



NORTHWEST ENVIRONMENTAL DEFENSE CENTER
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Good afternoon Chair Sollman and members of the committee,

My name is Mary Stites and I am the legal fellow for the Northwest Environmental Defense Center, a non-profit committed to protecting and enhancing the natural environment of the Pacific Northwest. NEDC has been highly active in the Cleaner Air Oregon process, and has seen many facilities complete the process in a timely manner, with no extensions. SB 488 is necessary to close a substantial regulatory loophole, which has allowed for facilities like Covanta Marion to burn copious amounts of medical waste, while only being subject to the lesser protective emissions limits for municipal trash incinerators. Absent legislative action, Covanta Marion will continue to burn over 14,000 tons of out-of-state medical waste annually. This waste, when burned at high temperatures, emits pollution that is full of carcinogenic dioxins, metals, acid gases, and other toxic chemicals. Despite the fact that Covanta Marion has the capacity to incinerate medical waste at a rate that triggers stringent regulatory federal limits for air toxics, they continue to be regulated as a municipal waste incinerator. SB 488 presents a necessary opportunity to regulate this facility in accordance with federal standards that protect environmental and public health. This legislation simply calls to have the facility be regulated for what it is, because of the risks it presents.

Covanta Marion has the capacity to incinerate medical waste a rate which triggers stringent regulatory federal limits for air toxics, which is set at 550 pounds per hour for a large medical waste incinerator, and 200-500 pounds per hour for that of a medium size. Based on data collected by Oregon DEQ in their 2021 Review Report, Covanta is currently burning over 2,000 pounds of medical waste per hour. This facility also has the capacity to accept even more medical waste for incineration. Accordingly, this facility should be regulated as a new large medical waste incinerator. Legislation like SB 488 will bridge this regulatory gap.

Unfortunately, the Cleaner Air Oregon program (CAO) is not designed in a way that will allow for an expeditious, or adequate handling of these types of facilities. First and foremost, the CAO structure is more conducive to regulating facilities that have consistent fuel sources. Covanta simply does not fall within this category, as its fuel sources change daily-sometimes they burn standard municipal waste, while other days they burn highly carcinogenic fuels from plastics and other medical waste materials. In a similar vein, the regulatory framework of CAO will not facilitate a reduction in emissions that will be sufficient to align with the stringent federal limits. Rather, CAO utilizes the facilities "potential to emit," which in turn, affords facilities extreme flexibility to emit large quantities of toxics that are not necessarily in accordance with federal standards aimed at protecting human and environmental health. Furthermore, CAO will not require re-evaluation of risk action levels until 2029. Due to the significant risk that medical incineration poses to human health, it is imperative to act quickly in order to reach a reliable, measurable air toxics emission standard. This bill will do just that.

For the aforementioned reasons, SB 488 will work to ensure that adequate protection from harmful medical waste air toxics will be granted to Oregon communities and ecosystems. Thank you for your time.

Sincerely,

Mary Stites, Northwest Environmental Defense Center