of a full-time vehicle's hours or miles. Additional miles can be used if a vehicle is for backing up multiple front-line trucks. The mileage allowance is detailed in Exhibit D, Non-Compliant Backup Vehicle Guidelines. Exceeding mile limitations in a calendar year is considered an infraction subject to an Assessment. (A/I)*

3. Diesel Particulate Filter (DPF) and Diesel Oxidation Catalyst (DOC) Retrofits. Collection Vehicles that have been retrofitted with a functioning DPF will not be required to be replaced until January 1, 2025. Collection Vehicles with a functioning DOC will not be required to be replaced until January 1, 2020. (A/I)*

B. Use of Biodiesel. A minimum Biodiesel Blend of B20 or renewable diesel blend of R20 shall be used in all Collection Vehicles with diesel engines. (B/I)*

~~8. Use of Biodiesel. A minimum Biodiesel Blend of B20 or Renewable Diesel Blend of R20 shall be used in all Solid Waste, Recycling and Composting collection vehicles. (B/I)*~~

~~9. Clean and Efficient Fleet Practices; Replacement of Older Collection Vehicles. All Residential Vehicles shall have engines that are 12 years old or newer. Residential Vehicles that have been retrofitted with a Diesel Particulate Filter or a Diesel Oxidation Catalyst through a Metro grant-funded program, or other BPS approved installation, shall be considered to have 2007 model year engines and will not be required to be replaced until December 31, 2019. Compressed Natural Gas vehicles are not subject to this rule.~~

~~a. Use of Non-Compliant Vehicle Exceeding Backup Vehicle Limitations. Non-Compliant Vehicles can be used in a backup capacity for 20% of a full-time service-truck miles. Franchisees have options for Non-Compliant Vehicles to be used for more miles if is backing up multiple front-line trucks. The mileage allowance is detailed in Exhibit D, Non-Compliant Backup Vehicle Guidelines.~~

~~Franchisees who use a Non-Compliant Vehicle as a Backup Vehicle more than the maximum allowable miles within a single calendar year shall have committed an infraction, subject to an Assessment. Assessments will be issued for every day a Non-Compliant Vehicle is used beyond the allowable miles outlined in Exhibit D. (A/I)~~

~~b. Reporting Requirements for Non-Compliant Vehicles. Franchisees who use a Non-Compliant Vehicle to conduct any residential collections shall submit a report to BPS by the 15th day following the end of the month. When the 15th day falls on a Saturday, Sunday or holiday, the report is due by the next business day. Franchisees who own Non-Compliant Vehicles, and do not use them to conduct collections, are still required to submit a report for that month. The data shall be submitted on a form supplied by BPS. Information on the form shall include, but is not restricted to:~~

~~i. Vehicle Identification Number of each Non-Compliant Vehicle used for residential collection;~~

~~ii. date(s) each Non-Compliant Vehicle was used;~~

~~iii. miles each Non-Compliant Vehicle was driven on each date and~~

~~iv. the full-time vehicle that is being backed up.~~

~~Failure to submit a complete and accurate report by the deadline shall constitute an infraction, subject to an Assessment. (C/M)*~~

F. ADVANCING EQUITY AND DIVERSITY

The City of Portland uses an equity lens for all its work, including waste collection programs.

1. Annually upon City request and following a City-specified format, Franchisees with more than 10,000 customers shall submit a Diversity, Equity, and Inclusion (DEI) plan. The DEI Plan shall identify steps the Franchise is taking to advance diversity, equity, and inclusion in its company. Plan elements shall include actions the Franchise could take to improve the culture of its workplace and actions the Franchise can take to advance diversity, equity,

and inclusion in its business relationships, including working with certified minority-owned and woman-owned subcontractors, vendors, suppliers, and facilities for processing and disposal. (A/I)*

2. Franchisee shall conduct an annual demographic survey of its employees using data collection practices specified by the City and report the results in a format specified by the City. (A/I)*
3. Franchisee shall participate in workplace culture trainings offered by the City to improve recruitment and retention of women and people of color. (A/I)*
4. Franchisees shall contact Permittees that are certified by Business Oregon's Certification Office for Business Inclusion and Diversity to provide notice of franchise purchase or subcontract opportunities at least 180 calendar days prior to requesting City consent to a franchise sale or subcontract.

PART 3.3 RESIDENTIAL PROGRAM REPORTING

G. USE OF BACK-UP TRUCK REPORT

1. Franchisees who use trucks older than 12 years, for use as a back-up vehicle, shall submit a report to BPS by the 15th day following the end of the month.
2. Franchisees who own trucks older than 12 years, and do not use them to conduct collections, are still required to submit a report for that month. The data shall be submitted on a form supplied by BPS.