

To: Joint Committee on Ways & Means/Subcommittee on Natural Resources
Re: DEQ Budget Package
From: Richard Hafele

Dear Mr. Chairman and Committee Members,

My name is Richard Hafele. I worked at DEQ for 22 years and retired in 2007. I started my career as a water monitoring specialist at the DEQ laboratory and progressed to be manager of the biomonitoring program and then manager of the statewide water quality monitoring program also in the Laboratory Division. I found my work rewarding and challenging and considered DEQ an excellent place to work. Since retiring I have observed numerous changes that have disturbed and concerned me about how the agency is implementing its water quality program. As I am not familiar with other programs my comments here focus just on the water program.

Since retiring I have been involved in two water quality related issues that have provided some insight into how the agency is currently managing its water quality programs. I am rather sorry to say that both issues have resulted in lawsuits, not directly against DEQ, but against holders of DEQ permits. One is a suit filed by the Deschutes River Alliance against Portland General Electric (PGE) for violations of their 401 certification of their Round-Butte Dam license. The second is a lawsuit filed by Northwest Environmental Advocates (NWEA) against the City of Medford for violations of their NPDES permit for their wastewater treatment facility. While DEQ is not named in either of these lawsuits, since they involve DEQ permits, DEQ has a role to play in their resolution. My concerns stem from the way DEQ has handled this responsibility. I have two main concerns:

1. DEQ doesn't have sufficient resources to evaluate time sensitive issues or collect the needed data to help resolve water quality concerns. And,
2. DEQ acts more as a protector of the permittee rather than a protector of the environment.

I think the Medford case provides a clear example. In 2012 I was hired by the Rogue River Fly Fishers to collect data below the Medford waste water treatment plant due to a concern by river users that it was polluting the river downstream. The request for my help occurred after they found no help by going to DEQ and asking them to investigate. My sampling and report confirmed that biological impairment was occurring below their outfall and the apparent cause was effluent from the waste water treatment plant. In 2013 Medford then funded an expensive study (approximately \$50,000.00) to further evaluate water quality above and below their treatment plant. This report confirmed that nutrient problems existed below their outfall. Also in 2013, DEQ collected data in the Rouge River with the help of USGS. Their study also confirmed that impairment to the biology of the river was occurring below the treatment plant. Despite the results of these studies no action was taken by DEQ to address the issue with the City of Medford. This led to the filing of a lawsuit by NWEA in 2018 to force Medford to improve water treatment and reduce nutrient loads in their effluent. Again DEQ did not take action to collect the needed data and reassess Medford's NPDES permit. As a result in 2018 Medford spent just over 100,000 dollars on another study to assess conditions in the river above and below their treatment plant. Again the results confirmed excess nutrient loads were causing harm to the biology of the river downstream. As a result of the DEQ's inaction the City of Medford has spent upwards of the \$150,000.00 dollars on two studies not to mention fees paid to lawyers in the lawsuit, and the health of the river has continued to be compromised for over six years after it was clear that a problem existed.

When I retired as manager of the water quality monitoring program in 2007 there were 20 FTE in the monitoring section. It was large enough that when I left, the section was divided in half and a second manager hired. Since then, however, there have been substantial cuts and it is now managed by a single manager again. The biomonitoring group, which once had 6 FTE is now down to 1 FTE. Over 80% of DEQ permits are delinquent. There is a serious need for a TMDL in the Deschutes Basin, but DEQ says they don't have the resources and it is not a priority. This in one of Oregon's most important basins for recreation and fish resources.

I raise these issues because I believe Oregon needs an effective DEQ to protect water and air in the state. At this time I do not believe DEQ is providing that needed protection. I urge the legislature to do two things: 1) provide additional funds to the agency so it can effectively do its job. In particular I believe it is critical that sufficient money for water monitoring programs are provided as effective decisions can only be made with adequate data. And 2) make it clear that DEQ's job is to enforce the water quality laws currently in place and to protect Oregon's environment.

Thank you for your time and attention.

Respectfully,

Richard Hafele

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