

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

February 02, 2005
3:00 P.M.

Hearing Room B
Tapes 13 - 14

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Jason Atkinson, Vice-Chair
Sen. Roger Beyer
Sen. Ginny Burdick
Sen. Frank Shields

VISITING MEMBERS: Rep. Jackie Dingfelder

STAFF PRESENT: Matt Shields, Committee Administrator
Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:
SB 125 – Public Hearing
SB 42 – Public Hearing and Work Session
SB 45 – Public Hearing
SB 44 – Public Hearing and Work Session
SB 43 – Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 13, A		
005	Chair Ringo	Calls meeting to order at 3:06 p.m. Opens public hearing on SB 125.
<u>SB 125 – PUBLIC HEARING</u>		
007	Roy Elicker	Oregon Department of Fish and Wildlife (ODFW). Gives background information on legislation regarding piranhas and discusses effects of SB 125.
055	Chair Ringo	Asks how often calls are received regarding difference between species.
057	Rhine Messmer	ODFW. Submits written testimony (EXHIBIT A) in support of SB 125. Responds generally once a summer.
065	Chair Ringo	Asks why legislature allowed either species to be legal.
068	Elicker	Explains.
072	Chair Ringo	Asks if the distinction between species was intentional at that time.
073	Elicker	Confirms this.
075	Chair Ringo	Asks about -1 amendment.
076	Elicker	Explains amendment.
083	Chair Ringo	Asks how long piranhas will survive if let loose in Oregon waters.
085	Messmer	Discusses survival.
095	Chair Ringo	Asks why piranhas are illegal.
096	Elicker	Gives explanation of why piranhas are illegal.
107	Kevin Cutter	Aquarium Store owner, Marion County. States opposition to SB 125 and gives reasons for opposition.

110	Chair Ringo	Asks what piranhas are fed.
111	Cutter	Discusses what piranhas eat. Addresses concern of catching a piranha in Oregon.
125	Arnold Que Rido	Piranha owner, Washington County. Informs that he is dedicated to educating the public on piranha keeping.
130	Jeff Concannon	Hobbyist, Multnomah County. Submits article entitled "Cold Tolerance and Potential Overwintering of the Red-Bellied Piranha <i>Pygocentrus nattereri</i> in the United States" (EXHIBIT B). Discusses reason for opposition to SB 125. Highlights article.
160	Sen. Atkinson	Asks how many piranhas there are in Oregon.
165	Cutter	States that he has sold 1,000 in the last year.
166	Sen. Atkinson	Asks witness if there has ever been a known problem.
167	Cutter	Responds no.
168	Sen. Atkinson	Asks what water temperature piranhas live in.
169	Cutter	Responds 74-78 degrees.
170	Concannon	States that he keeps his aquarium at 80 degrees.
171	Sen. Atkinson	Asks if that is freshwater.
172	Concannon	Confirms that this is freshwater and that the temperature that is advised to keep aquarium at is 78-82 degrees.
175	Sen. Atkinson	Asks committee staff if Oregonians can have other pets such as tigers or lions.
176	Matt Shields	Committee Administrator. Believes that there are permitting requirements.
180	Concannon	Comments regarding the ownership of dogs.
185	Sen. Atkinson	Asks Elicker if people need a permit to own a tiger.
187	Elicker	Confirms that permits are required and states conditions when a permit would be necessary.
190	Sen. Atkinson	Asks how piranhas are brought into the country.
195	Concannon	Explains process.
200	Sen. Atkinson	Asks about federal standard.
201	Cutter	Explains process.
203	Sen. Atkinson	Asks if it is legal to sell piranhas in Oregon because of legislation passed in 1995.
204	Cutter	Confirms that it is legal because of legislation passed in 1995.
205	Sen. Shields	Asks how many states there are where the sale of piranhas is legal.
208	Concannon	Refers to article (EXHIBIT B) and gives examples of states where it is illegal.
212	Sen. Shields	Asks if someone could get a bite from an established population or if the fish would live only as scavengers.
225	Que Rido	Explains that the most danger comes from stepping on them or touching them.
228	Concannon	Explains where the danger comes from.
235	Sen. Atkinson	Asks how many bodies of water in Oregon would be at 80 degrees. Gives illustration.
250	Concannon	Explains that piranhas could not survive winters in Oregon.
255	Que Rido	Explains that the initial release produces a shock that kills them.
260	Sen. Beyer	Asks question regarding article (EXHIBIT B).
265	Concannon	Believes map was done before the law was changed in Oregon. Refers to (EXHIBIT B, Page 6) which shows where the fish could survive in the winter.
275	Chair Ringo	Asks to move on to other bills.
280	Shields	Submits written testimony on behalf of Frank Magallenes in opposition to SB 125 (EXHIBIT C).

287	Chair Ringo	Closes public hearing on SB 125 opens public hearing on SB 42.
<u>SB 42 – PUBLIC HEARING</u>		
295	Holly Schroeder	Administrator, Water Quality Division, Department of Environmental Quality (DEQ). Submits and reads written testimony (EXHIBIT D) in support of SB 42.
365	Chair Ringo	Asks question about length of projects.
370	Schroeder	Describes process.
375	Sen. Beyer	Confirms that this process is what DEQ is currently doing and then found out it wasn't correct.
378	Schroeder	Confirms and explains how inconsistency was found.
390	Sen. Beyer	Asks how long DEQ has been inconsistent with the law.
392	Schroeder	Explains that DEQ discovered the discrepancy during the past biennium and has been inconsistent with the law for about a decade.
395	Sen. Beyer	Addresses Chair Ringo. Describes inconsistency with state agencies.
420	Chair Ringo	Asks when DEQ learned that the process wasn't consistent with the law.
422	Schroeder	<p>Informs that DEQ learned this during the past biennium.</p> <p>Addresses Sen. Beyer's concern. Explains that DEQ conformed to the law after learning of the discrepancy and is asking for a change to the current law in order to give more favorable loan terms to communities.</p>
430	Sen. Shields	Verifies that DEQ assumed it was consistent with the law up until this past biennium.
435	Schroeder	Confirms this. Explains that DEQ doesn't think there was an intentional difference between Oregon and federal law.
448	Rep. Dingfelder	Asks question regarding revolving loan fund.
<u>TAPE 14, A</u>		
025	Schroeder	Clarifies how the revolving loan fund works and explains that there was a reduction in received funding.
040	Rep. Dingfelder	Asks if less grants will be awarded because of reduction or if it can be made up in interest.
045	Schroeder	Confirms that there will be fewer funds available for loan disbursement.
050	Rep. Dingfelder	Explains that it is important because there is a large cumulative effect.
055	Schroeder	Remarks that it is a national problem.
065	Chair Ringo	Closes public hearing on SB 42 and opens work session on SB 42.
<u>SB 42 – WORK SESSION</u>		
066	Sen. Atkinson	MOTION: Moves SB 42 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Burdick
	Chair Ringo	Hearing no objection, declares the motion CARRIED.
		SEN. ATKINSON will lead discussion on the floor.
070	Chair Ringo	Closes work session on SB 42 and opens public hearing on SB 45.
<u>SB 45 – PUBLIC HEARING</u>		
075	Holly Schroeder	Administrator, Water Quality Division, Department of Environmental Quality (DEQ). Submits and reads written testimony (EXHIBIT E) in support of SB 45.
140	Chair Ringo	Mentions article in Oregonian dated 01/14/2005 titled "EPA

		Chides Oregon's Handling of Polluters." Asks for more specificity in how far SB 45 will go in fixing the problems noted by the Environmental Protection Agency (EPA).
155	Schroeder	Discusses Blue Ribbon Committee.
185	Chair Ringo	Questions if a lack of manpower caused the backlog.
190	Schroeder	Describes various reasons for backlog.
200	Chair Ringo	Asks if the 3 percent increase will be enough money for DEQ to make sure that people in Oregon have clean water.
205	Schroeder	Discusses fees, increases and budget requests.
215	Chair Ringo	Asks question regarding Ways and Means Committee.
216	Schroeder	Confirms that it has been included in the Governor's budget.
225	Chris Bayham	Environmental coordinator, Association of Oregon Counties. Expresses support for SB 45 as long as fee increases are reasonable. Gives example of unreasonable fee increases relating to indirect costs.
250	Chuck Craig	Deputy Director, Oregon Department of Agriculture (ODA). Explains that initially ODA had some concerns with SB 45, but says the -1 amendment will alleviate those concerns.
265	Kathryn VanNatta	Northwest Pulp and Paper Association. Submits and reads written testimony (EXHIBIT F) in support of SB 45. Explains relationship to Blue Ribbon Committee.
325	Chair Ringo	Asks what a member pays for a typical fee.
330	VanNatta	Explains fee. Offers to return information to the committee.
340	Chair Ringo	Asks if the fees generated by this proposal will be enough.
350	VanNatta	Explains process of deciding increase in fees.
385	John Ledger	Associated Oregon Industries. Explains that he represents the largest group affected. Echoes previous testimony and makes additional points. <ul style="list-style-type: none"> • This is part of an ongoing improvement happening in DEQ. • Has worked closely with environmental community and has a good working relationship with DEQ. Urges committee to pass SB 45 with amendments.
450	Sen. Beyer	Wants a definition for a "watershed based approach." Explains that some assurance is needed that this will be broken into sub-basins and not just a single watershed.
TAPE 13, B		
035	Ledger	Believes that DEQ does break it into manageable sizes.
045	Sen. Beyer	Stresses that it is necessary to know how and where this will be defined. States that the wording in SB 45 will need to be clear.
060	Schroeder	Believes there is not a statutory definition of language. Explains intent of SB 45.
095	Chair Ringo	Explains that the example doesn't address Sen. Beyer's concern.
100	Sen. Beyer	Discusses what happens when the words get challenged in court.
115	Schroeder	Explains that DEQ will be operating at a sub-basin level. Describes five year permit cycle.
150	Chair Ringo	Remarks that Sen. Beyer has raised an interesting point, and states that SB 45 will not be moved out of committee today.
152	Sen. Beyer	Discusses legislative intent.
160	Chair Ringo	Asks if witness will work with Sen. Beyer.
161	Schroeder	Responds yes.
165	Matt Blevins	Legislative Affairs Director, Oregon Environmental Council. Submits written testimony (EXHIBIT G) in support for SB 45.

180	Chair Ringo	Asks if this is enough money.
183	Blevins	States that there are still many problems around the state and that this is a small but significant part of the attempt. Explains that this is not the only thing that needs to be addressed.

The following prepared testimony is submitted for the record without public testimony:

	Jason Heuser	City of Eugene. Submits written testimony in support of SB 45.
195	Chair Ringo	Closes public hearing on SB 45 and opens public hearing on SB 44.

SB 44 – PUBLIC HEARING

200	Matt Shields	Committee Administrator. Explains SB 44.
205	Alan Kiphut	Submits and reads written testimony (EXHIBIT I) in support of SB 44.
270	Paul Romain	Oregon Petroleum Association (OPA). Expresses support for SB 44. States that this is a cooperative effort with the Department of Environmental Quality.
290	Chair Ringo	Closes public hearing on SB 44 and opens work session on SB 44.

SB 44 – WORK SESSION

291	Chair Ringo	MOTION: Moves SB 44 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
-----	-------------	--

295 VOTE: 3-0-2

EXCUSED: 2 - Atkinson, Burdick

Hearing no objection, declares the motion CARRIED.

300	Chair Ringo	Closes work session on SB 44 and opens public hearing on SB 43.
-----	-------------	---

SB 43 – PUBLIC HEARING

305	Alan Kiphut	Land Quality Division Administrator, Department of Environmental Quality (DEQ). Submits written testimony (EXHIBIT J) and fact sheets (EXHIBIT K) in support of SB 43.
365	Bob Danko	DEQ. Addresses amendments. Explains that DEQ did not request the -2 amendments, but is okay with them.
390	Chair Ringo	Asks what the difference is between the state and federal toxic substances lists.
395	Danko	Explains the difference.
410	Chair Ringo	Asks if Oregon will lose something by aligning with the federal list.
415	Danko	Believes there would be a gain.

TAPE 14, B

015	Jim Craven	American Electronics Association. Gives background information on current law and explains SB 43.
050	Kathryn VanNatta	Northwest Pulp and Paper Association. Submits written testimony (EXHIBIT L) in support of SB 43. Explains why SB 43 is beneficial.
065	John Ledger	Associated Oregon Industries. Expresses support for SB 43 and explains reasons for support.
080	Matt Blevins	Oregon Environmental Council. Asks committee to adopt -2 amendments and explains why.
090	Chair Ringo	Closes public hearing on SB 43 and opens work session on SB 43.

SB 43 – WORK SESSION

091	Chair Ringo	MOTION: Moves to ADOPT SB 43-1 amendments dated 02/01/05. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Burdick Hearing no objection, declares the motion CARRIED.
093	Chair Ringo Chair Ringo	MOTION: Moves to ADOPT SB 43-2 amendments dated 02/02/05. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Burdick Hearing no objection, declares the motion CARRIED.
095	Chair Ringo Chair Ringo	MOTION: Moves SB 43 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Burdick Hearing no objection, declares the motion CARRIED.
097	Chair Ringo	SEN. BEYER will lead discussion on the floor.
100	Chair Ringo	Closes work session on SB 43 and adjourns meeting at 4:38 p.m.

EXHIBIT SUMMARY

- A. SB 125, written testimony, Rhine Messmer, 11 pp**
- B. SB 125, article, Jeff Concannon, 10 pp**
- C. SB 125, written testimony, Frank Magallenes, 2 pp**
- D. SB 42, written testimony, Holly Schroeder, 4 pp**
- E. SB 45, written testimony, Holly Schroeder, 6 pp**
- F. SB 45, written testimony, Kathryn VanNatta, 1 p**
- G. SB 54, written testimony, Matt Blevins, 2 pp**
- H. SB 45, written testimony, Jason Heuser, 1 p**
- I. SB 44, written testimony, Alan Kiphut, 4 pp**
- J. SB 43, written testimony, Alan Kiphut, 4 pp**
- K. SB 43, fact sheets, Alan Kiphut, 10 pp**
- L. SB 43, written testimony, Kathryn VanNatta, 1 p**