

Line in the sand

Port of Portland wants to change the law so it can keep dumping dredge waste in West Hayden Island's natural area

BY EMILY GREEN
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When the City of Portland pulled West Hayden Island from its list of lands to be developed over the next 20 years, it inadvertently created a problem for the Port of Portland.

West Hayden Island is the port's preferred dumpsite for dredging sediment — essentially a storage plot for contaminated waste.

For Hayden Island residents and environmentalists who have long fought the port's dumping practice, it was shaping up to be a victory.

But a bill moving through the Oregon Legislature would exempt the port from existing environmental protections that, for now, could make it illegal to dump dredging spoils on the island's undeveloped natural area.

Before solid waste can be dumped onto land outside a landfill, Oregon's Department of Environmental Quality (DEQ) rules require the waste to have what they call a "beneficial use." According to DEQ Senior Policy Analyst Tom Roick, this means three things: The waste must not pose environmental or health risks, it must be characterized, and it must have a planned, productive use in its future.

"In the solid waste world, there's a term called 'sham disposal,' which is where a party is basically just trying to find the cheapest way to get rid of a solid waste," explains Roick, "and the productive use part of (the beneficial use criteria) makes sure that they are actually using it in a way that has some benefit."

For years, the port has cited the future development of the West Hayden Island as a project in which the dumped sediment will be used, therefore fulfilling the productive

use requirement. Dredging sediment is often used as construction filler.

But now that the island won't be developed anytime soon, the Port of Portland can no longer cite its future development as a use for the sediment it stores there — sediment known by state regulators to contain low levels of PCBs, pesticides including DDT and heavy metals.

In order to be able to keep using the island as a sediment dump, the Port of Portland is supporting Senate Bill 412, which would exempt Oregon ports from the productive use portion of the beneficial use law by designating all dredging sediment productive, whether there are any plans for its future use or not.

Those opposed to the bill say this would render the word "productive" utterly meaningless.

An earlier version of the same bill would have exempted dredging material from all DEQ oversight, but after the state regulatory agency raised concerns, it was amended to exempt ports from productive use requirements only. DEQ is neutral on the bill.

According to Port of Portland spokesperson Steve Johnson, the site currently housing dumped sediment covers about 100 of the 826 undeveloped acres of West Hayden Island. The sediment, while in a designated area, is neither covered nor contained inside any sort of protective barrier.

"In terms of the environment," says Bob Sallinger, conservation director with the Audubon Society of Portland, "it's risk of exposure for wildlife; for fish. It's risk of exposure for the community when this stuff

blows up into the air and blows around. We think it's really sad that the port is using this amazing wildlife area to dump contaminated sediment. We don't need to spread more contamination around, we need to clean it up."

The Oregon Senate voted 30-0 to pass the bill in April.

Environmentalists and Hayden Island residents who were absent from the bill's first public hearing in March made their way to Salem Tuesday to testify at its second hearing, urging the House Committee on Energy and Environment to vote against giving Oregon's ports an "automatic stamp" of approval on dumping dredging spoils.

Timme Helzer, a resident and business owner on Hayden Island for 14 years,



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