



March 12, 2019

**TO:** Senator Michael Dembrow, Chair, Senate Committee on Environment and Natural Resources  
Members, Senate Committee on Environment and Natural Resources

**FR:** Lisa Arkin, Beyond Toxics

**RE:** Opposition of SB 451

Date: 3/11/2019

Dear Chair Dembrow and members of the Committee,

Thank you for your work to protect Oregon's environment. Beyond Toxics is a statewide environmental justice and protection organization dedicated to ensuring a future where everyone has equal access to a healthy and safe environment. It is critical to our work that we empower communities to enact lasting solutions to environmental health threats.

We oppose SB 451, which would undermine the state's Renewable Portfolio Standard (RPS). Our position is based on an understanding that communities need help from the State to protect their air, support job creation in the renewable and clean energy sector, and respond to their concerns regarding the impacts of pollution from air toxics and carbon emissions.

**We believe the people of Oregon expect that a facility awarded renewable energy certificates (REC's), will be truly renewable and produce clean energy production that won't harm communities nor the environment. Nor should REC's be given to a facility that sets Oregon backwards in our shared goals to reduce GHG emissions.** SB 451 contains a policy change that would allow pre-1995 municipal solid waste incineration the opportunity to receive REC's and would not lead to any new renewable generation in Oregon, nor would it lead to any new investment in clean energy, nor would it benefit nearby pollution-burdened communities.

SB 451 is tailored to apply solely to Covanta, Oregon's only municipal solid waste (MSW) incineration facility.

**SB 451 IS SPECIAL TREATMENT FOR COVANTA:** SB 451 contains a few housekeeping changes, but its primary purpose is to remove a 1/1/2011 deadline for registration with the Western Renewable Energy Generation Information System (WREGIS) for MSW incineration. This would enable a 32-year old municipal solid waste facility, one that already had the opportunity to register with WREGIS, an additional opportunity to try yet again in order to generate RECs. Awarding Covanta this special privilege could displace RECs from new, cleaner, renewable energy facilities and discourage other types of investment in renewable energy in Oregon.

**GHG AND AIR TOXICS EMITTER:** Furthermore, Covanta's emissions history is proof the facility is neither renewable nor clean. Covanta Marion is allowed to import up to 15,000 tons of medical waste per year. According to the ODEQ, the facility currently burns approximately 10,000 tons of medical waste brought to Oregon from out of state. Much of this medical waste is PVC plastics and other types of plastic-based waste. Furthermore, Covanta's municipal waste stream contains "throw-away" plastics.

The special monetary award given to facilities qualifying for REC's must go towards developing new and innovative renewable energy technologies, not further promote outdated, carbon intensive and dirty technologies. There is no good reason to award REC's to the incineration of "throw-away" plastics. Oregon must invest in recycling, reduction and alternatives to plastics.

**ENVIRONMENTAL JUSTICE:** SB 451 is unfair because it creates a special category for this single municipal solid waste facility *at the expense of downwind communities* who are exposed to emissions of very toxic material (heavy metals, bio-accumulative organic toxins, dioxins, hydrogen chloride and other toxics) allowed under Covanta's Title V Air Contaminant Discharge Permit. Undoubtedly, Covanta is industrial air toxics polluter – the facility is in the first group of heavy air toxics emitters being called into Oregon's new Cleaner Air Oregon rules. Covanta's air toxic pollution is an Environmental Justice issue because of community reports that air toxics and drifting ash negatively and disproportionately harm nearby communities in Woodburn and NE Salem. According to the US EPA, the neighborhoods within a 7-mile radius around the Covanta waste incineration facility are in the 88th percentile for cancer and respiratory risks (using National Air Toxics Assessment data). Furthermore the US EPA lists the area's demographics indicators for minority (86th percentile), low-income (70th percentile) and linguistically isolated populations (88th percentile) for an overall Demographic Index in the 83rd percentile compared to other areas in Oregon. We are not saying that Covanta is solely responsible for the air pollution exposures and poor health outcomes of these overly burdened communities. We are saying is that REC should not be awarded to a facility that contributes to these inequities.

- The ODEQ reports that in 2017, Covanta was responsible for 160,843 metric tons of carbon dioxide equivalents – the 20<sup>th</sup> highest emission rate of facilities in Oregon with air quality permits, including 74,424 metric tons of anthropogenic carbon dioxide equivalents (mtCO<sub>2e</sub>)<sup>1</sup>;
- The DEQ Review Report<sup>2</sup> for Covanta states that the facility:
  - Is a major source of hazardous air pollutants (HAP) and has the potential to emit greater than 10 tons per year of any single HAP;
  - Emits between 13-15 tons of hydrogen chloride annually, a corrosive air pollutant that results in acid rain and is a respiratory irritant.
  - Emits 12.1 tons of fine particulate matter which can cause cancer, respiratory illness and stroke;
  - Emits 337.4 tons of NO<sub>x</sub>, which among many other problems, reacts with volatile organic compounds in the presence of sunlight to form ozone. Ozone can cause adverse effects such as damage to lung tissue and reduction in lung function mostly in susceptible populations (children, elderly, asthmatics).

SB 451 contains a policy change that would allow pre-1995 MSW the opportunity to receive REC's and would not lead to any new renewable generation in Oregon, nor would it lead to any new investment in clean energy, nor would it benefit nearby pollution-burdened communities.

Please do not pass SB 451 out of the Senate Environment and Natural Resources Committee.

Sincerely,

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