



Working with community wastewater treatment and stormwater management agencies across the state to protect Oregon's water quality since 1987

81 East 14th Avenue
Eugene, Oregon 97401
(541) 485-0165 www.oracwa.org

March 30, 2021

Representative Marsh, Chair
Members, House Committee on Economic Recovery and Prosperity

Subject: Testimony in Opposition of House Bill 2657 – Placing a 60-Day Time Limit on Department of Environmental Quality (DEQ) Issuance of Permits

Chair Marsh and Committee Members:

The Oregon Association of Clean Water Agencies (ACWA) and League of Oregon Cities appreciate the opportunity to submit written testimony in opposition to House Bill 2657. ACWA is a not-for-profit organization of Oregon's wastewater treatment and stormwater management utilities, along with associated professional consulting firms, which are dedicated to protecting and enhancing Oregon's water quality. Our members provide wastewater and stormwater services to over 2.5 million Oregonians, serving over 70% of Oregon's homes and businesses. The League of Oregon Cities is a statewide association that represents all 241 cities in Oregon, many of which provide municipal wastewater and stormwater services.

Our member agencies operate wastewater and stormwater facilities and programs that require permits from DEQ that would be impacted by HB 2657. Like many other stakeholders, our organizations have been actively involved in DEQ's water quality programs for many years. While we have shared past frustrations regarding DEQ's permit backlog and lack of timeliness in issuing permits, we have worked with DEQ, other stakeholders, and the legislature to get DEQ's Water Quality Permitting Program back on track. Included in the DEQ's responses have been: 1) development of a 5-year permit issuance plan to eliminate the backlog of expired permits; 2) implementation of permitting process improvements and tools to support timely issuance of permits; and 3) increased permit writing staff and supporting resources.

In the 2019 Oregon legislative session, DEQ's FY 2021-23 budget was approved with additional general funds focused on accelerating the pace at which DEQ can issue permits. These positions are vital to DEQ's ability to increase the pace of issuing permits. Unfortunately, the economic fall-out from the COVID-19 crisis has put hiring of numerous permitting staff on hold. In order to improve DEQ's pace of permit issuance, these permit-writing positions must be filled.

HB 2657 is not the solution to increasing DEQ's production of timely permits. Most DEQ permits cannot be issued within the proposed 60-day time frame due to a variety of factors, including complex technical and analytical requirements, additional data gathering required, necessary coordination with permittees, and required timelines for applicant and public comments. HB 2657 would compound the work of DEQ staff, who would be continually required to seek extensions from the Environmental Quality Commission (EQC) under the provisions of this bill. Moreover, the EQC does not meet frequently enough to process the extensions in a timely manner. We are very concerned that the provisions of HB 2657 would have the unintended outcome of making the situation worse, not better.

HB 2657 is unworkable for ACWA's and LOC's members, and untenable for DEQ. It provides an arbitrary timeline without any relation to the factors that drive permit issuance timelines. The needed solution is for DEQ's funding to be restored to levels with which they can proceed down the path for permitting process and timeliness improvements. Without the staffing levels we've all agreed the Department needs, issuing an arbitrary time limit would result in added cost and time for processing extensions, and inadequate permits that are not implementable by the permittees and/or would not meet DEQ's obligation to protect Oregon's air, land, and water quality.

We look forward to continued improvements in DEQ's permit issuance process. We will continue to provide constructive input in that process. Thank you for your consideration of ACWA's and LOC's comments.

Sincerely,

Susan L. Smith
Executive Director
Oregon Association of Clean Water Agencies

Tracy Rutten Rainey
Intergovernmental Affairs Associate
League of Oregon Cities