

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: March 15, 1993 TAPES: 72 - 73 PLACE: Hearing Room C TIME:  
8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair  
Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker Senator  
Gordon Smith Senator Dick Springer

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research  
Associate Kus Soumie, Clerk MEASURES HEARD: SB 191 WRK SB 544 WRK SB  
392 PUB SB 417 PUB

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE  
STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN QUOTATION  
MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE  
PROCEEDINGS, PLEASE REFER TO THE TAPES.

TAPE 72 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM PUBLIC  
HEARING ON SB 392 WITNESSES: Richard Devlon, Metro John Frigganossi,  
Metro Burton Weist, Metro

020 RICHARD DEVLON, Member Metro Council, District 4, offers  
testimony in favor of SB 392, and presents overview of EXHIBIT A. -  
~- Charter section 5 subsection 2c3 detailed Senate Agriculture  
and Natural Resources March 15, 1993 Page 2

- SB 392 would insure that LCDC has authority to acknowledge the  
regional plan - goal compliance for Metro regional plans as those of  
cities and counties

053 CHAIR CEASE: How does Metro function as opposed to other parts of  
state government.

059 DEVLON: - overview of authority in Metro charter

077 JOHN FRIGGANOSSII, Metro, offers testimony on SB 392, including  
testimony on the "Regional Framework Plan" and the need to be in  
compliance with the Statewide plan. 093 CHAIR CEASE: Voters were  
asked if they wanted Metro to have a charter.

- charter for MSD passed by voters in 1991 - Metro is the only entity in  
the nation to have a charter - this bill ensures that what was voted  
into law is enacted

108 SEN SMITH: What was the margin on the vote? 114 CHAIR CEASE: 2  
to 1 120 BURTON WEIST, Metro, offers testimony on SB 392, and  
presents overview of EXHIBIT B.

- lobby for counties have distributed bill to interested parties and are  
not aware of any opposition - Metro's objectives, goals and framework  
plan will not be acknowledged if SB 392 doesn't pass

132 FRIGGANOSSII: - the intention of the bill is to integrate work with  
local governments

152 WEIST: Metro, through charter process, is limited to regionally  
significant plans. The ability of Metro to adopt plans at the  
sub-division or neighborhood street level can't be done unless IMPAC or  
the voters give Metro that authority, which would be a substantial

change in the charter. - key issue for Metro's planning is regional significance 166DEVLON: - explanation of the role of IMPAC (local government advisory committee) in working with Metro on the charter - process has functioned well - regional transport plan is principal functional plan - potential conflict in this process has been resolved - 20/40 (cooperative process with local governments) process is the framework plan and will be developed as one by-product of this process - all governmental entities in the region support this process

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. Senate Agriculture and Natural Resources March 15, 1993 Page 3 213 WEIST: - presents overview of proposed amendments to SB 392 (EXHIBIT A) WORK SESSION ON SB 191 & SB 544 WITNESSES: Mark Helman, Oregon, PUC Mike Grainey, ODOE John Socolofsky, Oregon Department of Justice

270 MARK HELMAN, Manager Regulatory Policy Analysis, Oregon PUC Regulatory Program, offers testimony on SB 544 and presents explanation of the bill to the members of the committee.

- utilities need to adopt mechanisms to acquire least cost resources for cost recovery and to provide incentives

344 CHAIR CEASE: The coupling issue in SB 191, explained and compared to SB 544

369 MIKE GRAINEY, ODOE, offers testimony in support of SB 544 and presents overview of EXHIBIT C.

- bill will give PUC ability to do de-coupling and have flexibility not present in SB 191 - ODOE sees this as an important policy step and encourage passage of the bill

TAPE 73 SIDE A

005 GRAINEY: - continues testimony on SB 191 and 544, and overview of EXHIBIT C. 006 CHAIR CEASE: - presents overview of proposed amendments (EXHIBIT C) 021 JOHN SOCOLOFSKY, Department of Justice, offers testimony and proposed amendments (3 9-93) to SB 544. MOTION: Chair Cease ask for objection to proposed amendments to SB 544 VOTE: Hearing none, so ordered ACTION: -1 amendments to SB 544 ADOPTED MOTION: Chair Cease moves SB 544 as amended to the floor DO PASS

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VOTE: ROLL CALL 7-0 (Sen Springer voting later in the hearing) ACTION: SB 544 TO THE FLOOR with DO PASS RECOMMENDATION (Sen Shoemaker to carry the bill)

PUBLIC HEARING ON SB 417

WITNESSES: Frank Gearhart, Bull Run Coalition Dave Leland, Health Department, Drinking Water Division 061 FRANK GEARHART, Bull Run

Coalition, offers testimony on SB 417, and presents overview of EXHIBIT D. - overviews reasons for proposed legislation - outline of plans causing proposed statute's directives to be carried out - properties of safe drinking water as defined in ORS outlined 260 SEN KINTIGH: Are you suggesting that all water sheds in Oregon should be fenced? If so, then a good part of the state will be behind a fence. 272 GEARHART: We are not suggesting the expense of fencing all watershed areas

- regulation and statutes are sought to keep humans out of water sheds - facts show that certain water sheds have been unfavorably impacted through human entry - Gordon Creek water shed is a classic example of conditions in Oregon's water sheds

303 CHAIR CEASE: The committee needs to know the actual or potential pollution danger/problem to water sheds in Oregon. - what is the nature of the current law dealing with regulation of watersheds is this just a matter of enforcement? - the committee needs to know where the main areas of concern are

332 GEARHART: Lack of enforcement is a problem in the Gordon Creek watershed with respect to the US Forest Service violent protest against fencing off the area, in spite of the requests of the city council and citizen requests. - 6 - 8 years elapsed before gates were in place on access road to water shed in Gordon Creek. 352 CHAIR CEASE: The Water Committee did bring in legislation to alleviate the situation.

390 GEARHART: By statute, Oregon does have control over water in the state. The problem is that various state and Federal agencies (Health Division, DEQ etc.) are not enforcing those statutes,

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. \_ Senate Agriculture and Natural Resources March 15, 1993 Page 5 . and allowing the continuation of water pollution.

- the water issue has been critical for the last 6 - 8 years - state departments share guilt for lack of enforcement with Federal Agencies - no agency has gone to watershed areas to do soil samples etc., to test what is being released from soil into the water

TAPE 72 SIDE B

005 GEARHART: - continues testimony on SB 417, and overview of EXHIBIT D.

- overview of various contaminations found in the watershed area of Gordon Creek

023 DAVE LELAND, Manager of the Drinking Water Program, Health Division, offers testimony on SB 417, and presents overview of EXHIBIT E.

- outlines the Health Division's support of the concepts in SB 417

050 SEN COHEN: When it comes to active land use planning, why would you support this bill with more authority if you can't efficiently do what you are now doing?

056 LELAND: We do support the concepts but not the bill as written.

- Health Division's efforts have expanded to coordinate with other agencies - we are concerned about additional protection for water supplies in forestry regulations - rules for land use as related to health division are not clear in statute

081 CHAIR CEASE: What is the nature of the problem around the corner if these issues are not addressed? - where is Oregon now and where are we going in terms of existing authority and programs? 088 LELAND: There are two real areas of concern relating to surface water sources and public water supplies. We are now in an effort to convert all unfiltered community waters to filtered systems. - filtration systems for drinking water will not ensure water safety - filtration systems do not remove pesticides and other toxins - filtration systems depend on good raw water quality to meet public health standards - new standards for herbicides and pesticides in regular use are in question and changing - we do not have authority on the pollution side only the drinking water side 115 CHAIR CEASE: Could you explain the difference of your authority on the drinking water side

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of the issue as it relates to pollution of water.

116 LELAND: ORS 448, The Oregon Drinking Water Quality Act, which applies to the public water system and the water provided by that. That does not extend our authority to the water shed, to control pollution or contamination activity at the source, which is controlled by DEQ and other agencies.

135 CHAIR CEASE: What is the comfort level with the quality of drinking water in Oregon with regard to actual potential pollution throughout the state? 139 LELAND: I think that the comfort level should be high right now. There is also a need to recognize other things that are going on. We are expanding control over drinking water quality and looking at new standards which we do not have data on now. New testing program is in place at this time and there will be more information very soon. - there is growing demand on all resources including water and for more use of water shed areas - we are supportive of some proposals for water sheds - our priority is the development of good and effective water sheds 162 LELAND: - continues testimony on SB 417, and overview of EXHIBIT E.

- water shed management needs to be talked about on a holistic level

193 SEN COHEN: Do we have drinking water issues associated with the Tualatin River? Is there any part of the state where you would be uncomfortable drinking the water? 199 LELAND: Yes, there is an issue with the intake for the Joint Water Commission, serving Hillsboro, Beaverton and Forest Grove. As far as safety of water in Oregon, there is no real problem at the moment. There are, however, areas that are at risk. - problems with waterborne diseases controlled with filtration systems - new standards not met in all areas - Milwaukie had problems with industrial solvents 253 LELAND: It is always better to control pollution at the source rather than try to clean it up. Once water is

degraded it is very difficult to bring it back to its original condition. - the best approach to problem is SWNG policy proposal as a public forum 308SEN SHOEMAKER: What are your thoughts on working with LCDC precepts? 317 LELAND: We don't have the expertise to deal with LCDC and coordination with their concepts might get to the problem as opposed to more layers of regulation.

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341 GEARHART: We are encouraged by the activities the committee has recognized around water issues. - we will never take care of all the problems. - health division needs to take more responsibility for water sheds - water is not a high priority for Health division - DEQ is not enforcing water quality standards in water sheds MOTION: to allow Sen Springer to vote on SB 544 VOTE: Sen Springer votes AYE ACTION: aye vote entered into the previous vote record (from 6 - 0 to 7 - 0) 460 CHAIR CEASE ADJOURNS MEETING AT 9:30 AM

EXHIBIT LOG:

A - Testimony on SB 392 - Devlon - 2 pages B - Testimony on SB 392 - Weist - 1 pages C - Amendments to SB 544 - Staff - I pages. D - Testimony on SB 417 - Gearhart - 5 pages E - Testimony on SB 417 - Leland - 2 pages

Submitted by      Reviewed by: Kus Soumie Peter Green  
Assistant          Administrator

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