

Oregon Water Resources Commission
Teleconference Meeting
January 15, 2004
Salem

WRC Members

Dan Thorndike in person
By phone:
Jim Nakano
Jay Rasmussen
Susie Smith
Tyler Hansell

WRD Staff

Paul Cleary
Phil Ward
Debbie Colbert
Cindy Smith
Adam Sussman
Diane Addicott
Shannon O'Fallon
Tom Paul
Doug Woodcock
Dwight French
Dick Bailey
Donn Miller
Juno Pandian
Bill Fujii
Bill Ferber
Tracy Eichenlaub

Others

Jerry Mumper
Larry Troisi
David Davies
Roger Bachman
Cathy Vanhorn
Peter Mostov
Rick Tetzloff
Brad Harper
Karen Russell
Teresa Williams
James Thompson
Peter Mohr
John Williams
Jan Prewitt

Written material submitted at this meeting is part of the official record and on file at the Oregon Water Resources Department, 725 Summer St. NE, Salem, Oregon 97301-1271. Audiotapes of the meeting are on file at the same address.

Chair Thorndike opened the meeting with introductions of Commissioners participating by phone. Those Commissioners were Nakano, Smith, Hansell, and Rasmussen.

A. Commission Meeting Minutes

The minutes of the November 20-21, 2003, meeting were offered to the Commission for their consideration. Nakano moved to approve the minutes as presented; seconded by Rasmussen. All voted approval.

B. Commission Comments

Hansell said the Umatilla County Commissioners have formed a 20-person task force to work on county-wide ground water issues and new development. Kent Madison is the chair of that task force and Hansell is a member.

Rasmussen reported that the Rocky Creek issue may be coming back to the Commission soon.

C. Director's Report

Cleary discussed his written report with the Commissioners. He mentioned that he would be speaking at the January 27, 2004, Oregon Water Coalition meeting in Hermiston. He and Department ground water staff and surface water hydrologists plan to attend the Upper Klamath Basin Science Workshop in Klamath Falls in early February. Cleary will be participating on a panel at the American Bar Association Water Law Conference February 19-20, 2004, in San Diego. On February 24-26, 2004, he will attend the fifth Klamath Basin Resource Management Conference; this conference will provide an opportunity for people to hear about the many basin-wide watershed restoration projects.

D. Budget/Legislative Update

Phil Ward, Deputy Director, reviewed with the Commission a detailed report on the administrative savings the agency has been asked to identify by the Department of Administrative Services. The report also identifies expenses the agency is currently anticipating in excess of budgeted amounts due to the General Fund shortfall and continued underfunding of the Klamath adjudication.

Adam Sussman, Senior Policy Coordinator, updated the Commission on rulemaking and legislation. The Department is currently involved in three rulemakings - one resulting from the passage of Senate Bill 820 that provides for certain types of transfers in the Deschutes Basin; another to repeal three divisions of rules that are no longer necessary, and make minor rule changes to implement bills from the last Legislative Session; and the last would be the adoption of special well construction standards in the Lakeview area. Staff also intend to initiate rulemaking to update well construction rules. A February 23, 2004, public hearing on proposed rules to address concerns about five-year limited permits in the Willamette Basin has been scheduled with Commissioner Rasmussen serving as the hearings officer. A rules advisory committee is currently working on developing rules for irrigation district transfers.

Sussman said that Department staff spoke on several water-related topics at a January 12, 2004, meeting of the House Interim Water Committee. He also reported that WRD's preliminary list of legislative concepts is due to the Department of Administrative Services by April 15, 2004.

E. Turner Energy Center (TEC) Water Right Application, Energy Facility Siting Council Process, and Request for Exception to the Willamette Basin Program

Dwight French, Water Rights Manager, introduced this informational agenda item and reviewed the written staff report with the Commissioners. He explained that TEC is working through the Energy Facility Siting Council (EFSC) process to site a gas fired co-generation facility in Turner. As part of the siting process, TEC is seeking a water right permit for use of wastewater for industrial use as a back-up water source. Wastewater is not a classified use under the Willamette Basin Program so TEC has requested an exception to the basin program rules under ORS 536.295.

French said that EFSC would make the final determination on the water right permit, but is seeking the Commission's input on TEC's request for a basin program exception to allow for industrial use. He said Department staff believe this request is generally consistent with the applicable surface water policies of the Willamette Basin Program; and that TEC has demonstrated their proposed use of wastewater meets one or more of the exception criteria under ORS 536.295.

Shannon O'Fallon and Jan Prewitt, Assistant Attorneys General, reminded the Department staff and Commissioners that their role at this meeting is only to give recommendations to EFSC. EFSC will then apply WRD's statutes and rules, make a determination on whether the Basin exception should be granted, and whether the permits should be granted.

Cathy Vanhorn, Department of Energy, explained the EFSC process and responded to comments and questions of Commissioners. EFSC was established by the Legislature to be the one-stop decision maker on a facility siting application after gathering recommendations from state and local agencies that would otherwise be required to issue permits or give approval individually regarding the facility siting.

Rick Tetzloff, Calpine, representing Turner Energy Center, explained the permitting process TEC has been involved in for the past two years. The water reuse plan is based on reusing water that is currently being used by Norpac Foods Cannery in Stayton. Norpac's wastewater would be discharged into a pipeline that feeds a canal controlled by the Santiam Water Control District and delivered to TEC. Fishscreens would be installed on 16 diversions within the Santiam Water Control District and a minimum water flow in Salem Ditch would be established from mid-April through August.

Public Comment on Item E

Jerry Mumfer, Turner resident, spoke in opposition to the Basin exception and the siting of TEC's gas fired co-generation facility in Turner.

John P. Williams, representing Oregon Coalition of Unions for Reliable Energy (OCURE); and Peter Mohr, attorney for OCURE, spoke in opposition to the request by TEC for a Willamette Basin program exception. Both submitted written documents for the record.

James A. Thompson, Mayor of Turner; spoke in opposition to granting the Basin exception and the siting of TEC's gas fired co-generation facility in the city of Turner.

Hansell moved to concur with Department staff's recommendations and analysis that the request is generally consistent with the applicable surface water policies of the Willamette Basin Program; and that TEC has demonstrated their proposed use of wastewater meets one or more of the exception criteria under ORS 536.295; seconded by Rasmussen. All voted approval.

F. Commission Approval of Appointments to the Ground Water Advisory Committee

Doug Woodcock, Manager of the Ground Water Section; and Donn Miller, hydrogeologist, offered a list of candidates to serve on the Ground Water Advisory Committee. Recommended for appointment to serve until November 30, 2006, was John Stadel (well industry category). Recommended for reappointment to serve until November 30, 2006, was Barry Beyeler (local government category) and David Graham (hydrogeology category). Recommended as a replacement for a resignation of a previous committee member to serve until November 30, 2004, was Marilyn Reeves (environmental category).

Smith moved to accept the slate of candidates as recommended; seconded by Nakano. All voted approval.

There being no further discussion, the meeting adjourned.

Respectfully submitted,



Diane K. Addicott
Commission Assistant