



February 21, 2019

Senator Taylor, Representative Reardon, and Members of the Subcommittee
Joint Subcommittee on Natural Resources
900 Court Street NE, HR H-174
Salem, Oregon 97301

RE: Testimony Regarding DEQ's Budget and Stormwater Program Concerns

Dear Members of the Subcommittee,

The City of Millersburg is a small community (population 2,315) located north of Albany and South of Salem, and has recently been included under the DEQ's stormwater discharge permit program.

The Governor's Requested Budget (GRB) for DEQ that is before the Natural Resources Subcommittee of the Ways and Means Committee contains additional resources (27 new positions) to support the DEQ Water Quality permitting program including five new positions in the stormwater program (Policy Option Package 127).

The GRB for DEQ does not reflect the balanced investment that is needed in the Water Quality program and, if approved, would result in dramatic fee increases to permittees over the 2019-21 biennium. The proposed package does not support other programs, such as development of water quality standards, that are needed to write effective discharge permits to achieve real environmental benefits. The City of Millersburg supports a more balanced approach that distributes additional resources across the TMDL, WQS and Permitting programs that adheres to the longstanding 60% fees/40% general fund split and helps to ensure that all Oregonians are investing in water quality.

Of specific interest to Millersburg is the proposed additional funding for the DEQ stormwater program. In 2017, the Legislature approved two new stormwater permit writer positions that are 100% fee funded, which resulted in significant fee increases for municipal permittees. After many years and draft iterations, on November 30, 2018, DEQ did issue a new stormwater discharge permit (Phase II MS4) for smaller communities (~50,000 people). However, that permit contains terms and conditions that will subject communities to legal challenges, create excessive administrative burdens, will increase development costs and hamper our ability to facilitate development of affordable housing projects. These issues are especially burdensome to very small communities, resulting in Millersburg and five other affected communities filing lawsuits against DEQ seeking changes to the permit.

While increased staffing and program funding may ultimately be needed to support the stormwater program, no additional positions or funding should be allocated to the stormwater program at this time; rather, DEQ should be required to complete a third-party and independent review of the program including stakeholder input and feedback. Thank you for your consideration of these issues.

Sincerely,

Jim Lepin
Mayor
City of Millersburg

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