



**LEAGUE OF WOMEN VOTERS®
OF OREGON**

The League of Women Voters of Oregon is a 97-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

March 12, 2017

To: Ways and Means Subcommittee on Natural Resources
Senator Lew Frederick and Representative Brad Witt, Co-Chairs
Members of the Committee

Email: jwmnr.exhibits@oregonlegislature.gov

Re: **SB 5518, Department of Environmental Quality (DEQ) Budget – COMMENTS**

The League of Women Voters has strong positions on both water quality and quantity, as well as air quality, solid waste and hazardous waste—perhaps every program that DEQ oversees. LWVUS was active in encouraging passage of the Clean Air and Clean Water Acts and continues to advocate to protect that foundational work. We also advocate for federal funding to implement that legislation, an issue of grave concern today. In Oregon, members have studied these issues, recognizing the value of having clean air, clean water and land for public health for today and generations to come. With that background, we provide testimony today on DEQ's proposed budget.

We support the General Fund, Lottery Fund and fees for the base budget/activities of the department. We are dismayed by the “cuts list” that reduces needed staff, particularly in the area of water quality. Although this department has monies from a variety of sources, the entire dollar amount still does not provide the full funding needed to be sure both administration and enforcement of the many responsibilities of this agency are fulfilled. For instance, the Director mentioned the recent lawsuit around the backlog of expired water quality permits (<http://www.opb.org/news/article/oregon-has-the-second-worst-water-quality-permit-backlog-in-the-country/>). We are not a party to that lawsuit, but we understand the frustration by the parties around finding a solution to this unacceptable situation. **The General Funds in this budget, as well as permit fees, protect Oregonian's health and support our economy.**

Air Quality (POPs 110, 112, 113, 115, 116): We support and are actively engaged in the Cleaner Air Oregon (www.cleanerair.oregon.gov) project, providing input on the rulemaking, including providing fee data from other states, in order to address this very real public health issue. To that end, we support the concepts being discussed around **HB 2269** (not yet in this committee, but critical to funding this program) and will be working with the department and others to assure there is one-time funding to stand up this program, with the expectation that a new fee schedule will be adopted in 2018 to truly fund the program long term. Please note that the staffing reductions in that program are expected to be restored with the new fee schedule.

We support **SB 1008** that addresses diesel emissions. We are concerned that recommendations from the Wood Smoke Task Force were not included in the Governor's budget, but were heartened to learn that the City of Oakridge did find some success over the last years and have, temporarily at least, reached attainment.

We laud the department's restructuring of the vehicle inspection program, but also understand the importance of that program to assure industrial permits can be authorized in the future in areas of concern. We are also looking to the Transportation Greenhouse Gas (GHG) program (<http://www.oregon.gov/LCD/Pages/GHGTargetReview.aspx>) under the Dept. of Land Conservation and Development to meet GHG targets.

Water Quality (POP 120, 125 and 181/191): We support and are actively engaged in the water quality programs of this agency. We served on the “Blue Ribbon Committee” and as a member of the stakeholders group helping to develop and advocate for the **2015 Budget Note** around finding solutions to wastewater permits. We followed up by participating with the contractor during their work. They have provided the department and this legislature with **a path to a solution** to this extremely important public health AND economic issue.

One factor is clarifying the job description of permit writers. Currently they provide technical assistance to permittees, answer questions of the general public on these permits, help with guidance documents, search for data from a variety of sources, attend Regional Solutions meetings and other regional and statewide meetings and, oh, by the way, try to write permits. And those permits may require industries and local governments to expend dollars they may not have to upgrade facilities that are not currently meeting water quality standards. The agency is beginning to address this issue, but the contractor also called for additional staff to address guidance issues (like Total Maximum Daily Loads), to provide a better data management system so that there is easy access to needed data and writers to actually address the backlog. **Only a few of these suggestions are included in this budget.**

An important element is **POP 161**, which will move the agency toward an electronic data management system. Data-driven policy decisions will provide the best outcomes and help focus limited state dollars on the programs that will help us meet the goal of abundant clean water and clean air for all in the future. We recognize the need to hold the actual purchase dollars to the 2018 session, but expect the agency to continue to work with stakeholders and with the Governor and Legislative Fiscal Information Officers to expend state dollars wisely on the best system possible. We do support an “off-the-shelf” set of programs as much as possible to reduce long-term agency system upgrades and rewrites of code. We also presume that this system will, in some way, connect with other agency data systems so the information is accessible to all, including the general public.

There have been questions in this committee related to the holdback of NOAA funds to the Dept. of Land Conservation and Development, as well as DEQ. Here are links to that issue: <http://coast.noaa.gov/czm/pollutioncontrol/> and <https://coast.noaa.gov/czm/pollutioncontrol/#Oregon>. As is true with some other water issues, the answers reside in another agency Board’s (**Board of Forestry**) unwillingness to address the need for additional riparian setbacks and legacy logging roads in our coastal areas.

Which brings us to yet another multi-agency issue: the adopted **Integrated Water Resources Strategy (IWRS)** that’s being updated this year. The development of the original IWRS provided a platform that allowed for increased cross-agency conversation and conversations with federal agencies. It was a great investment of taxpayer dollars and will provide a return on that investment for years to come, but only if the recommendations are again funded cross-agency, which is why we are dismayed by the reductions in the Water Quality Program for Eastern Oregon, for Place-Based Planning (a package of which is in the current Water Resources Department’s budget), for non-point source pollution, for groundwater work, etc. **Again, the League asks that these agency budgets be viewed in total and not in isolation. It does no good to invest in one place, while taking away from another, when the issue being addressed requires ALL HANDS ON DECK!**

In this agency, as with others, we look to the Key Performance Measures as guidance. The League wants all permits to be issued in a timely manner, but also with the appropriate scrutiny needed to assure we really DO have clean air and clean water in Oregon. We had thought that having the agency go through a Lean/Kaizen review would result in meeting these targets. But that has not been the case, in part because it also takes investments to provide staffing and other resources to be successful. We encourage your review of the KMPs to help as you decide where best to spend limited dollars. **(We need more money!)**

We supported increased water permitting fees in 2015, although many of our members will be indirectly helping to pay for these fees through municipal wastewater bills and possible higher costs of products. But there is nothing more vital to human health than clean water. Those fees may need an additional bump as we work to address these wastewater permitting issues.

Climate Change: The League believes that addressing Climate Change, both by reducing greenhouse gases and by providing for mitigation and adaptation, is one of this legislature's most important jobs. We support **SB 557 or HB 2468** relating to a carbon pricing mechanism, in part, related to this budget, because the usual expectation that "the solution to pollution is dilution" cannot be counted on as we know there will be reduced snowpack and drought conditions in the future throughout Oregon. And increased temperatures will affect Oregon's air quality, especially in our more urban areas. These may well be life or death decisions you are making. To that end, the League is an amicus with Our Children's Trust in a lawsuit against the State of Oregon and another lawsuit against the United States. We do not take such actions lightly. But **we cannot ignore what is happening to our planet.**

Onsite Septic System Loan Program (SBs 383 and 812): We were pleased to support SB 1563 in 2016 to create a loan program related to failing septic systems around the state, but most especially on the coast. (See the nexus with the loss of NOAA funding mentioned above and the link below on LWVOR's Coastal Study.) Many systems are out of date or poorly maintained, but low income property owners may not have the ability to fund improvements. In the meantime, we are experiencing increasing groundwater, surface water and ocean water contamination due to these systems. Dangerous blue green algae blooms are becoming more common. **(Again, we are dismayed that POP 123 was not included in the Governor's budget.)** It is a public health crisis that we have begun to address by the passage of SB 1563 (2016). We understand the lack of General Funds for all programs this session, but note that this program brings in additional private and foundation dollars that may make some further investment justified.

Land Quality (POP 131, 132, 135, 136, 183/193): The League has been a voice for "reduce, reuse and recycle" and believes that working both with consumers and with manufacturers is good public policy related to Materials Management; therefore, we support the 2050 Vision.

We are **supporting HB 2131** related to oil spill prevention and emergency response planning, and again are dismayed by the fact that **POP 134** was not included in the Governor's budget.

We have long been supportive of addressing the cleanup of the Portland Harbor Superfund Site and our Portland League, an active commenter, is most happy to see movement toward a solution. But we wonder if that package belongs in the Dept. of State Lands budget, rather than the DEQ budget, AND we have concerns about whether or not this should be bonded dollars. We truly believe that bonds should be used for capital expenditures and not for planning.

There will be other bills related to the mission of DEQ over the next few weeks about which we may well provide comments. After all, **DEQ is at the core of Oregon's public health and environmental protection.** It has a broad mission that, if fulfilled, affects every Oregonian. Investing in its many responsibilities is money well spent.

Thank you for the opportunity to discuss this legislation.



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References: Adopted Integrated Water Resources Strategy:
http://www.oregon.gov/owrd/Pages/law/integrated_water_supply_strategy.aspx
[LWVOR's testimony on HB 5011, DOGAMI budget](#)
[Our Children's Trust lawsuits](#); More on OCT [here](#)
[Coastal and Nearshore Oregon](#); See Section on Nonpoint Source Pollution