

HOUSE COMMITTEE ON WATER POLICY

April 15, 1997 Hearing Room D

3:00 P.M. Tapes 64 - 65

MEMBERS PRESENT: Rep. Ken Messerle, Chair

Rep. Tim Josi, Vice-Chair

Rep. Jo Ann Bowman

Rep. Tony Corcoran

Rep. Steve Harper

Rep. Jeff Kruse

MEMBER EXCUSED: Rep. Jim Welsh

STAFF PRESENT: Pat Zwick, Policy Analyst

Rebecca M. Scott, Administrative Support

MEASURE/ISSUES HEARD: HB 2095 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 64, A		
002	Chair Messerle	Calls meeting to order at 3:40 p.m.
<u>HB 2095</u>		
<u>PUBLIC</u>		
<u>HEARING</u>		
007	Chair Messerle	Opens public hearing on HB 2095.
008	Pat Zwick	Policy Analyst, summarizes HB 2095. Submits letter received from Former Oregon State Representative Chuck Norris. (EXHIBIT A)
033	Gail Achterman	Representing Oregon Food Processors Council (OFPC) and the Oregon Water Resources Congress (OWRC) submits and reviews testimony in support of HB 2095. (EXHIBIT B)
083	Achterman	Continues review.

107	Chair Messerle	Asks if this includes surface water, as well as ground water.
109	Achterman	No. One of the major concerns about HB 2095 was that it could injure junior surface right users. Discusses possible situations. HB 2095 is limited to situations where the source of the industrial water is ground water and where that ground water has historically not been discharged into surface waters.
127	Chair Messerle	Asks if the Water Resources Department has discretion over situations where there may be exceptions.
131	Achterman	If the original industrial water source was surface water, and there had been discharges during the season of the year, then the mechanism could not be used. In order for a farmer to use the water, would need to apply for a change of use and change of place of use under water right transfer statutes.
142	Chair Messerle	Asks if the farmer would not be able to protect his water right in this situation.
145	Achterman	Correct. The farmer would have to make sure that when using industrial reclaimed water, the underlying natural flow right would have to be used at least once every five years.
148	Ken Yates	Executive Director, Oregon Food Processors, submits and reviews written testimony in support of HB 2095. (EXHIBIT C)
179	Rep. Josi	Asks why Confined Animal Feeding Operation (CAFO) projects were included in the testimony.
184	Yates	CAFOs are covered under the same waste water permits and were included for reasons of uniformity.
188	Achterman	CAFOs were included to ensure that all land applications of reclaimed water are represented. There are some CAFOs where there is solids separation.
206	Rep. Josi	Comments on CAFO program in Rickreall and the application of reclaimed water.
211	Achterman	Refers to Section 6, which is a grandfather clause. There is currently extensive use of land application of industrial water and of water from CAFOs all over the state. But there is a need to clarify existing law regarding this issue.
247	Chair Messerle	Comments on personal dairy farming experiences. Asks about pulp mills, and other such industries, which are not included, but are interested in applying warm water.
260	Achterman	This talks about industrial use generally, and most land applications agreements have been made between farmers and food processors. HB 2095 would allow non-contact cooling water from a pulp mill to be land applied, as long as the original source of supply was ground water.
270	Achterman	Continues review. (EXHIBIT B, page 3)
317	Chair Messerle	Asks for clarification of the use of surface water.

321	Achterman	It would be allowed, if, for example, the city's water supply is surface water and the city processes that water through their treatment plant, then delivers it to an industrial facility. If conditions are met, then that facility can register their use under the municipal reclaimed water system.
331	Chair Messerle	Asks if the landowners would be protected from losing their water rights.
334	Achterman	Yes, they currently are under the municipal reclaimed water statute, HB 2095 changes the definition to include an uncommon situation.
349	Chair Messerle	Asks if industrial food processors who have their own water right and get surface water, are not covered under this legislation. Asks who else would not be covered.
354	Achterman	Correct. Currently they are the only ones not covered, because down stream users who depend on return flows could potentially be injured.
369	Chair Messerle	Asks if there is protection for users which may be downstream from municipal systems.
374	Achterman	That is covered under existing statutes.
395	Jan Lee	Representing Oregon Water Resources, testifies in support of HB 2095.
TAPE 65, A		
004	Lee	Continues testimony.
015	Chair Messerle	Asks how water is applied.
018	Lee	Mainly sprinkler application.
033	Tom Byler	Legislative Liaison, Water Resources Department, submits and reviews testimony regarding HB 2095. (EXHIBIT D)
065	Chair Messerle	Asks if there are any others, besides those already identified, who could be left out of this legislation.
067	Byler	It is possible, but this is a reasonable first step in the use of reclaimed water.
075	Chair Messerle	Asks if those who have been left out have the option of appearing before Department of Environmental Quality and the Water Resources Department to get the benefits of HB 2095.
078	Byler	If they meet the requirements under the statute, then they could possibly go through the municipal reclaimed water statute. If there is a ground water right for industrial or CAFO use, they may be able to use this bill as well.
081	Chair Messerle	Asks for clarification on the protection of water rights of landowners.
085	Byler	If an industrial user has a water right for surface source that is not acquired through a municipality, they would not have the opportunity to use the reclaimed water under current law.
088	Chair Messerle	Asks for further clarification.

090	Byler	The parties involved could go through the transfer process to change type of use.
094	Rep. Kruse	Asks if department is going the same direction as California in regard to reclaimed water use.
097	Byler	At this point, the focus has not been on the long-term direction. Have decided that this is a good first step, and will be proceeding cautiously.
104	Rep. Kruse	Comments that in some areas of California, almost all of their appropriated water is reclaimed.
109	Ves Garner	Water Resources Specialist, Department of Agriculture, submits and reviews testimony in regard to HB 2095. (EXHIBIT E)
126	Chair Messerle	Asks what economic benefits could be to both landowners and processors.
130	Garner	Does not know. Refers to a study done in the Columbia Basin regarding use of reclaimed water for land application.
143	Ed Liggett	Department Environmental Quality. Testifies in support of HB 2095. Comments on CAFO programs.
175	Pete Test	Representing Oregon Farm Bureau, submits and reviews testimony in support of HB 2095. (EXHIBIT F)
204	Chair Messerle	Closes public hearing on HB 2095.
211	Chair Messerle	Adjourns meeting at 4:20 p.m.

Submitted By, Reviewed By,

Rebecca M. Scott, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2095, Chuck Norris 3/19/97 Letter, 1 pp.

B - HB 2095, Written Testimony, Gail Achterman, 3 pp.

C - HB 2095, Written Testimony, Ken Yates, 1 p.

D - HB 2095, Written Testimony, Tom Byler, 48 pp.

E - HB 2095, Written Testimony, Ves Garner, 1 p.

F - HB 2095, Written Testimony, Pete Test, 1 p.