

3/14/25

Rep. John Lively, Chair  
Rep. Mark Gamba, Vice Chair  
Rep. Bobby Levy, Vice Chair  
House Committee on Climate, Energy and Environment

RE: AFSCME Local 3336 Opposition to HB3107-1 Amendment

Chair Lively, Vice Chairs Gamba and Levy and members of the House Committee on Climate, Energy, and Environment,

Highly trained DEQ employees carefully and judiciously write permits across a vast array of media, water, air and land to ensure their conservation and protection. There is a high level of accountability, internal oversight and transparency built into this process as permits are legally binding and subject to judicial challenge. Any permit issued by Oregon DEQ is the State of Oregon's permit, and as such, must be defensible by the State through the legal experts at the Oregon Department of Justice. This bill would change those exacting processes in favor of an expedited permitting process paid for by wealthy permittees and performed by uncertified consultants. I work in water quality as an environmental engineer, but this bill would affect almost all DEQ programs. Here is a partial list of statutes covered under this bill: Hazardous Substances, Hazardous Waste and Hazardous Materials, Air Quality, Solid Waste Management, Reuse and Recycling, Sewage Treatment and Disposal and Water Quality. Its impacts would be potentially quite vast.

I understand that permittees can get frustrated with the time it takes to get their permits, but this bill is the wrong solution to long permitting times. However, what often takes time is for permittees to provide requested information, especially as plans change during the permitting process. After the permits are drafted, DEQ requires public notice on many of them. The existing permit processes are adequate and timely provided the permittee provides the necessary information.

In order for this new system to work, DEQ would need to increase fees to pay for this service. HB3107-1 Amendment would change how DEQ does business because any permit applicant can request this service via an agreement with DEQ. This bill introduces conflict of interest issues as some who can afford the service will be prioritized. This bill will create many procedural and workflow issues within DEQ and will likely have downstream, or future, consequences. There is no accountability for the consultants in HB3107-1. There are no requirements for certification or background to demonstrate that the consultants posted to the DEQ webpage can do the work.

This fast-track process for obtaining permits could conceivably divert a lot of resources, time, money and staff time away from DEQ base workload, because it will be a required feature of doing business with DEQ. It could likely increase certain workloads. At the same time, there are features in this bill which would allow an outside consultant to recommend permit authorization under certain deadlines.

This bill, strangely, requires DEQ to identify all activities that could be potentially outsourced, and publish that list on a website. It also does not establish criteria, or standards, for third parties to adhere to when taking over important DEQ activities, like permit issuance. Additionally, it neither places limits on what can be outsourced, nor does it consider impacts to the DEQ workforce.

This bill could have devastating effects to Oregon's land, water and air, which means it could have devastating effects to Oregonians and our legacy of nature resource stewardship. HB 3107-1 mandates strict deadlines for DEQ to complete permitting. This is problematic because there are many different kinds of permits, and they have differing timeframes for completion. It is difficult to know, at permit application, how smoothly or not, the process will be. This bill plays fast and loose with these processes that allow DEQ and the permit applicant time to gather the information to draft the permit.

HB 3107 goes further, mandating that an outside contractor be provided, or hired, if the State cannot meet certain deadlines. As mentioned earlier, in the amended version of this bill, minimum baseline qualifications for these outside consultants were stripped off. There are very few people qualified to write DEQ permits, and likely those that are, work for consulting firms. This system is ripe for conflicts of interest if a large company can essentially hire someone to write their permit.

Lastly, HB3107 requires DEQ provide permits if a third party recommend approval, within this new system

I oppose HB3107 because:

- It puts environmental regulations, and Oregon's natural beauty, at risk of harm
- It opens up way too many permitting processes to strict timelines unnecessarily
- It allocates no FTE to run it, which will distort established permitting programs
- It mandates outsourcing of many DEQ activities which will negatively impact union workers at DEQ, which I represent.
- The 6 month or one-year timelines are not feasible or practical.

Thank you for your consideration.

Gus Glaser,  
President AFSCME Local 3336 DEQ