



**April 20, 2015, 3:00 PM**  
**Senate Committee on Environment & Natural Resources**  
**Port of Portland - Testimony in Support of SB 412 - 4**

As the local sponsor for the US Army Corp of Engineers on dredging, and for its own commercial purposes, the Port of Portland routinely dredges both the Columbia and Willamette Rivers for the benefit of navigation. Other Oregon ports perform similar work around the state.

Navigation dredging is an essential element of marine commerce, an essential aspect of Port authority operations, and an economically beneficial activity.

This bill is intended to narrowly address a problem that hinders critical dredging operations by Oregon port authorities. The Department of Environmental Quality's existing "beneficial use" rules require that ports demonstrate a "non-speculative use" of dredged material in order to place that material in upland repositories (a well-known and heavily regulated practice).

SB 412 -4, will provide needed clarification around the "beneficial use" applied to the material generated by channel and berth dredging and its ultimate placement at designated upland sites. The -4 amendments state that the upland placement of dredged material by a port district is in fact productive.

The bill would allow port authorities to place appropriate materials in designated upland sites without having to demonstrate a particular beneficial use of that material, such as fill for a planned construction project. This material clearly has potential beneficial attributes (it can be used in construction, erosion control, and any number of other applications), in addition to the benefits derived from the act of dredging itself.

Most importantly, this bill would retain DEQ's authority to adopt rules where necessary to protect human health and the environment. This would not allow the unregulated upland placement of hazardous or otherwise inappropriate material at upland dredge management sites. The bill is not intended to affect existing regulatory structures that govern the management and disposal of hazardous waste Regulation of this material falls under other



regulatory structures and would still need to meet existing upland placement criteria.

Often, ports do not have an immediate need or purpose for stockpiled dredged material, which leads to a potential conflict with DEQ's requirement of a "non-speculative use." If dredged material cannot be placed upland in designated management areas, it may have to be sent to a landfill. This is contrary to the statutory directive that waste materials should be beneficially used wherever possible, rather than sent to landfills. This result may also make individual dredging projects economically infeasible.

The Port of Portland commences in dredging operations only when there is an operational need, and this depends on the natural accumulation of sediment in navigable waters. Disposition of this material must occur as dredging occurs and that timing is dictated by natural processes.

Dredging is (appropriately) heavily regulated, requiring permits and approvals from both federal and state authorities including DEQ, and this bill would not change those requirements.

No changes are proposed for the public comment aspect of DEQ's authority in the existing "beneficial use" rule. DEQ may continue to hold public hearings or public comment sessions, as they deem appropriate for each Beneficial Use Determination.

We urge your support for SB 412 -4. Thank you.