



February 21, 2020

Senate Committee on Environment and Natural Resources
Oregon State Legislature
900 Court St., NE
Salem, OR 97301

Sent via email to: senr.exhibits@oregonlegislature.gov,
Sen.MichaelDembrow@oregonlegislature.gov

RE: HB 4014, -A8 Amendment to Address Radioactive Fracking Waste

Dear Chair Dembrow and Members of the Committee,

We appreciate the Committee's effort to quickly address the emerging, highly concerning situation in Arlington, OR. As you are aware, Chemical Waste Management illegally dumped over 2.5 million pounds of radioactive fracking waste in Oregon.¹ The shipments may have come to Oregon via truck or rail, and the waste is currently buried in Chemical Waste Management's facility in Arlington. On behalf of Columbia Riverkeeper's 16,000 members and supporters, we urge you to take action to strengthen Oregon's protections against the illegal dumping of radioactive fracking waste while also bolstering Oregon's ability to enforce its current laws.

Across the U.S., the process of hydraulic fracturing ("fracking") for oil and gas generates tremendous quantities of waste.² Much of the waste consists of "brine" — salty, often toxic, waste liquid that can contain high levels of naturally occurring radioactive materials. According to Oregon Department of Energy's Notice of Violation to Chemical Waste Management, Oregon received roughly 2 million pounds of filter socks — equipment used to filter the liquids involved in the fracking process.³ Some of the materials deposited in Oregon had radioactivity levels over

¹ Oregonian. February 13, 2020. "Oregon landfill accepted 2 million pounds of radioactive fracking waste from North Dakota." <https://www.oregonlive.com/environment/2020/02/oregon-landfill-accepted-2-million-pounds-of-radioactive-fracking-waste-from-north-dakota.html>

² Justin Noble. January 2020. Rolling Stone. "America's Radioactive Secret." <https://www.rollingstone.com/politics/politics-features/oil-gas-fracking-radioactive-investigation-937389/>

³ Oregon Public Broadcasting. "2.5M Pounds Of Radioactive Waste Illegally Dumped In Oregon Landfill." February 14, 2020. <https://www.opb.org/news/article/radioactive-fracking-waste-oregon-landfill-illegal-dump/>

1700 picocuries per gram (pCi/g), far exceeding Oregon's standard of 5 pCi/g.⁴ The scale and severity of Chemical Waste Management's violation should prompt Oregon to take swift action to hold the company accountable as well as preclude this type of illegal waste dumping in the future.

Most of the –A8 amendment for HB 4014 appears tailored to empower Oregon Department of Energy to develop a stronger approach for Oregon to address the problem of illegal radioactive fracking waste dumping in our state. Further, we strongly support Section 6 of the bill, which states, “no radioactive waste shall be disposed of in the State of Oregon, no person may arrange for the disposal of radioactive waste in the State of Oregon and no waste disposal facility for any radioactive waste shall be established, operated or licensed within this state... .” We also support the development of new rules to strengthen Oregon's enforcement capacity, and we would prefer that these rules be developed as collaboratively, quickly, and effectively as possible.

However, we are concerned that Section 5, page 7 of the –A8 amendment changes Oregon law significantly to exclude from the definition of radioactive waste “[m]aterials identified by the council by rule as presenting no significant danger to the public health and safety.” We ask the Committee to clarify the impact of this provision of the bill, specifically whether it may be used to allow waste to be disposed of in Oregon that exceeds the state's current standards. ***We do not support creating this new exemption to Oregon's definition of radioactive waste without further study of the implications of this change and a clear process for determining how the Energy Council will make these determinations.***

Because of the controversy surrounding radioactive fracking waste and Chemical Waste Management's illegal disposal of this material in Oregon, we urge the Committee to solicit input from those communities that may have faced risks from the transport and disposal of this waste.

Thank you for your attention to this important issue.

Sincerely,

Dan Serres
Conservation Director, Columbia Riverkeeper

⁴ Oregon Department of Energy. February 13, 2020. Notice of Violation to Chemical Waste Management Arlington. P. 5. <https://www.oregon.gov/energy/safety-resiliency/Documents/2020-02-13-Notice-of-Violation-CWM.pdf>