

HB 3107 -3 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

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Meeting Dates: 3/13, 4/8

WHAT THE MEASURE DOES:

The measure modifies how the Oregon Department of Environmental Quality and any applicant, permittee, or regulated entity may enter into an agreement to take certain actions, effective on January 1, 2026.

Detailed summary:

Modifies how the Oregon Department of Environmental Quality (DEQ) and any applicant, permittee, or regulated entity may enter into an agreement to take certain actions, effective on January 1, 2026. Establishes that an applicant, permittee, or regulated entity is entitled to enter into an agreement with DEQ unless the department:

- Finds that the department has sufficient resources or staff to complete the relevant regulatory process within six months or the timeline otherwise provided for by statute; and
- Determines that an agreement would not be in the public interest, using certain criteria to do so.

Establishes steps DEQ must take no less than 20 business days after receiving a written request to enter into an agreement with other specific entities. Requires the Environmental Quality Commission (EQC) to establish by rule standards for guiding DEQ regarding the exercise of DEQ's authority, no later than January 1, 2026. Requires DEQ to make certain information available on its website, no later than January 1, 2026. Takes effect on the 91st day following adjournment sine die.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

ISSUES DISCUSSED:

- Provisions of amendment
- Oregon Department of Environmental Quality's and other state agencies' permitting process

EFFECT OF AMENDMENT:

-3 The amendment modifies, adds, and removes requirements and criteria relating to the Department of Environmental Quality entering into agreements with other entities.

Detailed summary:

Modifies how an applicant, permittee, or regulated entity and the Department of Environmental Quality (DEQ) enter into agreements and elements the request must include. Modifies timeline for steps DEQ must take after receiving a written request to enter into an agreement with other specific entities. Allows a requester to submit a request for reconsideration of a notice to the Director of DEQ. Removes requirement that the Environmental Quality Commission (EQC) establish by rule standards for guiding DEQ regarding the exercise of DEQ's authority, no later than January 1, 2026. Modifies requirements for DEQ when entering into agreements with applicants. Removes language in statute related to DEQ shall identifying department activities or portions thereof suitable for contracting out to third parties. Requires DEQ, upon completion of the work conducted by a third party, to expedite commencement of any relevant public process requirements and take action on the application for the permit, authorization, or other regulatory determination.

- *FISCAL: Minimal fiscal impact*

- *REVENUE: No revenue impact*

BACKGROUND:

The mission of the Oregon Department of Environmental Quality (DEQ) is “is to be a leader in restoring, maintaining and enhancing the quality of Oregon’s air, land and water.” The five-member Environmental Quality Commission oversees DEQ and sets the agency’s policies and rules.

Currently, in Oregon Revised Statute 468.073, DEQ has the authority to enter into an agreement with any applicant, permittee, or regulated entity to set a schedule of payments to DEQ for the purpose of enabling DEQ to expedite or enhance a regulatory process by contracting for services, hiring additional staff, or covering costs of activities not otherwise provided during the ordinary course of agency business.

PRELIMINARY