



MAYOR SHARON KONOPA

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | sharon.konopa@cityofalbany.net

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February 20, 2019

Senator Kathleen Taylor and Representative Jeff Reardon, cochairs  
Joint Committee on Ways and Means Subcommittee on Natural Resources

Dear cochairs and members of the subcommittee:

#### DEPARTMENT OF ENVIRONMENTAL QUALITY BUDGET AND STORMWATER PROGRAM CONCERNS

The Governor's Requested Budget (GRB) for DEQ that is before the Natural Resources Subcommittee of the Ways and Means Committee contains additional resources (27 new positions) to support the DEQ Water Quality permitting program including 5 new positions in the stormwater program (Policy Option Package 127).

The GRB for DEQ does not reflect the balanced investment that is needed in the Water Quality program and, if approved, would result in dramatic fee increases to permittees over the 2019-21 biennium. The proposed package is too large and does not support other programs, such as development of water quality standards, that are needed to write effective discharge permits to achieve real environmental benefits.

Of specific interest to Albany is the proposed additional funding for the DEQ stormwater program. We have significant concerns about the performance and accountability of this program. In 2017, the Legislature approved two new stormwater permit writer positions that are 100 percent fee funded, which resulted in significant fee increases for municipal permittees; and while DEQ did issue a new stormwater discharge permit (Phase II MS4) for smaller communities (~50,000 people), that permit is seriously flawed.

After seven years, two failed efforts, and three different permit writers, DEQ issued the Phase II MS4 permit by final order November 30, 2018. That permit contains terms and conditions that will subject communities to legal challenges, create excessive administrative burdens, increase development costs, and hamper our ability to facilitate development of affordable housing projects in Albany. Six affected communities have filed separate lawsuits against DEQ seeking changes to the permit.

While increased staffing and program funding may ultimately be needed to support the stormwater program, no additional positions or funding should be allocated to the stormwater program at this time, and DEQ should be required to complete a third-party and independent review of the program including stakeholder input and feedback.

Albany is committed to protecting public health and we support improving water quality through sound public policy and timely issuance of scientifically based permits. We are asking for your support in our endeavor to get the DEQ stormwater program on track to maximize the public and environmental benefits associated with investments made for regulatory compliance.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Konopa". The signature is fluid and cursive, with a large initial "S" and "K".

Sharon Konopa  
Mayor of Albany

SJK:mms

c: Peter Troedsson, City Manager  
Chris Bailey, Public Works Operations Director  
Mark Yeager, Project Manager  
Marilyn Smith, Management Assistant/Communications Officer