

Willamette RIVERKEEPER®

May 19, 2015

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

I write on behalf of Willamette Riverkeeper and our 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. Such an exemption would undermine the integrity of existing laws meant to protect people and the environment.

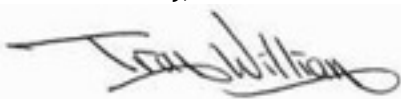
With existing State law, a party can place solid waste outside of a landfill if it can demonstrate three things: 1) the material is being put to "productive use" 2) the placement will not have an adverse impact on the environment and 3) the applicant has sufficiently characterized the material. These 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 wrong-headed and so is the compromise. We urge you to vote NO on SB 412.

Sincerely,



Travis Williams
Riverkeeper & Executive Director
Willamette Riverkeeper