

Andy Duyck
Chairman, Washington County, Oregon Board of Commissioners
Chairman, Clean Water Services, Board of Directors

Testimony
Senate Energy and Natural Resources Committee

S. 1946, a bill to amend the Reclamation Safety of Dams Act of 1978
to modify the authorization of appropriations

February 27, 2014

Thank you Chairwoman Landrieu, Ranking Member Murkowski, Senator Wyden and distinguished Members of the Committee for the opportunity to provide you with testimony in support of S. 1946, a bill to modify the authorization of appropriations for the Bureau of Reclamation's Safety of Dams Program. My name is Andy Duyck, and I am the Chairman of the Washington County Commission, as well as the Chairman of the Board of Directors for Clean Water Services, the water resources management utility for more than 542,000 residents of Washington County. This testimony is submitted on behalf of Washington County and Clean Water Services. I am also submitting a set of letters from a broad-based coalition of Oregon economic, environmental, business, agricultural and municipal interests in support of this bill.

I would like to start by thanking Senator Wyden for his leadership on this matter and on many other matters of importance to Oregonians. S. 1946 will ensure the Bureau of Reclamation's Safety of Dams Program has the funding necessary to address critical public safety needs within Reclamation's inventory of 476 dams and dikes across 17 states, including Scoggins Dam in Washington County, Oregon. This bill will help Reclamation reduce risk; protect lives, homes and property; and will provide economic certainty for the farmers, municipalities and businesses that rely on safe, secure and reliable water and power delivered from Reclamation facilities across the western United States.

Clean Water Services, Washington County and leaders throughout our region thank the Committee for considering legislation to modify the authorization of appropriations for this critical public safety program. As a repayment contractor on Reclamation's Scoggins Dam, Clean Water Services has been working closely with Reclamation's Safety of Dams program to address significant seismic safety concerns at this federal facility. Scoggins Dam, which forms Hagg Lake, supports nearly 250,000 jobs, provides drinking water for more than

400,000 residents, irrigates 17,000 acres of cropland, and sustains water quality in the Tualatin River to protect fish and wildlife habitat.

In 2009, Reclamation completed a Safety Evaluation of Existing Dams analysis on Scoggins Dam and issued a Decision Document in 2010 finding that:

“The seismic hazard at Scoggins Dam quite possibly presents the most severe, or at least among the most severe, earthquake loadings within Reclamation’s inventory of dams.”

As a result of this finding, Reclamation moved forward with an expedited Corrective Action Study to identify necessary structural modifications to the dam that would address the seismic issues. Accordingly, the President’s Fiscal Year 2014 budget request to Congress included Scoggins Dam on a list of facilities scheduled for preconstruction activities. In order for Reclamation to budget for these priority safety improvements, Reclamation must be granted the funding authority to move forward. Major employers, water managers and the population at risk below these facilities have an expectation that the federal authorities will diligently pursue repairs to protect public safety and ensure secure and reliable sources of water.

As Senator Wyden so succinctly said in his comments to major Oregon industry leaders last August, “the uncertainty [of this project] is taking a toll on economic development.” We thank the Senator and the committee for helping remove this cloud of uncertainty just as Oregon and the nation’s economy begins to recover.

S. 1946 would provide a more efficient path for dam safety improvements across the country by providing Reclamation with renewed authority to work with local entities to plan, schedule, budget and construct priority dam safety improvements. Like other authorization programs, Congress will maintain its fiduciary authority for the Safety of Dams program, but local communities and Reclamation would no longer be burdened by the need to increase the program’s arbitrary cost ceiling every several years.

While extremely helpful, modification of the authorization for appropriations for the Safety of Dams program will not fully address the public need at Scoggins Dam and possibly other Reclamation facilities. Concurrent with safety concerns, the water supply needs of our region must be addressed. In 2004, Congress authorized the Tualatin Basin Water Supply Project Study and authorized \$2.9 million to study alternatives to meet the long-term water needs of the region. The Tualatin Basin Water Supply Project is a basin-wide, integrated

water resource management project that will diversify our water supply; help ensure we are able to respond to anticipated climate change and drought cycles; and meet the 50-year water supply needs for:

- Water quality and critical habitat improvements in the Tualatin River and its tributaries
- Cities, industry and economic development; and
- Agriculture

After nearly a decade of analysis, expansion of Hagg Lake has been identified as a central component for meeting the long-term water needs of our region.

The integration of Reclamation's Safety of Dams improvements with our region's need to expand this facility would reduce costs and leverage our shared investments in order to protect public safety; secure our primary water supply and meet the long-term needs of our community.

From the perspective of the non-federal sponsor and the people of Oregon, it makes little sense to invest hundreds of millions of dollars to secure the dam without simultaneously allowing for increased water supply. The sustained and recurring droughts in Oregon and other western states underscore the need to address not only the threat of earthquakes but also the threat of water shortages.

In order to move forward with a joint project, we need authority allowing repayment contractors—the non-federal sponsors of these Reclamation facilities—to simultaneously take action to increase the storage benefit when economically and environmentally feasible. Under existing law, Reclamation cannot plan for nor accept funds from a non-federal sponsor for such improvements once a facility is in the Safety of Dams process. While such improvements might not be feasible or desired in every instance, Reclamation should have the flexibility to work with non-federal sponsors who seek both safety and water supply improvements.

The authority we seek would not increase costs to the Safety of Dams program nor obligate federal taxpayers in any way to pay for water supply improvements. We recognize and accept our obligation to pay these costs for additional storage capacity. But authorization is needed now to fully address the public need for safety and future water supply.

We greatly appreciate the thorough study and commitment of Reclamation resources to assess the safety of Scoggins Dam. We are working collaboratively with Reclamation to

develop a feasible strategy for ensuring the safety of the dam at the least cost to taxpayers and the residents of Washington County. Our plans to expand the storage capacity of the dam have been on hold for five years while the safety of the dam was evaluated. S. 1946 would ensure that safety improvements are not further delayed awaiting an incremental increase in the cost ceiling for the Safety of Dams program. We look forward to working with Congress toward the enactment of this legislation that will not only immediately benefit a key job producing area of the State of Oregon but also other Reclamation dams that require safety improvements.

The safety, security and reliability of the nation's water supply is central to our economic health and security. The resiliency of water infrastructure is more important than ever as we face the challenge of recurring droughts in Oregon and throughout the West. Our collaboration with Reclamation at Scoggins Dam will help our region secure our primary water source and plan for the future. On behalf of economic, agricultural, environmental and municipal interests in our region, I'd like to enter letters of support for S. 1946 into the record from the following stakeholders:

- Oregon Governor John Kitzhaber
- Washington County
- Clean Water Services
- City of Hillsboro
- City of Beaverton
- City of Forest Grove
- City of Tigard
- City of Tualatin
- Tualatin Valley Water District
- Joint Water Commission
- Tualatin Valley Irrigation District
- Oregon Water Resources Congress
- Intel Corporation
- Greater Hillsboro Chamber of Commerce
- Westside Economic Alliance
- Oregon Business Association
- Portland General Electric
- Portland Metro Homebuilders Association
- Tualatin Riverkeepers
- Tualatin River Watershed Council

Thank you for your attention to this legislation. I would be happy to answer any questions.