

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

February 28, 2005
3:00 P.M.

Hearing Room B
Tapes 31 - 34

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

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

MEASURES/ISSUES HEARD:
SB 496 – Public Hearing and Work Session
SB 555 – Public Hearing

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 31, A		
005	Chair Ringo	Calls meeting to order at 3:09 p.m. and opens public hearing on SB 496.
<u>SB 496 – PUBLIC HEARING</u>		
015	Matt Shields	Committee Administrator. Gives overview of SB 496.
020	Sen. Shields	Thanks those who came to talk on Forest Legacy. Talks about Forest Legacy program. Talks about SB 496. Discusses allocated taxes for Forest Legacy Program.
065	Sen. Burdick	Thanks Chair Ringo for bringing SB 496 up for early consideration.
070	Sen. Beyer	Notices that there isn't anyone from the Department of Forestry to testify in support of or in opposition of SB 496. Discusses forest land in Oregon. States opposition to SB 496. States that the Department of Forestry testified in previous session that it costs them money to apply for these grants.
085	Sen. Shields	States that there are very good answers to the questions that have been raised. Gives illustrations. States that the committee should not spend time debating about SB 496 since there is a room full of people waiting to testify on SB 555.
103	Chair Ringo	Closes public hearing on SB 496 and opens work session on SB 496.
<u>SB 496 – WORK SESSION</u>		
110	Chair Ringo	MOTION: Moves SB 496 to the floor with a DO PASS recommendation. VOTE: 4-1-0 AYE: 4 - Atkinson, Burdick, Shields, Ringo NAY: 1 - Beyer Chair Ringo The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
115	Chair Ringo	Closes work session on SB 496 and opens public hearing on SB

SB 555 – PUBLIC HEARING

130	Senate President Peter Courtney	Represents Senate District 11. Submits and reads written testimony in support of SB 555 (EXHIBIT A).
195	President Courtney	Introduces Sen. Charlie Ringo, co-sponsor of SB 555.
200	Sen. Charlie Ringo	Represents Senate District 17. Discusses toxic chemicals at toxic concentrations and mixing zones. Echoes President Courtney's statement of being mindful of the impact to business. Wants to hear from industry and how SB 555 can be modified or amended to address concerns.
225	Sen. Beyer	Asks how long President Courtney has lived on the Willamette River.
228	President Courtney	Replies since November, 1977.
230	Sen. Beyer	States that he started fishing in the Willamette River in the 1980s. Believes that the river has been cleaned up significantly since then. Asks if President Courtney has experienced the Willamette River getting cleaner.
240	President Courtney	Discusses condition of the Willamette River in 1977 versus current conditions. Talks about debris along riverbank. States that he took a sample and found extremely high fecal content. Explains that his perception is that the Willamette River has not gotten cleaner since November, 1977. States that he is not a scientist or a biologist.
270	Sen. Beyer	Wants to ask the Department of Environmental Quality (DEQ) and see if they have the same data. Discusses channel change.
276	President Courtney	Responds to the idea of channel change. Discusses fishing and water level. Reiterates that this is his observation.
295	Sen. Beyer	Thanks President Courtney. Explains that the fish follow the channel.
303	President Courtney	Discusses fishing. States that he has seen the fish change. Believes it is indicative of some of the changes that he testified to. States that he spends a lot of time by the Willamette River and that the condition of fish in the river has changed a lot over the years. Reiterates that he is not a scientist.
330	Sen. Beyer	Asks Sen. Ringo about big pipe project and sewer runoff in regards to 2011 date stated in SB 555.
340	Sen. Ringo	States that witnesses from the City of Portland can answer that question.
343	Vice-Chair Atkinson	Asks if President Courtney has an opinion on the Portland harbor.
347	Courtney	Asks for clarification of the question.
350	Vice-Chair	Discusses previous non-partisan legislation to clean up the harbor. Talks about difference between the Willamette River in southern Oregon and in Portland. Asks if President Courtney has an opinion on that topic.
370	President Courtney	States that everyone is going to have to clean it up if it is going to get done at all. Discusses issues with the Willamette River. States that he doesn't understand why any river should be dirty. Discusses storm drain issue.
TAPE 32, A		
005	Rhett Lawrence	Oregon State Public Research Group (OSPRG). Submits and reads written testimony in support of SB 555 (EXHIBIT B).
030	Brent Foster	Attorney, Columbia Riverkeeper and Willamette Riverkeeper. Submits written testimony in support of SB 555 (EXHIBIT C).

		and a diagram of a toxic mixing zone (EXHIBIT D). Explains the diagram of a toxic mixing zone (EXHIBIT D).
085	Chair Ringo	Asks about percentages.
086	Foster	Explains.
093	Sen. Burdick	Asks clarification question about the standard that was referred to by the witness.
095	Foster	Explains.
100	Sen. Burdick	Asks about water quality standards.
105	Foster	Explains in detail.
113	Chair Ringo	Asks witness to clarify phrase “water quality limited.”
115	Foster	Explains phrase. Continues explaining percentages.
130	Foster	Discusses Willamette Falls in relation to toxic mixing zones. Talks about giving notice of toxic mixing zones to the public.
140	Foster	Discusses table titled “Cumulative Metals Worksheet” displayed on projection screen. Talks about zinc as an illustration. Discusses toxins building up in fish. Discusses lack of known locations of toxic mixing zones.
180	Foster	Reads quote. Discusses studies done by the Environmental Protection Agency (EPA).
210	Travis Williams	Riverkeeper and Executive Director, Willamette Riverkeeper. Discusses condition of the Willamette River. Testifies in support of SB 555. Submits written testimony (EXHIBIT E).
300	Sen. Beyer	Asks question about the economic hardships described in SB 555.
305	Williams	States that the determination of economic hardships would be determined by the DEQ.
310	Sen. Beyer	Asks at what threshold it is no longer economically feasible.
320	Williams	Believes that this is something that is open to discussion. Believes it will vary based on different factors.
325	Chair Ringo	Refers to language in SB 555 which states “significant and unreasonable burden.” Asks if witness expects this to be defined by rule making.
327	Foster	Explains. Discusses phasing out of mixing zones in the Great Lakes.
360	Holly Schroeder	Water Quality Administrator, DEQ. Introduces Mark Charles.
370	Chair Ringo	Asks witness to start with a few introductory remarks. States that he is mostly interested in witness’ response to previous testimony.
380	Schroeder	Discusses water quality standards. Explains mixing zones.
412	Chair Ringo	Asks if mercury is allowed to be discharged in mixing zones.
415	Schroeder	Explains that there is a toxic standard for mercury and believes it is possible that there is a mixing zone for that pollutant.
416	Chair Ringo	Asks if that is the case even in areas where there are warnings not to consume the fish.
420	Schroeder	Explains. Mentions Total Maximum Daily Loads (TMDLs) in relation to mercury.
435	Chair Ringo	Discusses TMDLs in relation to non-point sources. Asks question about TMDL process.
438	Schroeder	Explains that a TMDL addresses both point and non-point sources. Gives illustration involving mercury in the Willamette River.
450	Chair Ringo	Points out that the DEQ is consciously allowing the discharge of mercury in areas where there are signs indicating that the fish should not be eaten.

457	Schroeder	Confirms that there is not a further restricted permit limit at this point in time.
460	Schroeder	Provides background information on toxics standards.
480	Chair Ringo	Asks if this analysis is for mixing zones or for all permits.
TAPE 31, B		
035	Schroeder	Explains that it will be done for all permits. States that it will be determined at the edge of the mixing zone.
040	Chair Ringo	Asks if witness said that the DEQ will now be requiring that information.
041	Schroeder	Discusses update to the toxics rule that went into effect earlier in February, 2005. Talks about permit limits as a result of the update.
045	Chair Ringo	Asks if that will give the DEQ more information about the amount of toxics being discharged into the river.
047	Schroeder	Confirms that it will give DEQ more information. Explains that resources for toxics monitoring has been limited.
052	Chair Ringo	Asks if the DEQ requires a permit holder to notify the DEQ of the quantity of toxics being discharged.
057	Schroeder	Explains process.
060	Chair Ringo	Verifies that this process is for a limited permit.
061	Schroeder	Explains that it is done for all water bodies, not just those that are water quality limited.
062	Chair Ringo	Wants to know if the DEQ has the data on the total amount of toxics being discharged. States that the proponents of SB 555 say that the DEQ does not track this data.
065	Schroeder	Explains that the DEQ has an inaccessible system. Discusses current system.
075	Chair Ringo	Verifies that the DEQ has the data in a warehouse somewhere.
080	Schroeder	States that the DEQ has the data in many filing cabinets. States that the DEQ is working on a database infrastructure to have the data accessible electronically.
085	Sen. Shields	Refers to President Courtney's testimony. Asks why President Courtney was not sure if there was a toxic mixing zone at his house.
092	Schroeder	States that this is not information that the DEQ has put into any accessible format for the public. Explains in detail.
103	Sen. Shields	Asks if people have asked this question before.
106	Schroeder	Explains.
117	Chair Ringo	Asks if the DEQ is able to provide a map showing where all the mixing zones are located on the main stem of the Willamette River.
118	Schroeder	States that it is not finished yet.
125	Chair Ringo	Asks if it can be provided within a couple of weeks.
127	Schroeder	States that she is unsure how long it will take to complete the map.
130	Chair Ringo	Asks how many mixing zones there are on the main stem of the Willamette River.
132	Mark Charles	Surface Water Permitting Manager, DEQ. Replies approximately 170 and explains in detail.
138	Chair Ringo	Confirms number.
140	Charles	Explains.
141	Chair Ringo	Asks if the general permit holders have a permit for a mixing zone.
142	Charles	Explains that they don't have an individual tailored permit,

		however there may be a mixing zone built into the general permit.
143	Chair Ringo	Clarifies number.
144	Charles	Discusses re-issuing permits for mixing zones. Gives illustration about a specific permit.
146	Chair Ringo	Refers to illustration. Asks why the DEQ made that reduction for that permit.
147	Charles	Explains.
150	Chair Ringo	Asks question about size of mixing zone for mentioned permit.
155	Charles	Explains.
156	Schroeder	Believes that the information cited by Mr. Charles was for mixing zones generally. Discusses toxic and non-toxic mixing zones.
160	Chair Ringo	Asks if focusing the concept of SB 555 on effluents that are known to be toxic and persistent would help make SB 555 more manageable.
166	Schroeder	Discusses changes in permitting process.
173	Chair Ringo	Reminds witness that the stakeholders are the citizens of the state of Oregon who want clean water.
174	Schroeder	Agrees.
175	Chair Ringo	Asks if witness agrees that some fish in the water tend to migrate while others are more stationary.
176	Schroeder	Replies yes.
179	Chair Ringo	Asks if there is a particularly heightened danger to eating fish that tend to remain in a mixing zone.
182	Charles	Explains that it depends.
183	Chair Ringo	Asks if witness understands the concept.
184	Charles	Replies yes and explains in detail.
189	Chair Ringo	Reiterates question about fish that tend to live in a mixing zone and if they are more susceptible to absorb pollutants.
191	Charles	States that this is possible. Explains.
195	Chair Ringo	Asks if the fish that are attracted to the toxics are edible.
197	Charles	Explains that he is not qualified to answer that question.
200	Schroeder	Offers an example.
208	Chair Ringo	Asks about public notification.
215	Schroeder	Discusses process of notification. Explains that the DEQ has not connected process of notification specifically to mixing zones.
220	Sen. Shields	Asks how much is known about the mixing zones. Asks if the locations are checked out ahead of time or if the mixing zones are moved if the mixing zones are put in the wrong place.
230	Charles	Replies all of the above. Explains in detail.
245	Sen. Shields	Explains that SB 555 seems to be very controversial. Asks about SB 45.
275	Schroeder	Explains that the DEQ has worked extensively with an advisory group to produce SB 45. Believes that SB 45 will result in an improved permitting process which will result in improved water quality. Believes the issue is a very important one and needs to be looked at.
305	Sen. Beyer	Refers to President Courtney's perception of the Willamette River. Asks for insight.
310	Schroeder	Discusses monitoring done around the state and specifically in the Willamette River. Discusses trends. Gives opinion on the condition of the Willamette River. Discusses TMDLs.
349	Sen. Beyer	Asks if witness said that 96 percent of the mercury in the

		Willamette River is naturally occurring mercury rather than point source mercury.
350	Schroeder	Clarifies that she said 4 percent is point source. States that it cannot be inferred that the rest is naturally occurring mercury, only that it is coming from non-point sources.
357	Sen. Beyer	Asks where else mercury comes from.
360	Schroeder	Explains in detail.
370	Sen. Beyer	Asks if the DEQ participated in the drafting of SB 555.
374	Schroeder	States that the DEQ was aware of interest in the issue, but states that they did not actively participate in the drafting of SB 555.
379	Sen. Beyer	Asks if this is part of Governor Kulongoski's initiative to clean up the Willamette River.
383	Schroeder	States that the DEQ determined that there would be a fiscal impact on the agency and comments that, at this time, that is not included in the Governor's recommended budget.
390	Sen. Beyer	Asks if that means the DEQ is not supporting SB 555.
391	Schroeder	States that the DEQ cannot support something that is not included in the Governor's recommended budget.
392	Sen. Beyer	Discusses SB 45 and commission that the DEQ held. Asks if this issue was discussed.
402	Schroeder	Discusses the Blue Ribbon Committee. Explains that this issue was not discussed. Explains focus of the Blue Ribbon Committee.
415	Sen. Atkinson	Asks if witness already commented on the Environmental Quality Commission's new standards.
420	Schroeder	Replies yes.
422	Sen. Atkinson	Asks what witness expects those standards to accomplish.
423	Schroeder	Explains.
TAPE 32, B		
010	Chair Ringo	Clarifies that witness said "exceeding the standard at the edge of the mixing zone." Asks if that means just as it gets to the outside of the mixing zone.
012	Schroeder	Replies yes.
013	Chair Ringo	Asks if the mixing zone size would be increased.
015	Schroeder	Explains.
017	Chair Ringo	Discusses toxicity inside and outside the mixing zone.
022	Schroeder	States that the DEQ looks at whether the water body as a whole is achieving water quality standards.
024	Chair Ringo	Asks how the DEQ knows the water body as a whole is exceeding water quality standards.
026	Schroeder	Explains.
033	Sen. Atkinson	Asks if witness is familiar with a company in Portland called Storm Water Management.
035	Schroeder	Replies that she is vaguely familiar with this company.
037	Sen. Atkinson	Discusses having Oregon based technologies helping find a solution to this issue.
042	Schroeder	States that she does not know details of services offered by the mentioned company. Offers to find out more information.
045	Sen. Atkinson	Believes that everyone who is interested in this issue should see what Oregon based companies are out there to be a part of the solution.
047	Sen. Shields	Refers to mercury mentioned earlier. Asks if storm water runoff is a major source of mercury, and asks why witness did not mention it. Asks how much of the storm water runoff is urban

		and how much of it is rural.
050	Schroeder	Explains. Submits and refers to an excerpt from the Willamette TMDL (EXHIBIT F) .
060	Sen. Shields	Addresses Chair Ringo. Says that earlier there was a question about how much input the DEQ had in the development of SB 555. Confirms that witness had conversations with the President's staff about toxic mixing zones.
070	Schroeder	Confirms this.
071	Sen. Shields	States that he wanted that on the record.
090	John Ledger	Vice-President, Associated Oregon Industries. States that Craig Smith from the Northwest Food Processor's Association needed to leave, but is submitting written testimony for the record (EXHIBIT G) . Testifies in opposition to SB 555. States that everyone tries to minimize discharge as much as possible. Discusses locations of mixing zones in the United States. Explains mixing zones and the different types of standards. Remarks that SB 555 removes the DEQ's ability to set a discharge standard approved by the EPA and replaces it with an ambient standard. Asserts that not allowing companies to discharge puts them at a disadvantage and discusses subjectivity of language in SB 555.
190	Chair Ringo	Understands that the language is subjective, but asserts that it is better to leave the issue to rulemaking rather than to put specific numbers in the statute.
191	Ledger	Believes it is better not to have the language.
192	Chair Ringo	Understands, but asserts that it is better to not have toxics in the water.
195	Ledger	States that he doesn't think this is an appropriate thing to do. Discusses investment. Believes the intent was good. Discusses SB 45. Discusses the Governor's initiative. States that the DEQ needs to be fully funded and staffed. Thinks that the Willamette River should be cleaned up but states that SB 555 isn't the way to do it. Introduces Tom McCue.
230	Tom McCue	Manager of Environmental Affairs, Siltronics Corporation. Submits and reads written testimony in opposition to SB 555 (EXHIBIT H) .
300	McCue	Continues reading written testimony (EXHIBIT H) .
355	Chair Ringo	Asks what toxic chemicals Siltronics Corporation emits into the water.
358	McCue	Gives examples.
365	Chair Ringo	Verifies that Siltronics Corporation doesn't discharge any toxics into the water.
366	McCue	Remarks that he doesn't know what the definition of toxic is.
367	Chair Ringo	Wonders if SB 555 was changed to include a specific set of materials, then Siltronics Corporation would not be impacted.
373	McCue	Explains.
380	Chair Ringo	States that committee staff is handing him a note that says that fluoride is considered toxic under SB 555 because it is one of the chemicals regulated by the EPA. Wants to know if industry can be more responsive in addressing some of the concerns heard earlier in the meeting. Asks if witness is willing to do that.
393	McCue	Conveys that he is unsure what Chair Ringo is asking. Refers to efforts made by Siltronics Corporation mentioned in testimony.
399	Chair Ringo	Clarifies that he isn't criticizing Siltronics Corporation. Wants to

		know if there is a way to address concerns mentioned so that a bill similar to SB 555 could be passed that Siltronics Corporation can live with. Asks if witness is willing to work with him or if witness is opposed to SB 555 no matter what.
410	McCue	Asks for clarification of what Chair Ringo is asking.
411	Chair Ringo	Informs that his question is whether or not the witness is willing to work with him in attempting to draft a bill that would address some of the concerns heard earlier. Asks if Siltronics Corporation discharges mercury.
413	McCue	Replies no.
414	Chair Ringo	Asks if Siltronics Corporation discharges polychlorinated biphenyls (PCBs).
415	McCue	Replies no.
416	Chair Ringo	Asks if Siltronics Corporation discharges lead.
417	McCue	Replies no.
418	Chair Ringo	Asks what if the bill was limited to the three mentioned materials.
419	McCue	Replies that none of those contaminants are a concern to Siltronics Corporation.
420	Chair Ringo	Remarks that he would appreciate acknowledgement of an issue that is of legitimate and current concern to the public and that industry is willing to work with the environmentalists in addressing that concern.
TAPE 33, A		
008	Sen. Shields	Refers to environmental awards and letters of recognition given to Siltronics Corporation. States that it seems that the witness is already involved in trying to create a bill that could partner with SB 45. Comments that he doesn't want to see companies pack up and move out of Oregon, but he does want to see the rivers get cleaner.
020	McCue	Reiterates that Siltronics Corporation is actively engaged in applying the best technology to achieve the lowest impact on the environment. Discusses investments and the uncertainty of the impact of SB 555.
033	Sen. Shields	Thanks witness for efforts made and states that the committee would appreciate any help the witness can offer.
035	Sen. Burdick	Echoes Sen. Shields' comments. Discusses creativity in preventing waste from being formed. Refers to examples in testimony (EXHIBIT H) and asks if those examples have resulted in reductions in the waste stream that needs to be treated in the first place.
045	McCue	Confirms this. Explains. Gives an example.
057	Sen. Burdick	Wonders if the approach of working with companies in preventing wastes from being created in the manufacturing process is a better approach to trying to reduce the discharge of wastes.
065	McCue	States that this is exactly what Siltronics Corporation has been working on. Explains in detail.
072	Sen. Burdick	Discusses sharing of information. Wonders if companies would be willing to make the investments in creating a better manufacturing process if they were faced with the possibility of a prohibition.
078	McCue	Responds possibly and discusses some details.
086	Ledger	Believes it is a good idea to have some type of better mechanism

100	Jim Craven	to reduce the use of things that cause discharges. Explains. American Electronics Association. States that Siltronics Corporation is not the only company that is taking this approach to reduce the impact on the environment. Describes issues with SB 555 with reference to investment decisions. Expresses the concerns that have been brought to him.
130	Ledger	Explains frustration.
139	Chair Ringo	Wants to explore what can be done. Asks Mr. McCue to come to the capitol and meet with him to explore options.
140	McCue	Agrees to do this.
150	Emily Platt	Resident, Wasco County. Addresses concerns of previous witnesses who testified on behalf of industry. Talks about the DEQ's monthly reports mentioned earlier.
165	Chair Ringo	Verifies that the monthly reports don't specify what is being discharged, they specify concerns about whether there might be a violation.
170	Platt	Confirms this. States that they are not very helpful reports. Testifies in support of SB 555.
205	Chair Ringo	States that he wants to hear from the opponents, but he wants to hear from those who came from over 100 miles first.
210	Kathryn Brigham	Board of Trustees Member, Confederated Tribes of the Umatilla Indian Reservation. Testifies in support of SB 555. Submits written testimony (EXHIBIT I) .
250	Louis Pitt, Jr.	Confederated Tribes of Warm Springs. Testifies in support of SB 555. Submits written testimony (EXHIBIT J) .
293	Kathleen Feehan	Water Quality Policy Analyst, Confederated Tribes of the Umatilla Indian Reservation. States that this is a human health issue, not an environmental versus industry issue. Discusses water quality standards. Testifies in support of SB 555.
340	Ed Brookshier	City Manager, City of Hermiston. Submits and highlights written testimony in opposition to SB 555 (EXHIBIT K) .
395	Chair Ringo	Interjects and asks about third-party lawsuits mentioned by witness.
396	Brookshier	Explains understanding of SB 555.
405	Chair Ringo	Verifies that the witness said there is no way the City of Hermiston can get rid of ammonia.
406	Brookshier	Replies yes.
408	Chair Ringo	Remarks that SB 555 provides language to avoid mentioned problem.
410	Brookshier	Replies yes and explains understanding of SB 555. Discusses improvements to wastewater treatment plant.
430	Chair Ringo	Thinks that witness needs to be fair to the proponents of SB 555. Informs that the proponents of SB 555 have provided language within the measure if compliance would create a "significant and unreasonable burden."
TAPE 34, A		
005	Brookshier	States that this is not the way he understands it. Continues explaining opposition SB 555.
017	Sen. Shields	Asks where the ammonia problem comes from.
018	Brookshier	Explains.
020	Chair Ringo	Points out that SB 555 does not have a private right of action.
023	Mark Schmidt	Columbia Riverkeepers. Discusses the Great Lakes Initiative.
040	Chair Ringo	Asks if the ban on toxic mixing zones is for the whole state or

		just for the Great Lakes.
041	Schmidt	Explains that it is for the Great Lakes and all tributaries running into them. States that beyond that the ban was done on a state by state basis.
042	Chair Ringo	Asks how this information is consistent with John Ledger's testimony which alleged that all states allow toxic mixing zones.
045	Schmidt	Believes Mr. Ledger's testimony is inaccurate. Explains. Continues explaining the Great Lakes Initiative.
065	Chair Ringo	Asks for written testimony.
066	Schmidt	Offers to bring it to the committee later. Concludes testimony.
085	Amanda Rich	Special Districts Association of Oregon. Introduces Jim Goble. Submits written testimony (EXHIBIT L). Asks for a workgroup on SB 555. States opposition to SB 555 as written. Believes that this is a valuable conversation to have, but that there are a lot of questions that need to be answered. Discusses prevention versus removal.
110	Jim Goble	Manager, Nehalem Bay Wastewater Agency. States that he is here to answer specific questions.
111	Chair Ringo	Asks why witness drove all the way from Nehalem.
112	Goble	Explains that Nehalem has a small wastewater agency and they do discharge into a mixing zone but they do not discharge any toxic chemicals. Explains commitment to cleaning up rivers. Asks for a workgroup.
120	Chair Ringo	Appreciates witness' constructive criticism.
125	Greg Miller	Oregon Government Affairs Manager, Weyerhaeuser Company. Testifies in opposition to SB 555 as written. Submits written testimony (EXHIBIT M).
182	Marvin Lewallen	Oregon Area Environmental Manager, Weyerhaeuser Company. Testifies in opposition to SB 555 as written.
194	Chair Ringo	Verifies that Weyerhaeuser Company uses mixing zones, but isn't sure that any of them have toxic chemicals.
195	Lewallen	Explains that he is not aware of any, but states that he does not have 23 permits memorized. Explains. Talks about re-applying for a permit.
205	Chair Ringo	Discusses language "significant and unreasonable burden" on permit holder. Asks what witness would suggest. Asks if there is a better standard that witness would use.
210	Lewallen	Explains. Discusses investments and necessity of certainty.
215	Chair Ringo	Explains that it is easy to add certainty. States that mixing zones are not marked and the public doesn't know about them.
216	Lewallen	Suggests the committee look at toxicological assessment.
230	Robert Handford	Plant Manager, Dyno Nobel, Inc. Testifies in opposition to SB 555. Asks committee to provide clarity within SB 555 on temperature. Submits written testimony (EXHIBIT N). Introduces Christopher Reive, Dyno Nobel's legal counsel.
270	Chair Ringo	Asks Mr. Reive to provide something written to the committee.
275	Greg deBruler	Riverkeeper, Columbia Riverkeeper, Hood River. Discusses impact on human health in regards to the Columbia River. Testifies in support of SB 555.
343	Sen. Shields	Wants witness to submit numbers mentioned in testimony.
345	deBruler	Submits Columbia River Fish Contaminant Survey (EXHIBIT O).
350	Kathy Newcomb	Tualatin Resident, and Member and Research Analyst, Citizens for Safe Water, southwest Washington County. Submits and

		highlights written testimony in support of SB 555 (EXHIBIT P). (<i>NOTE: Witness submitted additional testimony after meeting which is included in EXHIBIT P</i>).
360	Paul Cosgrove	American Forest & Paper Association. States that his written testimony is included with Kathryn VanNatta's written testimony (EXHIBIT Q). Testifies in opposition to SB 555.
380	Kathryn VanNatta	Northwest Pulp & Paper Association. Submits written testimony in opposition to SB 555 (EXHIBIT Q) and the Oregon Administrative Rules for the DEQ for mixing zones (EXHIBIT R). Discusses specific questions and issues with SB 555.
TAPE 33, B		
035	Cosgrove	Discusses third-party lawsuits and federal law.
045	Chair Ringo	Clarifies that SB 555 doesn't give a private right of action to the extent that there is a violation of a mixing zone.
046	Cosgrove	Articulates uncertainty that this could be done under federal law.
047	Chair Ringo	Reiterates that this could be done.
050	David Monk	Oregon Toxics Alliance. Testifies in support of SB 555.
073	Lisa Arkin	Staff Member, Oregon Toxics Alliance. Testifies in support of SB 555.
085	Willie Tiffany	League of Oregon Cities (LOC). Submits written testimony (EXHIBIT S). Opposes SB 555, but hopes that the LOC can work with the committee to find ways of reducing toxins or clarifying language within SB 555. Explains concerns.
140	Charles Logan	Clean Water Services. States that he is here on behalf of Mark Yeager, Association of Clean Water Agencies. Submits written testimony on SB 555 on behalf of Mark Yeager (EXHIBIT T). Offers to work with the committee to help draft a bill that would be agreeable to more people. Discusses municipal wastewater treatment.
173	Trisha Peebles	Resident, Eugene. Testifies in support of SB 555.
220	Joe Cartino	Citizen. Testifies in support to SB 555. Discusses the Clean Water Act. Discusses size of toxic mixing zones. Testifies in support of SB 555.
262	Mark Rickedahl	Northwest Environmental Defense Center. Testifies in support of SB 555. Discusses the Clean Water Act. Urges committee to move SB 555 forward.
315	Melissa Powers	Staff Attorney, Northwest Environmental Defense Center, Lewis and Clark Law School. Comments about the new DEQ environmental standards. Urges committee to move SB 555 forward.
415	Chair Ringo	Asks about reducing opposition to SB 555. Wonders if it makes sense to limit the list of toxics.
420	Powers	Believes this is a good step. Explains.
430	Chair Ringo	Appreciates testimony from witness.
431	Brett Vanderheuel	Resident, Multnomah County. Testifies in support of SB 555. Discusses specifying toxins. Asks committee not to narrow scope of toxics too much because it is uncertain how long some chemicals will linger. Reads quote from the EPA.
465	Chair Ringo	Asks witness what he is reading from.
467	Vanderheuel	Explains. Submits written testimony which includes mentioned quote (EXHIBIT U).
480	Jerome Arnold	Resident, Canon Beach. Testifies in support of SB 555.

TAPE 34, B

045	Jamie Saul	Law Student, Northwest Environmental Defense Center, Lewis and Clark Law School. Testifies in support of SB 555. Gives some data from a research report.
055	Chair Ringo	Asks if witness has this data written down somewhere.
056	Saul	Replies yes, and explains that this is part of an ongoing research report.
057	Sen. Shields	Asks if witness will have the information for the committee soon.
058	Saul	Replies yes. Continues testifying on data from research report. Discusses prevalence of mixing zones.
085	Chair Ringo	Invites Holly Schroeder and Mark Charles back to witness table. Comments on quote from the EPA, and asks if this is consistent with the DEQ's analysis.
095	Schroeder	Understands quote is from the Great Lakes Initiative. Emphasizes that the DEQ is ready to start working hard on this issue. Comments on the Great Lakes Initiative.
112	Chair Ringo	Asks if the Great Lakes Initiative is a good model for the committee to look at.
115	Schroeder	Believes it is the only model available to look at.
120	Sen. shields	Comments on the Great Lakes Initiative and quote from the EPA. Asks if there is a list of bio-cumulative chemicals available.
133	Schroeder	Explains.
143	Sen. shields	States that this needs to be a part of an ongoing discussion on SB 555.

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

	Gershon Cohen	Submits Curriculum Vitae (EXHIBIT V).
	Rhett Lawrence	OSPRG. Submits written testimony on behalf of Jane Harris in support of SB 555 (EXHIBIT W).
	Liz Frenkel	Natural Resources Action Coordinator, League of Women Voters of Oregon. Submits written testimony in conjunction with Margaret Noel, President, League of Women Voters of Oregon, in support of SB 555 (EXHIBIT X).
	Jim Welsh	Lobbyist, Oregon State Grange. Submits written testimony in opposition to SB 555 (EXHIBIT Y).
	Kelly Brooks	City of Eugene. Submits written testimony in opposition to SB 555 in its current form (EXHIBIT Z).
145	Chair Ringo	Closes public hearing on SB 555 and adjourns meeting at 6:38 p.m.

EXHIBIT SUMMARY

- A. SB 555, written testimony, Peter Courtney, 2 pp**
- B. SB 555, written testimony, Rhett Lawrence, 2 pp**
- C. SB 555, written testimony, Brent Foster, 4 pp**
- D. SB 555, diagram, Brent Foster, 1 p**
- E. SB 555, written testimony, Travis Williams, 3 pp**
- F. SB 555, excerpt, Holly Schroeder, 2 pp**
- G. SB 555, written testimony of Craig Smith, John Ledger, 2 pp**
- H. SB 555, written testimony, Tom McCue, 2 pp**
- I. SB 555, written testimony, Kathryn Brigham, 3 pp**

- J. SB 555, written testimony, Louis Pitt, Jr., 2 pp**
- K. SB 555, written testimony, Ed Brookshier, 2 pp**
- L. SB 555, written testimony, Amanda Rich, 3 pp**
- M. SB 55, written testimony, Greg Miller, 4 pp**
- N. SB 555, written testimony, Robert Handford, 6 pp**
- O. SB 555, survey, Greg deBruler, 2 pp**
- P. SB 555, written testimony, Kathy Newcomb, 2 pp**
- Q. SB 555, written testimony, Kathryn VanNatta, 3 pp**
- R. SB 555, Oregon Administrative Rules, Kathryn VanNatta, 6 pp**
- S. SB 555, written testimony, Willie Tiffany, 3 pp**
- T. SB 555, written testimony of Mark Yeager, Charles Logan, 2 pp**
- U. SB 555, written testimony, Brett Vanderheugel, 2 pp**
- V. SB 555, Curriculum Vitae, Gershon Cohen, 5 pp**
- W. SB 555, written testimony of Jane Harris, Rhett Lawrence, 1 p**
- X. SB 555, written testimony, Liz Frenkel, 1 p**
- Y. SB 555, written testimony, Jim Welsh, 1 p**
- Z. SB 555, written testimony, Kelly Brooks, 1 p**