

SENATE COMMITTEE ON  
AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT

April 17, 1995 Hearing Room 343  
1:00 P.M. Tapes 79 - 80

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair  
Sen. Brenda Brecke  
Sen. Bill Dwyer  
Sen. Tom Hartung  
Sen. Rod Johnson, Vice Chair  
Sen. Marylin Shannon

STAFF PRESENT:

Bruce McIntosh, Committee Administrator  
Catrina Victor, Committee Assistant

MEASURES HEARD: SB 1089

Public Hearing

SB 1039 Public Hearing and Work Session  
SB 1119 Public Hearing  
SB 159 Work Session  
SB 950 Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

Tape 77A,

003 CHAIR KINTIGH: Calls the meeting to order at 1:00 P M  
OPENS WORK SESSION ON SB -159

159-2 010 BRUCE McINTOSH, Committee Administrator: Reviews the SB 159-1 and SB

(EXHIBIT A) amendments.

024 MOTION: SEN. KINTIGH: Moves to ADOPT SB 159-2 amendments (EXHIBIT A).

VOTE: Hearing no objection the motion CARRIES.

026 MOTION: SEN. JOHNSON: Moves SB 159 be sent to the floor with a DO PASS

AS

AMENDED recommendation.

VOTE: 40

AYE: In a roll call vote, all members present vote Aye.

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EXCUSED: 2 - Brecke, Shannon

CHAIR: The motion CARRIES.

SEN. JOHNSON will lead the discussion on the Senate Floor.

CLOSES THE WORK SESSION ON SB 159

OPENS THE WORK SESSION ON SB 950

Witnesses: TERRY WITT, Oregonians for Food and Shelter

CHRIS DURTH, Governor's office

BOB DANKO, Department of Environmental Quality

060 SEN. DWYER: Explains the SB 950-3 amendments (EXHIBIT B).

084 TERRY WITT, Oregonians for Food and Shelter: Reviews the current amendments vs. the

previous amendments. Voices concerns, and requests a few additional days to review the

amendments and make recommendations. Would like some time to contact their

national group to discuss the new amendments.

166 CHRIS DURTH, Governor's Office: Lends support to the -3 amendments

(EXHIBIT B).

Gives reasons for the new amendments. Requests that all interested parties

be a part of the discussion period.  
195 BOB DANKO, Department of Environmental Quality: Provides visual aids to help explain the amendments.  
200 CHAIR KINTIGH: Asks about the other amendment that would limit the "FIFRA" items to be exempted.  
220 Danko: I am not sure that a good case has been made to exempt hazardous material products.  
"FIFRA" container -Explains the percentage of containers which would be exempted if only the were exempt; 5-7%.

CLOSES THE WORK SESSION ON SB 950  
OPENS THE WORK SESSION ON HCR4

260 MOTION: SEN. JOHNSON: Moves to ADOPT HCR42 amendments.  
271 SEN. DWYER: Would like to see the word "if" replaced in the amendment.  
287 SEN. BRECKE: Agrees with Sen. Dwyer and suggests that the word "if" be placed on line 18.  
VOTE: 6 0  
AYE: In a roll call vote, all members present vote Aye.

CHAIR: The motion CARRIES.

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317 MOTION: SEN. JOHNSON: Moves HCR4 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.  
VOTE: 42  
AYE: 4 - Kintigh, Johnson, Hartung, Shannon  
NAY: 2 - Brecke, Dwyer  
CHAIR: The motion CARRIES.  
SEN. JOHNSON will lead discussion on the floor.  
340 SEN. BRECKE: Serves notice to the committee of a possible minority report on SB 950 as amended.

CLOSES THE WORK SESSION ON SB 950  
OPENS THE PUBLIC HEARING ON SB -1039  
CLOSES 1~; PUBLIC HEARING ON SB -1039  
OPENS WORK SESSION ON SB -1039

360 McINTOSH: Explains the SB 1039-2 amendments (EXHIBIT C).  
405 SEN. JOHNSON: Asks for clarification on differences concerning treble damages between the amendments and the statutes.  
414 McINTOSH: The section in question refers to the Forest Practices Act laws.  
463 SEN. JOHNSON: The language of ORS 105.810, end the language of the bill in section 1, is identical

TAPE 80, SIDE A

020 SEN. DWYER: Suggests changing the relating clause, to avoid the redundant language in the bill with the respective ORS'.

030 CHAIR KINTIGH: Wants to refer the bill back to Legislative Counsel before taking any action.

058 SEN. JOHNSON: Suggests the change needed if the committee decides to  
make the change without referring to Legislative Counsel; change subsections 2, and 3 of  
the bill to ORS 105.810.

RECESSES THE WORK SESSION ON SB -1039  
OPENS THE PUBLIC HEARING ON SB 1389

Witnesses: MIKE DEWEY, Oregon Waste Systems Inc.  
DOUG COENEN, Division President, Oregon Waste Systems Inc.

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Page 4 BOB DANKO, Department of Environmental Quality KRISTAN MITCHELL,  
ORRA CHRIS TAYLOR, OSPIRG

070 MIKE DEWEY, Oregon Waste Systems Inc.: Testifies in support of SB 1089.  
Provides the committee with amendment.

088 DOUG COENEN, Division President, Oregon Waste Systems Inc.: Testifies  
in support of SB 1089.

-Discusses SB 66 and how it relates to out-of-state wastes. This bill tries  
to make things more flexible. Reviews the problems with SB 66 and how SB 1089 will correct  
those. We have worked closely with DEQ to come to a consensus. Recommends passage of  
SB -1089.

180 BOB DANKO, Department of Environmental Quality: Testifies in support of  
SB 1089. It is

an efficiency matter. This bill fairly addresses our concerns.  
218 KRISTAN MITCHELL, Oregon Refuse and Recycling Association: Supports the  
bill with the SB 1089-1 amendments offered (EXHIBIT D). Has consent of Gordon Fultz of  
OAC to voice his support.

231 CHRIS TAYLOR, Oregon State Public Interest Research Group: Testifies in  
support of SB 1089. OSPIRG has been assured that their concerns have been addressed in  
this bill.

268 MOTION: SEN. DWYER: Moves to ADOPT SB 1089-1 amendments dated 4/14/95  
(EXHIBIT D).

272 VOTE: Hearing no objection the motion CARRIES.  
MOTION: SEN. DVYER: Moves SB 1089 be sent to the floor with a DO PASS  
AS

AMENDED recommendation.

VOTE: 5-0

AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - Johnson

CHAIR: The motion CARRIES.

SEN. HARTUNG will lead the discussion on the Senate Floor.

OPENS THE PUBLIC HEARING ON SB -1119

Witnesses: VERA SIMATIN, Resident of Pendleton, Oregon VAL TORONTO,  
Resident of Umatilla, Oregon

290 VERA SIMATIN, Resident of Pendleton, Oregon: Testifies in support of  
SB -1 1 19.

Feels if SB -1089 is passed the illegal dumping in the community will stop.  
People cannot

community must pay high afford the waste costs, so they litter. Doesn't agree that their small  
more away to be garbage costs because the garbage must be dumped/transported 50 miles or  
disposed of.  
,'. '.

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360 VAL TORONTO, Resident of Umatilla, Oregon: Testifies in support of SB  
1119. Thanks the committee staff for their efforts in processing the paperwork of the bill.  
Hopes to cut down on the paper work and processing problems of permitting. Gives an example of a  
recent plant closure in his area. There are many problems with the administrative  
process. Provides a personal history of the bill, how and why it originated.

TAPE 79, SIDE B

007 TORONTO: Continues to testify.

063 Continues his testimony.

RECESSES THE PUBLIC HEARING ON SB -1119

REOPENS THE RECESSED WORK SESSION ON SB 1039

Witnesses: CHARLIE STONE, Department of Forestry  
RAY WILLKESON, OFIC

110 SEN. JOHNSON: Relays information obtained by Judy Hall, Secretary of the Senate and Tom Clifford of Legislative Counsel regarding changing the relating clause of SB -1039. We can change the relating clause to fit the intent of the bill. Wishes to amend the relating clause.

151 MOTION: SEN. JOHNSON: Moves to AMEND SB 1039 by changing the relating clause to read, "Relating to the unlawful removal of trees, timber or shrubs."

160 CHARLIE STONE, Department of Forestry: Has no real problems with the bill and the changes which have been made.

170 RAY WILLKESON, OFIC: Concerned that the relating clause may not cover everything with the proposed change. Can the committee approve the amendments and have LC come up with a correct relating clause that encompasses the totality of what the bill accomplishes?

220 Committee agrees to let Legislative Counsel come up with a more appropriate relating clause. PREVIOUS MOTION IS WITHDRAWN.

250 SEN. DWYER: Wants clarification and additional definitions.

260 SEN. JOHNSON: Specifically addresses Sen. Dwyer's concerns through discussing the particular statutes.

340 CHAIR KINTIGH: Agrees that there is a problem defining treble damages. Recommends rewording and deletion of questionable areas.

TAPE 80, SIDE B

027 CHAIR KINTIGH: I would like to get an agreement on Sen. Johnson's amendments then send them to Legislative Counsel before we take a final vote.

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SENATE AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT April 17, 1995 -  
Page 6 CLOSES THE WORK SESSION ON SB -1039

REOPENS THE PUBLIC HEARING ON SB 1119

Witnesses: WILLIAM COLE, Pendleton Resident  
CHUCK DONALDSON, Solid Waste Management, DEQ  
BOB DANKO, Department of Environmental Qualib  
KENT MAYER, Finley Landfill  
CALVIN & SILVA GARTEN

50 WILLIAM COLE: Pendleton resident. Testifies in support of SB 1119.  
Whenever any waste site has closed it has raised our costs as consumers. We pay the highest or near to the highest fees within the state though only 15,000 people populate our city. We wish to open a non-municipal landfill to meet our needs.

131 CALVIN GARTEN, President of the Umatilla Refuse Group Co-op: Testifies in support of SB -1119 with amendments which clean up various typing errors in the bill. This landfill will not pose a public threat. This legislation is needed.

159 SILVA GARTEN Testifies in support of SB 1119. This bill would keep the cost for garbage service down. Monopolies like these are bad.

165 KENT MAYER, Einley Landfill: Opposes SB -1119. Provides professional history. Reads testimony. Fears toxins such as wood products that have been treated with chemicals may be burned.

319 BOB DANKO, Department of Environmental Qualib: Testifies in opposition to SB 1119. This is a very complicated bill which would drastically change how the DEQ deals with landfill design, construction and permitting operation and closure. Mr. Donaldson will briefly outline some of the DEQ's thoughts regarding SB 1119.

326 CHUCK DONALDSON, Solid Waste Management, Department of Environmental Qualib: The Department opposes SB -1119. This bill completely changes existing laws and would effect 60 landfills within the state. We are concerned when the landfill operator decides when to monitor the ground water. The authority for review is removed from DEQ and placed in the hands of the operator.

-Discusses the fiscal impact on the Department.  
434 SEN. SHANNON: If the committee can get through the Department's objections and concerns, how would the Department feel about having some of these smaller landfills competing with the larger ones?

440 DONALDSON: It is "doable". If a technically supportable proposal is apparent then DEQ will issue the permit.

CLOSES THE PUBLIC HEARING ON SB 1119

The meeting is adjourned at 3:10 P.M.

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Transcribed by,

Pat Z

EXHIBIT SUMMARY:

- A-SB 159: SB 159-2 Amendment - Staff- 5 pages
- B-SB 950: SB 950-3 Amendment - Sen. Dwyer - 1 page
- C-SB 1039: SB 1039-2 Amendment - Staff- 2 pages
- D-SB 1089: SB 1089-1 Amendment - Staff- 2 pages

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