



# Oregon

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April 2, 2013

The Honorable Sen. Chris Edwards, Co-Chair  
The Honorable Rep. Ben Unger, Co-Chair  
Joint Committee on Ways and Means - Subcommittee on Natural Resources  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301-4048

Dear Honorable Senator Edwards and Representative Unger:

DEQ submits the following information in response to questions that were raised at the April 1 public hearing related to our budget:

**1. What is the timeline/how long does it take for DEQ to issue a permit?**

Please see Attachment A.

**2. For DEQ's Vehicle Inspection Program, what is the vehicle failure rate?**

Please see Attachment B.

**3. What triggers inclusion of a contaminated site on DEQ's clean-up site list?**

Please see Attachment C.

We are happy to provide any additional information you may need or to answer questions on any of the information that we have included in this memo.

Sincerely,

Dick Pedersen

Director

Attachments

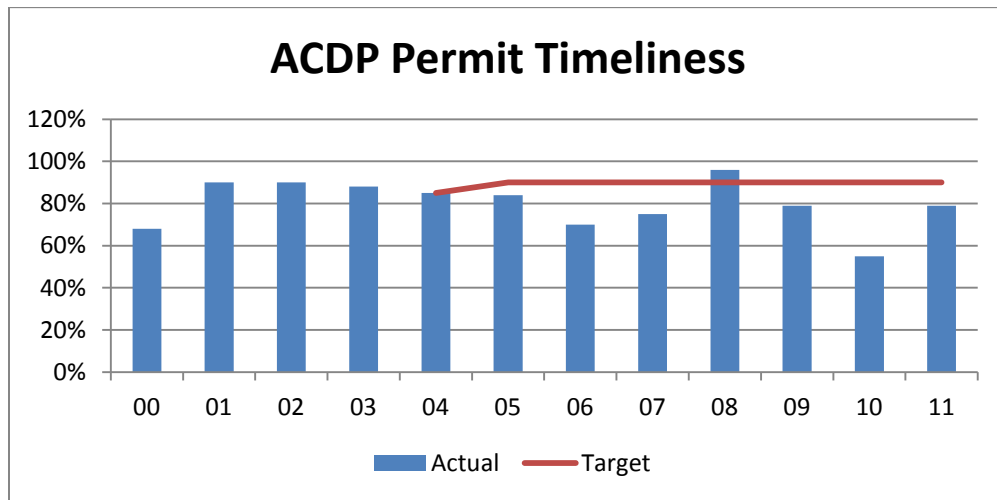
## Attachment A

### DEQ Air Quality Permitting Timeliness

**Air Contaminant Discharge Permits:**

<ul style="list-style-type: none"> <li>• <b>New permit</b> <ul style="list-style-type: none"> <li>○ Basic permit</li> <li>○ General permit assignment</li> <li>○ General permit attachment assignment</li> <li>○ Simple permit</li> <li>○ Standard permit (non-NSR/PSD)</li> <li>○ Standard permit (NSR/PSD)</li> </ul> </li> <li>• <b>Modifications</b> <ul style="list-style-type: none"> <li>○ Non-technical</li> <li>○ Basic/simple technical</li> <li>○ Moderate/complex technical (without PSEL increase)</li> <li>○ Moderate/complex technical (with PSEL increase)</li> <li>○ NSR/PSD</li> </ul> </li> <li>• <b>Renewals</b> <ul style="list-style-type: none"> <li>○ Basic permit</li> <li>○ General permit reassignment</li> <li>○ General permit attachment reassignment</li> <li>○ Simple permit</li> <li>○ Standard permit</li> </ul> </li> </ul>	<p><b><u>Target</u></b></p> <p>30 days</p> <p>30 days</p> <p>30 days</p> <p>120 days</p> <p>180 days</p> <p>365 days</p> <p>30 days</p> <p>90 days</p> <p>120 days</p> <p>180 days</p> <p>180 days</p> <p>30 days</p> <p>30 days</p> <p>30 days</p> <p>90 days</p> <p>180 days</p>
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**Timeliness Results – DEQ Key Performance Measure #2** Percentage of air contaminant discharge permits issued within the target period.



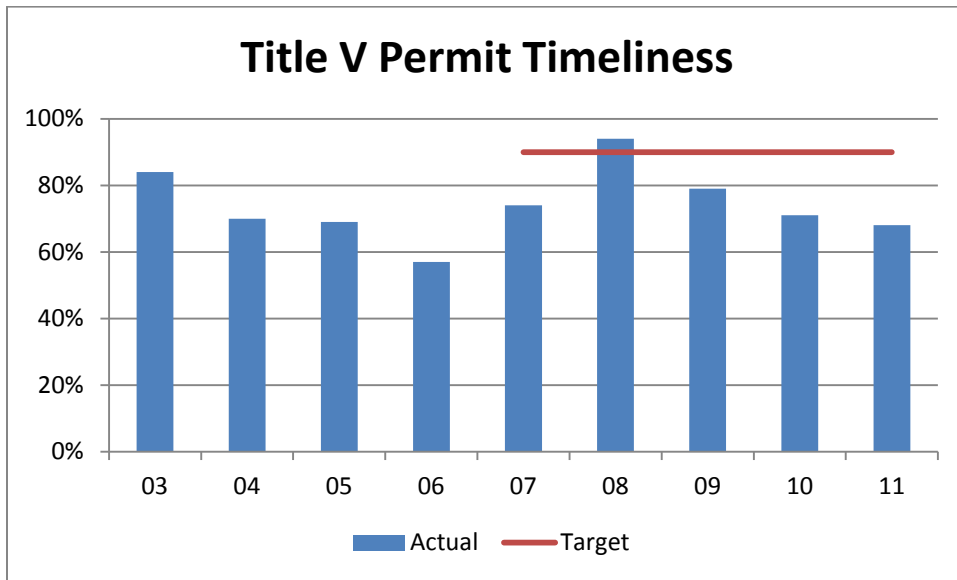
Air Contaminant Discharge Permits are required for construction of new and modified point sources of

all sizes as well as operation of medium sized point sources and smaller sources of hazardous air pollution. While the 90 percent timeliness goals are not being met, DEQ prioritizes work and makes sure that critical permitting gets done. For example, permits that must be issued before a source can proceed with a construction project receive high priority and get processed before more routine work, resulting in more routine work not meeting timeliness targets. This key performance measure was a long time Oregon economic benchmark and DEQ’s prioritization efforts address the intent of the benchmark.

In 2001, DEQ streamlined the ACDP permitting process and developed general permits to expeditiously permit entire source categories under one permit rather than more time-consuming individual permits. Streamlining significantly decreased the time required to issue a permit. Along with streamlining, DEQ shortened the target period for timely processing of ACDP permits from an average of 167 days to an average of 69 days.

More recently, timeliness jumped to 96 percent in 2008 when previously issued general permits came up for renewal and were reassigned, an easy process that resulted in a dramatic jump in timeliness to 96 percent. In 2010, another extraordinary event shifted timeliness downward. EPA adopted new federal standards to reduce toxic air pollution from smaller manufacturing facilities and smaller businesses called “area sources.” Area sources have lower emissions of air toxics than major sources, but due to the sheer number of sources, they can and do contribute significant amounts of toxic air pollution to local air sheds. DEQ issued simplified general permits for most of these new area sources but the volume of sources (1,500 in 2010 up from 150 in previous years) drove timeliness to 55 percent. In 2011 DEQ continued NESHAP permitting but only issued 640 permits and permit timeliness recovered to 79 percent.

<b>Title V:</b>	<b><u>Target</u></b>
• New permit	365 days
• Modifications/amendments	
○ Administrative	60 days
○ Minor	180 days
○ Significant	365 days
• Renewals	365 days



**Timeliness results: DEQ Key Performance Measure #15** Percent of Title V operating permits issued within the target period.

Title V timeliness has ranged from a low of 57 percent in 2006 to a high of 94 percent in 2008. The 57 percent in 2006 was directly related to insufficient fee revenue for the amount of Title V work and staffing required. The following year the Legislature approved a fee increase to bring the funding and staffing back in line with needs. In 2008, DEQ issued an unusually large number of easier to complete permit modifications, increasing timeliness to 94 percent. Since then, timeliness has declined and reached 68 percent in 2011. However, that seemingly poor timeliness percent is somewhat misleading. In 2011, DEQ actually addressed a permit backlog and issued a significant number of older, overdue permits but by adding older backlogged permits to the performance measure calculation, the timeliness percentage drops.

## DEQ Water Quality Permitting Timeliness

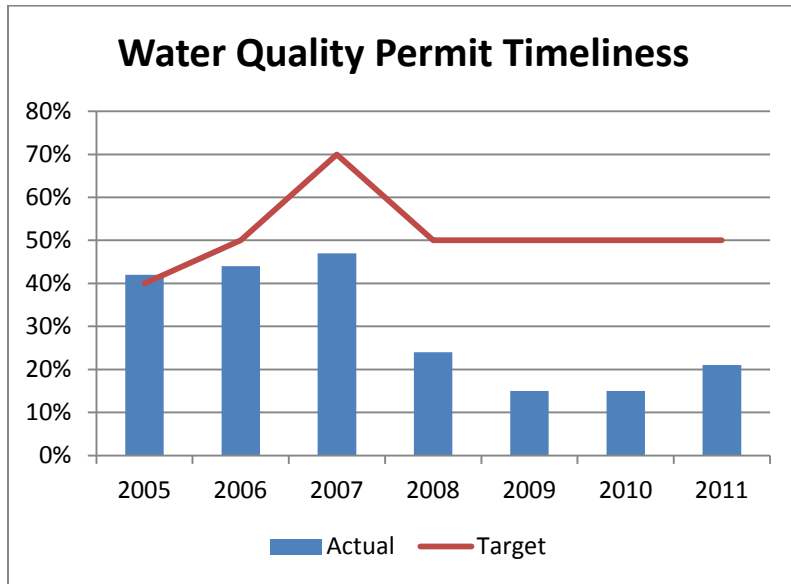
### Wastewater Permits:

- Individual permit
- General permit

### Target

270 days  
30 days

**Timeliness Results – DEQ Key Performance Measure #3: Percentage of individual wastewater discharge permits issued within 270 days.**



DEQ did not meet its 2011 target of 50 percent. For new or renewal permit applications submitted in 2011, 21 percent of individual permits were issued within 270 days. Though significantly below our target, the 2011 data is an improvement from our 2009 and 2010 results.

DEQ lowered the target from 70 percent in 2007 to 50 percent for 2008-2011 for several reasons: DEQ had experienced significant staff turnover and had held positions vacant to meet budget needs, ongoing litigation, and DEQ permit workload had increased because of a greater number of permits and increasing complexity to meet terms of settlement agreements and EPA requirements.

### Onsite Septic System Permits:

- **New site evaluation applications**
  - Response
  - Report issuance
- **New permits, repair permits and alteration permits**
  - Response
  - Issuance
- **Authorization notices**
  - Response

### Target

21 days  
35 days  
14 days  
20 days  
14 days

- Report issuance 21 days
- **Pre-cover and intermediate construction inspections** 7 days
- **Variances**
  - Hearing (after receipt of completed application) 30 days
  - Decision (following close of the hearing) 45 days
- **Denial reviews**
  - Response 30 days
  - Report issuance (following site review) 45 days
- **Site evaluation report reviews**
  - Response 30 days
  - Decision 45 days

## DEQ Land Quality Permit Timeliness

<b>Solid Waste permits</b>	<b><u>Target</u></b>
Review of complete new permit application	45 days
Final permit action after close of comment period	45 days
New permit	180 days
Permit renewal	180 days

Following are permitting renewal rates, as February 2013

- 95% of solid waste composting permits were renewed on time
- 72% of solid waste industrial permits were renewed on time
- 85% of solid waste municipal permits were renewed on time
- 97% of solid waste tire permits were renewed on time

## Attachment B

### DEQ Vehicle Inspection Program

2012 Inspection results from all DEQ clean air stations

Vehicle Year	Pass	Fail	Total	Fail %
1975	168	157	325	48.31%
1976	344	335	679	49.34%
1977	421	330	751	43.94%
1978	644	532	1,176	45.24%
1979	483	380	863	44.03%
1980	441	238	679	35.05%
1981	433	196	629	31.16%
1982	643	219	862	25.41%
1983	620	257	877	29.30%
1984	1,372	480	1,852	25.92%
1985	1,317	516	1,833	28.15%
1986	2,427	746	3,173	23.51%
1987	2,084	627	2,711	23.13%
1988	3,712	886	4,598	19.27%
1989	3,534	921	4,455	20.67%
1990	6,505	1,152	7,657	15.05%
1991	5,759	1,030	6,789	15.17%
1992	10,123	1,435	11,558	12.42%
1993	9,384	1,276	10,660	11.97%
1994	16,210	1,729	17,939	9.64%
1995	14,344	1,502	15,846	9.48%
1996	18,745	2,393	21,138	11.32%
1997	18,096	2,326	20,422	11.39%
1998	28,308	2,582	30,890	8.36%
1999	23,805	2,066	25,871	7.99%
2000	36,906	2,746	39,652	6.93%
2001	25,986	2,281	28,267	8.07%
2002	39,328	2,465	41,793	5.90%
2003	28,526	1,642	30,168	5.44%
2004	43,387	1,559	44,946	3.47%
2005	30,030	957	30,987	3.09%
2006	45,033	978	46,011	2.13%
2007	29,611	397	30,008	1.32%
2008	37,234	279	37,513	0.74%
2009	14,821	97	14,918	0.65%
2010	7,771	23	7,794	0.30%
2011	6,811	28	6,839	0.41%
2012	2,879	10	2,889	0.35%



Vehicle Year	Pass	Fail	Total	Fail %
2013	112		112	0.00%
<b>Total</b>	<b>518,357</b>	<b>37,773</b>	<b>556,130</b>	<b>6.79%</b>

#### Failure Rates

The overall vehicle inspection failure rate for all vehicles tested in 2012 was 6.79 percent. Quantifying the benefits of the Vehicle Inspection Program program simply by looking at failure rates is difficult. One of the reasons is that the program causes many motorists to repair their vehicles before visiting a station to be tested. The dashboard indicator light on a newer vehicle lets the owner know that there is a problem with his or her vehicle's emissions system. Motorists within the boundary know they cannot pass vehicle inspection and cannot renew their two-year DMV registration stickers with that light on, so they have their vehicles repaired before coming to VIP.

We gathered data on failure rates outside of DEQ's testing boundary in Bend and Eugene. We did this during National Car Care and Earth Day events in those areas. Failure rates were approximately four times higher than the failure rate inside of DEQ's inspection boundary. Over 100 motorists received a discount coupon toward repairs at local repair shops. While 22 percent failed the emissions test, only one coupon has been used toward repairing the emissions system. The results are consistent with what we hear from repair facilities.

Our conclusion is that the requirement to be tested itself causes preventative action, which is the primary intent of Oregon's Vehicle Inspection Program. The advantage of this approach is that it keeps the failure rates at the stations relatively low, allowing most vehicles to pass and be re-registered on the first try.

## **Attachment C**

### **DEQ clean-up sites**

Currently, there are federal and state requirements that require the reporting of spills of a variety of substances. Spills are reported to DEQ based on identified reportable quantities of hazardous substances. The reportable quantity varies for each substance, based on the environmental and public health risk posed by each substance. The following are examples of reportable quantities of spills to land:

- Petroleum - 42 gallons (about one barrel)
- DDT - 1 pound
- Mercury - 1 pound
- Cadmium- 10 pounds
- Tetrachloroethylene (industrial solvent ) - 100 pounds
- Phosphoric acid - 5,000 pounds

To address releases that have occurred over a period of time or that occurred in the past, known as historic releases, ORS 465.220 (1987) requires DEQ to "develop and implement a comprehensive statewide program to identify any release or threat of release [of hazardous substances] from a facility that may require remedial action." As a result, in 1988 DEQ created the Environmental Cleanup Site Information database to identify and track sites with known or suspected hazardous substance contamination.

For historic releases we don't often know the volume spilled. The release of hazardous substances may have occurred over several years of a facility's operations. Therefore, sites listed in our cleanup database are based on many factors including the types of hazardous substances used at the facility, the risk to people and the environment, knowledge about whether there have been documented spills in the past and the potential for soil or other media such as groundwater to have been contaminated.