

**David S. Wall**  
**P.O. Box 756 Newberg, Oregon 97132; [408-287-6838]**

March 30, 2021

To: House Committee on Energy and Environment; others

**Re: I OPPOSE [HB 2657]...*The Environmental Quality Commission is not adequately staffed for this effort.***

[HB 2657] contains several flawed conditions in its' construction.

Each flawed condition constitutes a "kiss-of-death (herein KOD)."

**1<sup>st</sup> KOD:** "SECTION 2. (1) A permit authorized or required by ORS 454.610, 459.705 to 459.790, 466.005 to 466.385, 466.760, 468A.040, 468B.025, 468B.050, 468B.083, 468B.093 or 468B.195 must be approved or disapproved by the Department of Environmental Quality in the manner provided by subsection (2) of this section. (2)(a) Except for a permit issued under the process set forth in ORS 517.952 to 517.989 or as provided in paragraph (b) of this subsection, a completed application for a permit described in subsection (1) of this section must be approved or disapproved within 60 days after its receipt by the department. If the department fails to act within the time allowed, the application shall be considered approved unless an extension of time is granted by the Environmental Quality Commission on a showing of good cause by the department."

\*The (60) day timeline may be an impossibility for DEQ due to COVID-19 and or additional budgetary issues.

**2<sup>nd</sup> KOD:** "(b) The commission may establish by rule an alternative timeline for permits that require public participation, as determined by the commission, including public notice, public comments or a public hearing, before a permit may be approved. Rules adopted under this paragraph must require that a permit be approved or disapproved within 30 days of the close of a comment period."

\*The " alternative timeline for permits that require public participation" is vague and ambiguous. The "alternative timeline "may not be justified thereby initiating litigation. Clarification is required in the Amendment. Budgetary issues as to the ability to carry out the necessary DEQ's functions is also an issue.

**3<sup>rd</sup> KOD:** "SECTION 3. (1) Section 2 of this 2021 Act becomes operative on January 1, 2022. (2) The Department of Environmental Quality may take any action before the operative date specified in subsection (1) of this section that is necessary for the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by section 2 of this 2021 Act."

\*The clause, "...may take any action before the operative date..." can lead to avoidable confusion unless clarified to the public due to impending policy changes and possible overlapping-time sensitive permit issues. Budgetary issues as to the ability to carry out the necessary DEQ's functions is also an issue.

***Respectfully submitted,***

/s/ David S. Wall

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