



May 18, 2015

Dear Chair Vega Pederson and Members of the House Committee on Energy and the Environment,

I am writing on behalf of the Audubon Society of Portland and our 15,000 members in the Portland Metropolitan Region in strong opposition to SB 412. SB 412 would give a special exception from Oregon's solid waste laws to Ports when they dispose of dredge materials. This exception is not available to other entities, is entirely unnecessary, and would undermine the integrity of existing laws meant to protect our communities and our environment.

Under current state law, a party can place solid waste outside of a landfill if it can demonstrate three things: 1) the material is being put to "productive use" 2) the placement will not have an adverse impact on the environment and 3) the applicant has sufficiently characterized the material. These three elements comprise what is known as the "Beneficial Use Policy." This is a well-intended law that keeps solid waste out of landfills when it can be demonstrated that it can be put to other productive uses. The three part test is critical to ensure that solid waste is not just dumped randomly creating proliferation of informal solid waste dumps in our communities. Even in its existing form, this law has been controversial, particularly as utilized by the Port of Portland which is the primary backer of SB 412. In recent years, Port efforts to dump contaminated dredge materials from Portland harbor into natural areas and near low income communities has drawn major opposition, standing room only hearings, and a lawsuit.

SB 412 takes the state in exactly the wrong direction weakening the Beneficial Use Policy in exactly the arena that it has been most controversial: Port disposal of dredge materials. SB 412 would create a special exception for Ports that allow them to skip one element of the three part test for beneficial use: Under the provisions of SB 412, DEQ would automatically be required to certify any placement by Ports of dredge materials on upland sites as "productive" regardless of whether there was any productive use for these materials or not.

The Port of Portland initially tried to get dredge materials removed from the list of solid waste altogether taking away all of DEQ's oversight. When that failed they "compromised" by settling for partially gutting existing law. The original effort was completely outrageous and so is the compromise.

We urge you to vote NO on SB 412:

- SB 412 will create special exceptions from solid waste law for Ports that are not available to other entities.

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- SB 412 will further weaken a well- intended law, that many believe is already inadequately applied in exactly the arena in which it is being weakened.
- SB 412 will render the term “productive use” meaningless by requiring DEQ to automatically certify Port dumping of dredge materials as “productive” regardless of whether there any benefit to the disposal or not. This sends a deceptive message to the public about DEQ oversight of disposal of dredge materials, that no longer has any meaning.
- SB 412 would allow Ports to create permanent new solid waste dredge dumps with no productive value outside of existing landfills —exactly the outcome that the law was supposed to prevent.
- SB 412 would jeopardize our communities and our environment by allowing fir the indefinite placement of potentially contaminated dredge materials on sites that are not official landfills and whose future uses are not necessarily known.

We expect public agencies like Ports to follow environmental laws, not seek exceptions from them. Sb 412 is entirely unnecessary, will further undermine confidence in DEQ oversight of the Beneficial Use Policy, and will place our communities and environment at unnecessary risk.

Please vote No on SB 412.

Respectfully,

A handwritten signature in black ink that reads "Bob Sallinger". The signature is written in a cursive, slightly slanted style.

Bob Sallinger  
Conservation Director  
Audubon Society of Portland

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