

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 WATER POLICY

May 2, 1991Hearing Room D 1:15 p.m.Tapes 60 - 62

MEMBERS PRESENT:Rep. Chuck Norris, Chair Rep. Bill Dwyer, Vice-Chair Rep. Bill Markham Rep. Walt Schroeder Rep. Larry Sowa

STAFF PRESENT: Beth Patrino, Committee Administrator Pat Zwick, Committee Assistant

WITNESSES:Jerry Justice, Clackamas County Bonita Merchant Katharine Jorgensen Michael Churchill Rep. Rod Johnson Dave Nelson, Oregon Water Resources Congress Rep. Delna Jones Sen. Paul Phillips Rep. John Meek Wes Jerral, Oregon Graduate Institute Jack Smith Paul Cosgrove Richard Sedlak, Soap and Detergent Association Rep. Kelly Clark Sen. Joyce Cohen Dell Isham Jim Gardner, FMC Corporation Debra Sturdevant, DEQ Tom O'Connor, League of Oregon Cities

MEASURES HEARD:HB 3366 - Prohibits siting or construction of sewage treatment works in Abernethy Basin after January 1, 1991. - Public Hearing and Work Session

HB 3390 - Permits use of water under water right permit or certificate at any location owned by holder of right or permit without applying for transfer of water right. - Public Hearing

HB 3338 - Creates Legislative Task Force on Tualatin River Clean Up. - Public Hearing

HB 2985 - Prohibits use, sale, manufacture or distribution of cleaning agents containing specified percentage of phosphorus. - Public Hearing

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TAPE 60, SIDE A

005 CHAIR NORRIS: Calls meeting to order at 1:18 a.m.

Announces that HB 3408 will not be heard today.

PUBLIC HEARING HB 3366

022 BETH PATRINO, COMMITTEE ADMINISTRATOR: Reviews provisions of HB 3366.

024 REP. SOWA: The bill was introduced to address a concern of constituents in my district to respond to a threat that a sewage treatment plant would be built adjacent to an existing sewage treatment plant.

033 JERRY JUSTICE, CLACKAMAS COUNTY: Rep. Sowa will have amendments when you go into work session.

The Board of County Commissioners endorses the bill.

045 CHAIR NORRIS: Are there developments pending that would depend on such a sewage system in that area?

049 JUSTICE: There is one parcel of land referred to as Beaver Lake which has been looked at for development. There is currently no active development planned and it constantly runs into trouble of the drainage situation and the inability to deal with sewage treatment.

050 REP. SCHROEDER: What is the purpose of the bill?

059 JUSTICE: This is an area that comes up on potential lists for development. Area residents have opposed development in that area. With a legislative decision, repetitive hearings will be avoided.

065 BONITA MERCHANT: Reads written testimony in support of HB 3366 (EXHIBIT A).

095 KATHARINE JORGENSEN: Reads written testimony in support of HB 3366 (EXHIBIT B).

120 REP. SOWA: What the witnesses are saying is because this canyon has such steep walls a sewage treatment plant would be hard to site in the area and could be more prone to spills than if it were in a flat valley.

126 MICHAEL CHURCHILL: Reads written testimony in support of HB 3366 (EXHIBIT C).

140 CHAIR NORRIS: Reads letter from Dan and June LaFave which is contrary to most of the testimony of previous witnesses.

Closes public hearing on HB 3366.

Opens work session on HB 3366.

WORK SESSION HB 3366

155 MOTION: REP. SCHROEDER: Moves adoption of 3366-1 amendment.

VOTE: Without objection, amendment is adopted.

MOTION: REP. SCHROEDER: Moves HB 3366, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes unanimously. All members are present.

169 CHAIR NORRIS: Rep. Sowa will carry the bill.

Closes work session on HB 3366.

Opens public hearing on HB 3390.

PUBLIC HEARING HB 3390

170 PATRINO: Reviews provisions of HB 3390.

175 REP. ROD JOHNSON: Summarizes intent of HB 3390.

210 REP. DWYER: Reviews Water Resources Department concerns and asks Rep. Johnson if he has problems with the provisions of their proposed amendment.

230 REP. JOHNSON: It would not be unreasonable to expect that if we are going to be using water in a different way, we be required to prove that we are not using more water than before. If that requires metering, we will probably have to do that.

240 REP. MARKHAM: If this is a way to require metering, I will oppose the bill.

250 REP. DWYER: Using water in a different way does cause problems.

257 REP. JOHNSON: There is legitimate need to avoid, under the guise of this system, someone taking more water than they have historically.

276 CHAIR NORRIS: Can see if we are giving the owner more flexibility he will have to accept more responsibility to assure that he is not using more water than he is entitled to.

280 REP. JOHNSON: Using excess water is not the intent of the bill and is willing to accept safeguards to prevent that.

HB 3390 as amended would give the owner the right to irrigate non-contiguous lands. If that is objectionable, would let committee make that decision.

290 DAVE NELSON, OREGON WATER RESOURCES CONGRESS: Reads written testimony in philosophic support of HB 3366 and recommending an amendment (EXHIBIT D).

350 REP. JOHNSON: Would you have a problem changing first phrase of your new paragraph to say "notice has been given to the District" as opposed "prior approval has obtained"?

365 NELSON: Within the bounds of an irrigation district we have the obligation to notify all users in the district. Explains ramifications. Would want to assure that subsequent users would be protected.

380 REP. JOHNSON: Can language be included to address special situations?

389 NELSON: We have a similar bill in the Senate Water Committee that allows districts to manage the water within the district to allow farmers to better manage their water. We see this bill as an attempt to parallel that for the private owner.

TAPE 61, SIDE A

NELSON: Continues his explanation.

012 CHAIR NORRIS: We will get language from Legislative Counsel and hear the bill again.

Closes public hearing on HB 3390.

Opens public hearing on HB 3338.

PUBLIC HEARING HB 3338

032 REP. DELNA JONES: Testifies in support of HB 3338.

Sen. Phillips will review some proposed amendments which have been presented to the committee in order to achieve the desired outcome.

070 SEN. PAUL PHILLIPS: Reviews 3338-2 amendments (EXHIBIT E) and testifies in support of HB 3338.

180 CHAIR NORRIS: Disagrees with designating that Oregon Graduate Institute will be the one to carry out the study.

199 SEN. PHILLIPS: I designated the Institute to acknowledge the work they have already done and to talk about the level of institution that I want involved in this process.

Has a true and legitimate concern that agencies work with credible organizations that can lend the true resources and not be swayed by the political winds.

220 REP. DELNA JONES: Might look at asking task force to involve the Oregon Graduate Institute to take advantage of work they have already done at state expense. Would accept language to specify that.

235 REP. JOHN MEEK: Testifies in support of HB 3338.

Suggests proposed language to satisfy committee's concern: "an institute of similar qualifications".

Data received from this study will set the parameters for all the other rivers on the list.

305 SEN. PHILLIPS: The proposed amendment was drafted up by a qualified environmental engineer.

Wants broad state representation on the Legislative Task Force.

325 CHAIR NORRIS: Where will funding come from?

330 SEN. PHILLIPS: Oregon Graduate Institute will provide that information.

340 REP. DELNA JONES: Believes the state has a reason to invest in this study. There is an opportunity to get federal matching funds with state funding.

350 REP. SCHROEDER: Refers to fiscal statement figures.

363 REP. MARKHAM: Would it be better to ask for appointment of five

technical people to make up the task force?

370 REP. DELNA JONES: Thinks legislative members need to be on the Task Force. Would have no objection to technical people on the Task Force and thinks that would be a good idea.

385 REP. MEEK: An appointed task force of technical people is not going to give individual legislators any more comfort when they come to the river in your district and state costs. If we have legislative representative oversight, people will be more involved early in the technical and scientific aspects.

TAPE 60, SIDE B

010 REP. MARKHAM: The task force should bring in technical people to set the parameters of the study.

016 REP. MEEK: Concur.

035 SEN. PHILLIPS: The mission is to meet EPA standards. The goal has to say how the standards will be met and what the costs and benefits will be.

Concludes review of 3338-2 amendments, suggesting changing date from January to March on line 16 and line 18 page 2.

055 WES JARRAL, OREGON GRADUATE INSTITUTE: The project is currently cooperative with the U.S. Geological Survey. We are looking at the watershed as an integrated entity, and looking at phosphorus transport mobilization traits through that watershed by studying sediments and soils.

170 REP. MARKHAM: Would you use state agency technical people?

175 JARRAL: Have a mechanism in our proposal that would include twelve or fifteen agencies actively involved in the basins and concerned with knowing and contributing to results.

185 REP. MARKHAM: Do you think that the Forest Practices Act is doing enough in the upper end of the Tualatin?

190 JARRAL: Focus has been on sediment. The chemistry related to phosphorus has not been a priority.

195 REP. DWYER: Is the biggest reason to try and identify the non-point source pollution going into the river?

205 JARRAL: That would be the prime focus of OGI's work. The U.S.G.S. will be looking instream.

We will be closely linked looking at the connection between the landscape and the river mainstem.

We want to look for the best platform for integrating all pieces.

250 JACK SMITH: Presents proposed amendments to HB 3338 (EXHIBIT F).

Gives his premise on which the proposed amendments are based.

TAPE 61, SIDE B

SMITH: Continues his testimony.

045 REP. SOWA: Are you saying that your amendments require the task force to solve the problem and the -2 amendments are an effort to pull scientific data together to which answers are already known?

055 SMITH: Yes.

Gives distribution of the \$600 million cost.

075 CHAIR NORRIS: Closes public hearing on HB 3338.

Will have a work session following receiving amendments.

Would like to recognize work done and information available, but feels there should not be a contract that mandates a specific organization.

Reopens public hearing on HB 3338.

PUBLIC HEARING HB 3338

090 SEN. PHILLIPS: Oregon Graduate Institute is a potential named recipient of a grant through the U.S.G.S. That helps us leverage more money and that is the connection.

094 CHAIR NORRIS: Will consider that factor.

Closes public hearing on HB 3338.

Recesses for ten minutes at 2:50 p.m.

Reconvenes at 3:07 p.m.

Opens public hearing on HB 2985.

PUBLIC HEARING HB 2985

106 PATRINO: Reviews provisions of HB 2985. Bill has a fiscal impact. There is no revenue impact or subsequent referral.

A similar bill, SB 915, A passed the Senate this morning.

135 PAUL COSGROVE, SOAP AND DETERGENT ASSOCIATION: The association is opposed to HB 2985.

155 RICHARD SEDLAK, SOAP AND DETERGENT ASSOCIATION: Gives background of the

association.

There are no alternatives to phosphorus in some products, such as machine dishwashing detergents.

Explains composition and uses of phosphorus.

Reviews work of the Task Force mandated by SB 1079 (1989) of which he was a member.

305 REP. MARKHAM: Has DEQ gone beyond the federal requirements?

310 SEDLAK: The state has chosen numerical standards on phosphorus and other pollutants to achieve the federal narrative standards.

320 COSGROVE: A lot of industries use phosphorus. The only source of phosphorus that the Metropolitan Service District and the Unified Sewerage Agency has proposed for a ban is laundry detergents. This bill deals with laundry detergents and other household cleaning products.

330 REP. SOWA: Why do you put phosphorus in your detergent?

345 SEDLAK: Phosphorus is a water softener and is preferred because of its safety and effectiveness.

Explains water softening process of phosphorus.

COSGROVE: Submits written exhibit giving facts of phosphorus (EXHIBIT G).

380 REP. KELLY CLARK: Testifies in support of HB 2985.

Lists other organizations and agencies who support the bill.

The soap and detergent industry has the only product we can identify where a ban will have an effect on the cleanup of the Tualatin.

DEQ is not being more stringent than federal requirements, because we are under federal guidelines.

TAPE 63, SIDE A

050 CLARK: The Metropolitan Service District's phosphorus ban may be challenged in court, but a statewide ban would remove that threat.

060 SEN. JOYCE COHEN: Speaks in support of HB 2985.

Speaks of statewide implications.

115 DELL ISHAM, DEVILS LAKE WATER ASSOCIATION: Finds after reviewing all state laws on this subject, that the provisions in HB 2985 are the national standard.

Supports HB 2985.

140 REP. MARKHAM: Can phosphorus be banned by local ordinance?

145 ISHAM: We considered that, but Devil's Lake is in two jurisdictions. We tried a voluntary program, but results were not consistent.

155 JIM GARDNER, FMC CORPORATION: Testifies in opposition to HB 2985 and agrees with previous testimony given by Mr. Sedlak and Mr. Cosgrove.

Committee might want to defer action pending the study called for in HB 333 8.

188 CHAIR NORRIS: Asks for list of common household products which would be banned under HB 2985 or would be permissible under hardship conditions.

190 GARDNER: Will provide that information.

Biological effects of phosphorus on fish are benign.

200 REP. SCHROEDER: Has there been any increase in food borne diseases because of non-use of phosphorus?

210 COSGROVE: No state has proposed the kind of limits on automatic dishwashing detergents proposed in SB 915 and that would exist in HB 2985 unless you received an exemption through the Environmental Quality Commission.

Exemptions in the bill exempt hospitals and other places where cleaning is crucial for health reasons that Rep. Schroeder stated.

215 DEBRA STURDEVANT, DEQ: Reads written testimony in support of HB 2985 (EXHIBIT H).

305 TOM O'CONNOR, LEAGUE OF OREGON CITIES: Supports HB 2985.

315 CHAIR NORRIS: Closes public hearing on HB 2985.

Adjourns meeting at 3:50 p.m.

Letter from Ken and Carol Hirons in support of HB 3366 is submitted for the record.

Submitted by: Reviewed by:

Pat Zwick, Beth Patrino, Assistant Administrator

EXHIBIT LOG:

A - HB 3366 Testimony - Bonita Merchant - 2 pages B- HB
3366 Testimony - Katharine Jorgensen - 1 pages C - HB 3366
Testimony - Michael Churchill - 1 page D-HB 3390 Testimony - Dave Nelson
- 2 pages E-HB 3338-2 Amendment - Sen. Paul Phillips - 2 pages F-HB 3338
Amendment - Jack Smith - 3 pages G-HB 2985 Exhibit - Paul Cosgrove - 8
pages H-HB 2985 Testimony - Debra Sturdevant - 12 pages I-HB 3366 Letter
- 1 page