Urging a No Vote on HB 4049

February 6, 2020

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

Beyond Toxics represents many thousands of members across Oregon who value environmental health, climate justice and protection of frontline communities. We are part of a larger coalition opposing the awarding of renewable energy certificates for electricity produced by the Covanta Marion waste incinerator in Brooks. We urge the Committee to vote no on HB 4049, a bill to award renewable energy certificates for facilities that generate electricity from direct combustion of municipal solid waste. Oregon has one waste incinerator, which is Covanta Marion, the 19th largest industrial producer of greenhouse gases in the State and number one in Marion County. [1]

Covanta Marion incinerator takes up renewable energy credits that should go to clean energy sources. The "out of sight-out of mind" convenience of incineration of waste is a disincentive to the pursuit of zero waste through reduction, reuse, recycling, and composting. These zero waste methods would be far more beneficial to the environment and actually reduce greenhouse gases significantly compared to incineration or landfilling. Thus, the waste management choice in Marion County is not incinerator versus landfill. It is *incineration versus very significant waste reduction*. Jurisdictions across the world are targeting a 90% reduction in their waste stream, and so should Oregon.[2,3,4,5] Once the waste stream is minimized, methane from landfills will cease being the problem it is today because most of the organic matter that produces it will have been removed from the waste stream and composted. Landfill usage would also shrink dramatically.

Importantly, the incinerator should not receive renewable energy tax credits because it is a significant source of greenhouse gases, air toxics and criteria air pollutants, and thus, the electricity that the incinerator produces can and should be replaced by sustainable sources with virtually no pollution.

The incinerator operators claim that they meet and exceed Oregon and EPA emission standards, however those standards are not currently at levels that protect public health and the environment. The standards are very lax because until now they only needed to satisfy "best available control technology" requirements – even if those requirements allowed toxic emissions that are far higher than the levels required to protect health. Certainly the Legislature should not make any decision to grant REC's to Covanta until after the facility has gone through the Cleaner Air Oregon regulatory process. Only with the advent of Cleaner Air Oregon rules will the emissions limits approach a level that is protective of human health.

To illustrate this fact, please see the provided by Oregon DEQ at the end of this document.[6,7] Look at the current EPA emission limits for a large new medical waste incinerator. ***DEQ emissions reports for the Covanta Marion incinerator show that over the past seven years the Oregon incinerator has exceeded those limits for unhealthy gases (nitrogen oxide, sulfur dioxide, hydrogen chloride, and carbon monoxide) and heavy metals (mercury, cadmium, and lead) by several times over in some cases.*** A given level of toxic emissions is just as toxic from a facility called a "municipal solid waste incinerator" as it is from one called a "medical waste incinerator." The Covanta Marion incinerator is increasing relying on importing tonnage of out-of-state medical waste facilities as a way to make a profit, and their medical waste input is putting the incinerator very close to being classified as a Large New Medical Waste Incinerator (see the last column on the right).

Why would Legislators agree to sell out the health of families in Salem, Woodburn, Brooks and other nearby communities just to bolster Covanta's profits? Through fees and trash collection rates, tax payers have already helped pay for the local government financial assistance to Covanta to upgrade their equipment, fix a failed ash leachate evaporator, haul leachate to Toledo and eastern Oregon, haul to landfills the toxic ash that weighs about 25% as much as the original trash that was burned, maintain a multi-million dollar liability fund required by DEQ for the ash piles near Woodburn, paying for maintenance of the ash piles (leachate removal system, staff costs, etc.), cost of removing metals from the ash, etc.

Proper materials management could reduce the trips of trucks hauling trash to a landfill to a number less than the trips currently hauling toxic incinerator ash to those landfills while also saving farmland from landfills.

The Covanta incinerator emits over 160,000 tons of greenhouse gas annually, burns plastics that are derived from fossil fuels, emits toxins, is an environmental justice concern for surrounding communities of color, puts carbon into the air rather than sequestering it, is not the best choice economically, and is antithetical to any climate action legislation that Oregon may decide to adopt. For all of the above reasons, please vote against HB 4049 and awarding renewable energy certificates to the Covanta Marion incinerator.

Sincerely, Lisa Arkin, Executive Director, Beyond Toxics

Footnotes:

1. https://www.oregon.gov/deq/aq/programs/Pages/GHG-Emissions.aspx (Click on 2018 - Greenhouse Gas Emissions From Facilities Holding Air Quality Permits) Reordering the list by "Total Emissions" from largest to smallest shows Covanta as 19th largest.
2. https://www.epa.gov/transforming-waste-tool
3. https://ilsr.org/rule/food-scrap-ban/vermont-organics-recovery/
4. https://zerowastemcminnville.org/
5. https://www.oregon.gov/deq/FilterDocs/MManagementOR.pdf
6. Highlighted values of highlighted pollutants in this table for the Covanta Marion incinerator would EXCEED **large new medical waste incinerator limits that are shown in the right hand column.** Those are the limits that SHOULD apply to the incinerator.

Pollutant	Covanta (OR Rules OAR 340 Division 230) Current Limits	2013 Emission Level from Testing	2014 Emission Level from Testing	2015 Emission Level from Testing	2016 Emission Level from Testing	2017 Emission Level from Testing	2018 Emission Level from Testing	2019 Emission Level from Testing	Large New Medical Waste Incinerator (40 CFR Part 60, Subpart Ec)
PM	25 mg/m^3	6.35 mg/m^3	8.45	5.87	2.81	3.31	16.55	1.69	18 mg/m^3
HCl (ppm)	29 ppm	10.73 ppm	18.36	13.37	6.00	7.83	9.26	11.90 [over the limits]	**5.1 ppm**
SO_2 (ppm)	29 ppm	29 ppm	40	40	56	25	24	No data	**8.1 ppm**
CO (ppm)	100 ppm	98 ppm	94	75	89	76	98	No data	**11 ppm**
NO_x (ppm)	205 ppm	189 ppm	190	195	185	195	194	No data	**140 ppm**
Cadmium (mg/m^3)	0.020 mg/m^3	0.0002 mg/m^3	0.0015	0.0003	0.0005	0.0009	0.0026	0.0036 [over the limits]	**0.00013 mg/m^3**
Lead (mg/m^3)	0.20 mg/m^3	0.0024 mg/m^3	0.0153	0.0014	0.0035	0.0040	0.0082	0.0017 [over the limits]	**0.00069 mg/m^3**
Mercury (mg/m^3)	0.050 mg/m^3	0.0056 mg/m^3	0.0061	0.0016	0.0014	0.0030	0.0026	0.0036 [over the limits]	**0.0013 mg/m^3**
Dioxin (ng/m^3)	15 ng/m^3	0.519 ng/m^3	0.372	0.525	0.832	0.400	5.76	2.35	9.3 ng/m^3

7. https://www.govinfo.gov/content/pkg/CFR-2015-title40-vol7/pdf/CFR-2015-title40-vol7-part60-subpartEc.pdf This shows large new medical waste incinerator emission rate limits from 40 CFR Part 60, Subpart Ec. See Table 1B at the bottom of page 314 and on page 315.