

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 COMMITTEE ON
WATER POLICY

February 14, 1991Hearing Room 137
3:00 p.m. Tapes 15 - 16

MEMBERS PRESENT:Sen. Larry Hill, Chair
Sen. Dick Springer, Vice-Chair
Sen. Wayne Fawbush
Sen. Bob Kintigh
Sen. Eugene Timms

MEMBER EXCUSED: Sen. John Kitzhaber, Vice-Chair

STAFF PRESENT: Lisa Zavala, Committee Administrator
Bernadette Williams, Committee Assistant

MEASURES CONSIDERED:
Senate Bill 203 -- Establishes maximum water use standards for specified plumbing fixtures -- Public Hearing

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TAPE 15, SIDE A

004 CHAIR L. HILL: Calls the meeting to order at 3:15 p.m.

-He refers to "Backgrounder: Water Conserving Plumbing Fixtures" (EXHIBIT A) and various newspaper and magazine articles (EXHIBIT B).

020 LISA ZAVALA: The articles were source and background material for the "Backgrounder".

CHAIR L. HILL: Lists the articles.

-SB 203 was requested by the Water Resources Department.

PUBLIC HEARING -- SENATE BILL 203

Witnesses: Beverly Hayes, Water Resources Department
Barry Norris, Water Resources Department
Doug Parrow, Water Resources Department
Rep. Lisa Naito, District 15
Susan Schneider, City of Portland
Jeanne McKeever, Water Services Officer, City of Portland Water Bureau
Cindy Dietz, Conservation Program Manager, City of Portland Water Bureau
Kelly Ross, Oregon Association of Plumbing, Heating and Cooling Contractors
and the
Portland Building Owners and Managers Association
John Egge, Plumbing Contractor Representing the Oregon Association of
Plumbing,
Heating and Cooling Contractors
Michael Grainey, Deputy Director, Department of Energy
Phil Carver, Department of Energy
Libby Henry, Eugene Water & Electric Board
Tom O'Connor, League of Oregon Cities
Steve Marks, Legislative Assistant to Sen. Kitzhaber
Brad Higby, Bureau of Environmental Services, City of Portland

CHAIR L. HILL: Opens the Public Hearing.

049 BEVERLY HAYES, Water Resources Department: Introduces BARRY NORRIS, who will describe current water conditions.

CHAIR L. HILL: We are facing a drought in parts of Oregon.

064 BARRY NORRIS, Water Resources Department: Submits background information (EXHIBIT C).

-Part of his duties are to monitor water conditions around the state.

-He describes the drought plan, Drought Council and Water Availability Group formed in 1988, which was a short water year in Oregon.

-Also in 1988, he participated with six or seven other states in designing a generic drought plan to be used by other states. The Oregon plan was patterned with that plan.

-1977 was one of the worst water years Oregon has on record.

-Eight out of the last 14 years have been below or well below average. There is never an average year; it is either above or below average.

-Last year one county filed for emergency relief for flood and drought.

-This year snowpack conditions are comparable to or below 1977. The water conditions for the south half of the state are looking very bad. In some areas of the southwest part of the state irrigators will be out of water by mid-August.

-Some of the reservoirs won't fill.

-The Willamette Valley will be 75 percent of normal, although supplies will be adequate.

103 SEN. KINTIGH: Do you anticipate the reservoirs in the Willamette Valley won't fill?

NORRIS: They will fill, but live flow will be significantly down. The live flow will probably have to be supplemented with reservoir water, which impacts lake users and everybody else.

122 SEN. TIMMS: Believes the Owyhee water shed had enough water last year to operate one year.

NORRIS: That reservoir holds enough water to last for 2 years. They are on their second year of low water conditions and will barely scrape by.

SEN. TIMMS: Believes it's one of the biggest water sheds. It is the best and most efficient for agriculture.

-If they aren't down to the end this year will they be next year, if we get another year of drought?

141 NORRIS: He refers to the "Summary By Basin", page 3, EXHIBIT C.

-It depends what happens between now and this summer. They should have enough if they conserve. The following year is questionable.

SEN. TIMMS: This affects millions of dollars of agriculture.

NORRIS: He describes his handout (EXHIBIT D).

-He describes the Surface Water Supply Index (EXHIBIT D).

-Each basin is on a downward trend. If conditions don't improve by this summer we will be very low on the index--a supreme drought.

CHAIR L. HILL: We will be short of water. Are parts of the state worse than others?

NORRIS: The south half of the state is very bad and the north half is well below average.

182 SEN. FAWBUSH: Is there a long-term shift that gives you an indication that we will be dry?

NORRIS: Wouldn't attempt to predict what the trend is. Eight out of the last 14 years have been below or well below average. 1982, 1983 and 1984 were above average due to the El Nino Effect. In 1988 we had a dry year, but the spring rains gave us a good year.

-Forecasting is a crystal ball.

194 SEN. FAWBUSH: We can't identify anything like the El Nino Effect this time?

NORRIS: No.

207 SEN. TIMMS: The rain in 1988 helped some areas of the state, but not others.

NORRIS: You're absolutely right.

221 HAYES: Presents background on what led up to the bill.

-The commission has spent one year and a half to adopt a state-wide conservation policy.

-A first step of our conservation policy is to get 45 irrigation districts and cities to put together a management plan so we know how to do it. By 1995 we expect all large users of water to have management plans.

260 CHAIR L. HILL: Municipalities, irrigation districts, large industrial users would have to put the plans together?

HAYES: Yes.

CHAIR L. HILL: How would individual domestic users be brought in? Where's the breaking point.

HAYES: We will concentrate on the larger users first. We don't imagine we'd require a domestic user of surface water to submit a plan.

CHAIR L. HILL: If a basin were in a distressed condition everybody would have to participate in some kind of conservation measures?

266 HAYES: Correct.

-She distributes "Conservation and Efficient Water Use" (EXHIBIT D). This state-wide policy is a beginning.

-SB 203 is one way to help us implement our water conservation policy.

293 CHAIR L. HILL: We know why the department chose the bill. Tell us why you chose the particular levels and wording.

295 DOUG PARROW, Water Resources Department: Describes SB 203.

-There are questions whether or not the Building Codes Agency could require fixtures meeting these standards. Under the current statutes local authorities are not able to require minimum efficiency standards for fixtures.

-The plumbing code requirements for toilets are consistent with other states. There are some variations on the requirements for urinals, showerheads and faucets.

330 SEN. KINTIGH: How do the 2 gallon showerheads compare to current showerheads?

PARROW: They are in the 3 to 5 gallon range. These numbers are the same ones adopted by the State of Washington. The effective date is the same as Washington's effective date.

-These numbers are also consistent with a bill that is before Congress.

-The Washington Legislature is considering moving the effective date from 1993 to July 1, 1992.

-The installation of low water using standards is one of the least expensive ways to conserve water.

-Water rates will continue to go up.

-Many communities are looking at major capital investments to increase supplies.

-Without the standards we fail to save about 540 million gallons of water a year.

-With passage of the bill, by the year 2000 we expect to save about 4 billion gallons a year with new construction, not including retrofitting.

395 SEN. KINTIGH: Does not understand how you save anything using a faucet.

PARROW: You save in situations where the faucet is allowed to run; washing dishes, washing hands, etc.

CHAIR L. HILL: Uses a lot of water when he puts in his contact lenses.

420 SEN. KINTIGH: Are we only talking about faucets in sinks or are we also talking about outdoor faucets?

PARROW: Hasn't thought that through.

SEN. KINTIGH: Can't see how water saving outdoor faucets would be a water saving measure.

CHAIR L. HILL: Your intent was to only address indoor faucets?

437 PARROW: Yes.

-He discusses efficient toilets.

TAPE 16, SIDE A

016 PARROW: Discusses the Phoenix study (EXHIBIT B).

-He discusses low flow toilets in Glendale, Arizona.

-He discusses costs.

-A Washington State survey of all the major manufacturers determined that there will be no problem meeting the market demand.

-Not only will the bill save water, but it is an important first step in raising public awareness of the value and importance of water.

-He discusses proposed amendments (EXHIBIT E).

-These standards offer an effective way to save water.

-Experience has shown few problems with these fixtures.

-All of the jurisdictions that have similar statutes were satisfied with them.

106 REP. LISA NAITO, District 15: Testifies in favor of SB 203.

132 SUSAN SCHNEIDER, City of Portland: Introduces JEANNE MCKEEVER and CINDY DIETZ.

135 JEANNE MCKEEVER, Water Services Officer, City of Portland Water Bureau: Presents testimony in support of SB 203 (EXHIBIT F).

308 CHAIR L. HILL: Are you recommending to include or exclude hose bibs?

MCKEEVER: Probably exclude.

-She discusses the proposed amendments (EXHIBIT E).

384 CINDY DIETZ, Conservation Program Manager, City of Portland Water Bureau: Introduces herself.

388 SEN. KINTIGH: How do bathtubs fit in; are they outlawed?

MCKEEVER: Hopes not.

SEN. KINTIGH: Will there be a limit on them?

MCKEEVER: We will be actively implementing public education. Oregonians have a conservation ethic and once they learn conservation techniques they will take action.

423 SEN. KINTIGH: The Navy would be good training for conservation.

CHAIR L. HILL: The California standards you cite are different from those in the bill. Could you comment on that? The Water Resources bill echoes the Washington language and not California language.

441 PARROW: We did use numbers from Washington.

TAPE 15, SIDE B

017 CHAIR L. HILL: There might be room to consider alternative numbers. It might make more sense to use the California numbers.

020 MCKEEVER: Describes the California legislation regarding showerheads

and the numbers they used.

CHAIR L. HILL: Do you have any concern of the effect of the lowered flow on sewage treatment?

MCKEEVER: The Bureau of Environmental Services has no concerns.

036 KELLY ROSS, Oregon Association of Plumbing, Heating and Cooling Contractors and the Portland Building Owners and Managers Association: We support the amended bill.

045 JOHN EGGE, Plumbing Contractor Representing the Oregon Association of Plumbing, Heating and Cooling Contractors: Cautiously supports the amended bill. They are happy with the cooperation shown by the department's amendments.

-We want a workable solution. Most of these fixtures, with the exception of the toilets, are currently being installed.

062 SEN. KINTIGH: Would you elaborate on the toilets.

EGGE: We haven't been installing the toilets, because they cost a little more.

-It's important to know which toilets work.

072 SEN. KINTIGH: Do you see any problems with them?

EGGE: No.

-The exemptions in section 3 are important. There needs to be a method of providing those people with a workable system.

079 CHAIR L. HILL: The amendments propose to move up the operational date to 1992, but retain 1993 for alteration and repair. There would be an enforcement problem for a year. Why not have the same date?

EGGE: It's my understanding the Act, excepting section 4, becomes operable in 1993.

090 CHAIR L. HILL: Section 2, as it affects new construction, and section 4 become operable in 1992 under the amendments. Sections 2 and 3, as they affect remodeling and repair of existing structures, become operable in 1993.

-We need to work this out so there is no enforcement problems.

-Do you have any objections with 1992?

EGGE: No.

102 SEN. KINTIGH: If this becomes the rule--if there is a situation where more water is needed--will the older devices be available?

EGGE: The only time we'd use the 3.5 toilet would be in the rare instance we can't get the low flush toilets to work.

SEN. KINTIGH: You'd have to get a used one?

118 EGGE: There will be new ones available.

-We're already doing the showers and faucets.

-He has reservations on the urinals. He elaborates.

130 CHAIR L. HILL: Can you put on a more efficient flush valve?

EGGE: Explains.

CHAIR L. HILL: What about the electric eye toilets; are they low flow?

127 EGGE: Yes.

CHAIR L. HILL: Can those be retrofitted?

EGGE: They won't be a problem.

-He is more concerned with old urinals in schools.

137 MICHAEL GRAINEY, Deputy Director, Department of Energy: Presents testimony in support of SB 203 (EXHIBIT G).

CHAIR L. HILL: Have you seen the Department of Water Resources's amendments?

204 PHIL CARVER, Department of Energy: We have no problem with the amendments.

192 CHAIR L. HILL: DOUG MEYERS, Water Watch of Oregon and JIM MYRON, Oregon Trout had to leave and submitted written testimony (EXHIBITS H and I).

200 LIBBY HENRY, Eugene Water & Electric Board: Presents testimony in support of SB 203 (EXHIBIT J).

-She also submits testimony from KIMBER JOHNSON, Chairman, Oregon Water Utilities Council (EXHIBIT K).

294 CHAIR L. HILL: Oregon Trout has submitted an amendment to exempt used fixtures.

275 TOM O'CONNOR, League of Oregon Cities: Testifies in support of SB 203.

391 STEVE MARKS, Legislative Assistant to SEN. KITZHABER: Testifies in support of SB 203.

424 BRAD HIGBY, Bureau of Environmental Services, City of Portland: Supports the bill.

434 SEN. KINTIGH: Is there anyone from Building Codes?

CHAIR L. HILL: No; but we have a letter (EXHIBIT L).

SEN. KINTIGH: They raised some concerns.

CHAIR L. HILL: He refers to the letter (EXHIBIT L).

-He will request Building Codes to come to the Work Session and justify their concerns.

-Our tentative Work Session is February 26.

-He adjourns at 4:40 p.m.

Submitted by, Reviewed by,

Edward C. Klein, Lisa Zavala,
Committee Assistant Committee Administrator

EXHIBIT LOG:

A - "Backgrounder: Water Conserving Plumbing Fixtures - Staff - 5 pages
B - References and background information - Staff - 64 pages
C - Water condition information - Barry Norris - 17 pages
D-"Conservation and Efficient Water Use" - Bev Hayes - 7 pages
E-Amendments to SB 203 - Doug Parrow - 2 pages
F-Testimony on SB 203 - Jeanne McKeever - 22 pages
G-Testimony on SB 203 - Mike Grainey - 3 pages
H-Testimony on SB 203 - Doug Meyers - 1 page
I-Testimony on SB 203 - Jim Myron - 1 page
J-Testimony on SB 203 - Libby Henry - 2 pages
K-Testimony of Kimber Johnson on SB 203 - Libby Henry - 2 pages
L-Letter on SB 203 - Gary Wicks - 1 page