

**SENATE COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
SALMON AND WATER**

January 31, 2001 Hearing Room B
8:00 AM Tapes 21 - 22

MEMBERS PRESENT: **Sen. Ken Messerle, Chair**
 Sen. Frank Shields, Vice-Chair
 Sen. Bill Fisher
 Sen. Ginny Burdick
 Sen. Jason Atkinson
 Sen. Roger Beyer
 Sen. Ryan Deckert

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 328 – Public Hearing**
 LC 2397 - Introduction of Committee Bill
 Informational Meeting/Department of Environmental Quality

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 21, A		
004	Chair Messerle	Opens meeting at 8:05 a.m.
SB 328 - PUBLIC HEARING		
014	Judith Callens	Committee Administrator. Introduces bill.
025	Lisa Zavala	Associate Director of Government Relations, Oregon University System. Testifies in favor. Submits written testimony (EXHIBIT A) .
039	Hal Salwasser	Dean of College of Forestry, Oregon State University. Testifies in favor.
054	Sen. R. Beyer	Asks for clarification of how the University assumes risk of activities but cannot reap benefits.
060	Zavala	Explains.
070	Sen. R. Beyer	Asks whether the University is owned by the state.
075	Zavala	Offers to bring more information to the committee.
075	Salwasser	Offers to get more information for the committee.
080	Sen. R. Beyer	Comments about risk.
089	Steve Purchase	Assistant Director for Field Operations, Division of State Lands (DSL). Testifies in support, and submits written material (EXHIBIT B) .
110	Vice-Chair Shields	Repeats Sen. R. Beyer's question about who assumes risk.
115	Purchase	Describes oil and gas operations.
120	Vice-Chair Shields	Asks what it means to share, between Education and DSL.
125	Purchase	Clarifies.
134	Sen. Fisher	Asks whether share means share and share alike.
138	Purchase	Responds.
150	Salwasser	Clarifies.
160	Sen. R. Beyer	Comments that the state as a whole suffers a loss, not just the

		University.
165	Chair Messerle`	Closes public hearing on SB 328. Opens work session for introduction of committee bills.
<u>INTRODUCTION OF COMMITTEE BILLS – WORK SESSION</u>		
185	Callens	Presents LC 2397.
195	Chair Messerle	MOTION: Moves LC 2397 BE INTRODUCED as a committee bill.
195		VOTE: 7-0
	Chair Messerle	Hearing no objection, declares the motion CARRIED.
200	Sen. Fisher	Submits letter from Jim Welsh, Oregon Family Farm Association, into the committee record (EXHIBIT D).
215	Chair Messerle	Opens informational meeting.
<u>DEPARTMENT OF ENVIRONMENTAL QUALITY – INFORMATIONAL MEETING</u>		
230	Stephanie Hallock	Director of Department of Environmental Quality (DEQ). Submits written testimony (EXHIBIT E).
290	Chair Messerle	Asks what percentage of river water quality problems relate to temperature standards.
295	Hallock	Responds.
370	Chair Messerle	Expresses concerns about how the agency has operated in the past.
380	Sen. Burdick	Requests information on diesel emissions and how it will it affect programs.
390	Hallock	Responds.
413	Chair Messerle	Expresses support of policy that decisions be made at lowest possible level and asks about policies to guide the staff decision-makers.
420	Hallock	Comments on administrative style.
Tape 22, A		
030	Chair Messerle	Asks for information about reprimand policies if staff are not performing to expectations.
035	Hallock	Describes policies in place.
045	Sen. Fisher	Expresses concern about staff with conflicts of interest making decisions and describes specific case in his district.
106	Hallock	Describes policy.
130	Sen. Deckert	Asks about the recent bunker spill and expense to taxpayers for cleanup.
140	Hallock	Describes responsibilities.
150	Sen. Deckert	Inquires about status of Columbia River dredging and Willamette River cleanup and asks what communities need to do to help Willamette Basin cleanup efforts.
175	Hallock	Describes present and future efforts.
245	Deckert	Describes difficulty in quantifying temperature loads for rivers and expresses agreement that urban areas must contribute to cleanup efforts.
260	Hallock	Acknowledges.
265	Chair Messerle	Raises issue of compliance and asks about Department efforts to assist landowners to comply with regulations.
303	Hallock	Describes regulatory and enforcement process.
380	Chair Messerle	Expresses concern of on-site installers of septic systems that systems will not work.
400	Hallock	Responds.
422	Chair Messerle	Recommends that agency approach largest problems first.

440	Chair Messerle	Welcomes class from Oregon State University studying politics of salmon.
450	Sen. Fisher	Comments about difficulty obtaining adequate review of DEQ actions.
Tape 21, B		
040	Chair Messerle	Comments that committee needs information about the most efficient way to get compliance.
055	Sen. Atkinson	Asks how DEQ as a regulatory agency sees the role of the legislature.
060	Hallock	Describes agency accountability.
070	Sen. Atkinson	Expresses concern that agency would evade responsibility during the interim by waiting for term limits to remove legislators who are critical.
075	Hallock	Responds.
080	Sen. Atkinson	Asks whether approval of cleanup plans drafted at landowner expense could be jeopardized by using consultants not familiar to DEQ.
085		Discussion about how agency could mediate a situation which is not being handled to a landowner's satisfaction, including using orphan site moneys for cleanup in the French's Glen area.
175	Sen. Atkinson	Expresses concern about how Remedial Action Order program has affected small businesses.
208	Hallock	Describes agency approach.
220	Sen. Atkinson	Asks what happens if the responsible party is unable to pay.
230	Hallock	Responds.
240	Sen. Atkinson	Asks about liens on property, and other options.
245	Hallock	Explains.

260	Vice-Chair Shields	Asks about overall agency strategy about protecting Oregon's water and air.
280	Hallock	Describes.
375	Vice-Chair Shields	Asks about progress on green permits.
380	Hallock	Reports.
395	Sen. Deckert	Suggests outcome-based policy instead of regulatory behavior.
Tape 22, B		
010	Hallock	Describes investigation.
015	Sen. Fisher	Discussion regarding test wells on private property.
018	Hallock	Responds.
060	Chair Messerle	Ends informational meeting at 9:33 a.m. Adjourns meeting at 9:33 a.m.

Submitted By,

Reviewed By,

Patricia Nielsen,
Committee Assistant

Judith Callens,
Committee Administrator

EXHIBIT SUMMARY

- A – SB 328, written testimony, Lisa Zavala, Oregon State University, 1 p**
- B – SB 328, written testimony, Steve Purchase, Division of State Lands, 2 pp**
- C – SB 328, written testimony, Jock Mills, Oregon State University, 1 p**
- D – Letter from Jim Welsh, Oregon Family Farm Association, 1 p**
- E – Written testimony, Stephanie Hallock, DEQ, 3 pp**