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**Testimony to the
Senate Committee on Environment and Natural Resources
on Senate Bill 792**

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Chairman Dembrow and members of the committee:

Thank you for hearing testimony on Senate Bill 792. OEC is in strong support of action to address environmental oversight of materials recovery activities by auto dismantlers. However, we have serious reservations about the -2 and -4 amendments. We urge you to reject them if they do not also include the language of SB 792 as introduced, removing the exemption of auto dismantlers from the definitions of solid waste and materials recovery. Furthermore, we urge you to arrange for stakeholder meetings with affected communities before considering the -3 amendments.

On behalf of OEC and our members, I further urge you to keep three critical points in mind as you consider how to address the regulation of materials recovery by auto dismantlers.

First and foremost: this is an environmental justice issue. Auto dismantlers across the state are located in close proximity to communities with a high proportion of low-income households and people of color. There are about 200 currently licensed dismantlers in Oregon, about 40 in Portland largely in the Lents neighborhood and along the Columbia River. At least 14 dismantlers are located within a 2.5 mile radius of the NW Metals site.

Second, this form of materials recovery is a complex environmental issue: The toxic and volatile materials being handled by auto dismantlers are uniquely varied, uncertain in their make-up, and have serious health implications. Heavy metals, PCBs, flame retardants, petroleum products—all of these materials can be persistent, bioaccumulative and toxic. If improperly handled, they pose serious risks to air, soil and water—even when there is no fire. For example, Metro Metals just down the road from Northwest Metals is cleaning up soil from earlier operations that is contaminated with

PCBs, arsenic, and lead over the limit for risk-based occupational hazards¹. And within a mile, there is a highly polluted water body on the site of former dismantler Atlas Towing²—contamination that could have been prevented, or properly addressed, if regulated under DEQ as a materials recovery site. And as an out-of-Portland example, there's a site in Astoria³ near a sensitive wetland where lead contamination was discovered through a complaint. If the site had been evaluated by DEQ, the wetland would have been noted before the contamination could occur.

Third, this issue is larger than a single poor performer or a single disastrous fire. Auto dismantling facilities, by nature of the material recovery they undertake, must be well versed in managing air, water and storm water discharge as well as hazardous waste in order to protect the environment and communities and to prevent fires. There is no question that some facilities are good stewards of their materials and well-equipped to protect the environment and the community. However, there are many facilities who would likely benefit from greater oversight by our state's experts. By ensuring that facilities understand the permits to which they are subject, as well as the hydrogeology of a location and other sensitive aspects, they will be better prepared with regulatory certainty for compliance.

OEC believes that the Department of Environmental Quality has the expertise and infrastructure appropriate to ensure that auto dismantlers are conducting materials recovery and other solid waste facility activities in ways that protect our communities and environment. It is the responsibility of our legislature to ensure that DEQ has the resources and authority to be effective at their mission.

However, OEC also stands behind the principles of environmental justice outlined in both federal and state law, which require meaningful involvement of communities in the decisions that affect them. In this situation, the neighbors affected not only by the NW Metals fire, but also living within a couple miles of more than a dozen dismantlers, may have critical insights into the best way to protect their communities. These communities should be adequately informed about the current laws and the proposed legislation, and given opportunity to comment, before this bill undergoes a work session.

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<https://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceIdType=11&SourceId=5455&Screen=Load>

2

<https://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceId=5903&SourceIdType=11>

³ <https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=e59336ce-85c1-418a-a54a-a76509f22358.pdf&s=Astoria%20Auto%20Wrecking,%20Aug.%2000.pdf>