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SENATE COMMITTEE ON LIVABILITY

April 17, 1997 Hearing Room C

3:00 P.M. Tapes 45 - 46

MEMBERS PRESENT:

Sen. Ted Ferrioli, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Kate Brown

Sen. Ginny Burdick

Sen. Eileen Qutub

MEMBER EXCUSED:

STAFF PRESENT:

Christin Smith, Administrator

Nora Carlson, Administrative Support

MEASURE/ISSUES HEARD:

SB 1072 Work Session

SB 420 Public Hearing and Work Session

SB 543 Public Hearing and Work Session

SB 1055 Public Hearing and Work Session

SB 946 Public Hearing and Work Session

SB 146 Public Hearing and Work Session

SB 1145 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 45, A		
003	Chair Ferrioli	Calls meeting to order at 3:09 p.m. Opens work session on SB 1072.
<u>SB 1072 WORK SESSION</u>		
005	Sen. Kintigh	MOTION: Moves to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Water and Land Use.
007	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
009	Chair Ferrioli	Closes work session on SB 1072; opens public hearing on SB 420.
<u>SB 420 PUBLIC HEARING</u>		
018	Dave Barrows	Representing Chemical Waste Management, provides testimony in support of SB 420 and submits proposed amendment language on the application for a renewal permit application (EXHIBIT A).
052	John Ledger	Representing Associated Oregon Industries, provides testimony in support of SB 420 and explains cost recovery versus fee schedule proposal.
074	Dick Briggs	Consultant, provides testimony on SB 420, issues discussed: * fee for used oil processors * monitoring the collection of oil

		* tax for technical assistance
137	Chair Ferrioli	Asks Mr. Briggs if he would be willing to work with the agencies in the rule making process.
145	Briggs	Agrees to work with the agencies and suggests that the Department of Environmental Quality (DEQ) use the oil processors as an advisory committee.
164	Art Schlack	Representing the Association of Oregon Counties, provides testimony in support of SB 420, and describes counties' concerns to extend funding for hazardous waste to other areas.
185	Bob Danko	Waste Management, DEQ, comments that their department has met the concerns given in previous testimony and that they are ready to move forward with legislation.
199	Chair Ferrioli	Closes public hearing on SB 420; open work session on SB 420.
<u>SB 420 WORK SESSION</u>		
210	Sen. Kintigh	MOTION: Moves to ADOPT SB 420-1 amendments dated 4/16/97.
215	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
210	Sen. Kintigh	MOTION: Moves SB 420 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
215	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
230	Chair Ferrioli	Closes work session on SB 420; opens public hearing on SB 543.
<u>SB 543 PUBLIC HEARING</u>		
290	Mike Dewey	Representing Oregon Waste Systems, submits proposed amendment and provides testimony in support of SB 543 (EXHIBIT B).
320	Dewey	Continues with testimony, issues discussed: * contract loss * out-of-state fees

358	Sen. Burdick	Asks for examples on particular wastes that are considered hazardous in California but not in Oregon.
362	Dewey	Responds that this language is no longer included in the bill and that statute allows that if the State of Oregon classifies waste as hazardous, waste shipped into Oregon will have to go to a hazardous waste facility.
375	Chair Ferrioli	Asks how big, in terms of land mass, is the facility in Arlington.
377	Dewey	Responds that the facility contains 13,000 acres.
379	Chair Ferrioli	Asks how much of the area is in use as landfill.
382	Dewey	Responds that the permitted landfill area is 700 acres.
385	Chair Ferrioli	Asks how safe is the facility and asks for description of safeguards.
398	Dewey	Describes the facility's safeguards, areas discussed: * level of ground water * clay which reduces liquid that can flow through it * detection and collection system
400	Chair Ferrioli	Asks if there are other facilities like the Arlington facility.
401	Dewey	Responds that he has not visited any facilities in this area but that the Arlington facility far exceeds the regulatory requirements.
TAPE 46, A		
010	Chair Ferrioli	Asks how many jobs are created directly by the facility.
012	Dewey	Responds that the hazardous waste and solid waste facilities together create in excess of 140 jobs.
020	Chair Ferrioli	Asks what are the wages.
022	Dewey	Responds that labor is approximately from \$7 to \$18 an hour.
026	Sen. Brown	Asks if health and retirement benefits are provided.
028	Dewey	Responds that benefits are provided.
030	Bob Danko	Waste Management, Department of Environmental Quality (DEQ), submits and provides testimony on SB 543 (EXHIBIT C), issues discussed: * percentage of out-of-state waste in Oregon * out-of-state waste contracts
060	Chair Ferrioli	Question regarding the potential for loss of jobs.

066	Chair Ferrioli	Asks Mr. Seed if he has testimony on the potential for losing contracts.
068	Steve Seed	Representing Oregon Waste Systems, responds that the potential for losing contracts is due to the increase in the number of landfills bidding for contracts.
073	Chair Ferrioli	Asks about their intent on the issue of smaller contracts.
075	Seed	Responds that Waste Management is the largest recycler in the entire world and they want to be able to be competitive with their neighbors.
082	Sen. Burdick	Questions regarding requirements that result in loss of money for the company.
100	Sen. Burdick	Questions regarding out-of-state waste Oregon receives annually.
118	Chair Ferrioli	Closes public hearing on SB 543; opens work session on SB 543.
<u>SB 543 WORK SESSION</u>		
125	Sen. Burdick	Asks if the amendment language eliminates the recycling requirements for smaller customers.
128	Danko	Agrees and explains that there is one other provision that remains which deals with banning out-of-state waste.
134	Sen. Burdick	Asks if banning would violate the interstate commerce clause.
137	Danko	Agrees and explains that language would only allow the legislature to keep the ban option open.
141	Sen. Burdick	Asks if the amendment language would affect the differential fee structure.
143	Danko	Responds that they currently do not have a differential fee structure and that the language would allow for consideration.
148	Sen. Burdick	Asks if the proposed amendment language would affect the existing differential fee language.
150	Danko	Responds that it would stay in existing statute.
152	Sen. Kintigh	MOTION: Moves to ADOPT SB 543-2 amendments dated 4/17/97.
154	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
155	Sen. Kintigh	MOTION: Moves SB 543 to the floor with a DO PASS AS AMENDED recommendation.

158	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye.
160	Chair Ferrioli	The motion CARRIES. SEN. BROWN will lead discussion on the floor.
170	Chair Ferrioli	Closes work session on SB 543; opens public hearing on SB 1055.
<u>SB 1055</u> <u>PUBLIC</u> <u>HEARING</u>		
180	Marla Cummins	Representing Senator Timms, provides introduction of Charles Kelly.
190	Charles Kelly	Former paramedic firefighter, provides testimony in support of SB 1055, issues discussed: * change in member selection process * rural representation
220	Chair Kintigh	Questions regarding areas selected.
236	Sen. Brown	Asks if the State Emergency Medical Service Committee (SEMSC) is similar to the Board of Medical Examiners.
241	Kelly	Responds that their function is somewhat different in that they are advisory to the State Health Division and that they also have a committee which is involved in discipline and training.
254	Sen. Brown	Asks for clarification that they are trying to get broader representation under SEMSC.
260	Kelly	Responds that oftentimes the people who have time available are administrators who are not practicing Emergency Medical Technicians.
277	John Tardiff	Paramedic, provides testimony in support of SB 1055, issues discussed: * process of selecting Emergency Medical Technicians (EMTs) * representation for paramedic programs * improving rural representation
298	Chair Kintigh	Asks if the bill language provides for rural representation.
302	Tardiff	Identifies page 1 of the bill which reads "...The committee shall include at least one resident but no more than three from each region..."

316	Sen. Qutub	Asks what would be improved by the passage of the bill.
320	Tardiff	Responds that the actively practicing paramedics will be able to make recommendations to the Health Division for better decision making.
343	Gary McLean	Nurse paramedic, Northwest Paramedic Alliance, provides testimony in support of SB 1055.
372	Chair Kintigh	Asks how often the committee meets.
380	Kelly	Responds that they meet quarterly, or at the call of the chair.
384	Greg Lander	Section Chief, Oregon Health Division, provides testimony on SB 1055; issues discussed: * concerns with rural representation - getting people to attend * representation from the congressional districts
408	Chair Kintigh	Asks about the effect if committee members were changed.
TAPE 45, B		
005	Lander	Responds that it would affect areas in the southeast regions with distance and population issues and the other issue of having practicing EMTs on the committee.
009	Chair Kintigh	Asks about telephone-conferencing as a solution.
011	Lander	Responds that there have been a number of unsuccessful attempts.
015	Sen. Brown	Asks if committee members are provided per diem reimbursement.
018	Lander	Responds that they are provided reimbursement.
017	Sen. Qutub	Asks if they hold meetings in areas outside the Portland Metropolitan area.
020	Lander	Responds that they currently do not meet outside of the Portland area, and they have not had the ability to teleconference but that teleconferencing is under consideration.
024	Kelly	Comments that they have tried meeting in various areas throughout the state but received poor participation.
030	Chair Kintigh	Closes public hearing on SB 1055; open public hearing on SB 946.
<u>SB 946</u> <u>PUBLIC</u> <u>HEARING</u>		
		Associate Oregon Industries, provides testimony in support of SB 946, issues discussed:

045	John Ledger	* Clean Air Act * Title V program requirements
100	Ledger	Continues with testimony on Title V Air Quality and submits supporting data (EXHIBIT D).
150	Ledger	Continues with testimony on the sunset provision.
158	Sen. Burdick	Asks if the Maximum Achievable Control Technology (MACT) applies to new sources.
160	Ledger	Responds that it applies to existing sources.
163	Bob Gilbert	Manager, James River Corporation, provides testimony in support of SB 946, issues discussed: * pulp and paper packaging plants * compliance schedules
187	Sen. Burdick	Asks if their concern is that they would have to perform two upgrades instead of one.
190	Gilbert	Agrees and further explains the costs to comply with requirements.
198	Sen. Burdick	Questions regarding the Environmental Protection Agency's (EPA) effort in identifying hazards on the air pollutant lists.
227	Andy Nichols	Wah Chang Corporation, provides testimony in support of SB 946, issues discussed: * company output * program compliance
273	Nichols	Continues with testimony on compliance efforts.
315	Ledger	Refers to proposed amendments submitted and describes the effect of the amendments (EXHIBIT E).
320	Sen. Burdick	Asks about their request for extension of the sunset.
322	Ledger	Describes the EPA's compliance requirements.
338	Sen. Burdick	Questions on whether the bill would prevent the state from adopting more stringent standards.
389	Kathryn VanNatta	Representing the Northwest Pulp and Paper Association, submits and provides testimony in support of SB 946 (EXHIBIT F).
420	VanNatta	Continues with testimony on permits.
TAPE 46, B		
019	Carolyn Young	Assistant to the Director of the Department of Environmental Quality, voices support on the proposed amendments.
026	Chair Ferrioli	Closes public hearing on SB 946; opens work session on SB 946.

<u>SB 946 WORK SESSION</u>		
030	Sen. Burdick	MOTION: Moves to ADOPT SB 946-2 amendments dated 4/17/97.
035	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
040	Sen. Burdick	MOTION: Moves SB 946 to the floor with a DO PASS AS AMENDED recommendation.
042	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye.
045	Chair Ferrioli	The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
048	Chair Ferrioli	Closes work session on SB 946; opens work session on SB 1055.
<u>SB 1055 WORK SESSION</u>		
050	Sen. Brown	MOTION: Moves SB 1055 to the floor with a DO PASS recommendation.
052	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye.
053	Chair Ferrioli	The motion CARRIES. SEN. BROWN will lead discussion on the floor.
055	Chair Ferrioli	Closes work session on SB 1055; opens public hearing on SB 146.
<u>SB 146 PUBLIC HEARING</u>		
060	Jim Craven	Representing the Oregon Council of the American Electronics Association, provides testimony in support of SB 146, issues discussed: * reporting requirements

		* toxic use data requirement * proposed -1 amendments, member handout, (EXHIBIT G)
100	Sen. Brown	Refers to Mr. Craven's reference to the Oregon State Public Interest Research Group letter and comments that she does not have a copy of the letter.
102	Chair Ferrioli	Reviews letter, member handout, (EXHIBIT H).
117	Chair Ferrioli	Closes public hearing on SB 146; opens work session on SB 146.
SB 146 WORK SESSION		
120	Sen. Qutub	MOTION: Moves to ADOPT SB 146-1 amendments dated 4/16/97.
122	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
124	Sen. Qutub	MOTION: Moves SB 146 to the floor with a DO PASS AS AMENDED recommendation.
126	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye.
128	Chair Ferrioli	The motion CARRIES. SEN. QUTUB will lead discussion on the floor.
136	Chair Ferrioli	Closes work session on SB 146; opens public hearing on SB 1145.
SB 1145 PUBLIC HEARING		
138	Lydia Taylor	Deputy Director, Department of Environmental Quality, (DEQ) provides testimony in support of SB 1145 (EXHIBIT I), issues discussed: * on-site sewage systems * fiscal impact on households due to on-site fees
203	Sen. Brown	Asks about the number of households that have \$15,000 or less annual income.

205	Taylor	Responds that figures are according to the 1997 census self reporting data by Oregonians.
208	Chair Ferrioli	Questions on DEQ's estimated costs for revenue generation.
250	Sen. Burdick	Asks how the \$500,000 estimated impact is divided between the counties and the state.
252	Taylor	Responds that the proportion between counties and the state is two to one.
260	Sen. Burdick	Questions regarding disaster funds.
270	Art Schlack	Representing the Association of Oregon Counties, provides testimony in support of SB 1145, issues discussed: * concern for potential fiscal impact * returning services to DEQ
300	Chair Ferrioli	Adjourns meeting at 4:55 p.m.

Submitted By, Reviewed By,

Nora Carlson, Christin Smith,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 420, proposed amendments, Dave Barrows, 3 pp

B - SB 543, proposed amendments, Mike Dewey, 1p

C - SB 543, testimony, Bob Danko, 1 p

D - SB 946, written materials, John Ledger, 3 pp

E - SB 946, proposed amendments, John Ledger, 2 pp

F - SB 946, testimony, Kathryn VanNatta, 2 pp

G - SB 146, proposed amendments, committee staff, 1 p

H - SB 146, written testimony, committee staff, 1 p

I - SB 1145, testimony, Lydia Taylor, 3 pp
