

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 06/02/15

Action: Do Pass.

Meeting Dates: 05/19, 06/02

Vote:

Yeas: 9 - Bentz, Boone, Heard, Helm, Holvey, Johnson, Reardon, Vega Pederson, Weidner

Prepared By: Beth Patrino, Committee Administrator

WHAT THE MEASURE DOES:

Deems upland placement of dredged material by port district as “productive” for purposes of rules adopted by Environmental Quality Commission under ORS 459.005 – 459.437 that require such determination of use of solid waste. States such determination is not intended to affect any other rule requirement related to upland placement of dredged or other solid waste material. Defines “dredged material” to mean rock, gravel, sand, silt, or other similar material recovered from waters of state, whether saturated or not. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Determination of productivity criteria in solid waste administrative rules
- Role of dredging in port maintenance
- Standards for upland placement of dredged materials

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Ports remove dredged materials to maintain shipping channels and port facilities. Such maintenance dredging projects are subject to compliance with the federal Clean Water Act, and both federal and state agencies oversee these projects. In Oregon, if the dredged materials are to be placed upland rather than in water, the Department of Environmental Quality (DEQ) Solid Waste Program reviews the proposed upland placement to ensure the sediments will not have an adverse impact on human health or the environment.

In May 2009, the Environmental Quality Commission adopted the Beneficial Use of Solid Waste Rules (OAR 340-093-0260 through -0290) establishing criteria and procedures by which DEQ approves the use of solid waste that would otherwise be disposed of at a permitted facility. Under the rules, DEQ may approve a beneficial use of a solid waste if the following criteria are met: the applicant has sufficiently characterized the material; the use is productive; and the use will not create an adverse impact to public health, safety, welfare, or the environment. The “use is productive” criterion includes: an identified or reasonably likely use for the material that is not speculative; use that is a valuable part of a manufacturing process, an effective substitute for a valuable raw material or commercial product, or otherwise authorized by DEQ and does not constitute disposal; and use in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices.

Senate Bill 412A would establish that the upland placement of dredged material by a port district is productive.