

# SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

## TAPE LOG

February 8, 2007 Hearing Room B  
3:00 p.m. Tapes 12 – 13

**MEMBERS PRESENT:** Sen. Brad Avakian, Chair  
Sen. Jason Atkinson, Vice-Chair  
Sen. Alan Bates  
Sen. Roger Beyer  
Sen. Floyd Prozanski

**STAFF PRESENT:** Sue Marshall, Committee Administrator  
Matthew Davis, Committee Assistant

**Measures or Issues Heard:** SB 103 – Public Hearing and Work Session  
SB 104 – Public Hearing and Work Session  
SB 105 – Public Hearing and Work Session  
SB 106 – Public Hearing and Work Session  
SB 107 – Public Hearing and Work Session  
SB 234 – Public Hearing

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

| <b>TAPE #<br/>AND SIDE</b> | <b>COUNTER<br/>NUMBER</b> | <b>BRIEF DESCRIPTION OF SUBJECT MATTER<br/>OR CHANGE IN SPEAKER</b>   |            |
|----------------------------|---------------------------|---|------------|
| 12A                        | 004                       | Chair Avakian calls the meeting to order at 3:05 p.m.   |            |
|                            | 006                       | Alan Kiphut, Land Quality Division Administrator of the Department of Environmental Quality ( <b>EXHIBITS A,B</b> ) |            |
|                            | 042                       | Chair Avakian   |            |
|                            | 044                       | Kiphut  |            |
|                            | 046                       | Sen. Beyer  |            |
|                            | 049                       | Kiphut  |            |
|                            | 051                       | Sen.. Beyer   |            |
|                            | 054                       | Kiphut  |            |
|                            | 056                       | Wendy Wiles, Department of Environmental Quality  |            |
|                            | 061                       | Sen. Beyer  |            |
|                            | 064                       | Wiles   |            |
|                            | 065                       | Sen. Beyer  |            |
|                            | 067                       | Chair Avakian   |            |
|                            | 072                       | John Ledger, Associated Oregon Industries   |            |
|                            | 085                       | Chair Avakian   |            |
|                            | 12A                       | 087   | Sen. Beyer |
|                            |                           | 100   | Ledger     |
| 113                        |                           | Sen. Beyer  |            |
| 115                        |                           | Ledger  |            |
| 117                        |                           | Sen. Bates  |            |
| 127                        |                           | Ledger  |            |
| 134                        |                           | Kathryn Van Natta, Northwest Pulp and Paper Association   |            |
| 153                        |                           | Chair Avakian   |            |

**SB 103 – WORK SESSION**

157 **MOTION: Sen. Atkinson moves SB 103 to the floor WITHOUT RECOMMENDATION as to passage.**  
Sen. Prozanski

162

166 **MOTION: Sen. Prozanski moves to AMEND the motion (MOTION: Moves SB 103 to the floor WITHOUT RECOMMENDATION as to passage) by inserting "with a DO PASS RECOMMENDATION" after "SB 103 to the floor".**

168 **VOTE: 4-1-0**  
**AYE: 4 – Bates, Beyer, Prozanski, Avakian**  
**NAY: 1 – Atkinson**  
**Chair Avakian declares the motion CARRIED.**

171 **MOTION: Chair Avakian moves SB103 to the floor with a DO PASS recommendation.**  
**VOTE: 5-0-0**  
**Chair Avakian hearing no objection declares the motion CARRIED.**  
**SEN. ATKINSON will lead discussion on the floor.**

**SB 104 – PUBLIC HEARING**

185 Alan Kiphut, Land Quality Division Administrator of the Department of Environmental Quality (**EXHIBITS C,D**)

213 Sen. Atkinson

215 Kiphut

223 Sen. Beyer

231 Kiphut

233 Beyer

235 Kiphut

240 Chair Avakian

244 Paul Romain, Oregon Petroleum Association

267 Sen. Beyer

278 Romain

290 Sen. Beyer

300 Romain

309 Sen. Prozanski

12A 314 Romain

316 Sen. Bates

322 Romain

343 Sen. Bates

344 Romain

347 Sen. Bates

349 Romain

352 Chair Avakian

**SB 104 – WORK SESSION**

354 **MOTION: Sen. Bates moves to ADOPT SB 104-1 amendments dated 2/05/07.**  
**VOTE: 5-0-0**  
**Chair Avakian hearing no objection, declares the motion CARRIED.**

356 **MOTION: Sen. Bates moves SB 104 to the floor with a DO PASS AS AMMENDED recommendation.**

362  
366  
373

Sen. Beyer  
Sen. Atkinson  
**VOTE: 3-2-0**  
**AYE: 3 - Bates, Prozanski, Avakian**  
**NAY: 2 - Atkinson, Beyer**  
**Chair Avakian declares the motion CARRIED.**  
**SEN. PROZANSKI will lead discussion on the floor.**

**SB 105 – PUBLIC HEARING**

|     |     |   |
|-----|-----|---|
|     | 387 | Sue Marshall, Committee Administrator   |
|     | 404 | Alan Kiphut, Land Quality Division Administrator of the Department of Environmental Quality ( <b>EXHIBITS E,F</b> ) |
| 13A | 002 | Kiphut  |
|     | 007 | Mike Zollitsch, Department of Environmental Quality   |
|     | 008 | Sen. Atkinson   |
|     | 012 | Sen. Prozanski  |
|     | 014 | Sen. Beyer  |
|     | 016 | Sen. Atkinson   |
|     | 018 | Kiphut  |
|     | 027 | Chair Avakian   |
|     | 032 | Liz Wainwright, Executive Director of the Maritime Fire and Safety Association                                      |
|     | 063 | Chair Avakian   |
|     | 064 | Jim Townley, Executive Director of the Columbia River Steamship Operators Association                               |
|     | 068 | Sen. Beyer  |
|     | 074 | Townley   |
| 13A | 080 | Sen. Beyer  |
|     | 084 | Townley   |
|     | 104 | Sen. Beyer  |
|     | 105 | Townley   |
|     | 107 | Sen. Beyer  |
|     | 108 | Wainwright  |
|     | 112 | Chair Avakian   |

**SB105 – WORK SESSION**

|  |     |  |
|--|-----|--|
|  | 115 | <b>MOTION: Sen. Atkinson moves to ADOPT SB 105-1 amendments dated 02/07/07.</b><br><b>VOTE: 5-0-0</b><br><b>Chair Avakian hearing no objection, declares the motion CARRIED.</b> |
|  | 119 | <b>MOTION: Sen. Atkinson moves SB 105 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|  | 121 | <b>VOTE: 5-0-0</b><br><b>Chair Avakian hearing no objection, declares the motion CARRIED.</b><br><b>SEN. BEYER will lead discussion on the floor.</b>                            |

**SB 106 – PUBLIC HEARING**

|  |     |  |
|--|-----|--|
|  | 127 | Sue Marshall, Committee Administrator  |
|  | 134 | Alan Kiphut, Land Quality Division Administrator Department of Environmental Quality ( <b>EXHIBITS G,H</b> ) |
|  | 152 | Chair Avakian  |
|  | 156 | Paul Romain, Oregon Petroleum Association  |

160  
**SB 106 – WORK SESSION**

164

Chair Avakian

**MOTION: Sen. Bates moves to ADOPT SB 106-1 amendments dated 02/05/07.**

**VOTE: 5-0-0**

**Chair Avakian hearing no objection, declares the motion CARRIED.**

167

**MOTION: Sen. Bates moves SB 106 to the floor with a DO PASS AS AMENDED recommendation.**

170

Sen. Beyer

184

**VOTE: 5-0-0**

**Chair Avakian hearing no objection, declares the motion CARRIED.**

**SEN. BATES will lead discussion on the floor.**

**SB 107 – PUBLIC HEARING**

189

Sue Marshall, Committee Administrator

13A

193

Stephanie Hallock, Director of the Department of Environmental Quality

200

Andrew Ginsburg, Air Quality Division Administrator for the Department of Environmental Quality **(EXHIBIT I)**

268

Chair Avakian

278

John Ledger, Associated Oregon Industries

373

Kathryn Van Natta, Northwest Pulp and Paper Association **(EXHIBIT J)**

12B

001

Van Natta

003

Sen. Beyer

006

Ledger

014

Sen. Beyer

015

Ledger

018

Sen. Beyer

019

Ledger

022

Sen. Beyer

023

Ledger

024

Sen. Bates

026

Ledger

031

Sen. Bates

034

Ledger

042

Sen. Prozanski

050

Ledger

062

Chair Avakian

065

Ralph Groener, Association of Federal State County and Municipal Employees

105

Chair Avakian

107

Jeremiah Baumann, Oregon State Public Interest Research Group

138

Chair Avakian

**SB 107 – WORK SESSION**

142

**MOTION: Sen. Prozanski moves SB 107 to the floor with a DO PASS recommendation.**

152

Sen. Atkinson

162

Sen. Beyer

176

Chair Avakian

**VOTE: 3-2-0**

**AYE: 3 - Bates, Prozanski, Avakian**

**NAY: 2 - Atkinson, Beyer**

**Chair Avakian declares the motion CARRIED.**

**CHAIR AVAKIAN will lead discussion on the floor.**

**193**

**SB 234 – PUBLIC HEARING**

|     |     |   |
|-----|-----|---|
| 12B | 198 | Sue Marshall, Committee Administrator   |
|     | 207 | Gail Shibley, Administrator Environmental Toxicology, Office of Environmental Public Health ( <b>EXHIBIT K</b> )          |
|     | 214 | Chair Avakian   |
|     | 221 | Lisa Hansen, Oregon Department of Agriculture ( <b>EXHIBIT L</b> )  |
|     | 260 | Shibley   |
|     | 283 | Jim Rue, State Board of Agriculture   |
|     | 287 | Sen. Beyer  |
|     | 293 | Hansen  |
|     | 299 | Sen. Prozanski  |
|     | 321 | Chair Avakian   |
|     | 326 | Terry Witt, Executive Director of Oregonians for Food and Shelter ( <b>EXHIBIT M</b> )                                    |
|     | 377 | Rick North, Project Director of Oregon Physicians for Social Responsibility's Campaign For Safe Food ( <b>EXHIBIT N</b> ) |
|     | 414 | Chair Avakian   |
|     | 417 | Chair Avakian adjourns the meeting at 4:32 p.m.   |

**EXHIBIT SUMMARY**

- A. **SB 103, written testimony, Alan Kiphut, 2 pp**
- B. **SB 103, fact sheet, Alan Kiphut, 1 p**
- C. **SB 104, fact sheet, Alan Kiphut, 1p**
- D. **SB 104, written testimony, Alan Kiphut, 2 pp**
- E. **SB 105, written testimony, Alan Kiphut, 2 pp**
- F. **SB 105, fact sheet, Alan Kiphut, 1 p**
- G. **SB 106, fact sheet, Alan Kiphut, 1 p**
- H. **SB 106, written testimony, Alan Kiphut, 2 pp**
- I. **SB 107, written testimony, Andrew Ginsburg, 3 pp**
- J. **SB 107, informational packet, Kathryn Van Natta, 7 pp**
- K. **SB 234, written testimony, Gail Shibley, 2 pp**
- L. **SB 234, written testimony and informational packet, Lisa Hansen, 7 pp**
- M. **SB 234, written testimony, Terry Witt, 4 pp**
- N. **SB 234, written testimony, Rick North, 1 p**