

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.

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

February 25, 1991Hearing Room E 1:00 p.m.Tapes 53 - ?

MEMBERS PRESENT:Rep. Parkinson, Chair Rep. Whitty, Vice-Chair Rep. Burton Rep. Courtney Rep. Naito Rep. Norris Rep. Repine Rep. Van Leeuwen Rep. Watt

MEMBER EXCUSED: ?Sen./Rep. Name

VISITING MEMBER: ?Sen./Rep. Name

STAFF PRESENT: Kathryn VanNatta, Committee Administrator Andy Sloop, Committee Assistant ?Name, Legislative Counsel

MEASURES CONSIDERED: Field Burning (INF) HB 2641 (PUB)

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TAPE 53, SIDE A

007 CHAIR PARKINSON: Calls the meeting to order at 1:04 p.m. Reps. Courtney late and excused.

(Tape 53, Side A) FIELD BURNING - INFORMATIONAL MEETING

17PHIL WARD AND CRAIG, DEPT. OF AG: Ag. Department hasn't been field buring participant for long. 1987 state management study prompted transfer of responsiblities from ??? to ag. These included meteorology and aerial observation. Role changed during 1990 season. Ag. became more heavily involved in field buring after 1988 I-5 crash, and consequent decrease in acres burned. ????

140 war DEQ had an advisory board that directed research funding. We play a very responsible role in deciding where research into alternative uses for straw go.

165 cra Explains ag. dept. management plan (EXHIBIT A)

191 bur How do you pay fire districts?

200 cra It's based on total acreage in the district, in a stepwise schedule, to cover permitting functions.

209 bur So, when ?????

214 cra The law determines what the fee will be. It averages 37 cents per acre.

219 nai What preparations do growers need to make with fire officials prior to a burn?

229 cra Begins about 6 a.m. with forecaster assembling data. 9a.m. burning forecast. (ex. a) Valley divided into 100 control zones, some of which may not be allowed to burn, depending on weather conditions. Weather monitored continuously and burning rules continuously revised. Fire district may notify police if burning near roads create concern that clouds may obscure visibility.

301 par Do you share any facilities with the dept. of forestry?

305 cra We share info. but not facilities.

308 par Do your burning seasons overlap?

311 cra yes, but ?????

313 par You might tell us about night burning, weekend burning and how early you start in day and how late at night you go.

320 cra Try to minimize visibility impairment in wilderness areas during peak touring times.

339 par Do you anticipate any visibility conflicts with respect to the new Clean Air Act?

347 cra ????? In general, night burning not allowed, because of surface cooling and temperature inversions, smoke clings to surface and travels down wind. There is atmospheric window between 5:30 and 7 p.m. that plumes funnel up into upper atmosphere and are dispersed.

395 nor Define fourth priority ag. burning.

400 cra ????? Encompasses basically all burning except open annual and perennial grass seed.

420 nor ???

423 nor Do you run or contract air support for this program?

429 cra Own with option to lease during down time.

TAPE 54, SIDE A

15van Just for the record, how was that aircraft purchased?

18cra Field burning fees from the Oregon Seed Council.

29van And where do the funds for management and enforcement come from?

35cra Growers.

37wat Can you tell me more about broadcast info.

40cra At 9 and noon give comprehensive burning outlook, plus announcements at any time.

45wat What's the medium?

47cra UHF radio. Growers required to listen.

52par Why aren't there as many funds available for management as used to be.

54cra Acreage down and management costs up. Program cost exceed income from fees. Moves onto overview of burning season (ex b) Now trying to get burning season over with ASAP. Down from near 60 in 1981-087 to about 45 in 1990. Similarly, number of acres burned per day increased from 3500 average between 1981 - 1987 to 4200 acres in 1990.

130 van ??????

139 nor Would you describe, generally, what a "smoke impact" is.

142 cra We have instrumented and people in field to collect data about impacts and then we analyze that data at the end each season. Based on objective measurements at sites. Continues explaining charts (ex B) . Complaints jumped following crash.

175 wat Why the obvious jump in complaints. Was it all the accident?

180 cra Field burning has been elevated to such a public issue that many people who wouldn't have been moved to complain before are now. Smoke also has been especially bad last couple of years because of isolated and extreme intrusions. We got over 1000 calls during one of those intrusions. Believe propaning is decreasing and stack burning increasing. Don't have good measurements on this.

206 van No secret that Van Leeuwens grow grass seed. We have been working from beginning on alternatives to open burning. We've done experiments on our property that make it obvious that open burning or propaning are only methods that produce quality results.

242 STEVE GREENWOOD AND STEVE CRANE, DEQ:

251 cra ??????

279 cra Investigated reports of smoke impacts, coord. burning operations, eyes and ears for dept. of ag. Expands overview of enforcement and monitoring programs (ex d)

325 par Is there any duplication of service between DEQ and ag.?

328 cra No.

330 wat What is a nephelometer?

333 cra Measures particulate in a volume of air.

342 van How much of grower fees go to DEQ, how much to ag. and how much

to ????

350 gre Refers to budget breakdown in 1990 Annual Field Burning Report (EXHIBIT E)

370 van And where do admin. cost go?

381 craig On anual basis, ODA \$363,000, DEQ \$256,000, \$113,000 enforcement, DEQ monitoring \$110,000, field burning radio (seed council \$27,000).

TAPE 53, SIDE B

008 van Can we get a more detailed budget breakdown for ag. program?

12craig We'd be glad.

14rep. ?????

105 par Calls break at 2:10. Reconvenes at 2:227.

(Courtney arrives 2:25)

HB 2641 - PUBLIC HEARING 114 MIKE CAHILL, ORE. ASSOC. OF CHIEFS OF POLICE: Gives background and testifies in support of the measure. (EXHIBIT L)

162 CAPT. ROGER HAVEN, PORTLAND POLICE: Just returned from national conference. No funding for clean up of hazardous materials found at labs. Oregon legislation taken directly from other states. This is credit to Legislature for being progressive. Problem with permissive language rather than specific language. DEQ done exceptional job. DEQ money and staffing inadequate. Believes drug lab clean up is a communityproblem. Fire dept and DEQ have expertise to handle hazardous materials. Need to work hand inhand.

235 bur Has DEQ ever refused to clean up?

239 hav No.

240 bur So the issue is who pays?

242 hav Yes.

243 bur ????? This legialtion isn't going to solve your funding problems.

????

267 whi If drug lab in rented residence and hazardous chemicals are left at the site, DEQ removes the chemicals, but doesn't make the building habitable. Can that be done and who does it?

285 hav Residual contamination is owner's responsibility. That cleanup is coord. through Health Division. If contamination meets guidelines, Health Division issues certification for use. No one uses the word "safe"

319 van What about when somebody hastily dumps chemicals? Shouldn't that be included?

335 par We don't want to steal all of DEQ thunder.

341 LES YOUNG, LAKE OSWEGO POLICE: Your question, Rep. Van Leeuwen strikes at the heart of how to handle chemicals siezed in vehicles during transport.

372 cou I still don't have a good picture of how sites are actually handled or how funding for this works.

393 cah We will addres that later.

399 par Calls DEQ delegation.

404 MIKE DOWNS AND ED WILSON, DEQ:

TAPE 54, SIDE B

007 dow Explains how clean up program works. Police identify lab and initiate action against lab. Police determine what's needed for evidence.

22par Do police seal off house after initial arrest?

25dow Police typically do seal house until DEQ clean up contractor finished. ??????

?????

93bur The E-Board approved \$176,000. Is that the anticipated amount of funding that would be charged against local ogvernments?

100 dow Yes.

103 bur At the end of the biennium, did you collect that amount?

105 dow ??? State police consistently have paid 50 percent cost share. Feds. have paid 100 percent. In almost every case with local agencies claimed hardship. Have been able to recover about

???????

164 cou No DEQ employees are direct participants in cleanups, is that correct?

170 dow That's correct.

173 cou And where are your contractors located?

177 dow Mostly in Portland area, where most labs are. Response time and service good. Real issue now is funding.

187 par We've set up, through the Fire Marshal office, these highly trained and funding haz response teams. Has there been any though about using them for this?

198 dow That has been considered, and the Fire Marshal has rejected that idea.

211 nor While we're talking money, is forfeiture money sig. enough to

do any good?

216 dow Not much to DEQ. ??????

234 nor What are other funds listed on funding history (ex j) ??????

337 bur If we adopted this bill, would DEQ still be able to charge local governments for cleanup costs? This bill doesn't seem to do anything.

355 dow We can still send invoices to local agencies, however, the enforcement mechanism we have under our rules, is that DEQ can refuse subsequent services to local agencies that fail to pay. Under "shall," DEQ is really limited.

TAPE 55, SIDE A

19dow If "may" is changed to "shall" agencies could decide not to pay DEQ because DEQ would have to heed cleanup requests no matter what. Also concerned about losing fed. funds.

49DET. DENNIS FITS, MULT. CO. SHERIFF: Because we have lots of bad guys, we size lots of assets, and 50 percent of that comes back to us, 35 percent to DA to fund two deputy DAs, 15 percent goes to general fund for drug and alcohol treatment. Forfeiture pays for sheriff overtime, drug lab equipment, training and other narcotics costs. Our unit travels state working with other locals.

100 nor What happens when the bank is dry and you need to make a bust on overtime?

109 fit Our account is in good shape because we sieze lots and don't spend frivolously. If fund ran dry, we would still bust.

117 par Who determines how forfeiture money will be spent?

120 fit In mult co., 50 to sheriff spent by Sheriff Bob Skipper.

129 par Does county budget oficer audit that fund?

131 fit Yes. We also have outside audits.

134 cou The city of Portland gets money, isn't that right?

136 fit yes.

138 cou And isn't there a political issue about that money?

140 fit I don't know.

148 rep It sounds like your agency has forfeiture money to do clean up but has opted to spent that money on other narcotic enforcement activities.

162 fit If you don't have our unit there, nobody's going to be there to beat on the door and start this whole process. "The people who deal in meth are the scum of the barrel." "I never want to see a time when a law enforcement agency says we don't want to respond to a meth lab."

195 rep There's still a health and safety question whether clean up should be a statewide issue.

203 RUSS SPENSER, MULT. CO. S O We shut down first and clean afterward.

208 cou You don't have to spend a dime of forfeiture assets on clean up do you?

224 spe That's correct.

227 cou And the law doesn't say anything about how 15 percent to city general fund shall be spent, does it?

232 spe ????

250 DENNIS DINSMORE, SOUTH COAST INTERAGENCY NARCOTICS TEAM: Testifies in support of the measure. (EXHIBIT N) Response times can be 14 hours in my area. We have to pay to secure sites until cleanup teams arrive. DEQ budget looks bloated. Not fair to ask local agencies to spend huge time and effort for enforcement and then to pay for clean up. Would like to see court ordered fines against violators that could supplement state superfund for these kind of cleanups.

346 par Are you trying to recover the cost of the cleanup contract in this bill?

354 din We need state help and we believe this should be a state responsibility.

377 cou This may open a can of worms that this committee may have to look at in terms of examining where asset forfeiture money is going. Legislative intent for that money may be different than how locals want to spend it.

409 spe Asset forfeiture is for law enforcement, not clean up.

TAPE 55, SIDE A

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14bur You have said you have not had to share costs with DEQ for clean up ?????

30nor Is SCINT unique?

33din SCINT is one of seven regional narcotics teams statewide formed by executive department of Criminal Justice Division.

52par I think the proponents should get together we DEQ and work on amendments. The bill definitely needs amendment.

62bur This should be a statewide concern. It may be hard to find money in this state. ?????

75par There are large funds that could be available to pay for this.

78BRIAN ROBINSON, GRANTS PASS ????: Southern Oregon infamous for drug labs, and a couple of labs in small districts, like those in Southern Oregon, can have enormous budget impacts. Also, disincentive to charge agencies for services they provide.

118 par Mr. Cahill, you'll probably have to designate an alternate rep. on this, since you will be going to the Gulf.

129 VALERIE SALISBURY, LEAGUE OF OREGON CITIES: Testifies in support of the bill because meth lab clean up costs truly a statewide issue. Lab siting and activity not something that local law enforcement necessarily has a lot of control over. Haz. Mat associated with labs is environmental issue. Forfeiture assets higher in some areas than others, and not necessarily correspond to clean up expense. Submits letter from Cottage Grove (EXHIBIT O)

165 rep ??????

173 par Closes public hearing and adjourns at 3:56.