

SENATE COMMITTEE ON
TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 30, 2003
8:00 AM

Hearing Room C
Tapes 103 - 104

MEMBERS PRESENT: **Sen. Rick Metsger, Chair**
 Sen. Ryan Deckert
 Sen. David Nelson

MEMBERS ECUSED: **Sen. Bruce Starr, Vice-Chair**

STAFF PRESENT: **Amy Joyce, Committee Administrator**
 Annastasia Suess, Committee Assistant

MEASURE/ISSUES HEARD: **SB 751 - 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.

TAPE/#	Speaker	Comments
TAPE 103, A		
002	Chair Metsger	Calls the committee to order at 8:10 a.m. and convenes the committee to the call of the chair. RECESS
010	Chair Metsger	Reconvenes the committee at 8:41 a.m. and opens a public hearing on SB 751.
<u>SB 751 – PUBLIC HEARING</u>		
032	Chair Metsger	Summarizes the dash one amendments to SB 751 (EXHIBIT A).
060	John DiLorenzo	Portland Attorney. Provides testimony in support of the dash one amendments and provides written testimony on SB 751 (EXHIBIT B).
135	DiLorenzo	Describes specific points addressed by the original bill and the dash one amendments: <ul style="list-style-type: none">• 150,000,000 bond issue• Direct cleanup authority issue• Abatement orders issue• Role of the Governor Concludes testimony
208	Sen. Nelson	Asks for elaboration on the issue regarding the Environmental Protection Agency (EPA) liability.
220	DiLorenzo	Responds, states the bill and the amendments do not change the current authority of the EPA.
240	Sen. Nelson	States a great concern with the responsibility of the EPA.
250	DiLorenzo	Comments on the intent of the bill regarding the EPA.
265	Sen. Nelson	Asks for clarification on the proposed authority chain.
275	DiLorenzo	Summarizes the need for the higher direction from elected officials.

280 Roger Martin Attorney. Provides testimony and written materials in support of SB 751 (**EXHIBIT C**).

390 Martin Continues testimony, citing personal history of Columbia River Clean-up liability.

TAPE 104, A

054 Rhett Lawrence Environmental Advocate, Oregon State Public Interest Research Group (OSPIRG). Reads written testimony in opposition to SB 751 and the dash one amendments (**EXHIBIT D**).

120 Chair Metsger Asks if the Superfund efficiency has proven to be effective in numerous cleanup sites in Oregon.

135 Lawrence States there are several complex clean-ups that are costly, but ultimately they all still need time to judge effectiveness.

154 Chair Metsger Asks about the process for the polluters burden outlined in the amendments.

160 Lawrence Reiterates a strong concern that taxpayers will end up paying the cost of clean up.

170 Sen. Nelson Asks for the process for assigning blame for the pollution.

180 Lawrence States that orphan funds were intended to be paid by the Superfund tax. States there is a problem if the Superfund tax is not re-initiated.

190 Sen. Nelson Asks why the tax payer does not have a responsibility.

200 Lawrence States that the tax payer does have a small responsibility, but the burden should fall to the polluters.

210 Sen. Nelson Comments on the testimony from DiLorenzo. Asks about the current situation on the Columbia.

230 Lawrence Comments on the Lower Columbia Cleanup group.

240 Sen. Nelson Comments on the large animal population along the Columbia River, and the large amount of good things happening along the river.

255 Sen. Deckert States that the sewer rates are funding a lot of river clean-up in district 14.

275 Sen. Nelson Clarifies that the testimony presented was focused on the negative happenings in Oregon, and wanted to address the positive.

300 Gary Bauer Northwest Natural Gas. Provides testimony in opposition to SB 751. States that NW Natural is one of the nine potentially responsible parties (PRP's) and outlines the process the PRP's are working through to get all the parties to the table.

400 Chair Metsger Inquires about NW Natural's opinion that there will be a huge orphan liability to assess.

409 Bauer States there is an unknown cost that no one will want to take responsibility for.

TAPE 103, B

003 Chair Metsger Asks if it is the intent of the Superfund to fill in the orphan dollars.

010 Bauer Confirms.

015 Sen. Nelson Asks if there is a fear NW Natural will end of footing a larger portion of the bill than is necessary.

030 Bauer Agrees. States the costs continue to grow for the entities that are

		working to do the right thing.
040	Chair Metsger	Asks where NW Natural will get the monies to pay for the clean up.
042	Bauer	States through insurance coverage and increased utility user fees.
050	Sen. Deckert	Asks if there is any precedent where the EPA has levied only one company instead of all the parties involved.
052	Bauer	States he is unaware.
060	Dick Pederson	Land Quality Administrator, Department of Environmental Quality (DEQ). Provides testimony in opposition to SB 751 and submits written testimony (EXHIBIT E).
165	Jeannette Holman	Assistant Director, Division of State Lands (DSL). Provides testimony in opposition to SB 751. States there are strong concerns with shifting the responsibility (liability) to State Agencies.
185	Chair Metsger	Clarifies the language that states that the State of Oregon is the land owner of the Columbia Basin.
190	Sen. Nelson	Asks for the amount in the constitutional funds.
195	Holman	Answers.
200	Sen. Nelson	Asks if the constitutional funds can be touched if the DSL were to be held liable for the clean up of the river.
218	Holman	States it could be done, but litigation would be lengthy.
248	Matt Blevins	Oregon Environmental Council (OEC). Provides testimony in opposition to the dash one amendments to SB 751.
310	Keith Leavitt	Port of Portland. Provides testimony of concerns in opposition to the dash one amendments to SB 751.
315	Shirley	Port of Portland. Provides testimony in opposition to the dash one amendments to SB 751. Comments on the intent of the lower Willamette Group. States concerns regarding cost effectiveness and cost control. Offers to work with DiLorenzo to create the dash two amendments.
TAPE 104, ,B		
035	DiLorenzo	Comments on the testimony presented today. Summarizes the intent of the dash one amendments and states a desire to clarify the dash one amendments with the opponents to settle on wording for the dash two amendments.
160	Chair Metsger	Asks the interested parties to gather and work through their concerns to create dash two amendments.
185	Chair Metsger	Closes the public hearing on SB 751 and adjourns the committee at 10:14 a.m.

EXHIBIT SUMMARY

- A – SB 751, dash one amendments, Staff, 15 pp**
- B – SB 751, written testimony, John DiLorenzo, 3 pp**
- C – SB 751, written testimony, Roger Martin, 2 pp**
- D – SB 751, written testimony, Rhett Lawrence, 2 pp**
- E – SB 751, written testimony, Dick Pederson, 2 pp**