

Oregon House Committee on Water

Via email: hwtr.exhibits@oregonlegislature.gov

Re: Clean Water Services Opposition to HB 4043

Chair Helm and Members of the House Committee on Water:

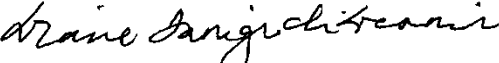
Thank you for the opportunity to testify in opposition the HB 4043. HB 4043 would significantly impact how an agency like Clean Water Services provides vital infrastructure to meet our mission of enhancing the environment and quality of life in the Tualatin River Watershed through visionary and collaborative management of water resources in partnership with others. Clean Water Services is county special district that was formed 50 years ago to address the need to provide a robust sewage treatment system throughout the Tualatin River Watershed. As Clean Water Services has grown, our mission has moved beyond sewage treatment to a comprehensive strategy addressing all aspects of the watershed's health and restoration. All of our work is done with consideration of the needs and costs of our ratepayers as well as compliance with federal and state requirements.

As proposed, HB 4043 would undercut Clean Water Services' ability to develop Design and Construction standards to effectively manage public infrastructure. Design and Construction standards are often where local governments legislate requirements for pipe or piping materials.

Construction, maintenance and replacement of infrastructure requires technical examination of many factors. Engineers often specify pipe material classes (ductile iron, concrete, plastic) based on the purpose and location. For instance, engineers may specify ductile iron pipe under roadways to ensure the pipes are strong enough to withstand the weight of traffic. Certain soil types can cause damage to some pipe materials, and engineers take this into consideration when specifying pipe types. Some pipe materials are better where water conservation is a concern. Removing the ability for engineers to specify pipes based on use and location would put public infrastructure at risk, undercutting our ability to design and install resilient, reliable and safe systems. Engineers also need the ability to consider material compatibility when designing connections to or extensions of existing systems. Without the ability to restrict or limit pipe material, long-term maintenance efficiency and cost-effectiveness is decreased as systems become a patchwork of multiple pipe types.

Clean Water Services' construction contracts generally specify a particular pipe material and offer an "or equal" clause. Contractors can propose an alternate pipe material and those proposals are evaluated using criteria similar to those mentioned above—suitability for use and location, soil types, material compatibility, long-term maintenance and price. This "or equal" clause has been used by Clean Water Services to introduce new materials in a thoughtful and controlled manner. In the infrequent situation where an "or equal" clause is not going to be considered—known as a "sole source" provision, it is done in a public process and is based on the recommendation of technical experts.

Sincerely,



Diane Taniguchi-Dennis
Chief Executive Officers