

Long bill would revise environment laws

By KYLE JOHNSON
Of the Emerald

A 160-page bill revising Oregon environmental laws has been introduced in the Oregon legislature.

The bill, Senate Bill 77, is the result of a resolution passed during the 1971 legislature. The 1971 legislature, along with a number of other previous legislative sessions, had passed a great number of environmental laws. Many times these laws were not in harmony with each other.

The resolution, House Joint Resolution 52, called for the Legislative Counsel Committee (LCC), under the supervision of the Law Improvement Committee (LIC), to prepare a "topical revision of the laws of this state relating to environment."

In October, 1972, a preliminary study of the environmental laws was completed.

In a letter to members of the legislature, J. Robert Jordan, chair of LIC, described the study. "The drafters have systematically examined each section of the laws relating to environment to determine what the law is and whether it is clearly and concisely expressed. That examination demonstrated a real need for topical revision, including not only the rephrasing of language and reorganization of structure, but also the need for a consolidation of procedures. In the process of carrying out this topical revision, instances of conflicts, ambiguities and uncertainties have been encountered and resolved."

The foreword to the preliminary draft says "the draft emphasizes primarily reorganizing the structure of the environment law to reduce its bulk."

"Only two basic substantive changes are proposed" continues the foreword. "One concerns substitution of the Administrative Procedures Act governing administrative hearings for laws particularly applicable to the environment law. This change moves toward greater uniformity in state administrative law and is consistent with other changes made by the 1971 legislature."

"The second substantive change stems from the problem of confidentiality of reports and other information on trade secrets that are made available to the states as a result of certain enforcement procedures. The draft contains an adaptation of the confidentiality language used in the federal Clean Air Act of 1970. . . ."

The drafter of the preliminary study also felt there was another substantive change "which may not be perfectly expressed in the preliminary draft . . . concerns administrative responsibility for subsurface sewage. Under present law that responsibility is vested in the Health Division. Under the proposed revision, that responsibility is to be vested in the Department of Environmental Quality."

The drafter also noted a few other changes. "Permit fees for air emission permits issued by regional authorities will be retained by the regional authorities if the commission finds the authority complies with state standards."

"Liens obtained through nonpayment of civil penalties are to be applicable only to property in the county where the judgement is docketed" said the drafter.

A hearing on the preliminary draft was held Nov. 16, 1972. The hearing covered virtually every part of the 166-page draft. Representatives from the Department of Environmental Quality (DEQ), Columbia-Willamette Air Pollution Authority (CWAPA), Associated Oregon Industries (AOI), the Health Division, and the Oregon Environmental Council (OEC) all spoke at the five-hour hearing.

Comments were made on each of the 17 parts and 235 sections of the draft before both the LIC and LCC.

Section Six of the preliminary draft drew both favorable and unfavorable comments. The proposed section would make "any records, reports or information" available to the public, except if classified as "confidential" by the director of the DEQ. This information could be classified as confidential by the director if it was shown the information was a "trade secret."

John Neilson of the OEC supported the change saying "these provisions are essential if interested groups and citizens of all types are to evaluate the effectiveness of pollution control programs and provide informed citizen input."

Tom Donaca of AOI objected to the change for two reasons. He objected to putting so much discretion in the director and questioned whether a failure to classify properly a piece of information

would make the director personally liable.

Although most of the preliminary changes dealt with only laws already enacted, there were two new parts on water purity and subsurface sewage that caused comment.

The part on water purity allows for the establishment of water purity standards by the Health Division. If these standards are not met, the proposed law provides for a civil penalty of up to \$500 a day for violations. According to the drafter, this is "intended to make enforcement procedures more similar to those for water and air pollution statutes."

The controversy over subsurface sewage dealt with which state division, the Health Division or the DEQ, should have jurisdiction. Neilson supported the proposed jurisdiction of the DEQ because it will allow the DEQ to "consolidate authority and allow one state agency to begin a more integrated and coordinated program for sewage disposal."

The preliminary draft provided for no construction of a subsurface sewage disposal site unless a permit is secured and certain regulations are met. Presently constructed sites would not be affected.

Neilson said the OEC supported the preliminary draft of environment law because it "reflects a good job of consolidating existing administrative and enforcement statutes."

If the bill is passed, it will bring virtual harmony to the state's environmental law, considered by some to be the best in the United States.

Wilderness proposal doesn't 'go far enough' says group

A proposed "Oregon Omnibus Wilderness Bill" (OOWB) has drawn fire from a Eugene-based conservation organization.

The Oregon Wilderness Coalition (OWC) made its comments in a Jan. 12th letter to the proposed bill's sponsor, Sen. Mark Hatfield.

The OWC letter states that the coalition "approves of both the basic OOWB concept and of all the specific inclusions," though they don't feel the proposals "go far enough."

Bob Wazeka, a member of the coalition, said that in September, Hatfield mailed 5000 copies of a letter describing the proposed bill to various industry, conservation and civic groups, and asked for comments.

The OWC proposes in the letter to triple Hatfield's proposed wilderness additions, and include "Wilderness Candidate Study Areas" in the bill. The U.S. Forest Service has under study the Wilderness Candidate Study Areas for possible addition to present wilderness areas. The OWC questioned Hatfield whether it was "a simple oversight or a deliberate legislative

decision" to not include these areas.

Hatfield's proposed bill provides for the addition of more than 355,000 acres to the present Oregon wilderness. Two of the major additions would be the establishment of a 117,430-acre Sky Lakes wilderness and a 134,010-acre addition to the Kalmiopsis Wilderness.

Hatfield indicates in his letter that the wilderness additions will reduce the total allowable cut on Oregon National Forest land by 1.2 per cent.

The coalition letter states they like Hatfield's "implied argument," but they also point

out that his proposed additions amount to less than one half of one per cent of all Oregon timber land.

The additions the OWC proposes amount to 724,000 acres more than the Hatfield proposal. This does not include the 580,000-acre Wilderness Candidate Study Areas.

A 123,760-acre addition to the Three Sisters Wilderness Area is advocated by the OWC, an increase of more than 108,000 acres over Hatfield's proposal. The OWC addition contains the French Pete Creek valley.

A major coalition proposal calls for a 164,300-acre wilderness area along the Snake River.

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