



OREGON REFUSE & RECYCLING ASSOCIATION

Testimony Before the Senate Committee on Environment and Natural Resources

On Senate Bill 1036

Willie Tiffany, Governmental Affairs Director

April 3, 2017

ORRA is the statewide trade association representing solid waste management companies in Oregon. ORRA members collect and process most of Oregon's residential and commercial refuse and recyclables, as well as operate material recovery facilities, compost facilities, and many of Oregon's municipal solid waste transfer stations and landfills. In most communities across the state, ORRA members do this work under the direction of, and in partnership with, city and county government.

The definition of “surface mining” in Oregon law was defined in 1971 as “the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months”. Since that time, a number of exemptions to that definition have been added to the statute which technically meet the terms of that definition, but are clearly not surface mining operations requiring a permit such as farming operations and construction of public roads.

Landfill operations in Oregon are subject to significant permitting requirements specifically outlined in ORS 459.205 to ORS 459.385. Until 2014, the agency that regulates surface mining, the Department of Geology and Mineral Industries (DOGAMI), did not consider regular maintenance landfill activities subject to the requirements of DOGAMI’s surface mining permitting program. In 2014, it was brought to light that certain landfill maintenance activities such as cell construction, daily cover, and access road construction technically meet the definition of surface mining and therefore require a permit from DOGAMI. SB 1036 seeks to exempt those regularly required earth-moving activities required under Oregon’s solid waste statutes (ORS 459) from surface mining permitting requirements.

Surface mining activities do occur at landfills in the state of Oregon, but those activities are typically subcontracted to a legitimate permitted aggregate extraction company. Once that operation is completed then the landfill owner will begin landfill operations with includes moving earth for daily cover, road building and cell maintenance. Landfills in Oregon are highly regulated and exist to dispose of Oregonians’ waste material in a sanitary and cost effective way. Regular maintenance activities at these facilities aren’t intended to be engaged in the commercial practice of surface mining. SB 1036 will continue the process of subjecting the activities at landfills to the regulatory requirements of Oregon’s solid waste statutes (ORS 459) and relieve DOGAMI of regulatory oversight over non-surface mining activities at Oregon’s landfills.