

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

June 6, 1991Hearing Room D 1:15 p.m.Tapes 85 - 86

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 Karen Edwards, Committee Assistant

MEASURES CONSIDERED:SB 204 A - Permits use of reclaimed water without obtaining a permit to appropriate water in certain circumstances. - PUBLIC HEARING/WORK SESSION

SB 915 A - Prohibits sale of cleaning agent containing phosphate. - WORK SESSION

SB 1080 - Allows domestic water supply districts to exercise powers of sanitary districts and cities in order to protect water quality of watershed. - WORK SESSION

WITNESSES:Reed Marbut, Water Resources Department Brad Higbee, Association of Oregon Sewerage Agencies Tom O'Connor, League of Oregon Cities Dan Wilson, Tualatin Valley Irrigation District Paul Cosgrove, Soap and Detergent Association Larry Trosi, Oregon Farm Bureau

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TAPE 85, SIDE A

007 REP. CHUCK NORRIS, CHAIR: Calls the meeting to order at 1:31 p.m.

SB 204-A - PUBLIC HEARING

012 BETH PATRINO, COMMITTEE ADMINISTRATOR: Summarizes SB 204-A (EXHIBIT A).

REP. BILL DWYER: How did we get a \$60,000 fiscal analysis and not have a Ways and Means Committee referral?

019 PATRINO: Checked with the Speaker's office who indicated that it did not need a subsequent referral.

024 REED MARBUT, WATER RESOURCES DEPARTMENT: The purpose of SB 204 is to allow cities more flexibility in taking their reclaimed water and distributing it to users that would use it for some purpose other than throwing it away. This bill will facilitate the use of water for irrigation. Summarizes the bill: >Section one. States where the portions of the statute will be amended. >Section two. Defines reclaimed water. >Section three. An amendment to the provision which states that a permit is required for a beneficial use of water. >Section three, lines 13-28. Defines the process by which a user of downstream water that is discharged from a municipality is protected. >Section four. Amends the current statute and adds a requirement for a registration system with the Water Resources Department. >Section five. Allows the city to distribute water to property other than city property. >Section six. Permits the waiver of an abandonment presumption of a permanent water right that has not been used for five years.

109 REP. NORRIS: In all cases, must this be a situation wherein the person to whom the water is now sent has the water rights from some other source or can this be a new land application?

MARBUT: This could be a new land application.

113 REP. NORRIS: And even in that event, the person would not need to apply for a permit under the normal system?

MARBUT: No.

123 REP. NORRIS: Farmer X has a water right for 150 acres. Now he is going to use this new source. He is not going to lose his water right on the 150 acres? The abandonment clock does not begin to run?

MARBUT: That is correct.

129 REP. DWYER: If a city has been discharging reclaimed water, the water right user downstream predates this law, the city has no right to use the reclaimed water if it affects the water right.

MARBUT: If the water right postdates the city water right, but predates this law, this will undo the Attorney General's opinion of 1973.

146 BRAD HIGBEE, ASSOCIATION OF OREGON SEWERAGE AGENCIES: Testifies and submits articles in support of SB 204-A (EXHIBIT B).

157 TOM O'CONNOR, LEAGUE OF OREGON CITIES: Testifies in support of SB 204 -A: >SB 204-A enables a municipality to enter into a willing seller-buyer contract with someone who wishes to make use of reclaimed water. >The permit process will fall under the control of the Department of Environmental Quality. >Feels it is an extremely important piece of legislation that will improve the quality of streams.

186 BILL GAFFI, UNIFIED SEWERAGE AGENCY: Testifies in support of SB 204-A.

>Effluent reuse is a fairly common practice in other parts of the country.

>The Department of Environmental Quality's rules were patterned after those which have been used in California for many years.

225 REP. DWYER: What are the cumulative affects of non-point source pollution from the prolonged discharge of effluent or reclaimed water on a land-based application?

GAFFI: There has been a fair amount of monitoring of soil conditions around the country. It will be an ongoing process to make sure there is not a problem of developing with the concentration of metals.

252 REP. NORRIS: This specifically refers to water that has been used for municipal purposes. Would this apply to the water effluent in food processing plants that have been principally used for the processing of food?

O'CONNOR: The language states water that has been used for municipal purposes and after such use has been treated in a sewage treatment system.

269 REP. DWYER: For a food processing plant that did not go through sewage treatment, the water could not just be transferred.

278 MARBUT: SB 204-A expands the use of municipal water. If the water right is for an industrial purpose, not associated with a municipal water system, it is not covered.

REP. NORRIS: The key element here is if the water has been treated in a sewage treatment system.

291 DAN WILSON, TUALATIN VALLEY IRRIGATION DISTRICT: Testifies in support of SB 204 -A: >Is presently using reclaimed water. >Feels it is a great conservation measure. >Allows people who have existing water rights to choose to let other people use their water and not lose their rights. >Suggests reclaimed water be given to farmers, on a voluntary basis, to manage under DEQ regulations. The land becomes productive, allows conservation and helps the economy.

417 REP. MARKHAM: Are there people standing in line to get water rights from your source?

GAFFI: We are in the early stages of developing a reuse master plan. We are out contacting potential users. There is a large number of people who are interested.

426 REP. MARKHAM: Do you look forward to being oversubscribed in what you can produce?

GAFFI: Feels it will take a while. Pipelines have to be built. Talking about 70 million dollars in capitol improvements.

431 REP. MARKHAM: Where does the water go in the meantime, in the creek?

GAFFI: Yes.

SIDE 108, SIDE A

010 REP. NORRIS: There is a farmer who is going to start taking water from a sewage plant and not use his normal source of water. Does it

make any difference whether his source is ground water or surface water?

MARBUT: Any water right that he has.

017 PAUL COSGROVE, SOAP AND DETERGENT ASSOCIATION: Testifies in support of SB 204 -A. Feels it is a good piece of legislation.

031 LARRY TROSI, OREGON FARM BUREAU: Testifies in support of SB 204-A. Agriculture is concerned with a perception the general public may have about using this type of water for the raising of crops that go into the market place. There is also a misconception about the quality of water. The water is of a fairly high quality.

052 Closes public hearing on SB 204-A.

Opens work session on SB 204-A.

SB 204-A - WORK SESSION

MOTION: REP. DWYER moves SB 204-A to the floor with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE.

060 REP. NORRIS: Will carry the bill.

MOTION: REP. DWYER moves to have SB 915-A reconsidered.

VOTE: Hearing no objection, the motion is adopted.

Closes work session on SB 204-A.

Opens works session on SB 915-A.

SB 915-A - WORK SESSION

MOTION: REP. DWYER moves that the subsequent referral to Ways and Means on SB 915 -A be removed.

VOTE: Hearing no objection, the motion is adopted.

MOTION: REP. DWYER moves SB 915-A to the floor with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carries with all members voting AYE.

092 REP. NORRIS: Will carry the bill.

Closes work session on SB 915-A.

Reopens work session on SB 204-A.

SB 204-A - WORK SESSION

MOTION: REP. DWYER moves to suspend the rules to allow Rep. Sowa to vote.

VOTE: Hearing no objection, the motion is adopted. Rep. Sowa votes AYE.

Closes work session on SB 204-A.

Opens work session on SB 1080.

SB 1080 - WORK SESSION

MOTION: REP. DWYER moves to adopt the hand-engrossed amendments dated 6/6/91 to SB 1080 (EXHIBIT C).

DISCUSSION TO THE MOTION:

100 REP. DWYER: This is in reference to the Heceta Watershed. It is a sole-source aquifer which is also protected as a watershed.

REP. MARKHAM: What has been added?

106 REP. DWYER: Refers to the change of wording on line eight, subsection two.

VOTE: Hearing no objection, the amendments are adopted.

MOTION: REP. DWYER moves SB 1080 to the floor with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carries with all members voting AYE.

119 REP. DWYER: Will carry the bill if Rep. Rijken does not.

CHAIR NORRIS: Closes work session and adjourns the meeting at 2:20 p.m.

Submitted by: Reviewed by:

Karen Edwards, Beth Patrino, Assistant Administrator

EXHIBIT LOG:

A - SB 204-A - Staff Measure Summary, Fiscal Analysis and Revenue Impact Statement - Staff - 4 pages B - SB 204-A - Articles - Brad Higbee - 5 pages C - SB 1080 - Amendments - Staff - 1 page