

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

This is a summary of the proposed amendments to the commercial 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.

Proposed amendments are identified below.

Part 4.1, Definitions

11. “Collection Vehicle” means any vehicle designed and used for the collection of Solid Waste, Recycling, or Compostables in Portland.
12. ~~“Compostable Material” and “Compostable” means primarily Food Scraps and includes coffee filters and BPI certified compostable plastic liner bags.~~
13. “Covered Food Scraps Generating Business” means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.
14. ~~“Food Scraps” means all waste from meats, fish, and vegetables, which attends or results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food scraps include, but are not limited to, excess, spoiled or unusable food or dairy products, meats, vegetable and meat trimmings, grains, breads and dough, incidental amounts of edible oils, and organic waste from food processing. Food scraps do not include large amounts of oils and meats which are collected for rendering, fuel production or other reuse applications. waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food scraps includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food scraps does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.~~
15. ~~“Food Scraps Generating Business” means businesses and institutions whose waste is composed of a large amount of food scraps. It includes but is not limited to restaurants, grocery stores or food markets, hotels with catering operations, institutions with cafeterias, caterers, central kitchens or commissaries, bakeries, produce wholesalers and food processors. It does not include businesses that produce only incidental amounts of food waste in the course of doing business, such as employee lunches.~~
20. “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.
21. “Force Majeure” means acts of God, landslides, lightning, forest fires, storms, floods, freezing, volcanic eruptions, earthquakes, civil disturbances, acts of terrorism or of the public enemy, wars, blockades, public riots, explosions, shortage of materials and other events which are not reasonably within the control of the permittee franchisee, the approved recycler, yard debris recycler, or BPS.

22. ~~“Non-Compliant Vehicle” describes collection vehicles in the following situations:~~
- ~~a. 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 Metrogrant-funded program.~~
 - ~~b. 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 Metrogrant-funded program.~~
 - ~~c. After December 31, 2019, any collection vehicle with an engine older than 12 years of age.~~

28. ~~“Residential vehicles” are vehicles used for residential collection 50% or more of the miles they are driven.~~

Part 4.2, Permittees: Collection Services for Solid Waste, Recyclables and Compostables

B. EQUIPMENT STANDARDS

4. ~~Use of Biodiesel. A minimum Biodiesel Blend of B20 shall be used in all solid waste, recycling and composting collection vehicles with a diesel engine as the source of fuel for operating the vehicle. For the purposes of this subsection, collection vehicles include, but are not limited to, front, side and rear load trucks, drop box trucks, flatbed trucks, pickup trucks or any other vehicle used for collection. (B/I)*~~
7. Container Use.
- i. Replacement of lost or stolen containers. Permittees are responsible for replacing all roll carts that are lost or stolen from the address to which they were delivered. Permittees have seven calendar days after Customer notification to replace the lost or stolen cart. Where a cart has been damaged due to Customer negligence and the Customer requests replacement, the Permittee may apply reasonable charges for the replacement cart. (D/I)*
11. 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. 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.~~
 - c. 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 wheels greater than two feet. All side guards shall meet the Volpe specifications (see Exhibit C) according to the following schedule:

- I. All new Collection Vehicle purchases after January 1, 2020. (A/I)*
- II. All Collection Vehicles newer than 2010 and older than 2019 by January 1, 2022. (A/I)*
- III. All Collection Vehicles must have decals placed on the side guards or body that indicate to vulnerable road users that they are in a blind spot. (A/I)*

~~12. Clean and Efficient Fleet Practices; Replacement of Older Collection Vehicles. All Commercial Vehicles shall have engines that are 12 years old or newer. Commercial 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. Permittees 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.~~

~~Permittees 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 C. (A/I)~~

- ~~b. Reporting Requirements for Non-Compliant Vehicles. Permittees who use a Non-Compliant Vehicle to conduct any commercial 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. Permittees 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 commercial 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)~~

12. 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.
- 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.

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.

B. 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)*

C. REQUIREMENTS FOR COLLECTION OF RECYCLABLES AND COMPOSTABLES

6. Disposal Prohibition. The permittee is responsible for transporting and delivery of collected materials for recycling and composting. The permittee shall ensure that all collected recyclables are delivered to a processor or broker of recyclable materials or to an end use market. The permittee shall ensure that all collected ~~yard debris and~~ compostable materials are delivered for beneficial use, including:

D. PROMOTION AND EDUCATION.

1. The permittee shall provide recycling, food scraps and yard debris collection information to every new customer prior to the day the customer is expected to start using the service and to within seven days of sign-up and to all existing customers at least annually. (B/I)

The permittee may use either outreach materials developed by BPS for this purpose or outreach materials developed by the permittee. If a permittee chooses to create and provide outreach material for customers, the permittee shall submit a draft the information to BPS for review and approval prior to distributing it to customers. Failure to distribute this information according to these provisions is an Infraction subject to an assessment. (B/I)

H. ADVANCING EQUITY AND DIVERSITY

The City of Portland uses an equity lens for all its work, including waste collection programs.
~~Commercial Administrative Rules Effective Date 2/6/18~~

1. Permittee 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.
2. Permittee shall participate in workplace culture trainings offered by the City to improve recruitment and retention of women and people of color.

Part 4.3, Permittees: Reporting

E. USE OF BACK-UP TRUCK REPORT

Permittees 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. The data shall be entered on a form supplied by BPS. Permittees who own trucks older than 12 years, and do not use them to conduct collections, are still required to submit the report form listing the older trucks for that month.