

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

July 08, 2003 Hearing Room E
1:30 PM Tape 95

MEMBERS PRESENT: **Rep. Dan Doyle, Chair**
 Rep. Linda Flores, Vice-Chair
 Rep. Laurie Monnes Anderson, Vice Chair
 Rep. Vic Backlund
 Rep. Phil Barnhart
 Rep. Betsy L. Close
 Rep. Joanne Verger

STAFF PRESENT: **Cara Filsinger, Administrator**
 Janet Adkins, Administrator
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3646 – Public Hearing and Work Session**
 HB 3645 – 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 95, A		
004	Chair Doyle	Calls meeting to order at 1:33 p.m., announces order in which agenda items will be considered, and opens a public hearing on HB 3646.
<u>HB 3646 – PUBLIC HEARING</u>		
014	Larry Campbell	Magna Entertainment. Explains they have responsibility for Portland Meadows (PM) and Multnomah Greyhound Park (MGP). Testifies in support of HB 3646 (EXHIBIT A).
039	Dave Nelson	Magna Entertainment. Notes the race dates listed in their statement (EXHIBIT A). States that the 20-day race meet at the State Fair does not exist and they are trying to replace those racing days.
048	Rep. Verger	Asks why the gap exists.
050	Campbell	Explains that there were separate ownerships and they did not want to compete. States they did have some concern about competing with county fairs. John McCulley is here to speak for the fairs. States those races are protected and there will be no competition.
055	John McCulley	Oregon Fairs Association. States their primary interest is to make sure that the small summer non-profit race meets do have protection; that is accomplished in (7) on page 2 of the bill. With the provision added, they support HB 3646.
067	Rep. Monnes Anderson	Asks if the same people go to dog and horse races.
	Nelson	Explains that some fans are the same, but most are different fans.
076	Rep. Barnhart	Asks what Chapter 462 is.
	Nelson	Explains there are three sections to the racing law. Explains the relevant statutes to the specific races.
082	Rep. Barnhart	States the commercial races cannot conflict with a non-profit

	Nelson	event.
		Explains they cannot conflict without permission of the non-profits.
101	Chair Doyle	Closes the public hearing and opens a work session on HB 3646.
<u>HB 3646 – WORK SESSION</u>		
108	Rep. Flores	MOTION: Moves HB 3646 to the floor with a DO PASS recommendation.
111		VOTE: 7-0-0
	Chair Doyle	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
116	Rep. Doyle	MOTION: Moves HB 3646 be placed on the CONSENT CALENDAR.
116		VOTE: 7-0-0
	Chair Doyle	Hearing no objection, declares the motion CARRIED.
	Chair Doyle	Closes the work session on HB 3646 and opens a public hearing on HB 3645.
<u>HB 3645 – PUBLIC HEARING</u>		
1	Mike Dewey	Waste Management, Inc. Introduces John Haagensen and testifies in support of HB 3645. Explains that HB 3123 (2001) dealt with this subject and was passed and signed by the Governor. It had a sunset of January 1, 2004. They are asking the sunset be extended to January 1, 2006. HB 3265 (2003) dealt with the expansion of the Hillsboro landfill and is caught in the Senate. Thanks Rep. Mabry for his help by using a priority bill.
150	Dewey	Explains the first part of the bill deals with expansion of the Hillsboro landfill, a nonputrescible land fill that takes special waste, construction waste, and demolition waste. Explains that the Hillsboro land fill has planned for years to expand. Comments on decision in the Oregon Court of Appeals relating to a golf course in Southern Oregon that wanted to expand from nine to 18 holes. In order for the golf course to expand, it had to be wholly within a EFU zone. The Hillsboro land fill is Rural Residential 9 and EFU. Because of the Southern Oregon interpretation, it would be difficult for them to expand. States they have worked with Land Conservation and Development Commission (LCDC), talked to the Farm Bureau, and 1000 Friends to make sure they had everyone on board. The neighbors recognized the land fill would expand. It is in the best interest for the landfill to expand because if it does not and closes, the residents and hauling operations will have to go further to other landfills. When they expand, they will continue to mitigate. They are still trying to reach agreement with some of the neighbors on the expansion.
181	Dewey	States there is no opposition to the bill.
188	Rep. Monnes	Asks why LCDC or Metro cannot solve this.
	Anderson	
	Dewey	Explains they would have to be wholly in the EFU zone according to the court case.
	Rep. Monnes	Asks if there could be a rule change.
	Anderson	
	Dewey	States they are not sure they can go through the exception

204	Rep. Monnes Anderson Dewey	process based on the court interpretation. Asks if the issue has been presented to Metro or LCDC.
213	Dewey	Responds affirmatively. Adds that he believes the landfill is outside the Metro boundary and that they have had discussion with LCDC and that LCDC has no problem with the bill. Explains that Waste Management operates another landfill, a putrescible landfill in Gilliam County. It receives waste by rail from Metro and the Seattle. They believe they do not have a level playing field with competitors in Washington and Oregon. They have the opportunity to bid on significant tons of dredge sediments in Puget Sound. The sediments will have water or liquids. They would like to bid on the projects but believe the law is unclear whether they can add liquid to the landfill. States they would have to get approval from DEQ for engineering, etc. They have worked on the language and DEQ supports the language. Notes positive aspects of a landfill.
253	Dewey	States that DEQ would have to go through a process and they are working on a process so they can get approval if this bill should pass. The bill has an emergency clause because the bids are fairly significant. There is a potential for four million tons of waste. Most of it would be disposed of—would not be covered—and that means \$1.24 per ton to DEQ. Gilliam County also gets a host fee. Waste Management will spend about \$6 million for infrastructure and there are additional employment opportunities.
268	Dewey	Comments that the representative from Metro wanted to make sure that the nonputrescible land fill in Hillsboro would not become a putrescible landfill. DEQ would have to approve that, and they would not approve it unless the engineering was significant; Waste Management has no desire to do that and there are constraints.
285	Dewey	Adds that the sediment would be shipped in specially built train cars. States that the Willamette River and cleanup of the Columbia are opportunities.
297	Rep. Verger Don Haagensen	Asks if this would apply to anyone using this type of liquid, and if it could expand any other kind of liquid. Attorney for Waste Management, Inc. Explains that the waste stream they would be allowed to land dispose would be approved by the department as part of the permit modification process. In the application Waste Management would file with DEQ, they would describe dredge sediments, for example, as the waste stream.
318	Haagensen	States the bill is confusing in the reference to the “paint filter liquids test.” Explains the language describes what a liquid waste is. It defines the difference between a solid waste and a liquid waste. States that if any water seeps through the paint filter within five minutes, it is a liquid waste. If no water seeps through in five minutes, it is a solid waste. The authorization would allow them to take waste streams that would be liquid under the definition but they would describe in their permit application what type of waste streams they would take. Principally, it will be focused on dredge sediments.
345	Rep. Barnhart	Comments this has nothing to do with paint or paint thinner.

	Haagensen	Responds it is just a test that EPA and DEQ has adopted; it has nothing to do with paint wastes.
354	Rep. Barnhart Haagensen	Asks if this is water. Explains that their application for a permit modification will include sediments that has water. It would allow them to recirculate leachate that is collected back into the landfill to add water to the waste to cause it to decompose faster. It would also allow them, if they request to do so, to use surface water runoff to enhance decomposition. It will depend on how they describe it in their application and what DEQ approves. The principle focus is the sediment but they do want to add water to the waste so the waste decomposes faster.
379	Chair Doyle Haagensen	Asks why there is a distinction between liquid and solid wastes in a landfill. Explains complications with ground water contamination by landfills prior to landfills being engineered. Comments on bi-product of gas used to generate electricity.
433	Doug Riggs	Metro. Explains that Metro is responsible for monitoring solid waste disposal in the Portland Metropolitan area. They do not oppose the bill and strongly supports the second part of the bill. States their understanding of the intent of the bill is with regard to disposal. Based on their discussions with proponents of the bill as well as with DEQ, they understand the intent is to not allow waste to be disposed of in landfills designed or currently permitted solely for acceptance of dry or demolition waste, and that is the case with the Hillsboro landfill. They strongly support the disposal of wet waste at the Columbia Ridge landfill in Gilliam County and believe it will derive significant economic development opportunities for Gilliam County.
462	Chair Doyle	Closes the public hearing and opens a work session on HB 3645.
<u>HB 3645 – WORK SESSION</u>		
466	Rep. Flores	MOTION: Moves HB 3645 to the floor with a DO PASS recommendation.
472	Rep. Monnes Anderson	Comments she is surprised there is not an exception process, but hears there is a bill this session that would take care of this.
486		VOTE: 7-0-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
492	Chair Doyle	
493	Rep. Doyle	MOTION: Moves HB 3645 be placed on the CONSENT CALENDAR.
		VOTE: 7-0-0 Hearing no objection, declares the motion CARRIED.
503	Chair Doyle	Closes the work session on HB 3645, announces that the committee will meet next on Thursday, and adjourns the meeting at 2:03 p.m.

EXHIBIT SUMMARY

A – HB 3646, prepared statement, Larry Campbell and Dave Nelson, 1 p