

HOUSE COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON ENERGY & ENVIRONMENT

Hearing Room  
Tapes 40 - 43

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair  
Rep. Lisa Naito, Vice-Chair  
Rep. Bill Fisher  
Rep. Dennis Luke  
Rep. Chuck Norris  
Rep. Terry Thompson  
Rep. Judy Uherbelau

STAFF PRESENT:

Mark Bauer, Committee Administrator  
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

HB 2648 Work Session  
HB 2785 Public Hearing & Work Session  
HB 2895 Public Hearing & Work Session  
HB 3043 Public Hearing & 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 , SIDE A

005 CHAIR LEWIS opens the meeting at 2:43 PM.

007 Opens the PUBLIC HEARING on HB 2895.

Witnesses:

REP. TONY FEDERICI, District 1  
REP. PATTY MILNE, District 28  
DENNIS L. GOECKS, Yamhill County Commissioner  
GREG GREEN, Department of Environmental Quality  
NEIL R. COHEN, Yamhill County Commissioner  
ANN PESOLA, Newberg Area Chamber of Commerce  
LIZ FRENKEL, Sierra Club, Oregon Chapter  
REP. LESLIE LEWIS, District 29

013 MARK BAUER, Committee Administrator: Summarizes HB 2895.

023 REP. LUKE: Asks if HB 2895 causes problems if the federal government  
change the rules on the metro air shed.

025 REPRESENTATIVES TONY FEDERICI, HOUSE DISTRICT 1: Testifies in support  
of HB 2895 [EXHIBIT A].

075 Continues to read written testimony.

125 Continues to read written testimony.

154 REP. FISHER: Asks if he is aware the 1993 Legislature turned down those  
options in the last session.

155 REP. FEDERICI: Responds in the affirmative.

175 REP. UHERBELAU: The proposed bill goes beyond addressing those  
particular problems. What is your response, Rep. Federici, regarding the  
fact that the boundaries are being treated differently?

185 REP. FEDERICI: DEQ must establish scientific standards that will stand  
up to scrutiny.

202 REPRESENTATIVE PATTY MILNE, HOUSE DISTRICT 28: Testifies in support of  
HB 2895 [EXHIBIT B].

242 REP. FISHER: Asks what counties she represents. How far down into your  
district does this extend?

248 REP. MILNE: It comes into Aurora and Hubbard. There is fear it will  
come down into the Woodburn area.

259 REP. FISHER: There are those same fears in my district.

268 REP. MILNE: We don't feel a part of the Portland area. Nor do we feel  
that it is necessary to for our area to be included in the air shed  
expansion into the Aurora, Hubbard or Woodburn areas.

279 DENNIS L. GOECKS, YAMHILL COUNTY COMMISSIONER: Testifies in support of

HB 2895. Requests through the chair that SEN. BRYANT be a cosponsor of HB 2895.

355 REP. LUKE: In Section 1, subsection 2, how do you visualize that working?

360 GOECKS: I believe that if DEQ wants to come into a particular part of a county, if it deals with a city and the city council approves it then it would happen.

-Responds to Rep. Luke regarding certain areas in Oregon and the restrictions because of their air shed.

365 REP. NAITO: I would be willing to look at something where a separate air shed that didn't have a problem, would have some basis to opt out.

367 GOECKS: Responds to Rep. Naito's questions and discusses the concept of desirable lifestyles in various communities.

TAPE 41, SIDE A

036 REP. NAITO: Would you favor giving the local community some discretion to come up with some plan as far as minimizing the pollution that might be a different way to go, alternate to the vehicle testing program?

040 GOECKS: We haven't really thought about that, however, usually when the community has an ailment, they look to the state for the remedy.

048 GREGORY GREEN, DEPARTMENT of ENVIRONMENTAL QUALITY: Testifies in a neutral position to HB 2895. Voices some concerns which the DEQ has with the bill.

-HB 2895 does not provide for alternative emission reduction strategies should a boundary expansion be disapproved.

-Paragraph 2, Section 4(A); exemptions violate part of the DEQ's Clean Air Act.

089 REP. LUKE: Is Portland's area in a Non-attainment area? It is your testimony that since that is a Non-attainment area then industry that would

want to establish itself in Newburg would have to be a completely non-polluting industry?

097 GREEN: It would not have to be a completely non-polluting industry. Additional emissions from the newly established industry would have to prove reductions in emissions elsewhere for a net decrease in the amount of emissions in the air shed.

059 REP. LUKE: Last legislative session they had testimony about pollution effects of lawn mowers, bar-b-que's, and off-road vehicles, actually produced as much as or more pollutants than cars. Is that still true?

109 GREEN: They are not worse than cars but I believe that they are the second largest contributors.

117 REP. FISHER: Are all of the DEQ employees in this area using bicycles and alternate methods of transportation?

119 GREEN: In the Portland area, the answer to that is no. I think that it is somewhere around 65% who come to work by means other than a motor vehicle.

124 REP. LEWIS: Portland has not had any previous violations with going out of the allowed attainment for the ozone over the last few years. Isn't that true?

130 GREEN: Yes, that is true.

133 CHAIR LEWIS: And we are in Non-attainment because the maintenance plan has not been adopted.

136 GREEN: In order to develop a 10 year maintenance plan we have to demonstrate many things before its implementation.

146 CHAIR LEWIS: Isn't it also true that you have recently balanced all of the strategies for reducing the OC's and the OX's and that you have found that you have a surplus in NOX reductions? Don't we also have a surplus of

VOC reductions which translates to approximately 1.1% of a reduction in motor vehicle emissions?

-Asks Mr. Green to look at a graph in his testimony to justify the 45% figure.

164 GREEN: This graph represents ozone precursors. Ozone is not the only pollutant you get from vehicles. Explains the 45% figure and how the DEQ arrived at that figure.

175 CHAIR LEWIS: Thinks that the charts were done prior to the reformulating of gasoline in 1991.

195 GREEN: States he stands by his figures.

200 REP. FISHER: Asks what is being done to let traffic flow. Feels that engine idling in slow traffic causes a lot of the problem.

170 GREEN: Lists the various things that are being done to improve traffic congestion in the Portland area.

173 REP. LUKE: If this bill is passed, is there anything that would keep the DEQ from coming into Newberg and severely restricting everything else except the motor vehicle?

200 REP. LUKE: -DEQ comes into Southern Oregon and wants to test cars, and the county commissioners say no. Is there anything to keep DEQ from putting heavy restrictions on business, on wood stoves, the smudge pots and other things?

259 GREEN: That is a legal question which I cannot answer. The strategies which we are implementing are not strategies developed by DEQ but are the result of HB 2214 of the 1993 legislative session.

265 REP. LUKE: I remember that debate which was a long one because I was on that committee and I believe the legislative intent was that DEQ would not be able to go into an area or city and impose mandatory vehicle testing or be able to impose special restrictions on businesses.

276 LIZ FRENKEL, SIERRA CLUB, OREGON CHAPTER: Testifies in opposition to HB 2895 [EXHIBIT C].  
-Reads written testimony.

332 REP. FISHER: For the sake of clarification, ozone must be lighter than air to get up into the atmosphere, is that correct? Discusses the low level ozone concept.

347 CHAIR LEWIS: Explains the make-up of the ozone layers in the earth's outer atmosphere to Rep. Fisher. The sun's creation of the O3 ozone is different than the ozone which is created here on the ground level.

389 NEIL R. COHEN, MAYOR, CITY OF DUNDEE: Testifies in support of HB 2895 [EXHIBIT D, E & F].

406 COHEN: Continues to read written testimony in support of HB 2895..

TAPE 40, SIDE B

039 COHEN: Reads results of survey taken in Dundee, regarding driving and shopping habits.

055 REP. LUKE: What was the statistical margin of error?

060 COHEN: States he conducted the survey and did not calculate the margin of error. Gives examples of pressures placed on state government by the federal government.

146 ANN PESOLA, NEWBERG AREA CHAMBER OF COMMERCE: Testifies in support of HB 2895.  
-Voices the lack of coordination of future plans regarding emissions from DEQ with the communities which will be affected by the proposed testing.

188 CHAIR LESLIE LEWIS, HOUSE DISTRICT 29: Testifies in support of HB 2895 as the chief cosponsor [EXHIBIT G].  
-Reads from written testimony.

272 VICE CHAIR NAITO: Is there an ORS site to the exclusion of Yamhill and Columbia County; are these counties violating existing statutes?

275 CHAIR LEWIS: Responds to Vice Chair Naito's question regarding the possible violations of Yamhill and Columbia counties; these counties are violating the legislative intent of HB 2214 of the 1993 session.

283 Closes PUBLIC HEARING on HB 2895.  
  
Opens WORK SESSION on HB 2895.

300 MOTION: REP. FISHER: Moves HB 2895 to the full committee with a DO PASS recommendation.

315 REP. UHERBELAU: Gives reasons why she will vote against HB 2895.

353 VICE-CHAIR. NAITO: States her reasons why she will vote against HB 2895.

354 REP. THOMPSON: States his reasons why he will vote in favor of HB 2895.

370 VOTE: 5-2  
AYE: Fisher, Luke, Norris, Thompson, Lewis  
NO: Uherbelau, Naito

CHAIR LEWIS: The MOTION CARRIES.

CHAIR LEWIS: Will CARRY the bill to the Floor.

396 Opens PUBLIC HEARING on HB 2785

Witnesses:  
RICHARD ANGSTROM, OCAPA  
GARY GUSTAFSON, Director, Division of State Lands  
LIZ FRENKEL, Sierra Club, Oregon Chapter  
JAY LORENZ, Independent Environmental Consultant  
MARTIN SCHOTT, Independent Wetlands Consultant  
KEN BIERLY, Division of State Lands

426 MARK BAUER, Committee Administrator: Explains HB 2785 in that it

requires a Division of State Lands to apply to a corp of army engineers to assume permitting authority for dredge and fill activities. The Division is to reply to a legislative committee no later than June 30, 1996.

443 RICHARD ANGSTROM, MANAGER, OREGON CONCRETE AND AGGREGATE PRODUCTS ASSOCIATION (OCAPA): Testifies in support of HB 2785 [EXHIBIT H].

TAPE 41, SIDE B

026 ANGSTROM: At the request of Rep. Luke, explains the (-1) amendments proposed by Rep. Tarno to HB 2785 [EXHIBIT I].

045 REP. UHERBELAU: I have some problems with this bill. Discusses having to reference portions of the federal statutes regarding "dredging and filling"; this material is confusing.

057 ANGSTROM: I asked Ken Bierly to present us with the language and he is here and can provide us with clarification.

074 GARY GUSTAFSON, DIRECTOR, DIVISION OF STATE LANDS: Testifies in support of HB 2785, "in concept". There are some problems.  
-Suggests that the word "shall" in Section 1, Line 4, be changed to "is authorized to"; Line 6 deletion; Page 3 of [Exhibit J].

118 REP. LUKE: Are your permitting rules and regulations "stiffer than the feds"?

119 GUSTAFSON: They are different however the thrust of them is by-and-large the same. No, our rules are not "stiffer" than the feds.

129 REP. UHERBELAU: Refers to hand engrossed version of Mr. Angstrom's testimony and proposes a change with some clarifications.

135 KEN BIERLY, DIVISION OF STATE LANDS: Testifies in support of HB 2785.  
-Discusses Section 404g of the Clean Water Act which authorizes the governor

of any state to submit a package to assume a certain amount of permitting authority from the federal government.

149 REP. UHERBELAU: So if we use section 404 of the Clean Water Act then "that" would be correct?

152 BIERLY: Yes.

153 REP. LUKE: Requests that Mr. Angstrom be allowed to return to testify regarding the hand engrossed bill submitted by Gary Gustafson of DSL.

179 ANGSTROM: I don't have any problem with the word "authorizes" if that is what the committee desires. I strongly support the Tarno amendment because we don't need and cannot justify a two permit system. It costs approximately about \$900,000 out of the school fund to administer this fund

so that there is not any economic justification to do this.

185 -Feels that with the inclusion of the word "authorizes", it weakens the main goal of HB 2785.

-Opposed to the deletion of line 6 beginning with "The proposal..." through

line 7. A time frame is necessary to move this along.

194 REP. LUKE: Is 33 USC, section 404g, the correct citation?

187 BIERLY: I cannot say that that is the USC citation. It is section 404g of the Clean Water Act. I believe that there is a different USC citation.

I don't know for certain.

199 REP. UHERBELAU: Tells the committee that she and Rep. Luke are looking at another bill that is a part of the Oregon Fill and Removal Law, and how it refers to what we are currently discussing. Asks Mr. Angstrom whether or not he would be willing to do some clarifying language.

-Could you explain what you were referring to regarding a possible fiscal impact?

221 GUSTAFSON: the federal program, 404 program requires several things which DSL does not currently require, including an annual report at some significance. I cannot quantify it for you but there would be some additional fiscal impacts.

228 BAUER: Reads from fiscal impact report. In the first biennium, the way the bill was originally drafted, may have a \$20,000 to \$25,000 dollar increase.

256 JAY LORENZ, INDEPENDENT ENVIRONMENTAL CONSULTANT: Testifies in support of HB 2785.

326 REP. NORRIS: Is the real issue here, fill and removal or wetland delineation?

333 ANGSTROM: States the reason for discussion of wetland delineation in conjunction to the concept of fill and removal.

368 LORENZ: Continues to testify regarding the need to find creative ways in which do deal with land use laws.

385 MARTIN SCHOTT, INDEPENDENT WETLAND CONSULTANT: Testifies in support of HB 2785. Relates slow response, inflexibility, and problems with US Army

Corps of Engineers.

432 -Relations with DSL are preferred to dealing with the Army Corp of Engineers because of extremely slow response time to determine delineation of wetlands.

TAPE 42, SIDE A

036 REP. FISHER: Couldn't the time period of a year and a half be extended if it were shown to be a problem? Questions the issuance of the second permit by DSL.

059 LIZ FRENKEL, SIERRA CLUB, OREGON CHAPTER: Testifies in on an informational basis in regard to HB 2785. Suggests they need to look at the B-1 guidelines.

100 -Discusses statutory corrections that will need to be made.  
-Refers to a study done by the Executive Department of Oregon in response to Rep. Uherbelau; "State Assumption of the Federal 404 permit process" December 1988 by John Unker (EXHIBIT Q) Provides costs and considerations.

124 REP. LUKE: The (-1) amendments give them until June 1997, which would be 6 months into the next session and we would then have an opportunity to make statutory changes as necessary.

128 FRENKEL: I have a fundamental discomfort with saying, "if you don't get through the process, the program goes 'belly up'".

140 BIERLY: Testifies in support of HB 2785. In response to Rep. Uherbelau; that study was commissioned by DSL to examine this issue in 1988. We will make it available to the committee tomorrow.

146 REP. UHERBELAU: Asks why Mr. Gustafson did not want a timeline.

150 BIERLY: There are concerns regarding the nature of what will be required. There have been significant changes to the program since 1988.

162 Closes the PUBLIC HEARING on HB 2785

Opens the WORK SESSION on HB 2785

Witnesses:

RICHARD ANGSTROM, OCAPA

164 MOTION: REP. LUKE: Moves to ADOPT the (-1) amendment to HB 2785.

170 REP. UHERBELAU: Expresses concerns with timelines because of the testimony which we just heard.

186 REP. LUKE: We need a goal. They can come back next session and explain why it is that they were unable to meet that goal, however, they better have a good reason for not meeting the goal.

190 REP. UHERBELAU: Questions further the timeline idea.

193 CHAIR LEWIS: I believe that this was Rep. Tarno's intent with these (-1) amendments, that if the timeline wasn't met the legislature in 1997 could do something about this.

210 REP. LUKE: My motion is hinged upon whether or not Legislative Counsel can confirm or deny the USC citation.

212 REP. NORRIS: Reads from testimony submitted by Richard Angstrom [Exhibit H].  
-Asks if there will be operators who cannot get a federal permit.

226 ANGSTROM: Responds in the affirmative.

230 REP. NORRIS: Asks if his people are going to have a problem with the timelines.

232 ANGSTROM: No. There is going to be some hardship and some people who cannot meet the standards, the additional federal standards, that are in the law and those are the ones who will be "out".

245 CHAIR LEWIS: Restates MOTION by REP. LUKE to ADOPT the (-1) amendments to HB 2785.

VOTE: CHAIR LEWIS: Hearing no objection, the MOTION is ADOPTED.

254 REP. UHERBELAU: Offers a conceptual amendment. HB 2785, Section 1, where it states the Division of State Lands, delete the word "shall" and add "is authorized to", and after the words "application to" on line 1, add the words "assume federal regulatory program under section 404 of the federal Water Pollution Control Act 'PL 92-500'". Delete also lines 5 and 6 up to the word "Act."

270 CHAIR LEWIS: Clarifies the motion. Application to assume the Federal Regulatory program under section 404 of the Federal Water Pollution Control Act. PL 92-100. Delete line 5 and 6 up to the word "Act."

353 MOTION: REP. UHERBELAU: Moves to ADOPT the conceptual amendment to delete the word "shall" on line 1 of section 1 and add "is authorized to".

After the words "application to" add the words "assume federal regulatory program under section 404 of the Federal Water Pollution Control Act 'PL 92-500'". Delete lines 5 and 6, through the word "Act" on line 6.

VOTE: CHAIR LEWIS: Hearing no objection the MOTION is

ADOPTED.

371 CHAIR LEWIS: We will hold off on moving HB 2785 out of the committee  
until the conceptual amendments can be drafted.

358 Closes the WORK SESSION on HB 2785

Opens the PUBLIC HEARING on HB 3043

Witnesses:

LARRY GEORGE, Oregonians In Action  
KRISTI HALVORSON, Halvorson--Mason Constructors  
RUTH PRUITT, Land Owner  
KEVIN HANWAY, Special Districts Assoc. of Oregon, ACWA  
KEN BIERLY, Wetlands Teamleader, Division of State Lands

380 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 3043.

418 LARRY GEORGE, EXECUTIVE DIRECTOR OF OREGONIANS IN ACTION: Testifies in  
support of HB 3043 [EXHIBITS K, L & M].

490 -Discusses proposed amendments to HB 3043 [Exhibit L].

TAPE 43, SIDE A

047 GEORGE: Urges the committee to adopt the proposed amendments.  
Introduces Kristi Halvorson who will testify to the affect HB 3043 will  
have in her case.

-Responds to Rep. Luke in regard to who drafted the proposed amendments.  
All of the proposed amendments have gone through LC except for (2) in  
italics.

075 KRISTI HALVORSON, HALVORSON-MASON CONSTRUCTORS: Testifies in support of  
HB 3043 [EXHIBIT N].

125 Continues to read from written testimony.

175 Continues to read from written testimony.

206 RUTH PRUITT, SELF: Testifies in support of HB 3043.

215 REP. LUKE: Says if her neigHB or is dumping water on her property he is  
probably in violation of the law. You cannot dump your water on someone  
else's property.

240 KEVIN HANWAY, SPECIAL DISTRICTS ASSOCIATION of OREGON, ASSOCIATION of  
CLEAN WATER AGENCIES: Testifies in support of HB 3043 with the amendments.

Says their concerns were addressed by the amendment. Detention facility  
is created for the specific purpose of detaining water. With the addition  
of the amendment they would have no objections to the bill.

281 REP. LUKE: You also have no objection to the (-1) amendments?

282 HANWAY: We also have no objection to the (-1) amendments.

295 KEN BIERLY, DIVISION OF STATE LANDS: Reads the written testimony of  
Gary Gustafson, Director, Division of State Lands.

343 REP. NORRIS: Questions Mr. Bierly as to whether the DSL included the  
artificially created wetlands, even those under 1 acre into the wetlands  
delineation.

347 BIERLY: Yes. DSL adopted those rules, however, it did not change the  
land boards regulatory authority. These are inventories for the purpose of

doing land use notification. It is an effort to get information to land  
owners early on.

-Responds to another question from Rep. Norris as to why DSL needs to  
include those "wetlands" which are artificially created? The reason is to  
provide as much information to the land owner and the local communities as  
we can. The federal government under the Clean Water Act does not have  
special provisions regarding artificially created wetlands. We want to be  
consistent with the federal government.

361 BIERLY: Responds to Rep. Norris' question as to whether the federal  
manual does not permit the exception of artificially created wetlands. No  
distinctions are made by the federal government giving special  
considerations for a wetland which may have been created artificially.

363 REP. LUKE: Asks if he has any objections to the (-1) or the amendments  
submitted today?

375 BIERLY: Responds in the negative.

409 Closes the PUBLIC HEARING on HB 3043

Opens the WORK SESSION on HB 3043

400 MOTION: REP. NAITO: Moves to ADOPT the (-1) amendments to HB 3043.

VOTE: CHAIR LEWIS: Hearing on objection, the MOTION is ADOPTED.

422 MOTION: REP. NAITO: Moves to ADOPT the conceptual amendments of  
[Exhibit L], Section 1, subsection (2) by Larry George, representing  
Oregonians in Action.

VOTE: CHAIR LEWIS: Hearing no objection the MOTION is ADOPTED.

448 MOTION: REP. NAITO: Moves HB 3043 AS AMENDED to the full committee

with a DO PASS recommendation.

489 REP. LUKE: One of the biggest problems that land owners have in the cities, within the urban growth boundaries is that the cities have not done a good job of inventorying their wetlands.

TAPE 42, SIDE B

024 VOTE: 7-0  
AYE: Fisher, Luke, Naito, Norris, Thompson,

030 Closes WORK SESSION on HB 30343

Opens WORK SESSION on HB 2648

Witnesses:

TERRY WITT, Oregonians for Food and Shelter

TED HUGHES, Hughes and Associates

Witnesses Continued:

DON CRUICKSHANK, Pres. of CDI, Member of the Fire Marshals Advocacy Group

MARY WAHL, DEQ

BOB DANKO, DEQ

SCOTT ASHCOM, Pacific Northwest Paint Council

041 TED HUGHES, TED HUGHES & ASSOC: Testifies in support of HB 2648 with the proposed amendments [EXHIBIT P].

109 HUGHES: Continues to discuss HB 2648 and doing away with the toxic use reduction act.

122 -Discusses the amendments which they proposed and had sent to Legislative Counsel. Unfortunately, LC did not draft the amendments as we wanted them to be drafted.

129 DON CRUICKSHANK, PRESIDENT of CDI, Member of the Fire Marshals Advisory Group. Testifies in support of HB 2648 and discusses the fire marshals program and handling of hazardous materials.

150 CRUICKSHANK: Continues to testify and discusses what is wrong with the orphan sites currently.

164 REP. LUKE: Are the (-1) amendments gone now? Have they been surpassed by newer versions?

168 HUGHES: Those amendments were amendments that the fire marshal had offered, they were not our amendments.

173 REP. NORRIS: Discusses the past funding of orphan sites. The orphan sites have to be funded somehow.

180 HUGHES: If the subcommittee would move the bill to the full committee, then we might be able to ask them that if we haven't resolved this problem, then we could request that the bill be sent to Ways and Means so that this bill could be "married" with the DEQ budget.

189 REP. UHERBELAU: Every one realized that we had to deal with the orphan site and the toxic use reduction, however it was how we would pay for it. The bill as proposed, cuts loose those two programs without having anything

definitive in place. My concern is that we rush to judgment day and this will get lost in the shuffle. Requests suggestions from the committee as to how to avoid time loss in finding funding for these programs.

210 REP. NAITO: My understanding is that there was a proposal to DEQ for a "fair" fee for the funding of these programs.

219 REP. NORRIS: I don't recall that we ever got to that point. It might not be a bad idea.

221 REP. LUKE: Discusses sending the bill to full committee and then to Ways and Means and the possibility that if the bill is not addressed within the proper time frame in that committee then the funding will remain as it is.

231 REP. UHERBELAU: Clarifies the options for where the committee can send the bill.

254 CHAIR LEWIS: Asks if putting the language back the way it was, does it have the people who are paying the fees now for all three programs, are those the same people who will pay the fees for only Community Right to Know.

261 HUGHES: Yes, that is correct.

255 REP. LUKE: I don't like funding programs by people who obey the law for people who didn't. Realistically the problem we face right now is that we don't have an alternative source of funding than those people who are currently paying the fees.

286 BOB DANKO, DEPARTMENT of ENVIRONMENTAL QUALITY: Testifies at the request of Rep. Norris to discuss some of the alternatives from the Ways and Means subcommittee Chairperson. Alternative sources of funding are going to be difficult.

307 REP. LUKE: There was a reference made to some \$9 million dollars, do you have \$9 million dollars floating around in your Hazardous Substances Remedial Action Fund. At the end of the 95-97 biennium we will have very

little money left.

310 MARY WAHL, MANAGER, WASTE MANAGEMENT AND CLEAN-UP, DEPARTMENT OF ENVIRONMENTAL QUALITY: The Hazardous Substance and Remedial Action Fund at

the end of the 95-97 biennium will be approximately \$1.3 million dollars. At the end of the 97-99 it will be even less.

330 REP. LUKE: Is everyone paying for the programs even though they may not be using them?

335 DANKO: The 3800 fee payers on the fire marshals fee schedule are paying the toxic use reduction portion. We agree that there is not a perfect match. However 3/4 of the companies produce toxic wastes.

006 REP. LUKE: In the mean time you want to make those "others" pay an unsubstantiated fee?

356 DANKO: Yes, but I don't think the way to do it now as opposed to the authority given to us by the 1989 legislature, establish a new fee on people who will then feel like they have been wronged.

373 REP. NORRIS: Have you had an opportunity to review the amendments proposed by Mr. Hughes?

375 DANKO: Yes and I believe that they are correct in their intent.  
-Responds to Rep. Norris that if the committee went with the amendments that the program would continue basically as it is now. No the bill would cut off the funding for the orphan site program with his amendments. It would not change how the fee was assessed.

396 SCOTT ASHCOM, PACIFIC NORTHWEST PAINT COUNCIL: Testifies in support of HB 2648.  
-Discusses specific figures with the committee and the DEQ.

430 WAHL: Provides a response to the question posed regarding orphan site funding and what funds are available in the DEQ budget.

438 REP. LUKE: How do you replenish funds in the fund now providing dollars for the orphan site program?

TAPE 43, SIDE B

012 WAHL: The Hazardous Substances Remedial Act is \$20 per ton fee on hazardous waste that goes into the "Arlington" site primarily.

014 REP. LUKE: And this fund is used to repay bonds?

016 WAHL: We are talking about two different funds. One is the Fire Marshal fee, and the \$20 per ton fee fund.

025 TERRY WITT, OREGONIANS FOR FOOD AND SHELTER: Testifies in support of HB 2648. States that the community right to know program has nothing to do with hazardous waste. Thinks this bill is an inappropriate way to fund this program.

078 REP. NORRIS: I believe that we are at a stalemate. I don't think that we can put ourselves in a position to leave the orphan sites without funds.

083 REP. LUKE: The people who brought this bill forward should get some kind of commitment out of Ways and Means.

086 REP. UHERBELAU: States conceptual amendments need to be put in L/C form.

100 CHAIR LEWIS: Asks the proponents to go to Ways and Means to find funds to fund the orphan site program.

110 REP. LUKE: Says he would support something that would force DEQ to find ways to fund this program.

120 REP. NORRIS: It's really up to legislature to find ways in which to fund certain programs.

126 REP. LUKE: There's no incentive for DEQ to work on this problem.

126 REP. UHERBELAU: The present law and how it is currently funded and what is paid for would remain the same but with a "sunset" on it.

139 REP. LUKE: Sunset can always be removed by the next session.

147 Closes the WORK SESSION on HB 2648.

155 CHAIR LEWIS: Adjourns the meeting at 5:18 PM

Submitted by,

Reviewed by,

Sandy Ceballos,  
Committee Assistant

Mark Bauer  
Committee Administrator



EXHIBIT SUMMARY:

A -- Testimony on HB 2895 -- Rep. Tony Federici -- 3 pages.  
B -- Testimony on HB 2895 -- Rep. Patty Milne -- 1 page.  
C -- Testimony on HB 2895 -- Liz Frenkel -- 1 page.  
D -- Testimony on HB 2895 -- N. Cohen -- 1 page.  
E -- Testimony on HB 2895 -- N. Cohen -- 1 page.  
F -- Testimony on HB 2895 -- N. Cohen -- 7 pages.  
G -- Testimony on HB 2895 -- Rep. Leslie Lewis -- 2 pages.  
H -- Testimony on HB 2785 -- Richard Angstrom -- 2 pages.  
I -- Testimony on HB 2785 -- Staff -- 1 page.  
J -- Testimony on HB 2785 -- Gary Gustafson -- 26 pages.  
K -- Testimony on HB 3043 -- Larry George -- 2 pages.  
L -- Proposed amendments on HB 3043 -- Larry George -- 1 page.  
M -- Testimony on HB 3043 -- Larry George for D. Davis, and V. Cox -- 1  
page.  
N -- Testimony on HB 3043 -- Kristi Halvorson -- 8 pages.  
O -- Testimony on HB 3043 -- Gary Gustafson -- 1 page.  
P -- Testimony on HB 2648 -- Ted Hughes -- 1 page.  
Q.-- "State Assumption of the Federal 404 Permit Process, Division of State  
Lands" - exhibit submitted by Liz Frenkel -- 62 pages.