



OREGON REFUSE & RECYCLING ASSOCIATION

Testimony Before the Senate Committee on Environment and Natural Resources & the House Committee on Energy and the Environment

On Senate Bill 1507 and House Bill 4001

Willie Tiffany, Governmental Affairs Director

February 7, 2018

ORRA is the statewide trade association representing solid waste management companies in Oregon. ORRA members collect and process most of Oregon's residential and commercial refuse and recyclables, as well as operate material recovery facilities, compost facilities, and many of Oregon's municipal solid waste transfer stations and landfills. In most communities across the state, ORRA members do this work under the direction of, and in partnership with, city and county government.

Thank you for the opportunity to comment on these pieces of legislation which seek to establish a “cap and invest” program in the state of Oregon. I understand the intent of a “cap and invest” program is to send a price signal to industry by taxing certain greenhouse gas emissions to incentivize emission reductions and use the newly created resource to fund greenhouse gas reduction programs and incentives. ORRA doesn't fundamentally disagree with this approach for greenhouse gas emitting facilities that can control their production inputs and outputs. ORRA is concerned, however, that landfills don't meet that definition of those types of facilities.

Landfills are essential public facilities sited to meet the public health, safety, and environmental impacts of Oregon's waste generators in the most sensitive way possible. In fact, they are highly regulated to reduce and treat emissions under Oregon's solid waste statutes. Landfills are well designed and regulated; they are the best available technology for dealing with significant potential public health hazards and they protect the public and the environment from what would otherwise be harmful (and illegal) disposal of the by-products of human existence. The hazards (air and water pollution) are currently managed responsibly per rigorous permit requirements

Subjecting Oregon landfills to these regulations will impose a significant additional cost of this essential public service that can't be mitigated. Prohibiting certain materials would be in direct conflict with Oregon's solid waste statutes. ORS 459 expressly regulates landfills to accept waste materials and to be regulated in the soundest way possible. If Oregon landfills become too costly to compete with out-of-state landfills it is also foreseeable that Oregon waste will be forced to be transported to less expensive out-of-state landfills. This practice would not reduce emissions as landfills generate emissions over their lifetime which can be several decades. Finally, any increased environmental gains from additional air permitting requirements on landfills will likely be offset from the increased carbon emissions of transporting waste longer distances out-of-state.

Both bills seem to recognize the importance of landfills as essential public facilities and the need for certain

landfills that are recovering methane emissions to be exempt as covered entities in Section 13(2)(a). While helpful, this language only covers certain recoverable emissions, but does not address fugitive emissions that occur at all landfills and thus would subject Oregon landfills to the issues raised above. To truly address the issues associated with landfills ORRA suggests the following changes to the language in this section: “The commission shall exempt from regulation under sections 12 to 19 of this 2018 Act the methane emissions from **any landfill that captures and uses landfill gas for the generation of renewable energy**, including but not limited to electricity, transportation fuels or heat.

Thank you for your consideration. Please let me know if you have any questions.