

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

May 21, 1997 Hearing Room E

1:00 P.M. Tapes 97 - 100

MEMBERS PRESENT: Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

STAFF PRESENT: Judith Gruber, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: SB 146 Public Hearing and Work Session

SB 946 Public Hearing and Work Session

HB 2413 Work Session

HB 3266 Work Session

HB 3457 Public Hearing

SB 187 Work Session

HB 3419 Work Session

HB 3455 Public Hearing and 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 97, A		
003	Chair Lewis	Calls the meeting to order at 1: 17 p.m. and opens public hearing on SB 146

<u>SB 146 PUBLIC HEARING</u>		
020	Jim Craven	Representative, American Electronics Association. States that it is a consensus bill related to the Toxic Use Reduction Law which was enacted in 1989. Describes environmental management systems which are used by companies to look at their total environmental impact and prevent pollution. SB 146 allows companies to be exempt from overlapping requirements. The proposed legislation provides a small incentive to companies that want to be stewards of the environment. (EXHIBIT A)
083	Mary Wahl	Administrator, Waste Management and Clean Up, Department of Environmental Quality. Expresses support for the bill. The bill focuses on the environmental benefits of the Toxic Use Reduction Law and steers away from portions that haven't been as successful. Explains provisions of the bill. (EXHIBIT B)
133	Rep. Luke	Asks how much toxic waste is removed from the stream by voluntary collection programs.
139	Wahl	Doesn't know for sure, but the programs are very popular.
145	Chair Lewis	Verifies that approximately 500 companies must have toxic material reduction plans.
149	Wahl	Answers affirmatively.
155	Chair Lewis	Asks about funding for the Toxic Use Reduction program.
160	Wahl	There is funding for the program, but there is no planned increase in funding.
167	Randy Tucker	Representative, Oregon State Public Interest Research Group. Expresses support for SB 146. Explains provisions of the bill. Expresses the importance of finding funding for the program.
199	Chair Lewis	Closes the public hearing on SB 146 and opens a work session on SB 146.
<u>SB 146 WORK SESSION</u>		
200	Rep. Luke	MOTION: Moves SB 146 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Simmons Rep. Simmons votes "AYE" later in the meeting.
209	Chair	The motion CARRIES.

	Lewis	REP. FAHEY will lead discussion on the floor.
211	Chair Lewis	Closes the work session on SB 146 and opens a public hearing on SB 946.
<u>SB 946 PUBLIC HEARING</u>		
215	John Ledger	Representative, Associated Oregon Industries. Explains provisions of the bill related to air quality permitting rules from the Department of Environmental Quality and Environmental Protection Agency. (EXHIBIT C)
238	Rep. Luke	Asks if the bill extends permitting deadlines.
240	Ledger	Answers affirmatively.
241	Rep. Luke	Asks if there is any opposition to the bill.
243	Chair Lewis	Indicates that the Department of Environmental Quality approves of the bill.
247	Kathryn VanNatta	Representative, Northwest Pulp and Paper Association. Expresses support the intent of the bill. (EXHIBIT D)
261	Chair Lewis	Closes the public hearing on SB 946 and opens a work session on SB 946.
<u>SB 946 WORK SESSION</u>		
264	Rep. Shields	MOTION: Moves SB 946 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Simmons Rep. Simmons votes "AYE" later in the meeting.
273	Chair Lewis	The motion CARRIES. REP. SHIELDS will lead discussion on the floor.
277	Chair Lewis	Closes the work session on SB 946 and opens a work session on HB 2413.
<u>HB 2413 WORK SESSION</u>		
287	Lydia Taylor	Deputy Director, Department of Environmental Quality. Expresses support for the -1 amendments.

296	Rep. Luke	MOTION: Moves to ADOPT HB 2413-1 amendments dated 5/16/97. (EXHIBIT E)
299	Chair Lewis	Hearing no objections, declares the motion CARRIED.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Simmons Rep. Simmons votes "AYE" later in the meeting.
308	Chair Lewis	The motion CARRIES. REP. JONES will lead discussion on the floor.
313	Chair Lewis	Closes the work session on HB 2413 and opens a work session on HB 3266. Testimony was presented to the committee. (EXHIBIT F)
<u>HB 3266</u> <u>WORK</u> <u>SESSION</u>		
317	Mike Grainey	Representative, Office of Energy. Expresses support for the -1 amendments.
335	Rep. Luke	Clarifies the intention of the bill.
343	Grainey	Agrees with Rep. Luke's interpretation.
347	Rep. Welsh	Asks if there is any opposition to the bill.
349	Chair Lewis	Understands that there is no opposition to the bill.
351	Rep. Welsh	MOTION: Moves to ADOPT HB 3266-1 amendments dated 4/21/97. (EXHIBIT G)
353	Chair Lewis	Hearing no objections, declares the motion CARRIED.
359	Rep. Welsh	MOTION: Moves HB 3266 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
368	Chair Lewis	The motion CARRIES. REP. MONTGOMERY will lead discussion on the floor.
373	Chair Lewis	Closes the work session on HB 3266.
		MOTION: Requests unanimous consent that the rules be SUSPENDED

374	Rep. Luke	to allow REP. SIMMONS to BE RECORDED as voting AYE on SB 146, SB 946, and HB 2413.
376	Chair Lewis	Hearing no objections, declares the motion CARRIED.
398	Chair Lewis	Opens a public hearing on HB 3457.
TAPE 98, A		
HB 3457 PUBLIC HEARING		
002	Greg Miller	Government Affairs Manager, Weyerhaeuser. Expresses support for the -2 amendments. (EXHIBIT H)
012	Kevin Godboo	Oregon Environmental Manager, Weyerhaeuser. Explains environmental excellence agreements and the proposed legislation.
040	Miller	Explains written testimony provided to the committee.
053	Chair Lewis	Asks that a representative from the Department of Environmental Quality (DEQ) help with clarification of the bill.
058	Godboo	States that Weyerhaeuser has met with DEQ and the Lane Regional Pollution Control Authority to discuss issues. Explains provisions of the bill.
082	Rep. Shields	Asks for more specific information about stakeholders.
083	Godboo	Indicates that stakeholders are those people that have direct or indirect interest in the proposal.
090	Rep. Shields	Appreciates the amendments, but suggests that all interested parties have not been able to participate in drafting the amendments.
100	Godboo	Describes the involvement of interested parties. No comments were made by agencies and interested parties on the bill or amendments.
110	Rep. Shields	Verifies that there was no meeting with the interested parties, but they were sent materials.
113	Godboo	Explains that calls were made to solicit input from the parties.
116	Godboo	Continues to discuss provisions of the amendments with the aid of written materials.
215	Miller	Provides testimony from the Northwest Pulp and Paper Association. (EXHIBIT I)
219	Chair Lewis	Verifies that the State of Washington has passed a similar bill.
221	Miller	Indicates that there was extensive support for the bill, but the Governor did veto three sections on the bill.
241	Rep. Shields	Asks how the sections vetoed in Washington were dealt with in the proposed legislation.
247	Miller	The vetoed section is now section 11 of this bill.

259	Godboo	Explains what happens if termination of an agreement occurs.
275	John Ledger	Representative, Associated Oregon Industries. Expresses support for the bill and explains that the future holds some big environmental challenges. The proposed legislation will provide flexibility.
294	Rep. Welsh	Indicates that the legislation might provide tax savings.
302	Lydia Taylor	Deputy Director, Department of Environmental Quality. Indicates that the agency has concerns with the bill. (EXHIBIT J)
328	Paul Burnet	Manager, Special Projects, Department of Environmental Quality. Expresses support for concepts in the bill but indicates that they have some concerns with the amendments. Suggests that the bill is not necessary.
350	Rep. Simmons	Asks what a weak project might be.
351	Burnet	Explains that a project might be pushed forward that would result in more efficient compliance with existing regulations but there would be no reduction in environmental impacts.
362	Rep. Simmons	Asks if a company should be encouraged to find a better way to accomplish what they are already doing.
365	Burnet	Agrees that is wise, but the proposed legislation would weaken existing efforts to do that.
372	Rep. Simmons	Asks if the agency position includes consideration for the cost savings to industry.
376	Burnet	Yes. The agency supports efficiency if it does not affect the welfare of the state.
391	Rep. Simmons	Suggests that the Department of Environmental Quality needs to be concerned with industry costs and administrative costs.
395	Taylor	Agrees. Explains that the agency wants to discuss the concepts over the interim.
412	Rep. Welsh	Asks if the bill is only addressing cost savings to industry or the reduction of environmental impacts.
TAPE 97, B		
004	Taylor	Suggests that the issue be discussed during the interim so that all interested parties can be involved.
011	Rep. Welsh	Asks if it would be best to follow interim task force discussion with pilot projects.
014	Burnet	Agrees that is a good direction.
017	Rep. Welsh	Asks why the agency thinks that the proposed legislation does not have broad support.
019	Burnet	Describes the involvement of interested parties in discussions about the proposed legislation.
030	Rep. Welsh	Asks if DEQ receives funding from the Environmental Protection Agency (EPA).

034	Taylor	Indicates that DEQ does get funding from the EPA, but that is not in question with the proposed legislation.
041	Rep. Shields	Verifies that waivers will come from the EPA.
042	Taylor	Indicates that DEQ is delegated by the EPA to run the air and water quality programs.
050	Rep. Shields	Asks if the likelihood of approval of waivers improves with the involvement of stakeholders.
052	Taylor	Answers affirmatively.
057	Rep. Simmons	Asks when the bill was first heard.
059	Chair Lewis	Indicates that it had a public hearing in April at which time concerns were discussed and DEQ indicated that they would provide additional language for the bill. Asks what language is still in question.
065	Burnet	Indicates that they are lacking definition for the type of project that would be approved.
070	Chair Lewis	States that at the previous public hearing she requested that work continue on the bill and that work has occurred. Suggests that DEQ is dragging their feet with this opportunity.
085	Rep. Shields	Hopes that the process would be more collaborative rather than parties sending notes to one another. Expresses support for the idea.
106	Chair Lewis	Encourages more work on the bill.
119	Taylor	Explains that work has been done on the bill, but the DEQ is not in complete agreement with the language.
132	Doug Myers	Representative, Oregon Environmental Council. Indicates that his organization was not included in discussions about the proposed legislation.
168	Tom Novick	Representative, Sierra Club. Explains that the concept is worth exploring. Expresses opposition to passage of the bill during the current legislative session. (EXHIBIT K)
193	Chair Lewis	Encourages work on the bill.
204	Rep. Lehman	Agrees with the principles of the bill, but suggests that all of the information is not on the table yet.
220	Rep. Welsh	Suggests that more discussion happen between the interested parties.
244	Rep. Shields	Asks if there are pilot projects in Washington.
263	Burnet	Explains that the Washington bill is not related to pilot projects.
280	Rep. Shields	Suggests that the number of pilot projects be limited to a small number.

284	Novik	Expresses concerns about the legislation in general.
299	Chair Lewis	Closes the work session on HB 3457 and opens a work session on SB 187.
<u>SB 187 WORK SESSION</u>		
312	Steve Vincent	Representative, W.P. Natural Gas. Expresses support for the -1 amendments.
324	Rep. Luke	Asks if a person will receive a letter about testing if they add equipment to their vehicle.
329	Vincent	Indicates that the Department of Motor Vehicles (DMV) will be able to identify which vehicles are exempt from testing requirements.
337	Rep. Luke	Explains that a person does not need permission to alter a vehicle.
340	Vincent	Indicates that the DMV will be notified of changes when the auto tags are updated.
367	Lydia Taylor	Deputy Director, Department of Environmental Quality. Does not have a problem with the amendments.
382	Rep. Luke	Asks if gas carts that run on natural gas are exempted.
384	Taylor	Natural gas and electric vehicles would be exempt.
399	Rep. Luke	Expresses difficulty in supporting the bill since it has been stated that small engines are the largest contributors to pollution.
409	Chair Lewis	Asks if he is concerned with the entire bill.
<u>TAPE 98, B</u>		
003	Rep. Luke	Indicates that the bill was not completely rewritten.
004	Rep. Fahey	Explains that everyone pollutes.
008	Rep. Lehman	Asks where the bill is from.
010	Taylor	Explains the reason for introducing the bill.
027	Rep. Shields	Asks what percentage of golf carts would be affected by the legislation.
029	Taylor	Approximately less than one percent.
038	Rep. Fahey	MOTION: Moves to ADOPT SB 187-1 amendments dated 4/7/97. (EXHIBIT L)
040	Chair Lewis	Hearing no objections, declares the motion CARRIED.
044	Rep.	Indicates that pollution problems are addressed by industry as their designs

	Simmons	change.
047	Rep. Simmons	MOTION: Moves SB 187 to the floor with a DO PASS AS AMENDED recommendation.
050	Chair Lewis	Explains that many small engines pollute less.
		VOTE: 5-2 AYE: 5 - Fahey, Shields, Simmons, Welsh, Lewis NAY: 2 - Lehman, Luke
064	Chair Lewis	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.
077	Chair Lewis	Closes the work session on SB 187 and opens a work session on HB 3419.
<u>HB 3419</u> <u>WORK</u> <u>SESSION</u>		
091	Judith Gruber	Policy Analyst, Explains the -3 and -4 amendments to the bill.
095	Chair Lewis	Explains that no amendments have been adopted.
097	Rep. Luke	Verifies that the -4 amendments amend the -3 amendments.
105	Paul Romain	Representative, Oregon Beer and Wine Distributors Association. Expresses opposition to the -3 and -4 amendments and the bill. Explains how the bill will gut the original bottle bill. Suggests that the bottle bill will work better if left alone.
178	Betty Patton	Chair, Recycling Advocates. Describes the success of the bottle bill. Does not support legislation that affects the bottle bill but doesn't expand redemptions.
224	Randy Tucker	Environmental Advocate, Oregon State Public Interest Research Group. Expresses opposition to the bill. Supports expansion of the bottle bill.
279	Rep. Simmons	Suggests that if the legislation is implemented, it would be easy to expand the bottle bill.
283	Tucker	Indicates that it would be easy to expand the bottle bill now.
287	Rep. Simmons	Indicates that rural grocers must sort everything and adding containers to be sorted would take up space that they don't have.
292	Tucker	Suggests that HB 3374 would reduce sorting.
296	Chair Lewis	Asks if HB 3374 creates redemption centers.
300	Tucker	It creates a financial incentive for the centers.

302	Chair Lewis	Verifies that a tax would be created and so would redemption centers.
303	Tucker	Doesn't know for sure.
316	Rep. Simmons	Asks if HB 3374 is alive.
319	Chair Lewis	The concepts in it are.
326	Rep. Simmons	Suggests that ideas on the table be worked with.
332	Tucker	Indicates that Chris Taylor is working with all parties on expansion.
355	Bill Puntney	President, Clayton-Ward Recycling. Expresses concern for the bill.
TAPE 99, A		
001	Richard Koesan	Representative, National Association of Plastic Container Recovery. Expresses opposition to modifications to the bottle bill. Indicates that the bill does not guarantee collection of containers.
040	Tom Gallagher	Representative, ARCO and AmPm Markets. Suggests that market owners and grocers would like to see major changes with the bottle bill, but the proposed legislation would not be useful.
079	Mark Nelson	Representative, 7-11 Southland Corp. Expresses desire, on behalf of his client, to have containers removed from their stores. Expresses opposition to the bill since it would create uncertainty for collection.
115	Rep. Fahey	Asks what percent of containers sold return to the convenience stores.
117	Gallagher	Approximately half of what they sell.
140	Steve McCoid	Representative, Oregon Grocery Industry Association. Expresses support for HB 3419. Indicates that it would bring revenue to the grocers who make the bottle bill work. Supports the -3 amendments. (EXHIBIT M)
210	Rob Douglas	Representative, Oregon Soft Drink Association. Expresses opposition to HB 3419. Indicates that the bill is not an improvement on the current bottle bill.
259	Chair Lewis	Asks if the distributors get the value of the scrap aluminum
265	Douglas	Answers affirmatively.
267	Chair Lewis	Asks if the distributors get the value of unredeemed nickels.
270	Douglas	Answers affirmatively.
282	Chair Lewis	Reconfirms how costs and profits are divided.
284	Douglas	Answers affirmatively.
288	Keith Burns	Representative, Container Recovery Inc. (CRInc.) (EXHIBIT N)

290	John Fletcher	President, CRInc. Expresses opposition to the bill. (EXHIBIT O)
338	Burns	Describes the proposed involvement of government in the bottle bill.
TAPE 100, A		
014	Doug Myers	Representative, Oregon Recyclers. Expresses support for the -4 amendments and the bill.
039	Mike Dewey	Representative, Oregon Waste Systems. Expresses strong opposition to the bill. Indicates that all landfills would be in violation of the proposed legislation since there would be at least one beverage container in every load of waste.
054	Rep. Simmons	Asks what their position would be if that section of the bill was modified.
056	Dewey	It wouldn't matter to the landfill operators.
065	Rep. Fahey	Closes the public hearing on HB 3419 and opens a public hearing on HB 3455. Testimony was presented to the committee. (EXHIBIT P)
HB 3455 PUBLIC HEARING		
071	Lydia Taylor	Deputy Director, Department of Environmental Quality. Expresses opposition for the -1 amendments. Does not think the legislation is necessary.
096	Rep. Luke	Indicates that the original bill dealt with Columbia and Yamhill counties, whereas the amendments affect the entire area.
099	Chair Lewis	Explains what has happened to the original bill.
106	Rep. Luke	Asks why a car manufactured on or before 12/31/97 would not be tested
107	Taylor	Doesn't know.
119	Bob McKellar	Representative, Oregon Forest Products Transportation Association. Explains why the amendment was brought forward. Describes why vehicles would be exempted. Expresses support for the bill.
153	Marshal Coba	Representative, Oregon Trucking Association. Expresses support for the bill and the -1 amendments.
171	Chair Lewis	Opens a work session on HB 3455.
HB 3455 WORK SESSION		
173	Rep. Luke	Asks if the Department of Environmental Quality (DEQ) opposes the bill or doesn't support it.
177	Taylor	Explains why DEQ opposes the amendments. Suggests modifications to the

		amendments.
202	Rep. Lehman	Asks what happens if the area is in violation of air quality standards and there is no where to go.
207	Taylor	Explains that the City of Portland has a 10-year strategy for the maintenance of air quality.
224	Rep. Fahey	Expresses problems with interstate commerce being exempt and the cost being stuck with local business owners.
230	Taylor	Indicates that DEQ has no control over the Interstate Commerce Act.
238	Chair Lewis	Explains that the proposed legislation would affect forest product trucks in Oregon.
242	Taylor	Indicates that the DEQ would like to focus in other areas for maintaining air quality. Indicates that the bill was put forward based on a speculative comment in the newspaper.
262	Rep. Luke	Indicates that he would feel more comfortable with the amendments if language was altered.
274	Rep. Lehman	Agrees with the concept of the bill. Expresses concern with not being able to regulate auto emissions and having to control industrial emissions.
284	Rep. Fahey	Wonders if wood burning should be regulated since 70% of pollution comes from wood burning.
288	Taylor	Explains that wood burning is a problem in the Medford area whereas auto emissions are a problem in the Portland area.
298	Rep. Luke	Asks what would happen if the bill was modified to not include other vehicles.
301	Taylor	Indicates that there would be questions and concerns.
323	Chair Lewis	Closes the work session on HB 3455.
331	Chair Lewis	Adjourns the meeting at 4:02 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Judith Gruber,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - SB 146, Written testimony, Jim Craven, 2 pp.

B - SB 146, Written testimony, Mary Wahl, 6 pp.

C - SB 946, Written materials, John Ledger, 3 pp.

D - SB 946, Written testimony, Kathryn VanNatta, 2 pp.

- E - HB 2413, -1 amendments, Committee Staff, 1 p.**
- F - HB 2413, Presented testimony, Committee Staff, 1 p.**
- G - HB 3266, -1 amendments, Committee Staff, 4 pp.**
- H - HB 3457, Written materials, Greg Miller, 26 pp.**
- I - HB 3457, Presented testimony, Greg Miller, 1 p.**
- J - HB 3457, Written testimony, Lydia Taylor, 4 pp.**
- K - HB 3457, Written testimony, Tom Novick, 2 pp.**
- L - SB 187, -1 amendments, Committee Staff, 1 p.**
- M - HB 3419, Written testimony, Steve McCoid, 2 pp.**
- N - HB 3419, Written testimony, Keith Burns, 1 p.**
- O - HB 3419, Written testimony, John Fletcher, 1 p.**
- P - HB 3419, Presented materials, Committee Staff, 2 pp.**

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

May 21, 1997 Hearing Room E

6:00 P.M. Tapes 101 - 103

MEMBERS PRESENT: Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

STAFF PRESENT: Judith Gruber, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: HB 3724 Public Hearing

HB 3281 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 101, A		
003	Chair Lewis	Calls the meeting to order at 6:17 p.m. and opens a public hearing on HB 3724.
<u>HB 3724 PUBLIC HEARING</u>		
006	Richard Bach	Member, Brownfields Funding Task Force. Offers Task Force support for HB 3724. Indicates that the bill is in the best interest of the state. Describes brownfields and the Task Force proposal. (EXHIBIT A)
069	Douglas McCord	Director, Portland Brownfield Initiative. Expresses support for HB 3724. States that dealing with brownfields is a serious problem. Explains how brownfields affect the economic development of local communities. (EXHIBIT B)
	Cindy	Representative, Pacific Power. Expresses support for HB 3724. Explains

129	Brown	the importance of the bill to rural Oregon. Describes rehabilitation of Oregon mill sites. (EXHIBIT C)
187	Rep. Fahey	Asks how an environmental baseline is developed for each property.
194	Brown	Doesn't know for sure, but a baseline is probably established when the environmental assessment is completed.
198	Bach	Indicates that the proposed legislation will provide funds to complete environmental assessments that will determine baselines.
221	Rep. Fahey	Asks about pricing of properties with environmental problems.
228	Bach	Explains pricing based on orphan sites and those that do have viable buyers and sellers.
256	Rep. Fahey	Asks if the priority is given to the orphan sites.
260	McCord	Explains that the revolving loan fund does prioritize the projects.
273	Rep. Fahey	Asks if publicly owned property is given priority over private property.
278	McCord	Indicates that does occur.
296	Jim Whitty	Representative, Oregon Economic Development Department (OEDD). Explains that this bill is related to legislation from last session. Describes funding for the brownfields program through the OEDD. Indicates that amendments will be made. Expresses support for the bill.
390	Lynn Beaton	Regulatory Advisor, Oregon Economic Development Department. Explains changes that would be included in the amendments. Expresses support for the bill.
TAPE 102, A		
009	Mary Wahl	Administrator, Waste Management and Clean Up, Department of Environmental Quality. States that the department supports the idea of environmental clean-up and supports the bill.
019	Rep. Fahey	Asks if a particular site in Portland would qualify for brownfield assistance.
021	Wahl	Explains that the site and company wishing to purchase it would qualify for another program called the Prospective Purchaser Agreement.
025	Dick Peterson	Clean-Up Manager, Department of Environmental Quality. Explains that the property would not qualify for brownfield assistance.
032	Rep. Fahey	Asks why the property wouldn't qualify.
034	Peterson	Indicates that the bill will not allow for environmental remediation.
041	Rep. Fahey	Asks about infrastructure related to the bill.
045	Peterson	Describes his understanding of the bill.
		Representative, League of Oregon Cities. Expresses support for the bill,

048	Joni Low	but is concerned with section six which requires local governments to provide tax abatements. Suggests that section six be deleted.
064	Rep. Luke	Asks what programs the cities will give up to fund economic development.
065	Low	Indicates that the State Revolving Loan Fund and Special Public Works Program will provide funding.
072	Chair Lewis	Describes existing programs in OEDD.
082	Chair Lewis	Closes the public hearing on HB 3724 and opens a public hearing on HB 3281.
<u>HB 3281</u> <u>PUBLIC</u> <u>HEARING</u>		
100	Robert O'Brien	Eugene citizen. Presents testimony from Mary O'Brien. Explains that the first document in the packet is an open letter to Rep. Welsh requesting that they operate with the same factual knowledge. (EXHIBIT D)
141	Rep. Lehman	Suggests that he not question what Rep. Welsh has or hasn't done with regard to the letter.
145	Chair Lewis	Suggests that Mr. O'Brien get back to the issue at hand.
154	O'Brien	Describes a draft from Don Upson of requirements from the Toxics Board in Eugene.
161	Rep. Welsh	Asks if Mr. O'Brien is the drafter of the charter amendment.
164	O'Brien	Explains that Mary O'Brien was the drafter of the charter amendment and is Chair of the Toxics Board.
176	Rep. Welsh	Explains that he was trying to establish credibility of the witness by asking if he was the drafter of the charter amendment.
180	O'Brien	States that Mary O'Brien was the drafter of the amendment.
184	Chair Lewis	Wants to hear from Mr. Upson, since Mr. O'Brien might be misrepresenting his document.
185	Rep. Welsh	Asks if Mr. O'Brien is a member of the Toxics Board.
186	O'Brien	No. Understood that he could present Mary O'Brien's testimony.
191	Chair Lewis	In fairness to Mr. Upson, he should be allowed to respond to conclusions that are being drawn.
198	O'Brien	Explains revisions to previously presented testimony. Indicates that answers to questions raised at the previous public hearing are also included.
213	Chair Lewis	Asks if Mary O'Brien is involved with the University of Oregon.
215	O'Brien	She may have a courtesy appointment in the environmental studies

		program.
223	O'Brien	Describes other pieces of testimony in the packet including a letter sent to Rep. Luke.
233	Rep. Luke	States that this meeting is the first time he has seen the letter.
239	O'Brien	Describes more testimony presented to the committee.
254	Jan Spencer	Eugene resident. Suggests that there is increasing unease between corporate interest and environmental concern. Explains how external costs of business degrade the environment and human health. Expresses the need for more information about toxic materials. States opposition to HB 3281.
360	Michael Carrigan	Representative, Oregon Peaceworks. States that the campaign for the Eugene initiative was honest and fair and the voters spoke and want more information about toxic materials in their community. Expresses opposition to HB 3281. (EXHIBIT E)
388	Rep. Lehman	Asks if there is a limit to what information the community can request about toxic chemicals.
392	Carrigan	No.
393	Rep. Lehman	Asks if the local community can require businesses to not use a route for the transport of toxic materials or identify that they are hauling toxic chemicals.
402	Carrigan	Answers affirmatively.
405	Rep. Lehman	Asks if the community has the right to limit transportation through the community.
407	Carrigan	Suggests that information would be protecting the citizens of the local community.
TAPE 101, B		
003	Kathy Ging	Lane County resident. Expresses strong opposition to HB 3281. Explains the election process of the charter initiative in Eugene. Describes community concerns about toxic materials. States that Oregonians do not have sufficient information about toxic material. (EXHIBIT F)
056	Rep. Luke	Agrees that indoor air pollution has increased in recent years since homes are being "tightened up."
061	Rep. Lehman	Asks if toxic substances or alcohol consumption has more negative affects on the local community.
064	Ging	Doesn't think that correct information is available to answer the question
067	Rep. Lehman	Asks if it would be a close comparison.
068	Ging	Doesn't know.
075	Randy Tucker	Representative, Oregon State Public Interest Research Group (OSPIRG). Urges opposition to the bill. Suggests that the bill opposes the opportunity for citizens to be actively engaged with the political process. Encourages expansion of the Community Right to Know program. (EXHIBIT G)

149	Rep. Welsh	States that in 1985, the state legislature passed the Community Right to Know and Protection Act which included input from all sides of the table. Suggests that improvements can be made to the Act.
157	Tucker	Indicates that he would like the opportunity to discuss issues with requesters of the bill.
171	Rep. Luke	Asks what OSPIRG has done to stop the dumping of raw sewage and heavy metals into the Columbia River.
174	Tucker	Indicates that they haven't worked on that issue, but they have studied problems with drinking water.
181	Rep. Luke	Asks if his group would ask the legislature to work on a community passed initiative, if his group opposed the initiative.
187	Tucker	Suggests that the legislature should be able to modify initiatives in order to implement them. There needs to be a balance.
206	Chair Lewis	Finds his comments interesting in regard to the bottle bill legislation.
213	Tucker	Suggests that expansion of the bottle bill was defeated in relation to campaign spending.
222	Rep. Luke	Asks if he is suggesting that people didn't know what they were voting for.
223	Tucker	Indicates that they voted with the information that was before them. Suggests that spending be limited in the initiative process.
232	Rep. Lehman	Appreciates citizens who voluntarily help in the petition process.
242	Tucker	Suggest that citizens have the right to know what is in their community, but they shouldn't have the right to ban it.
253	Rep. Shields	Indicates that any time a community knows about nuclear waste traveling through their community, there is great concern.
262	Bo Adan	Eugene resident. Suggests that the committee has been hostile to several witnesses.
265	Chair Lewis	Explains that there is limited time for testimony, but the committee will be allowed time enough for their questions.
283	Adan	Explains the philosophical and practical sides of the bill. Addresses the issues that industry's freedom of speech has been abridged, and whether the Community Right to Know issues should be decided by home rule.
387	Rep. Lehman	Asks who defines fundamental rights.
391	Adan	Describes the courts' ability to ultimately decide on fundamental rights.
408	Rep. Luke	Asks if Mr. Adan is saying that sometimes is it ok to override home rule if it is the right thing to do, but if it is wrong to override home rule it shouldn't be done.
TAPE 102, B		
004	Adan	That was not the intent of the discussion.

015	Rep. Luke	Suggests that the initiative is very narrow and thinks that the initiative was designed to attack a particular organization. If that is the case, it is not an appropriate use of home rule.
020	Adan	Agrees that would not be a good use of home rule. Suggests that more companies should have been included in reporting and that the initiative was not an attempt to regulate Hyundai.
037	Rep. Lehman	Asks if a fundamental right is abridged if a facility can no longer operate as a result of the initiative.
043	Adan	Has no answer to the question. Indicates that the bill does not say that a company can or cannot have a particular chemical, but mandates that the amount of toxic material be reported.
049	Rep. Shields	Appreciates Mr. Adan's testimony.
055	Adan	Expresses discontent with proceedings of the hearing. Indicates that he will finish his testimony and suggests that the committee get back to the issue at hand.
074	Adan	Continues with the philosophy behind the proposed legislation and the Eugene initiative.
123	Rep. Luke	Suggests that the Eugene City Council hold public hearings to resolve issues such as this and the Marist bike path issue.
125	Steven Anderson	Chair, Oregon Statewide Local Emergency Planning Committee (LEPC). Expresses support for the bill. Speaks on the three issues of local governments, quality of information, and local control. Indicates that there are ways to improve the information system and states that the quality of information is very important to among others, safety officials. Indicates that the bill is a positive move. (EXHIBIT H)
235	Rep. Luke	Asks about the recording of hazardous wastes that travel through the state
244	Anderson	Explains that there are federal and state provisions that allow citizens to ask what chemicals are being transported.
261	Rep. Welsh	Asks if the position he stated is his personal position or that of LEPC.
266	Anderson	States that his personal position and that of LEPC are to support the bill
273	Rep. Welsh	Verifies that he is stating LEPC's position.
275	Anderson	Answers affirmatively.
281	Paula Holloway	Representative, Willamette Valley Co. Expresses support for the bill. Explains how toxic material reports are filed with the City of Eugene, the state, and federal officials. Indicates that Oregon's reporting requirements are more stringent than other states. States that the low reporting thresholds will be difficult to comply with.
378	Rep. Shields	Asks if the issue is an accounting and data base problem.

385	Holloway	No.
405	Rep. Shields	Needs clarification as to whether estimates of materials can be made, or if there need to be accurate measurements.
414	Holloway	States that the initiative requires reporting to 2.2 pounds. Indicates that estimated measurements are being discussed by the Toxics Board.
TAPE 103, A		
009	Rep. Welsh	Expresses confusion about definitions of materials balance in the Eugene charter and the claim that an amount of material can be estimated.
033	Beth Bedden	Eugene citizen. Expresses opposition to HB 3281. Suggests that the bill is an issue of local control. Describes the potential impacts of passage of the bill.
110	Joni Low	Representative, League of Oregon Cities. Expresses opposition to HB 3281. Explains that city officials have the responsibility for preserving city home rule. (EXHIBIT I)
131	Rep. Luke	Asks how many member cities voted on the position on the letter.
141	Low	States that the cities did not vote on the position letter, but the letter is related to the premises of the League of Oregon Cities to preserve city home rule.
146	Rep. Luke	Asks if the board decided on the position.
149	Low	States that the position is part of the League of Oregon Cities Constitution.
163	Iris Gibson	Salem resident. Expresses opposition to HB 3281. Describes her concern for toxins in the environment. Describes her long standing concerns for the effects of exposure to chemicals.
281	Rep. Luke	Indicates that farmers in Deschutes County are using waste from septic systems as fertilizer.
293	Gibson	Explains that she referred to farmers that would sneak at night and dispose of chemically treated waste.
299	Rep. Fahey	Asks if there can be more testimony from the Mayor of Eugene and other City Councilors.
313	Mike Redding	Representative, City of Eugene. Explains that Councilor Ken Tollenaar presented the position for the City and Council at the previous hearing.
325	Rep. Luke	Asks if the city had full public hearings before the ballot measure was voted on.
330	Redding	Doesn't know what hearings were held on the issue.
334	Rep. Luke	Asks if there were public hearings before condemnation proceedings began on the Marist High School property.
338	Redding	Doesn't know for sure, but will return with information.
345	Chair Lewis	Adjourns the meeting at 8:30 p.m. Testimony was presented to the committee. (EXHIBIT J)

Submitted By, Reviewed By,
Marjorie Taylor, Judith Gruber,
Administrative Support Policy Analyst

EXHIBIT SUMMARY

- A - HB 3724, Written testimony, Richard Bach, 9 pp.**
- B - HB 3724, Written materials, Douglas McCord, 22 pp.**
- C - HB 3724, Written materials, Cindy Brown, 6 pp.**
- D - HB 3281, Written testimony, Robert O'Brien, 18 pp.**
- E - HB 3281, Written testimony, Michael Carrigan, 1 p.**
- F - HB 3281, Written testimony, Kathy Ging, 2 pp.**
- G - HB 3281, Written testimony, Randy Tucker, 6 pp.**
- H - HB 3281, Written testimony, Steven Anderson, 2 pp.**
- I - HB 3281, Written testimony, Joni Low, 1 p.**
- J - HB 3281, Presented testimony, Committee Staff, 5 pp.**