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House Committee on Energy and the Environment  
900 Court St. NE  
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**RE: SB 412 would undercut Oregon’s “Beneficial Use” policy that encourages the re-use of solid waste.**

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

Columbia Riverkeeper (“Riverkeeper”) respectfully submits these comments on SB 412, a law designed to exempt the Port of Portland’s dredge spoils from Oregon’s rules governing solid waste disposal. Riverkeeper is a non-profit organization working to protect and restore the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Riverkeeper represents more than 8,000 members and supporters, many of whom live, work, and play in or near Oregon’s waterways.

Riverkeeper’s members include river users of all kinds and backgrounds, so we appreciate the importance of dredging—and the need for dredge spoil disposal—to Ports and river users. At the same time, dredging and dredge spoil disposal have the potential to seriously degrade salmon habitat, mobilize contaminated sediments, and harm other important resources.

Riverkeeper supports Oregon’s “Beneficial Use” policy that governs disposal of solid waste, including dredge spoils, outside of landfills. The “Beneficial Use” policy mandates *re-using* waste, and incentivizes re-use by providing an alternative to costly landfill disposal. SB 412 would carve a loop-hole in this important policy by removing the requirement to productively *re-use* dredge spoils. While Riverkeeper is concerned about how the Port of Portland would employ this loop-hole, Riverkeeper also opposes creating case-by-case exemptions to the “Beneficial Use” policy.

Moreover, SB 412 could have a much broader impact on dredge spoil disposal than a first reading of the text might suggest. Section 2(1) of SB 412 would deem “productive” any “upland placement of dredged material by a port district . . . .” According to SB 412’s plain text, SB 412

would exempt *any* dredge spoils, removed by *any* person, from *any* source, placed in *any* upland location—so long as a port district ‘placed’ those spoils. SB 412 creates a loop-hole not just for port dredging projects, but for anyone in Oregon who can find a local port district willing to ‘place’ spoils.

SB 412 appears to be an over-broad solution to a specific dredge spoil disposal problem at the Port of Portland, and as such SB 412 would be poor legislative policy. If Oregon port districts feel that Oregon’s solid waste laws should not apply to dredge spoil disposal, that debate should occur in a much broader context than SB 412.

Deeming dredge spoil placement a “productive use” of solid waste when that waste would not actually be put to any use undercuts the intent of Oregon’s Beneficial Use policy. Please vote no on SB 412.

Sincerely,



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