SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

January 13, 1999 Location: OMSI Auditorium

6:00 P.M. Tapes 1-5

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair Sen. Ferrioli Sen. Fisher Sen. Lim

MEMBER EXCUSED: Sen. Dukes

Sen. Corcoran

STAFF PRESENT: Brad Harper, Administrator

Kristal Hatton-Nease, Administrative Support

ISSUES HEARD: ORGANIZATIONAL MEETING

Adoption of Committee Rules

INFORMATIONAL MEETING

OVERVIEW OF PORTLAND METRO AREA ENVIRONMENTAL ISSUES

- Jack Gakstatter, Water Programs Coordinator, EPA Region 10
- Langdon Marsh, Director, Oregon Department of Environmental Quality
- Greg Green, Air Quality
- Neil Mullane, Water Quality
- Mary Wahl, Waste Management & Clean Up
- Bob Albers, State Fire Marshall
- Bruce Warner, Metro, Regional Environmental Management Department

Director

- Susan Lee, Public Affairs Coordinator, Multnomah County
- Dean Marriott, Director, City of Portland Environmental Services

QUESTION AND ANSWER PERIOD

CLOSING REMARKS & ADJOURN

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			
<u>TAPE 1, A</u>	<u>TAPE 1, A</u>				
015	Chair George	Opens meeting at 6:32 p.m. Welcomes audience. Committee member introductions. Opens Informational Meeting.			
<u>INFORMA</u>	INFORMATIONAL MEETING				
Jack Gaksta	Jack Gakstatter, Water Programs Coordinator, EPA Region 10				
043	Jack Gakstatter	Water Programs Coordinator, EPA Region 10. Describes EPA Region 10. Other issues discussed:			
049		Watershed efforts in Oregon			
061		Local level programs			
079		Water quality progress since the Clean Water Act passed			
099		Various state laws and regulations			
116		Problems of non-point sources			
126		Oregonís water quality source problems			

135		Solutions to the non-source problem
Langdon]	Marsh, Director, Oregon	Department of Environmental Qualtiy
180	Langdon Marsh	Discusses the stateís obligation to provide Oregonians with a healthy environment. Other issues discussed:
203		• Federal law
227		• Environmental progress made in the last few years
243		Oregonís growth challenges for the environment
260		• DEQís "plan for environmental excellence"
Mary Wa	— hl, DEQ Waste Managem	ent & Clean-up Division
270	Mary Wahl	DEQ Waste Management & Clean-up Division. Presents testimony and submits [EXHIBIT A]. Issues discussed:
285		 Three ways the Waste Management & Clean-up Division deals with waste: 1. Reducing and preventing waste; 2. Assuring waste is managed safely; and 3. Cleaning up what does get released into the environment.
301		• Sediment contamination as it relates to fish migration
314		• Federal EPA deciding whether to list the 5.5 miles of Portland Harbor shoreline as a cleanup site
323		• Ross Island not being part of Portland Harbor cleanup
355		 Dredge material can come from three different sources: 1. Channel deepening; 2. Dredging around docks and terminals; and 3. Clean-ups of contaminated sites.

403		Warehouse site at Fremont and MLK Blvd.
<u>Tape 2, </u> 2	<u>A</u>	
020	Chair George	Introduces Sen. Fisher.
Greg Gr	een, DEQ Air Quality Div	vision
025	Greg Green	DEQ Air Quality Administrator. Presents Testimony and submits [EXHIBIT B]. Issues discussed:
035		Sources of pollutants
052		Meeting federal standards
070		Ozone maintenance plan
109		• EPA changing the hour standard.
Neil Mul	 llane, DEQ Water Quality	<u>y Administrator</u>
125	Neil Mullane	DEQ Water Quality Administrator. Presents testimony and submits [EXHIBIT C]. Issues discussed:
132		History of Oregonis Water Pollution Control Program
144		Adoption of the Clean Water Act
154		NPDES and general permits
		• 303(d) lists
164		
164		Tualitan River and Columbia Slough total maximum daily loads (TMDLís)
173	IZATIONAL MEETING	(TMDLis)
173 ORGAN	IZATIONAL MEETING	(TMDLis)

224	Brad	Explains there is one change to the rules handed out previously to committee members. States that on page 2, item #11, "SR 8.15" should be "SR 8.16".
226	Sen. Ferrioli	MOVES to adopt committee rules.
227	Chair George	Seeing no objections, declares the motion passed.
INFORM	IATIONAL MEETING	
Bob Albe	ers, Oregon State Fire Mar	<u>'shal</u>
238	Bob Albers	Oregon State Fire Marshal. Presents testimony and submits [EXHIBIT E]. Gives background information on the state Fire Marshalis office. State the Fire Marshalis officesi role is to collect information to identify where hazardous substances are that could solve environmental problems. Explains.
301	Sen. Fisher	Says the exhibit references 37,000 businesses in the database and that Mr. Albersí said 39,000 in testimony. Asks if this is a misprint.
303	Albers	Responds no. Explains 2,000 companies have been put into the database since the printing of the exhibit.
Bruce W	arner, Metro, Regional En	wironmental Management Department Director
311	Bruce Warner	Metro, Regional Environmental Management Department Director. Gives testimony on the services Metro provides in relation to environmental management. Issues discussed:
242		Departmental goals to protect the environment
266		 Services Metro Regional Environmental Management Department provides
286		• Illegal dumping
<u>Tape 1,B</u>		
023	Chair George	Introduces Rep. Morgan and visitors from the Governorís Environmental Justice Advisory Council: Angela Wilson and Josiah Hill.
<u>Susan Le</u>	e, Public Affairs Coordina	itor, Multnomah County

035	Susan Lee	Public Affairs Coordinator, Multnomah County. Describes Multnomah Countyís projects and services. Other issues discussed:
044		 Hawthorne bridge project: \$21.8 million project Will accommodate future street car operation Process for removal of the bridge(s paint Design phase of the project received a quality initiative reward
094		Five other bridges operated by Multnomah County
119		Offers tours to the committee members
<u>Dean Ma</u>	nriott, Director, City of Po	ortland Environmental Services
137	Dean Marriott	Director, City of Portland Environmental Services. Presents testimony and submits [EXHIBIT J]. Discusses water treatment plants. Other issues discussed:
149		Background information on Portlandís pollution control system
160		Combined sewer overflow removal
188		Industrial permitting
216		Storm Water Program
222		Trying Innovative Approaches
234		• March 1998 ESA listing of the steelhead trout as "threatened"
260		 Recommendations: 1. Make sure DEQ receives adequate funding; 2. Provide adequate funding for non-source point abatement programs; and 3. Allocate additional money for the Portland Harbor project.
285	Chair George	Asks audience members to write their questions on the yellow sheets of paper located on the information table and to submit them to the committee.
302	Sen. Wilde	Asks DEQ what procedures are in place for when the agency receives a report of a hazardous site.

311	Mullane	Discusses procedures of the DEQís Complaints Office. Says the office keeps records of complaints for one year.
338	Sen. Wilde	Comments on the MLK Blvd. warehouse site. Says DEQ conducted a drive by of the site and concluded the site appeared to have the potential to be hazardous but there was never a follow-up. Says he has driven by the site and wonders how anyone could allow the site to look like it does presently.
357	Mullane	Comments on the drive-by survey of MLK Boulevard. Says there were sixty commercial operations in which DEQ wanted to take follow-up action. Adds that over time DEQ has been going back and looking at those 60 facilities.
376	Sen. Wilde	Says this is a serious site. Asks how DEQ determines what to pursue further.
389	Mullane	Responds the warehouse site did not place high enough on the priority list to go through the facility and conducts a follow-up.
Tape 2, E	<u>3</u>	
012	Sen. Wilde	Asks how DEQ develops it data and whether it interacts with the State Fire Marshall.
019	Mullane	Answers in the case of the warehouse site, DEQ relied on what was in its own files. Explains.
036	Sen. Wilde	Asks if anyone received real complaints about the warehouse site.
040	Mullane	Responds there are two complaints about the warehouse facility in the DEQ complaint database. One complaint related to open burning and the other was the identification of batteries on the property.
052	Sen. Wilde	Asks if the contact was only verbal.
054	Mullane	Answers yes.
056	Sen. Lim	Ask Ms. Wahl where the two supersites are located and when they were deemed a super-site. Also asks what is being done to mitigate the situation.
067	Wahl	Responds one site is located at McCormick and Baxter and the other is the Guold Site. Comments there are about a dozen federal super fund sites in the Oregon. Adds there are about 300 sites that Oregon is working on.
089	Sen. Wilde	Asks how many heavy metals are tested for when water is discharged from water treatment facilities.

102	Mullane	Comments on the permitting of each facility. Explains pretreatment programs and types of monitoring for each of the municipalities.
154	Sen. Wilde	Comments on heavy metals from waste treatment facilities being present in fertilizer. Asks how Oregon keeps track of residue from waste treatment facilities.
170	Mullane	Says the Clean Water Act requires the testing of sludge from facilities. Explains.
183	Wahl	Comments on recycling of steel mill waste.
217	Sen. Fisher	Asks how many fines have been levied on the City of Portland for discharging sewage in comparison to smaller cities.
230	Marsh	Comments on the list of fines. Adds Portland appears on the list a number of times. States he can get a copy of the list of fines for committee members.
245	Sen. Fisher	Asks if there is an evenhanded treatment of this.
249	Marsh	Responds yes, the fines do seem to be fairly evenly spread through the state.
252	Sen. Gordly	Comments on the heating oil tank cleanup rebates Ms. Wahl described in her testimony and asks how many people by county have taken advantage of the program.
304	Wahl	Answers the grant money didnít come through so the program didnít happen. Adds there was a small amount of federal money which came much later and has enabled some grants to be being given out now.
327	Chair	Introduces Sen. Brown.
QUESTI	ON & ANSWER PERIO	<u>D</u>
<u>Calvin M</u>	lartin	
346	Calvin Martin	Clearwater Technologies, L.L.C. Presents testimony and submits [EXHIBIT K]. Issues discussed:
377		Monitoring of septic waste disposal
400		Oregonís broad application of 40 CFR 503

Tape 3,A	-	
010	Martin	Continues testimony. Gives the example of an area along the Rogue River. Other issues discussed:
020		Decentralized management for septic systems
037		• Creation of a privately funded mandate to clean septic systems.
041		 Recommendations: 1. Regulation 503 should not be applied to septic tank pumping 2. Septic waste must be treated by the best technology possible before land application. 3. Individual septic tanks need schedules monitoring and pumping in order to treat waste sufficiently.
<u>Liz Calli</u> s	son, West Multnomah Soil	& Water Conservation District
055	Liz Callison	West Multnomah Soil & Water Conservation District. Presents testimony. Issues discussed:
088		Metro funding request
107		Ross Island Lagoon
125		Public policy issues
138		• Lobbying the Governor to remove all toxic sludge and treatment of it in a dry containment facility.
155	Sen. Wilde	Asks if the committee could get a copy of the witnessí testimony.
159	Callison	Answers yes.
162	Sen. Wilde	Asks if the Port of Portland was fined.
166	Marsh	Answers yes. Explains. Says the follow-up was adequate to assure no pollution entered the lagoon.

200	Marsh	Responds no. Explains.
Governo	orís Environmental Justice	Advisory Committee
243	Angela Wilson	Governorís Environmental Justice Advisory Committee. Presents testimony on the purpose of advisory board. Adds the Governor is asking agencies to rethink how they enforce and punish laws.
271	Sen. Ferrioli	Comments on the windshield survey conducted on the MLK Boulevard warehouse.
287	Wilson	Explains windshield survey. Says the responsible party should pick up the heat. Comments a situation that may seem to be benign is not at all.
313	Sen. Wilde	Comments there were several complaints made to the City of Portland.
329	Wilson	Says there are many sites like the warehouse site. Explains. Adds there is a lot of work to do in this area.
351	Sen. Ferrioli	Comments the windshield survey seems less than programmatic. Asks if there is a more programmatic effort that would be better.
363	Wilson	States priorities and resources drive programs. Says the lack of resources drive what Oregon does. Adds people need to continue to partner.
381	Sen. Fisher	Asks if the harmful effects on the people in the warehouse area are known.
389	Susan Lee	Comments Multnomah County Health Department is trying to figure that out. Says she can get some information to the committee.
396	Chair George	Asks if there are any underground city wells near the MLK warehouse site.
<u>Tape 4, A</u>	<u>A</u>	
003	Lee	Answers there are no city of Portland drinking wells near the site.
Bob Davi	ies, Northwest Portland C	itizen
009	Bob Davies	Northwest Portland Resident. Presents testimony and submits [EXHBIT L]. Issues discussed:
034		Northwest Portland Odor Study

066		Health defects
083	Chair George	Asks if there is there any DEQ monitoring in a Northwest Portland.
094	Green	Responds DEQ is not doing any monitoring in Northwest Portland. Comments at this time. Comments a recent \$204,000 EPA grant will be used to conduct emissions inventory as part of the permitting process.
103	Chair George	Suggests working with neighborhood groups on testing.
109	Green	Responds DEQ did partner with some community groups. Explains.
120	Chair George	Comments Washington and California use vapor recovery. Asks if Oregon monitors the vapors emitted during bulk fueling.
124	Green	Answers yes. Explains.
137	Chair George	Comments he was told 15% of the vapors could be emitted in the first 30 days using above ground tanks. Asks if this number is correct.
142	Green	Answers he has no information on that topic.
145	Chair George	Comments it could be a large quantity of petroleum vapors entering the airshed.
149	Green	Responds it would depend on the size of the terminal refinery. Adds Oregon does not have any gasoline refineryis of its own because we receive our fuel from California and Washington.
153	Davies	Explains the materials handed out to committee.
186	Sen. Fisher	Asks if anyone in northwest Portland uses wood or gas stoves.
194	Davies	Responds an independent lab tested the sample and found high incidences of lead, nickel, aluminum, and other heavy metals.
211	Sen. Fisher	Comments a lot of items with metal parts are burned in wood stoves. Asks if the black material can come from somewhere else in the neighborhood.
223	Davies	Comments ESCO is four blocks from this house. Realizes that when you live by an industrial area, you will get a certain amount of pollutants. Adds the level of such materials could not come from automobiles either.

238	Sen. Wilde	Gives observations of his house. Says he can paint his house and it is difficult to know what color his siding is a year later.
<u>David Span</u>	District Association	
265	David Spangler	Board member, Northwest District Association. Comments on air quality in northwest Portland and the experiences of foul-smelling air. Says DEQ will not tell him what the smell is. Adds it is difficult to get information from DEQ staff. Describes people in his neighborhood with breathing problems and those who have started to use medications since moving to northwest Portland. Says a lot of foul-smelling air occurs at night when DEQ does not have people not available. Believes there is dumping going on during the night and feels it needs to be checked out.
352	Chair George	Asks how many staff DEQ has.
356	Marsh	Responds approximately 700 FTE including people in regional DEQ offices.
359	Chair George	Asks if there is any one to answer the phone at night.
363	Mullane	Answers the calls in the middle of the night are recorded and logged into the complaint database the following morning.
369	Chair George	Asks if there is anywhere in the U.S. where this type of monitoring is currently being done.
380	Green	Answers it is possible to monitor a particular area to determine the pollutants in the air. Explains.
<u>Elizebeth P</u>	atte	
413	Elizabeth Patte	Northwest Portland Resident. Discusses the neighborhood monitoring of pollutants. Comments her porch is covered with black particles. Adds the smell is even worse. Says he has had some luck with DEQ staff but her last three calls have not been returned. Comments Chapman School and Forrest Park is 2 blocks from the warehouse site. States she would like to see some monitoring on the part of DEQ.
<u>Tape 3, B</u>		
054	Chair George	Asks if there is anything being stored in large quantities that would be harmed if there were a large-magnitude earthquake.
059	Marsh	Says it was not considered when the industrial sanctuary was established. States there are several large storage tanks that would be at risk if such an earthquake

		occurred.
066	Patte	States she would like to see some legislation dealing with the monitoring of these hot-spots.
072	Albers	Suggests people call that State Fire Marshalís Office. Directs staff and audience to the State Fire Marshalís internet page: <www.sfm.state.or.us></www.sfm.state.or.us>

<u>Sharon Genasci</u>		
090	Sharon Genasci	 Northwest Portland Resident. Submits [EXHIBITS M, N, O, and P]. Gives credentials. Outlines five points northwest Portland residents would like to see in legislation: 1. High quality monitoring of the NW Portland neighborhood; and 2. Oil companies currently loading gasoline from tankers to barges on the Willamette River made to use capture equipment required in California and Washington.
160	Chair George	Asks if DEQ could do that by administrative rule.
164	Green	Responds yes. Explains.
169	Chair George	Questions how many years would it take to get it started.
172	Green	Replies two to three years.
176	Chair George	Asks if the loaders will still be doing the same thing but on a smaller quantity.
178	Green	Responds no, they would be loading it in the same manner so the emissions would decrease significantly.
180	Chair George	Asks what would make the difference.
182	Green	Answers it would be pumped directly into the barges.
184	Chair George	Asks about the vapor recovery.
190	Genasci	Continues testimony recommendations for legislation. Issues discussed:
		 3. Removing the current stringency law; 1. ëHot-spotí legislation that acknowledges toxic air pollution is not spread

		evenly around the city; and
		5. DEQ should consider the cumulative impacts of air pollution
Jim Benr	<u>nett</u>	
230	Jim Bennett	Chair, Swan Island Airshed Committee. Presents testimony on Swan Island. Submits and discusses [EXHIBIT Q] . Issues discussed:
267		Emissions inventory and monitoring
276		• Title IV facilities
Dr. Robert Amundson		
301	Dr. Amundson	Presents testimony and submits [EXHIBIT R]. States Oregon needs adequate monitoring of hazardous air pollutants. Describes a low tech, low cost, air toxins sampler he became aware of two years ago. Says he approached the regional EPA office to see if it would be interested in funding the construction of such samplers. Adds he received \$20,000 with the stipulation he and his group work with DEQ staff to make certain the samplers worked. Says they worked well and explains how.
Jeff Aller	<u>1</u>	
365	Jeff Allen	Executive Director, Oregon Environmental Council. Says Oregonians want sound environmental policies. Issues discussed in testimony
381		Protecting Oregonis clean water
407		Protecting Oregonis clean air
433		Building a sustainable, vibrant economy in Oregon
453	Chair George	Comments on the personal health issues surrounding these issues.
Tape 4, F	<u>.</u>	
030	Allen	Says there is a mass of evidence of health problems from pesticides. Explains. Points out cars are a big pollution problem. Explains.
John Williams		

081	John Williams	Washington County. Discusses the loading of gasoline onto barges. Says the DEQ has ignored emissions from barge loading. Says the records showing the amount of the emissions are withheld from the public. Explains the need for scrubbers on the barges loading gasoline. Says he would like to see a resolution to Washington's Gov. Locke asking him to approve the Cross Cascade Pipeline so gasoline will be directly shipped to Washington refinery's and customers. Adds tank farms should be done away with.
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Allen Hopello

139	Allen Hopello	Director of Environmental Programs, Urban League of Portland. Adds he is the vice-president of the Governorís Environmental Justice Advisory Board. Issues discussed:
153		Chemical storage and reporting
166		Brownfield legislation
172		• Air quality emissions monitoring in northeast Portland
188		Point source discharge problem likely lies with enforcement
195		• Urges more money be allocated for enforcement purposes.
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<u>Diane Lund</u>

202	Diane Lund	Breast Cancer Survivor. Presents testimony on her diagnosis of cancer. States she has met with hundreds of cancer survivors. Says many of the cancer survivors she has encountered believe the toxins in our environment have led to their cancer diagnosis. Explains.
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Fred Russell

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287	Fred Russell	Dundee, Oregon Resident. Asks if pure refined gasoline can be pumped.
293	Green	Answers yes, that is the purpose of the Cross Cascade Pipeline.
303	Russell	Continues testimony on the recycling of roofing materials. Says he called the Metro recycling hotline to ask where he could get rid of the materials. Says he was told to take it to the nearby landfill. Adds there is a man in Aumsville that recycles it. Discusses decreasing auto emissions. Says he doesnit think increasing the amount of inspections is enough.
Nancy Newell		

357	Nancy Newell	Northeast Portland Resident and a member of the Oregon Green Energy Coalition. Says OGEC is very concerned with global warming issues. Asks if DEQ has oversight in regards to global warming issues.
377	Green	Answers the U.S. Department of Energy is responsible for monitoring global warming issues.
390	Newell	Suggests using less gasoline. States Oregon should switch to better types of cars and modes of transport.
417	Sen. Wilde	Thanks agencies for coming. Points out his question of how Oregon transfers data between various agencies was not answered. Says no communication between these agencies is not acceptable.
439	Albers	Says the State Fire Marshall provides staff for a task force established by Governor Kitzhaber to review hazardous substance information reporting in Oregon. Says one of the recommendations that will be coming out of the task force is for their to be an interagency council to coordinate information about hazardous substances to increase the accessibility of that information. Adds DEQ and the State Fire Marshalis Office do work together with various reporting agencies.
<u>Tape 5, A</u>		
027	Sen. Wilde	Asks if this is tied into any local government activities.
035	Albers	Responds it varies depending on the localities. Explains.
060	Chair George	Adjourns the meeting at 9:22 p.m.

Submitted By, Reviewed By,

Kristal Hatton-Nease, Brad Harper,

Administrative Support Administrator

EXHIBIT SUMMARY

- A Portland Harbor Contaminated River Sediments, Mary Wahl, 7 pp.
- B ñ Written Testimony, Greg Green, 12 pp.
- C ñ Written Testimony, Neil Mullane, 4 pp.
- D ñ Committee Rules, Staff, 2 pp.
- E ñ Hazardous Substance Information System Questions and Answers, Bob Albers, 12 pp.
- F ñ Hawthorne Bridge Project, Susan Lee, 7 pp.
- G ñ "The Hawthorne Bridge is Closing!" Brochure, Susan Lee, 4 pp.
- H ñ "The Next 20 years" Brochure, Susan Lee, 3 pp.
- I ñ Multnomah County Reports, Susan Lee, 16 pp.
- J ñ Written Testimony, Dean Marriott, 14 pp.
- K ñ "Sewage Non-Point Source Discharge: Oregonís Solution," Calvin Martin, 9 pp.
- L ñ Northwest Odor Survey, Bob Davies, 2 pp.
- M ñ Written Testimony, Sharon Genasci, 2 pp.
- N ñ Letter to Governor Kitzhaber, Sharon Genasci, 16 pp.
- O ñ Information of Air Pollution in NW Portland, Sharon Genasci, 2 pp.
- P ñ Wall Street Journal Newspaper Article dated 12/28/98, Sharon Genasci, 1 p.
- Q ñ Portland Area Map, Dr. Robert Amundson, 1 p.
- R ñ Written Testimony, Dr. Robert Amundson, 1 p.