

## HOUSE COMMITTEE ON WATER

April 03, 2003 Hearing Room B  
8:30 AM Tape 48 - 49

**MEMBERS PRESENT:**        Rep. Bob Jenson, Chair  
                                 Rep. Jackie Dingfelder, Vice-Chair  
                                 Rep. Jeff Kropf, Vice-Chair  
                                 Rep. Jeff Kruse  
                                 Rep. Linda Flores  
                                 Rep. Mike Schaufler  
                                 Rep. Carolyn Tomei

**STAFF PRESENT:**        Pete Test, Committee Administrator  
                                 Ryan Sherlock, Committee Assistant

**MEASURE/ISSUES HEARD:**        **HB 2887 – Public Hearing and Work Session**  
                                 **HB 3047 – Public Hearing**  
                                 **HB 2976 – Public Hearing**  
                                 **HB 2977 – Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 48, A</b>		
003	Chair Jenson	Calls meeting to order at 8:42 a.m., and opens a public hearing on HB 2887.
<b><u>HB 2887 – PUBLIC HEARING</u></b>		
005	Pete Test	Committee Administrator. Offers a description of HB 2887, the proposed -1 amendment ( <b>EXHIBIT A</b> ), and proposed -2 amendment ( <b>EXHIBIT B</b> ) which replace the -1 amendment.
010	Katie Fast	Oregon Cattlemen's Association. Offers written testimony ( <b>EXHIBIT C</b> ) in support of HB 2887.
035	Rep. Dingfelder	Clarifies Ms. Fast's testimony.
045	Fast	Explains that this is the reason for the proposed -2 amendments.
070	Mike Llewelyn	Department of Environmental Quality. Offers written testimony ( <b>EXHIBIT D</b> ) regarding HB 2887, and the proposed -2 amendments.
085	Rep. Dingfelder	Asks whether the relevant definitions are currently in rule.
090	Llewelyn	Discusses the definitions in rule, and how they relate to those in federal statute.
100	Chair Jenson	Asks Brendan McCarthy from Legislative Counsel to address the amendments.
110	Brendan McCarthy	Legislative Counsel. Offers testimony regarding the state definitions and federal definitions at issue.
160	Rep. Schaufler	Asks what could be lost by creating redundancy.
165	McCarthy	Explains that there would not be any statutory loss, but the new statute would be unnecessarily.
180	Chair Jenson	Discusses his problems with the federal definitions.

200 McCarthy Expresses his wish to talk more with the Cattlemen about their intent with the bill.  
230 Chair Jenson Closes the public hearing on HB 2887, and opens a work session on HB 2887.

**HB 2887 – WORK SESSION**

235 Chuck Craig Oregon Department of Environmental Quality. Expresses concern for specific wording in the bill.  
270 Chair Jenson Thanks Mr. Craig for his clarification.  
275 Rep. Tomei Asks what the difference is between specific wordings.  
280 Craig Offers definitions of the wordings.  
325 Rep. Schaufler Asks what the difference is between “concentrated” and “refined” animal feeding.  
330 Craig Explains that “concentrated” is a federal wording and “refined” is a state wording, and further discusses the issue.

**TAPE 49, A**

010 Rep. Schaufler Clarifies Mr. Craig’s concerns, and asks how many operations would be affected.  
015 Craig Explains there are around 500 permitted confined animal feeding operations in the state, and of those more than half do not meet the federal definition.  
020 Chair Jenson Asks what The Oregon Cattlemen’s Association motives are in introducing this bill.  
025 Katie Fast Discusses the motives of her organization.  
040 Chair Jenson Explains his intent to close the work session, so the bill can be further worked on to dispel some of the expressed concerns. Closes the work session on HB 2887, and opens a public hearing on HB 3047.

**HB 3047 – PUBLIC HEARING**

070 Pete Test Committee Administrator. Offers a description of HB 3047.  
085 Chair Jenson Asks Rep. Dingfelder to explain her intent in introducing HB 3047.  
095 Rep. Dingfelder Explains the history and purpose of HB 0347.  
120 Mike Llewelyn Department of Environmental Quality, Water Quality Division. Offers written testimony (**EXHIBIT E**) in support of HB 3047, with reference to written testimony (**EXHIBIT F**) from Janet Gillaspie of the Association of Clean Water Agencies.  
160 Adam Sussman Water Resources Department. Offers written testimony (**EXHIBIT G**) in support of HB 3047.  
175 Willie Tiffany League of Oregon Cities. Offers testimony in support of HB 3047.  
190 Susan Schneider City of Portland. Introduces and defers to Mr. Acker.  
200 Greg Acker City of Portland, Office of Sustainable Development. Offers written testimony (**EXHIBIT H**) in support of HB 3047.  
250 Rep. Schaufler Asks for document referenced by Mr. Acker.  
255 Acker Indicates he will provide the committee with the document, and further discusses the issue.  
265 Rep. Flores Clarifies that there is currently a lot of “gray water” use in Portland.  
270 Acker Discusses the use of “gray water” in Portland.  
280 Rep. Dingfelder Points out that there are currently demonstrations of “gray water” use, and asks whether there has been any cost analysis for that use.  
290 Acker Discusses the lack of a cost analysis done by his department.  
305 Matt Blevins Oregon Environmental Council. Offers testimony in support of

325	Kathryn VanNatta	HB 3047. Northwest Pulp and Paper Association. Offers testimony regarding HB 3047.
370	Chair Jenson	Introduces written testimony ( <b>EXHIBIT I</b> ) from the Metropolitan Wastewater Management Commission regarding HB 3047. Closes the public hearing on HB 3047, and opens a public hearing on HB 2976.

**HB 2976 – PUBLIC HEARING**

375	Pete Test	Committee Administrator. Offers a description of HB 2976.
390	Doug Myer	WaterWatch. Introduces and defers to Mr. Hunter.
395	Bob Hunter	WaterWatch. Offers written testimony ( <b>EXHIBIT J</b> ) in support of HB 2976.

**TAPE 48, B**

040	Rep. Flores	Asks how much the fee would be.
045	Hunter	Discusses the process which would determine the fee.
050	Rep. Flores	Asks whether there is a ballpark figure.
052	Hunter	Explains that he could not guess.
055	Myers	Submits into the record written testimony from Gretchen Oosterhout ( <b>EXHIBIT K</b> ).
090	Roger Bachman	Former member of the Water Resources Commission (1994). Offer written testimony ( <b>EXHIBIT L</b> ) in support of HB 2976.
140	John Frewing	Tigard, Oregon. Offers written testimony ( <b>EXHIBIT M</b> ) in support of HB 2976.
215	Adam Sussman	Water Resource Department. Offers written testimony ( <b>EXHIBIT N</b> ) regarding HB 2976.
255	Katie Fast	Oregon Cattlemen’s Association. Offers testimony in opposition to HB 2976.
275	Jean Wilkinson	Oregon Farm Bureau. Offers testimony in opposition to HB 2976.
300	Richard Koesan	Water for Life. Offers testimony in opposition of HB 2976.
325	Rep. Kruse	Expresses his concerns regarding the bill.
345	Chair Jenson	Mentions a model program.
355	Jeffrey Kee	Tigard, Oregon. Offers written testimony ( <b>EXHIBIT O</b> ) in support of HB 2976.
395	Chair Jenson	Closes the public hearing on HB 2976 and opens a public hearing on HB 2977.

**HB 2977 – PUBLIC HEARING**

400	Pete Test	Committee Administrator. Offers a description of HB 2977.
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**TAPE 49, B**

001	Doug Myers	WaterWatch. Defers to Mr. Hunter.
005	Bob Hunter	WaterWatch. Offers written testimony ( <b>EXHIBIT P</b> ) in support of HB 2977, with reference to the Wood River Steamflow, Water Year 1998 Data Collection and Analysis ( <b>EXHIBIT Q</b> ), and submitted letter from Martha Pagel ( <b>EXHIBIT R</b> ).
075	Rep. Tomei	Asks why the Water Resources Department (WRD) does not utilize its authority to improve water use measurement.
080	Hunter	Comments on the failure of the WRD to use this authority.
090	Chair Jenson	Explains that the question should be directed to the department.
100	Adam Sussman	Water Resources Department. Offers written testimony ( <b>EXHIBIT S</b> ) regarding HB 2977.
130	Rep. Tomei	Clarifies figures in testimony.
135	Sussman	Points out figures in question, and continues with testimony.
155	Rep. Dingfelder	Asks about funding for the proposed project.
160	Sussman	Discusses the issue of funding, and continues with testimony.

190	Rep. Dingfelder	Asks about the fairness issue of requiring some to report water use, but not others.
205	Sussman	Discusses the relevant fairness issue.
235	Rep. Dingfelder	Asks what percentage of the states water resources are measured.
240	Sussman	Indicates he will get the relevant information.
255	Roger Bachman	Offers a correction of testimony submitted by Mr. Koesan.
270	Chair Jenson	Closes the public hearing on HB 2977, and adjourns the meeting at 10:22 a.m.

## **EXHIBIT SUMMARY**

- A – HB 2887, -1 amendments, Staff, 1 p.**
- B – HB 2887, -2 amendments, Staff, 1 p.**
- C – HB 2887, written testimony, Katie Fast, 1 p.**
- D – HB 2887, written testimony, Mike Llewelyn, 1 p.**
- E – HB 3047, written testimony, Mike Llewelyn, 2 pp.**
- F – HB 3047, written testimony, Janet Gillaspie, 1 p.**
- G – HB 3047, written testimony, Adam Sussman, 2 pp.**
- H – HB 3047, written testimony, Greg Acker, 3 pp.**
- I – HB 3047, written testimony, Staff, 1 p.**
- J – HB 2976, written testimony, Bob Hunter, 3 pp.**
- K – HB 2976, written testimony, Gretchen Ooberhout, 2 pp.**
- L – HB 2976, written testimony, Roger Bachman, 2 pp.**
- M – HB 2976, written testimony, John Frewing, 1 p.**
- N – HB 2976, written testimony, Adam Sussman, 2 pp.**
- O – HB 2976, written testimony, Jeffrey Kee, 1 p.**
- P – HB 2977, written testimony, Bob Hunter, 2 pp.**
- Q – HB 2997, Wood River Streamflow, Water Year 1998 Data Collection and Analysis, Bob Hunter, 2 pp.**
- R – HB 2997, submitted letter, Martha Pagel, 1 p.**
- S – HB 2977, written testimony, Adam Sussman, 4 pp.**