



**OKLAHOMA
DEPARTMENT
OF
CENTRAL SERVICES**

RECYCLING

**ADMINISTRATIVE RULES
OAC 580: 50**

July 2006

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**TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 50. RECYCLING**

Section

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580:50-1-1. Purpose

The rules in this Chapter are promulgated by the Director of Central Services to implement the Oklahoma State Recycling and Recycled Materials Procurement Act (74 O.S. § 85.50 et seq.).

[Source: Added at 10 Ok Reg 3181, eff 6-25-93]

580:50-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Agency" means any department, board, commission, institution, authority, or agency of the State of Oklahoma.

"Asphalt materials containing ground tire rubber" means asphalt material mixed with recovered rubber from scrap automobile, truck, or bus tires. The term includes asphalt rubber and rubber modified asphalt.

"Department" means the Oklahoma Department of Central Services.

"Director" means the Director of Central Services.

"Economically feasible" means that the cost of an action is reasonable in consideration of the beneficial result, as determined by the Director of Central Services.

"Life cycle cost" means a cost which is distinguished from a product's purchase price in that the additional considerations of waste disposal cost, durability, and reusability are incorporated into the concept of product cost.

"Post-consumer material" means those products or recyclable materials generated or discarded by a business or a consumer that have served their intended end uses, and that have been recovered from or otherwise diverted from the solid waste stream for the purpose of recycling. Wastepaper generated in paper mill operations such as cutting, trimming, coating, or converting, along with mill broke and other in-plant residual wastes, although present in recycled paper products, shall not be included in the determination of the percentage of post-consumer material, but may be included in the determination of the percentage of total recycled materials content.

"Practicable" means capable of being used consistent with:

- (A) performance in accordance with applicable specifications;
- (B) availability at a reasonable price;
- (C) availability within a reasonable period of time;
- (D) maintenance of a satisfactory level of competition.

"Price preference" means the percentage over and above the price of non-recycled products and materials which may be allowed for the purchase of recycled products and materials.

"Products manufactured from virgin materials" means products which are composed entirely of materials which have not been previously used in manufacture.

"Products manufactured with recycled materials" means products that are manufactured with a minimum content of ten percent (10%) post-consumer materials.

"Recyclable materials" means materials or products which are capable of being recycled, including, but not limited to paper, glass, plastics, metals, automobile oil, and batteries.

"Recycled paper products" means all paper products manufactured from recoverable waste paper, with not less than ten percent (10%) of their total weight consisting of waste paper.

"Recycling" means a three step process:

- (A) the identification and collection of usable materials from the solid waste stream;
- (B) the processing of these materials into new products; and,
- (C) the purchase and use of products containing reused materials.

"Recycling plan" means a scheme, method, schedule, and outline for action which is designed to fulfill the intent, requirements, and goals of the Oklahoma State Recycling and Recycled Materials Procurement Act.

"Recycling program" means a system of instructions, procedures, services, and tasks by which source reduction is accomplished, recyclable materials are salvaged, separated, and disposed of, and products manufactured with recycled materials are procured, in accordance with the intent of the Oklahoma State Recycling and Recycled Materials Procurement Act. A recycling program may include services provided by private, nonprofit, and/or cooperative contractors.

"Re-refined oils" means used oils from which the physical and chemical contaminants acquired through prior use have been removed through a refining process.

"Retreaded tire" means any tire that utilizes an existing casing for the purpose of vulcanizing new tread to such casing and which meets all performance and quality standards specified in the Federal Motor Vehicle Safety Standards determined by the United States Department of Transportation.

"State public entity" means the State Legislature, any bureau, agency, board, commission, or authority of the state; the Office of the Governor, the judiciary, or any state university, school district or county of the state which is supported in whole or in part by state funds.

"The Act" means the Oklahoma State Recycling and Recycled Materials Procurement Act.

[Source: Added at 10 Ok Reg 3181, eff 6-25-93]

580:50-1-3. Recyclable materials collection

(a) Adoption of recycling plan. Each state public entity shall adopt a comprehensive recycling plan to meet or exceed the legislative intent, requirements, and goals of the Act. A sample recycling plan shall be made available by the Department.

(b) Recycling plan operation. Each state public entity shall develop and operate its own recycling program, or join and participate in a joint recycling program, for the purpose of implementing its recycling plan. The results of implementation of the plan during the

previous fiscal year shall be described in a report to the Director by December 31 of each year. The report shall be in a format determined by the Department.

(c) Assistance in plan development. The Department shall provide assistance and coordination to state public entities in the development and implementation of recycling plans, and in the operation of recycling programs to achieve recycling objectives.

(d) Determination of quantity and market value of recycled materials. The Department may determine whether the quantity and market value of recyclable materials, separately or in combination, in any solid waste generated by any state public entity is sufficient to make recycling economically feasible.

(e) Joint recycling operations. The Department may operate one or more recycling programs, where it is feasible to do so, and may require state public entities to participate. The Department may determine whether any state public entity must participate in a joint recycling program with other state public entities, or may operate a partially or completely separate recycling program of its own.

(f) Designation of agency recycling coordinator. Each state agency shall designate at least one employee as a recycling coordinator for that agency.

(1) The Department may require the designation of additional coordinators if necessary for the efficient operation of the recycling effort.

(2) State agencies with more than one office, shop, or working venue shall designate a recycling coordinator for each location or venue at which more than fifty employees usually work.

(3) The Department may, at its discretion, require an agency to appoint a recycling coordinator for locations which produce large amounts of recyclable materials.

(4) The identity and contact information for each recycling coordinator shall be submitted to the Director and shall be updated or revised as changes occur.

(5) Recycling coordinators shall serve as contact persons with the Department for implementation of the Act and the rules in 580:50-1-3.

(g) Representatives of entities other than state agencies. Each state public entity other than a state agency shall designate at least one employee to represent that entity in coordination with the Department for implementation of the Act and the rules in 580:50-1-3. The identity and contact information for each representative shall be submitted to the Director and shall be updated or revised as changes occur.

(h) Exemptions. No state public entity may be exempted from complying with the legislative intent, requirements, and goals of the Act; however, the Director may grant temporary exemptions from compliance with the rules in 580:50-1-3 due to lack of market availability or economic feasibility. All requests for exemption must be made in writing and must be accompanied by documentation supporting the need for such an exemption. Any exemption granted shall be in effect for no longer than one year.

[Source: Added at 10 Ok Reg 3181, eff 6-25-93]

580:50-1-4. Recycled products procurement

(a) Purchase of recycled products. Each state public entity shall procure products which are manufactured with recycled materials, and products which are recyclable and/or durable, to meet or exceed the legislative intent, requirements, and goals of the Act.

(b) Reporting of purchases of recycled products. Each state public entity shall submit a report to the Director by December 31 of each year. This report shall describe the results

of its procurement of recycled paper products and other products manufactured with recycled materials over the past fiscal year. The report shall be in a format determined by the Department.

(c) Assistance in procurement objectives. The Department shall provide assistance to state public entities in the achievement of procurement objectives in their recycling programs.

(d) Procurement specifications for recycled materials. Each state public entity shall use procurement specifications to require, to the greatest extent practicable, that a product and its packaging or container contain recycled materials and that the product and its packaging or container be recyclable.

(1) Product and packaging specifications shall require the use of post-consumer materials to the greatest extent practicable without jeopardizing the intended end use of the product.

(2) In writing specifications and selecting products for procurement, life cycle costs shall be part of the evaluation criteria when the costs of waste disposal or the durability and reusability of a product may be significant.

(3) A state public entity may determine that, for technical reasons, and for a particular end use, a product containing recycled materials will not meet reasonable performance standards, and may therefore declare the purchase of a product manufactured with recycled materials to be unpracticable. Such a determination shall be documented and based solely upon technical performance information related to a specific item, and not to a grade or type of product. This documentation may be requested for review by the Department.

(4) Each state public entity shall reduce the generation of solid waste at its source, whenever practicable, by minimizing the purchase of single-use, disposable products and requiring the purchase of durable products which can be reused.

(5) Each state public entity shall, whenever practicable, purchase only office paper, photocopier paper, printer paper, and printed paper products which are not coated with plastic, clay, or other material used to create a glossy finish.

(6) Each state public entity shall take reasonable steps to minimize the procurement of colored paper products. If color is necessary for a particular use, full consideration shall be given to the use of white paper printed with colored, soy- based ink.

(e) Declaration of vendors of percentage of recycled materials in products. State public entities shall require vendors to declare the minimum, if not exact, percentage of recycled materials content in the products offered, including both the post-consumer and total recycled materials content, regardless of whether the product meets the percentage of recycled materials specified for that product.

(f) Certification by vendor of recycled content claim. The vendor of any product for which a recycled content claim is made must both possess and rely upon a reasonable basis for the claim and must be able, upon request by the Department, to certify and demonstrate this claim. Any fraud or deception in the representation of recycled materials content may result in cancellation of the contract and the removal or suspension of the vendor from the bidders list pursuant to OAC 580:15-1.

(g) Preferences for recycled materials. If several products manufactured with recycled materials are being considered for purchase, and if all cost and quality considerations are comparable, preference shall be given to the product with the highest content of post-

consumer material. If this measure fails to identify the more preferable product, the award shall go to the product with the highest content of total recycled materials.

(h) Preferences by public entities. Each state public entity responsible for the maintenance of public lands in this state shall, to the greatest extent practicable and consistent with sound environmental practices, give preference to the use of compost materials in land maintenance activities which are to be paid for by public funds.

(i) Provisions for Oklahoma Department of Transportation and Oklahoma Turnpike Authority. The Department of Transportation and the Oklahoma Turnpike Authority shall review and modify all bid and paving material specifications:

(1) To provide that the specifications encourage the maximum purchase, when practicable, of recyclable asphalt pavement and paving materials utilizing recycled materials, including but not limited to:

- (A) crushed concrete sub base;
- (B) fly ash;
- (C) glass and glassy aggregates; and
- (D) asphalt material containing ground tire rubber.

(2) Life cycle cost analysis shall be used in determining practicability.

(j) Provisions for public entities using motor vehicles. Each state public entity which owns or maintains motor vehicles is encouraged, to the greatest extent practicable to:

(1) Equip such vehicles with retreaded tires.

(A) Efforts should first be made to procure retreading services for the entity's own waste tire casings.

(B) If the services in 580:50-1-4(j)(1)(A) are not practicable, retreaded tires should be procured for use as replacements.

(C) Emergency vehicles defined in 47 O.S. 1991 § 1-103 (Highway Safety Code) are exempt from this recommendation.

(2) Procure re-refined oils for all practicable uses, including, but not limited to, such uses as:

- (A) engine lubricating oils;
- (B) gear oils; and,
- (C) hydraulic fluids.

(k) Price preference on bids. When accepting bids for purchases of supplies, equipment and materials, the Central Purchasing Division of the Department of Central Services and each state public entity shall extend price preferences to products manufactured with recycled materials whenever the Director determines that such products are unable to be price competitive with products of comparable grade and quality manufactured from virgin materials.

(1) Those products manufactured with at least the minimum content level of recycled materials as established by the Federal Environmental Protection Agency (EPA) shall receive a price preference not to exceed a five percent differential.

(2) A copy of the EPA specified content requirements and a list of products meeting the requirements will be maintained as a public record by the Department.

(3) A product which contains recycled materials but falls short of the EPA minimum requirements may receive a price preference if no other product is bid or offered which meets the EPA requirements.

(4) Price preferences allowed pursuant to this section shall not be combined with other price preferences or differentials.

(5) In response to product market conditions, the Director may temporarily increase, reduce, or eliminate any recycled product price preference.

(1) Exemptions. No state public entity may be exempted from complying with the legislative intent, requirements, and goals of the Act; however, the Director may grant temporary exemptions from compliance with the rules in 580:50-1-4 due to lack of market availability or economic feasibility. All requests for exemption must be made in writing and must be accompanied by documentation supporting the need for such an exemption. Any exemption granted shall be in effect for no longer than one year.

[Source: Added at 10 Ok Reg 3181, eff 6-25-93]