

SENATE COMMITTEE ON WATER AND LAND USE

April 1, 1999 Hearing Room B

1:00 p.m. Tapes 51 - 53

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: SB 657 Public Hearing

SB 675 Public Hearing

SB 586 Public Hearing and Work Session

SB 454 Work Session

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 51, A		
005	Chair Tarno	Opens meeting at 1:07 p.m. and opens public hearing SB 657.
<u>SB 657 PUBLIC HEARING</u>		

010	Ray Kelly	Committee Administrator summarizes SB 657. States there are ñ1 amendments. (EXHIBIT A) .
020	Ray Phelps	Clearwater Technologies. Presents (EXHIBIT B) . Introduces Calvin Martin of Clearwater Technologies and states he will testify in support of SB 657.
029	Calvin Martin	Clearwater Technologies. Asks for approval of SB 657. States the ñ1 amendments were prepared after discussions with a variety of organizations and states they are appropriate. Discusses different disposal waste methods and security measures needed. States that the Department of Environmental Quality (DEQ) took samples and 25 percent did not meet the drinking water standards.
057	Chair Tarno	Asks where the samples were taken.
060	Martin	States the samples were taken from all over the state. States the private sector can, and will, step in to develop the infrastructure needed to provide the means to deal with the septic water problem in Oregon.
099	Chair Tarno	Asks for an explanation of how the system works.
100	Martin	Replies that technology is currently available to take sewage waste and de-water it very effectively. Continues with explanation of the sewage system.
117	Lane Magill	Websterís Septic Tank Service, Inc. Presents (EXHIBIT C) . Testifies in opposition to SB 657. States that financially, SB 657 would not allow his company to continue.
158	Chair Tarno	Asks if SB 657 were to pass, what percentage of Magillís business would be impacted.
161	Magill	States there are four people employed at present, and if SB 657 were to pass, all four positions would be terminated. States the costs are too great for a small company like Websterís.
200	Bob Borlen	Agri-Cycle Inc. Testifies in opposition to SB 657 as it would make their process illegal. States that every part of their operation is overseen and follows all the government regulations and guidelines.
247	Stephanie Hallock	Department of Environmental Quality (DEQ), Bend. Presents (EXHIBIT D) . Testifies in opposition to SB 657, as the regulations in place now are adequate.
274	Douglas Peters	DEQ Portland. States Oregonís standards are more strict than the national standards.
305	Cliff Porter	Northwest Sanitation. States his business is primarily portable toilets. Testifies in

		opposition to SB 657. States SB 657 limits options. States that there is a need to maintain a program for land applications and states that this bill does not remove DEQ's responsibility.
360	Porter	Continues testimony in opposition to SB 657.
435	Sen. Corcoran	Refers to a letter from the mayor of Grants Pass and states that land application of septic waste has become a severe problem. Presents (EXHIBIT E) . Asks for opinions as to the concept of decentralized management.
453	Porter	States he could not comment for DEQ and would be surprised if the DEQ chose it as the "method of choice."
TAPE 52, A		
025	Sen. Corcoran	Asks if the portable facilities were eliminated, would Porter still have concerns.
029	Porter	Replies he would because whenever there is a monopoly, costs go up.
048	Sen. Corcoran	Asks if there is a difference in treatment, or if it interacts with the septage.
056	Porter	States he is not an expert, but he would call it a deodorizer and there are products to slow down bacteria.
070	Bruce Phillips	Cascade Phillips Co. States he has been in business 30 years and has done land application and is constantly looking for ways to utilize their product. States there are other ways to deal with septage other than pasteurization. Refers to SB 657 and the 11 amendments and states it is restricted trade.
101	Steve Shirley	ABCO Sanitation Services. Presents (EXHIBIT F) . Testifies in opposition to SB 657, as he does not think pasteurization is the answer to septage.
124	Brian Thompson	Clearwater Technologies. States he is testifying to address the issues of pasteurization.
171	Art Schlack	Association of Oregon Counties (AOC). States concerns regarding SB 657.
197	Chair Tarno	States the committee will not go into work session as there is still work to be done.
205	Sen. Corcoran	States he has questions of the DEQ. Asks for responses to allegations in letter received from the mayor of Grants Pass.

234	Hallock	States they have had severe problems in the southern area of Oregon, but knows of nothing, personally. States enforcement actions have been taken in the past.
266	Sen. Corcoran	Asks if there are complaints regarding illegal dumping.
275	Hallock	Agrees that the department is more reactive than proactive.
304	Sen. Corcoran	Asks if there have been pathogen problems regarding the illegal dumping.
321	Hallock	Replies she is not aware of any.
323	Chair Tarno	Closes public hearing on SB 657 and opens public hearing on SB 675.
<u>SB 675 PUBLIC HEARING</u>		
337	Kelly	Summarizes SB 675. States there are ñ1 amendments. (EXHIBIT G) .
359	Sen. Ted Ferrioli	Senate District 28. Gives information regarding SB 675. States 401 certificates are documents under the Federal Clean Water Act and are required as a result of an adverse decision on a lawsuit that was filed by environmentalist in the Camp Creek area.
400	Sen. Ferrioli	Continues testimony in support of SB 675.
TAPE 51, B		
042	Mike Llewelyn	Water Quality Division Administrator with the DEQ. Presents (EXHIBIT H) . States that SB 675, if enacted into law, would jeopardize the Clean Water Act and undermine the prospects for the success of the Oregon Plan.
082	Chair Tarno	Asks what the DEQ has done in light of the Federal Court ruling on the 401 Certificate program. Asks what kind of changes need to be made.
085	Llewelyn	States Sen. Ferrioli was correct with regard to grazing. States the 9 th Circuit ruled that grazing activities do not require a 401 certification. States that the case is still in appeal and so the requirement to issue may come back to the state.
095	Sen. George	Asks if SB 675 has the potential to take over the Clean Water Act.
099	Llewelyn	States the 401 issue does not have a direct relationship to the clean water standards.

117	Jeff Watkins	Oregon Sierra Club. Presents (EXHIBIT I) . Testifies in opposition to SB 675 as it could potentially short change current efforts to improve the chances of Salmon recovery.
163	Sen. Corcoran	States no one knows where the ñ1 amendments came from.
164	Chair Tarno	States they have not been introduced.
168	Gillian Lyons	Oregon Natural Desert Association (ONDA). Presents (EXHIBIT J) . Reads testimony in opposition to SB 675. States they are a conservation group that advocates for the protection and restoration of Oregonís high desert lands and waters.
180	Chair Tarno	States SB 675 will not be passed out today and asks Lyons to sum up her testimony.
182	Lyons	Continues reading testimony in opposition to SB 675.
225	Sen. Corcoran	Asks what the ONDA proposes to do with the blizzard of paperwork Sen. Ferrioli is trying to control with SB 675.
232	Lyons	States that, at the current time, the paperwork has cleared as far as grazing permits are concerned because of the lawsuit. States the paperwork is the cost of doing business in Oregon. States citizens are entitled to clean water, regardless of land use management.
253	Watkins	States that when issues are in litigation, the legislation should wait.
271	Hilary Abraham	Oregon Environment Council (OEC). Testifies in opposition to SB 675. Describes concerns regarding water issues.
291	Chair Tarno	States he is not in a hurry to rush bad bills through the committee and takes offense at the implication to the contrary.
312	Jean Underhill Wilkinson	Oregon Cattlemenís Association. Presents (EXHIBIT K) . Testifies in support of SB 675.
394	Wilkinson	States that, with the efforts of the forest servicesí planning, there is a lot of consideration for state water standards and quality. Continues testifying in support of SB 675.
434	Pete Test	Oregon Farm Bureau. Presents (EXHIBIT L) . Testifies in support of SB 675. States SB 675 will not weaken the federal laws which require water quality standards. States this has nothing to do with the Forest Practices Act.

TAPE 52, B

033	Test	Continues testimony in support of SB 675.
069	David Morman	Forest Practices Policy Unit Manager for the Oregon Department of Forestry (ODF). Presents (EXHIBIT M) . States the ODF concurs with DEQ in that SB 675 would be a significant shift in Oregon's water quality protection policies and could, potentially, alter the relationship between the state and EPA in implementing the Clean Water Act.
086	Chair Tarno	Closes public hearing on SB 675. Opens public hearing on SB 586.

SB 586 PUBLIC HEARING

093	Kelly	Summarizes SB 586.
109	Jon Chandler	Oregon Building Industry Association. Submits (EXHIBIT N) . Testifies in support of SB 586. States the issues being dealt with in SB 586 are lands within urban growth boundaries receiving farm use assessment. States that Oregon law requires that the land be counted as though it was part of the buildable lands inventory.
150	Chandler	Continues testimony in support of SB 586 and states that farmland inside UGBs can continue to receive farm use assessment upon a sale, but only if the sale takes place between family members.
190	Don Schellenburg	Oregon Farm Bureau. Testifies in support of SB 586. States the bureau agrees with the concepts and was part of the working group to bring SB 586 to this committee.
205	Sen. Corcoran	Asks if the farmland within the UGB can be developed.
210	Schellenburg	Replies that the land can be developed in the UGB, however, that developed property is subject to the five year penalty tax.
232	Sen. Corcoran	Asks how much farmland has moved over to development.
239	Schellenburg	States he does not know the answer.
239	Sen. Wilde	States that in Portland, he would guess it to be quite a lot. States that if you look out toward the airport, that land was the best farmland anyone had ever seen.
264	Bob Rindy	Department of Land Conservation and Development(DLCD). Submits (EXHIBIT O) . Testifies in support of SB 586.

349	Art Schlack	Association of Oregon Counties. States he was part of the work group that worked on SB 586. States there are concerns regarding Section 3.
379	Chair Tarno	Closes public hearing on SB 586. Opens work session.
<u>SB 586 WORK SESSION</u>		
383	Sen. Wilde	MOTION: Moves SB 586 to the floor with a DO PASS recommendation.
		VOTE: 4-0 EXCUSED: 1 ñ Shannon
		Hearing no objection, declares the motion CARRIED. SEN. WILDE will lead discussion on the floor.
395	Chair Tarno	Opens work session on SB 454. Asks George to present additional clarification.
<u>SB 454 WORK SESSION</u>		
403	Larry George	Oregonians in Action. Submits (EXHIBIT P) . States the graphs in EXHIBIT P are in accordance with the 1992 Census of Agriculture. States this is the most recent information at this time.
482	George	Continues explaining graphs in support of SB 454.
TAPE 53, A		
028	Sen. Corcoran	Asks if the farm incomes in the graphs are based on the same definitions of farm income.
031	George	States he came up with medians and estimated within \$10,000. States all his figures came from the Census of Agriculture.
054	Sen. George	Comments that SB 454 is the right thing to do and moves SB 454 to the floor.
059	Sen. George	MOTION: Moves SB 454 to the floor with a DO PASS recommendation.

		VOTE: 3-1 AYE: 3 - George, Wilde, Tarno NAY: 1 - Corcoran EXCUSED: 1 - Shannon
	Chair Tarno	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
067	Chair Tarno	Closes work session and adjourns meeting at 3:12 p.m.
		Testimony from Alex Mauck on SB 657 (EXHIBIT Q) is submitted into the record.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,
Administrative Support Administrator

EXHIBIT SUMMARY

- A ñ SB 657, proposed amendments, staff, 2 pp.**
- B ñ SB 657, written testimony, Ray Phelps, 5 pp.**
- C ñ SB 657, written testimony, Lane Magill, 1 p.**
- D ñ SB 657, written testimony, Stephanie Hallock, 4 pp.**
- E ñ SB 657, written testimony, City of Grants Pass, 14 pp.**
- F ñ SB 657, written testimony, Steve Shirley, 2 pp.**
- G ñ SB 675, proposed amendments, staff, 2 pp.**
- H ñ SB 675, written testimony, Mike Llewelyn, 3 pp.**

I ñ SB 675, written testimony, Jeff Watkins, 1 p.

J ñ SB 675, written testimony, Gillian Lyons, 2 pp.

K ñ SB 675, written testimony, Jean Underhill Wilkinson, 6 pp.

L ñ SB 675, written testimony, Pete Test, 2 pp.

M ñ SB 675, written testimony, David Morman, 3 pp.

N ñ SB 586, written testimony, Jon Chandler, 1 p.

O ñ SB 586, written testimony, Bob Rindy, 2 pp.

P ñ SB 454, written testimony and graphs, Larry George, 6 pp.

Q ñ SB 657, written testimony, Alex Mauck, 15 pp.