

# SENATE COMMITTEE ON WATER AND LAND USE

January 29, 2003  
3:00 p.m.

Hearing Room D  
Tapes 6 - 7

**MEMBERS PRESENT:**     **Sen. Ted Ferrioli, Chair**  
                                  **Sen. Charlie Ringo, Vice-Chair**  
                                  **Sen. Jason Atkinson**

**MEMBER EXCUSED:**     **Sen. Rick Metsger**

**STAFF PRESENT:**       **Judith Callens, Committee Administrator**  
                                  **Megan Jensen, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **Informational Meeting**  
                                  Department of Environmental Quality overview  
                                  Community Solutions Team update  
                                  **SB 251 - 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>  |
|-------------------------------------|----------------|--|
| <b>TAPE 6, A</b>                    |                |  |
| 005                                 | Chair Ferrioli | Calls meeting to order at 3:10 pm. Opens informational meeting.  |
| <b><u>INFORMATIONAL MEETING</u></b> |                |  |
| 010                                 | Mike Llewelyn  | <b>Department of Environmental Quality (DEQ) Water Quality Division Administrator.</b> Discusses DEQ water clean-up plans and the Total Maximum Daily Load (TMDL) program. Submits written testimony ( <b>EXHIBITS A, B, C, D, E</b> ). Discusses the legal and technical implications of the Hawes decision, a legal case involving the State of Oregon's authority to determine TMDLs on water bodies that are impacted by only nonpoint source pollution. |
| 075                                 | Chair Ferrioli | Comments on the confusion of the Hawes case.   |
| 090                                 | Llewelyn       | Responds.  |
| 109                                 | Chair Ferrioli | Asks what should be considered point and nonpoint source pollution.  |
| 113                                 | Llewelyn       | Indicates that the federal law defines point and nonpoint source pollution and refers to Section 402 of the Clean Water Act.   |
| 116                                 | Chair Ferrioli | Questions whether the definition is clear.   |
| 118                                 | Llewelyn       | Comments on the gray area existing between the definitions of point and nonpoint sources.  |
| 136                                 | Chair Ferrioli | Inquires if the gray area exists for streams listed for temperature.   |
| 138                                 | Llewelyn       | Clarifies the definitions of point source and nonpoint source.   |
| 141                                 | Chair Ferrioli | Suggests further discussions about the Hawes case.   |
| 150                                 | Llewelyn       | Refers to Department of Justice Assistant Attorney General Richard Whitman.  |
| 155                                 | Sen. Ringo     | Requests a copy of the legal decision.   |
| 160                                 | Chair Ferrioli | Asks that a copy be given to the Committee Administrator.  |
| 163                                 | Llewelyn       | Discusses DEQ process improvement initiatives: <ul style="list-style-type: none"><li>• Advisory committee for onsite sewage disposal program</li></ul>   |

issues

- Blue ribbon committee for waste water program for municipal and industrial permits
- State revolving-loan program administration

240 Llewelyn Advocates opening the state revolving-loan program to both point and nonpoint sources.

270 Chair Ferrioli Refers to the Leaking Underground Storage Tank (LUST) program and comments that there is a history of potential problems involving revolving loan funds.

300 Llewelyn Indicates that DEQ will be looking at those issues.

307 Chair Ferrioli Comments on helping small communities obtain permits and asks about DEQ's policy on permit access for waste water programs.

330 Llewelyn Points out that there is a backlog in the permit waiting list and that DEQ would like to improve the response time.

356 Chair Ferrioli Comments that DEQ has appropriations and policy issues and suggests DEQ bring the committee its policy recommendations.

397 Sen. Atkinson Asks for policy recommendations to speed cleanup of old gas stations in small rural communities. Inquires about the status of the DEQ Deputy Director.

423 Llewelyn Confirms that Paul Slymon is Deputy Director of DEQ.

430 Sen. Atkinson Comments that policy recommendations will be very helpful in clarifying issues.

**TAPE 7, A**

030 **Chris Warner** **Community Solutions Team Director.** Gives overview of Community Solutions Team. Discusses Governor's request for Community Solutions Team to provide an assessment and help rural Oregon access agencies.

073 Sen. Ringo Inquires about the location of Community Solutions Team office and if its focus is on rural areas and not the Willamette Valley.

078 Warner Responds.

083 Sen. Atkinson Refers to the Council of Governments (COG) plan from the 1970s and asks about the difference between Community Solutions Team and COG.

097 Warner Offers to research and report back to the committee.

100 Sen. Atkinson Requests clarification about the goals of Community Solutions Team.

110 Warner Explains that the goal is to bring government entities together to streamline processes in a community-based way.

136 Sen. Atkinson Suggests that it should be the job of legislators.

142 Chair Ferrioli Comments that it can be difficult to get the right information between agencies and that the Community Solutions Team can bring government agencies together to facilitate the process. Suggests that the community solutions model is a good model for government.

220 Sen. Ringo Comments that Community Solutions Team has been successful in the past but may be losing some effectiveness.

237 Chair Ferrioli Responds.

250 Sen. Atkinson Continues discussion of COG system in southern Oregon.

270 Chair Ferrioli Comments that the community-based solutions idea is good for government. Closes informational meeting and opens public hearing SB 251.

**SB 251 - PUBLIC HEARING**

296 **Judith Callens** **Committee Administrator.** Gives overview of SB 251 and -1

|                  |                  |   |
|------------------|------------------|---|
|                  |                  | amendments ( <b>EXHIBIT F</b> ).  |
| 333              | Chair Ferrioli   | Asks why the amendments are necessary.  |
| 336              | <b>Bob Rindy</b> | <b>Department of Land Conservation and Development (DLCD)</b> . Responds.   |
| 395              | Chair Ferrioli   | Suggests that the drafting error was obviously inadvertent and should be fixed.   |
| <b>TAPE 6, B</b> |                  |   |
| 015              | Rindy            | Responds that DLCDC thought it was correct but then learned of the error, which the amendment will fix.                             |
| 030              | Chair Ferrioli   | Points out that some witnesses were not available to testify, so he will hold the bill for more witness testimony.                  |
| 040              | Sen. Atkinson    | Suggests that some housing policies are not flexible for smaller towns such as Jacksonville.  |
| 070              | Chair Ferrioli   | Comments that without access to affordable housing in those small communities, the communities will be places for only rich people. |
| 075              | Rindy            | Responds that the statute provides for flexibility in affordable housing issues in any town.  |
| 082              | Chair Ferrioli   | Closes public hearing on SB 251. Adjourns meeting at 4:20 p.m.  |

### **EXHIBIT SUMMARY**

**A – DEQ, Strategic Directions brochure, M. Llewelyn, 12pp**

**B – DEQ, Cleaning Up the Willamette Fact Sheet, M Llewelyn, 1 p**

**C – DEQ, SB 196: Hazardous Waste Work and Fee Modifications Fact Sheet, M. Llewelyn, 1 p**

**D – DEQ, Fee Ratifications SB 197, M. Llewelyn, 1 p**

**E – DEQ, written testimony, M. Llewelyn, 16 pp**

**F – SB 251, 251-1 amendments dated 1/29/03, staff, 1 p**