

Legislative Fiscal Office

Oregon State Capitol
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Joint Committee on Ways and Means

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To: Natural Resources Subcommittee

From: April McDonald, Legislative Fiscal Office

Date: June 6, 2023

Subject: HB 5018 – Department of Environmental Quality
Work Session Recommendations

Department of Environmental Quality – Agency Totals

	2019-21 Actual	2021-23 Legislatively Approved	2023-25 Current Service Level	2023-25 LFO Recommended
General Fund	55,904,792	109,846,109	75,336,257	77,688,590
Lottery Funds	4,927,022	6,263,319	6,454,397	6,453,619
Other Funds	195,653,710	302,195,302	277,466,370	300,125,567
Other Funds NL	163,034,529	244,000,055	201,191,800	291,351,800
Federal Funds	22,625,396	30,134,046	31,420,207	41,103,911
Total Funds	442,145,449	692,438,831	591,869,031	716,723,487
Positions	790	833	815	857
FTE	766.04	814.60	809.23	848.44

Attached are Legislative Fiscal Office (LFO) recommendations for the 2023-25 biennial budget and key performance measures for the Department of Environmental Quality.

The recommended budget of nearly \$717 million total funds supports 857 positions (848.44 FTE) and represents a 3.5% increase over the 2021-23 legislatively approved budget (LAB), and a 21.9% increase over the 2023-25 current service level (CSL). This increase is driven by a total of \$129 million in recommended packages, including over \$2 million General Fund, \$26 million Other Funds, and \$10 million in Federal Funds expenditure limitation. The majority of the increase is driven by \$90 million Other Funds Nonlimited for support of the Clean Water State Revolving Fund loan program which provides funding to ensure communities are provided with affordable financing options for wastewater treatment and other clean water projects. The state provides a match requirement for federal funds that capitalize the loan program.

The cumulative investment is represented in 22 policy packages, inclusive of two that are funded through the state’s Climate Package, which provides \$1 million General Fund and six positions (5.50 FTE) to focus on support of the Community Climate Program, and environmental justice coordination. Additionally, the state’s Drought Package provides nearly \$2 million General Fund, \$0.2 million Other Funds expenditure limitation, and six positions (4.51 FTE) for two packages intended to continue development of the Oregon Water Data Portal, and provide support and oversight of onsite septic system permitting. Other notable investments include restoration of positions to administer the Title V program; resources to focus on greenhouse gas reduction; funding for activities protecting groundwater; resources to continue improvements in materials management and plastics reduction; nearly \$10 million in Federal Funds expenditure limitation for awarded and anticipated grants; and position related technical adjustments.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation to HB 5018. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation to HB 5018, with modifications. (VOTE)

Performance Measures

See attached “Legislatively Proposed 2023-25 Key Performance Measures.”

Accept LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)

Budget Notes

#1 Budget Note: Title V Permitting Program

No later than December 31, 2023, the Department of Environmental Quality is directed to report to the Legislature, in the manner provided by ORS 192.245, on an evaluation of alternative fee structures to support Oregon's federal air quality operating permit program, known as the Title V program. In evaluating and reporting on alternative approaches the Department shall:

- Identify fee structures that require the owners or operators of facilities subject to the federal operating permit program to pay fees that are commensurate with the regulatory complexity of the facility or permit.
- Ensure that any recommended fee structures would result in fees that are sufficient to cover all reasonable direct and indirect costs of the federal operating permit program, as required by section 502(b) of the federal Clean Air Act.
- Review the fee structures of other state and local government agencies that administer a federal operating permit program.
- Solicit and consider input from owners or operators of facilities subject to the federal operating permit program and program stakeholders.

#2 Budget Note: Title V Staffing

Assuming passage of HB 3229 (2023), which increases Title V permitting fees to restore program staffing to current service level, the Department will need to undergo significant hiring throughout the 2023-25 biennium, aligning to available revenues. No later than April 1, 2025 the Department shall report to the Joint Committee on Ways and Means on the status of the Title V program staffing and productivity. This report shall include, but not be limited to, the following:

- Full and partial FTE working on Title V permitting and compliance;
- The timeliness and volume of permitting actions (including new permit, permit renewals, modification and amendments) issued by the program;
- The timeliness and volume of compliance evaluations conducted by the program;
- Progress on addressing the permit renewal backlog; and
- Progress in transferring Title V administrative processes to the agency's comprehensive data management system known as Your DEQ Online.

#3 Budget Note: Oregon Water Data Portal

The Department of Environmental Quality is directed to coordinate with other water-related agencies and contracted service providers to pursue stage 2 development of the Oregon Water Data Portal project, initiated by HB 5006 in the 2021 legislative session. The Department shall prioritize the following project objectives during the 2023-25 biennium, and provide a comprehensive report including, at a minimum, the following information:

- Identifying dedicated staffing, stage 2 project cost, and contract services with third party providers necessary to develop a pilot version of the data portal;
- Establishment of an inter-agency governance structure, agreements and standard operating procedures necessary to support continuation of project development;

- Analysis of the inventory of existing state agency water data to identify state data needs, tools, and efforts necessary to acquire additional data to support water-related decision making;
- Conducting Oregon tribal and stakeholder engagement to identify data priorities and inform further project development considerations;
- Engagement with the Department of Administrative Services, Enterprise Information Services Office, including status of the Stage Gate process; and
- Identification of risks, likely impacts, and mitigation strategies.

The Department, in coordination with an inter-agency steering committee, will report to the Joint Committee on Ways and Means, during the 2024 legislative session, with the status of the Oregon Water Data Portal project.

#4 Budget Note: Indirect Rate Model:

The Department of Environmental Quality negotiates the allowable indirect rate with the U.S. Environmental Protection Agency (EPA) based on the Department’s approved budget and calculates it as a percentage of Personal Services expenditures in programs outside of the Agency Management division. The Department is directed to undertake a comprehensive review of the Department’s current indirect rate model used to assess agency programs for revenue, as the primary source of funding for the Agency Management division and develop an alternative model. This assessment shall include:

- Solutions to provide a more stable funding model that mitigates the impact of agency hiring practices;
- Significant collaboration, outreach, and feedback from other agencies that utilize an indirect rate model to fund centralized services;
- Significant collaboration, outreach, and feedback from the Department of Administrative Services, Chief Financial Office, as well as the Legislative Fiscal Office;
- Collaboration with the EPA to assure compliance with federal guidelines;
- Status of the Department’s plan to implement agencywide changes to the model; and
- Any other considerations that support improvements towards a more stable and functional model.

The Department shall report to the Emergency Board no later than November 30, 2024.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation on Budget Notes. (VOTE)

OR

Change LFO Recommendation (any changes must be approved by the co-chairs):

MOTION: I move the LFO recommendation on Budget Notes, with modifications. (VOTE)

Recommended Changes

LFO recommends a budget of \$77,688,590 General Fund, \$6,453,619 Lottery Funds, \$300,125,567 Other Funds, \$41,103,911 Federal Funds and 857 positions (848.44 FTE), which is reflected in the –2 amendment.

MOTION: I move adoption of the –2 amendment to HB 5018. (VOTE)

Final Subcommittee Action

LFO recommends that HB 5018, as amended by the –2 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move HB 5018, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	75,350,378	6,038,769	266,829,972	29,556,067	244,000,055	-	621,775,241	817	806.99
2021-23 Ebds, SS & Admin Act	34,495,731	224,550	35,365,330	577,979	-	-	70,663,590	16	7.61
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	109,846,109	6,263,319	302,195,302	30,134,046	244,000,055	-	692,438,831	833	814.60
2021-23 Leg Approved Budget (Base)	109,846,109	6,263,319	301,838,098	30,134,046	244,000,055	-	692,081,627	829	813.34
Summary of Base Adjustments	3,927,443	100,330	4,861,516	943,369	(42,808,255)	-	(32,975,597)	(13)	(3.11)
2023-25 Base Budget	113,773,552	6,363,649	306,699,614	31,077,415	201,191,800	-	659,106,030	816	810.23
010: Non-PICS Pers Svc/Vacancy Factor	(160,767)	(24,178)	(702,119)	(87,069)	-	-	(974,133)	-	-
020: Phase In / Out Pgm & One-time Cost	(40,089,434)	-	(34,616,747)	-	-	-	(74,706,181)	(1)	(1.00)
030: Inflation & Price List Adjustments	1,812,906	114,926	6,085,622	429,861	-	-	8,443,315	-	-
2023-25 Current Service Level	75,336,257	6,454,397	277,466,370	31,420,207	201,191,800	-	591,869,031	815	809.23
070: Revenue Reductions/Shortfall	(16,832)	-	(3,404,666)	(263,669)	-	-	(3,685,167)	(12)	(12.00)
Adjusted 2023-25 Current Service Level	75,319,425	6,454,397	274,061,704	31,156,538	201,191,800	-	588,183,864	803	797.23
Total LFO Recommended Packages	2,369,165	(778)	26,063,863	9,947,373	90,160,000	-	128,539,623	54	51.21
2023-25 Legislative Actions	77,688,590	6,453,619	300,125,567	41,103,911	291,351,800	-	716,723,487	857	848.44
Net change from 2021-23 Leg Approved Budget	(32,157,519)	190,300	(2,069,735)	10,969,865	47,351,745	-	24,284,656	24	33.84
Percent change from 2021-23 Leg Approved Budget	(29.3%)	3.0%	(0.7%)	36.4%	19.4%	0.0%	3.5%	2.9%	4.2%
Net change from 2023-25 Adj Current Service Level	2,369,165	(778)	26,063,863	9,947,373	90,160,000	-	128,539,623	54	51.21
Percent change from 2023-25 Adj Current Service Level	3.2%	(0.0%)	9.5%	31.9%	44.8%	0.0%	21.9%	6.7%	6.4%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	26,043,781	-	92,737,098	10,826,436	-	-	129,607,315	283	275.54
2021-23 Ebds, SS & Admin Act	30,771,198	-	31,914,934	194,839	-	-	62,880,971	6	2.17
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	56,814,979	-	124,652,032	11,021,275	-	-	192,488,286	289	277.71
2021-23 Leg Approved Budget (Base)	56,814,979	-	124,294,828	11,021,275	-	-	192,131,082	285	276.45
Summary of Base Adjustments	(529,555)	-	1,305,628	371,280	-	-	1,147,353	(9)	(6.51)
2023-25 Base Budget	56,285,424	-	125,600,456	11,392,555	-	-	193,278,435	276	269.94
010: Non-PICS Pers Svc/Vacancy Factor	(94,899)	-	(233,081)	(22,901)	-	-	(350,881)	-	-
020: Phase In / Out Pgm & One-time Cost	(32,928,385)	-	(15,000,000)	-	-	-	(47,928,385)	-	-
030: Inflation & Price List Adjustments	783,996	-	739,450	84,435	-	-	1,607,881	-	-
060: Technical Adjustments	28,547	-	-	-	-	-	28,547	(2)	0.10
2023-25 Current Service Level	24,074,683	-	111,106,825	11,454,089	-	-	146,635,597	274	270.04
070: Revenue Reductions/Shortfall	(16,832)	-	(3,404,666)	-	-	-	(3,421,498)	(11)	(11.00)
Adjusted 2023-25 Current Service Level	24,057,851	-	107,702,159	11,454,089	-	-	143,214,099	263	259.04
Total LFO Recommended Packages	(328,752)	-	5,623,607	2,063,506	-	-	7,358,361	16	16.88
2023-25 Legislative Actions	23,729,099	-	113,325,766	13,517,595	-	-	150,572,460	279	275.92
Net change from 2021-23 Leg Approved Budget	(33,085,880)	-	(11,326,266)	2,496,320	-	-	(41,915,826)	(10)	(1.79)
Percent change from 2021-23 Leg Approved Budget	(58.2%)	0.0%	(9.1%)	22.7%	0.0%	0.0%	(21.8%)	(3.5%)	(0.6%)
Net change from 2023-25 Adj Current Service Level	(328,752)	-	5,623,607	2,063,506	-	-	7,358,361	16	16.88
Percent change from 2023-25 Adj Current Service Level	(1.4%)	0.0%	5.2%	18.0%	0.0%	0.0%	5.1%	6.1%	6.5%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description This package includes reductions to General Fund and Other Fund expenditure limitation necessary to adjust current service level to the available revenue for the Title V program in the Air Quality division. Reductions are made through elimination of 11 positions (11.00 FTE) as well as the associated services and supplies.

LFO Recommendation Approve the package.

LFO Recommended	(16,832)	-	(3,404,666)	-	-	-	(3,421,498)	(11)	(11.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 110 Title V Stabilization

Package Description This package restores the positions abolished in Package 070 and increases Other Funds expenditure limitation through assumption of a fee increase in HB 3229 (2023). The Title V program cannot legally be funded with another revenue source; it must be self-supported by fee revenue. This restoration would maintain current service levels and support effective administration of Title V requirements of the federal Clean Air Act.

LFO Recommendation Approve the package.

LFO Recommended	-	-	3,418,569	-	-	-	3,418,569	11	11.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 112 Cleaner Transportation

Package Description This package provides \$0.8 million Other Funds expenditure limitation and establishes three permanent, full-time positions (3.00 FTE) to provide increased capacity to respond to tailpipe pollution from the transportation sector through policy and planning work. Positions include a Natural Resource Manager 2 (1.00 FTE), a Business Operations Manager 2 (1.00 FTE) and an Operations and Policy Analyst 2 (1.00 FTE). These positions are supported by a mix of Volkswagen Settlement Administration Fees, Electric Vehicle Rebate Administration Fees, Medium Heavy-Duty Electrification Administration Fees, and Vehicle Inspection Program Fees.

LFO Recommendation Approve the package.

LFO Recommended	-	-	843,986	-	-	-	843,986	3	3.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 114 Reducing GHG Emissions

Package Description This package provides \$0.3 million Other Funds expenditure limitation and establishes a permanent, full-time Environmental Engineer 3 (1.00 FTE) to support greenhouse gas reduction programs, including the Climate Protection Program and the Clean Fuels Program. Other Funds revenue supporting the position comes from Air Contaminant Discharge Permit fees.

LFO Recommendation Approve the package.

LFO Recommended	-	-	300,617	-	-	-	300,617	1	1.00
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Air Quality

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 115 Community Climate Investment Accountability

Package Description This package provides \$0.5 million General Fund, \$1.0 million Other Funds expenditure limitation, and establishes four permanent, full-time positions (4.00 FTE), including a Program Analyst 3 (1.00 FTE), a Natural Resource Specialist 3 (1.00 FTE), and two Operations and Policy Analyst 3 positions (1.00 FTE). The additional positions are necessary for implementation of the Climate Protection Program, which sets declining and enforceable limits on greenhouse gas emissions from the use of fossil fuels. This package assumes passage of the statewide Climate Package in HB 3409 (2023).

LFO Recommendation Approve the package.

LFO Recommended	500,000	-	1,049,039	-	-	-	1,549,039	4	4.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package includes position adjustments to better align staffing resources to funding and the body of work assigned. Additionally, this package provides \$2.2 million Federal Funds expenditure limitation and establishes a permanent, full-time, federally funded Program Analyst 4 (0.88) for implementation of the Climate Pollution Reduction Planning grant from the U.S. Environmental Protection Agency. This position has been established as permanent because the planning grant has a four-year delivery period, and the body of work will likely continue from the initial planning grant into implementation grants.

LFO Recommendation Approve the package.

LFO Recommended	(2,300)	-	11,396	2,166,250	-	-	2,175,346	1	0.88
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 802 Vacant Position Reductions

Package Description This package eliminates four long-term vacancies (3.00 FTE) that have been vacant between 24 and 44 months, as well as the associated services and supplies. Positions include a Project Manager 2 (1.00 FTE), an Operations and Policy Analyst 2, Rules Coordinator (1.00 FTE) and two Chemist 1 positions (1.00 FTE).

LFO Recommendation Approve the package.

LFO Recommended	(826,452)	-	-	(102,744)	-	-	(929,196)	(4)	(3.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	38,625,893	6,038,769	46,863,475	11,229,485	-	-	102,757,622	245	240.87
2021-23 Ebds, SS & Admin Act	1,963,048	224,550	941,874	254,755	-	-	3,384,227	3	1.58
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	40,588,941	6,263,319	47,805,349	11,484,240	-	-	106,141,849	248	242.45
2021-23 Leg Approved Budget (Base)	40,588,941	6,263,319	47,805,349	11,484,240	-	-	106,141,849	248	242.45
Summary of Base Adjustments	839,186	100,330	567,846	352,125	-	-	1,859,487	(3)	(0.07)
2023-25 Base Budget	41,428,127	6,363,649	48,373,195	11,836,365	-	-	108,001,336	245	242.38
010: Non-PICS Pers Svc/Vacancy Factor	(113,953)	(24,178)	(125,758)	(39,986)	-	-	(303,875)	-	-
020: Phase In / Out Pgm & One-time Cost	(3,499,500)	-	(16,449,000)	-	-	-	(19,948,500)	-	-
030: Inflation & Price List Adjustments	933,516	114,926	295,079	186,485	-	-	1,530,006	-	-
060: Technical Adjustments	49,164	-	-	-	-	-	49,164	2	0.18
2023-25 Current Service Level	38,797,354	6,454,397	32,093,516	11,982,864	-	-	89,328,131	247	242.56
070: Revenue Reductions/Shortfall	-	-	-	(263,669)	-	-	(263,669)	(1)	(1.00)
Adjusted 2023-25 Current Service Level	38,797,354	6,454,397	32,093,516	11,719,195	-	-	89,064,462	246	241.56
Total LFO Recommended Packages	2,232,165	(778)	11,669,029	7,010,000	-	-	20,910,416	10	7.77
2023-25 Legislative Actions	41,029,519	6,453,619	43,762,545	18,729,195	-	-	109,974,878	256	249.33
Net change from 2021-23 Leg Approved Budget	440,578	190,300	(4,042,804)	7,244,955	-	-	3,833,029	8	6.88
Percent change from 2021-23 Leg Approved Budget	1.1%	3.0%	(8.5%)	63.1%	0.0%	0.0%	3.6%	3.2%	2.8%
Net change from 2023-25 Adj Current Service Level	2,232,165	(778)	11,669,029	7,010,000	-	-	20,910,416	10	7.77
Percent change from 2023-25 Adj Current Service Level	5.8%	(0.0%)	36.4%	59.8%	0.0%	0.0%	23.5%	4.1%	3.2%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 123 Ensure Protective Onsite Septic Systems

Package Description This package provides \$0.4 million General Fund, \$0.2 million Other Funds expenditure limitation and establishment of four positions to provide regulatory oversight of onsite septic system permitting programs across the state. Positions include a permanent, full-time Program Analyst 1 (0.88 FTE), and a seasonal Student Professional (0.25 FTE), supported by Other Funds revenues; as well as a permanent, full-time Natural Resource Specialist 3 (0.75 FTE) and a permanent, full-time Natural Resource Specialist 4 (0.75 FTE), supported by General Fund. Funding for this package is accounted for in the statewide Drought Package

LFO Recommendation Approve the package.

LFO Recommended	441,432	-	236,627	-	-	-	678,059	4	2.63
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 126 Protect Drinking Water Sources

Package Description This package provides \$1.1 million General Fund and establishes three permanent, full-time Natural Resource Specialists (2.26 FTE) for activities to protect groundwater with specific attention to areas experiencing contamination or threats to drinking water supplies, such as the Lower Umatilla Basin Groundwater Management Area. Additionally, the dedicated staff will develop management strategies to reduce harmful algal blooms.

LFO Recommendation Approve the package.

LFO Recommended	1,063,738	-	-	-	-	-	1,063,738	3	2.26
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 129 Effectively Administer Grants and Contracts

Package Description This package provides \$0.2 million General Fund, \$10.8 million Other Funds expenditure limitation, \$1.0 million Federal Funds expenditure limitation, and makes permanent one existing limited duration, full-time Program Analyst 2 (1.00). The Other Funds expenditure limitation is provided to continue the provision of the Onsite Septic System Financial Assistance Program (OSFAP), authorized by the Legislature in 2021, and supported by American Rescue Plan Act (ARPA) funding. OSFAP is a financial aid program for the repair, replacement, and evaluation of septic systems, with a priority for systems damaged by wildfire. The Federal Funds expenditure limitation is to implement the Sewer Overflow and Stormwater Reuse Municipal Grant program, which DEQ received approval to apply for in January 2022 from the Joint Committee on Ways and Means.

LFO Recommendation Approve the package.

LFO Recommended	222,802	-	10,805,524	1,010,000	-	-	12,038,326	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 160 Water Data Platform Implementation

Package Description This package provides \$1.2 million General Fund and establishes a limited duration Information Systems Specialist 7 (0.88 FTE) and a limited duration Project Manager (1.00 FTE) to support continued development of the Oregon Water Data Portal. Funding was accounted for in the statewide Drought Package.

LFO Recommendation Approve the package.

LFO Recommended	1,240,131	-	-	-	-	-	1,240,131	2	1.88
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 162 Modernize CWSRF Loan Management Software

Package Description This package provides \$0.6 million Other Funds expenditure limitation for procurement of a commercial off-the-shelf loan portfolio management software to replace the manual system currently used to administer the Clean Water State Revolving Fund.

LFO Recommendation Approve the package.

LFO Recommended	-	-	600,000	-	-	-	600,000	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 163 Technical Budget Alignment

Package Description This package includes technical adjustments to realign positions between fund types.

LFO Recommendation Approve the package.

LFO Recommended	(529)	(778)	1,055	-	-	-	(252)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package includes position adjustments to better align staffing resources to funding and the body of work assigned. Additionally, this package includes a reduction to services and supplies totaling \$0.7 million General Fund, comprised of elimination of change order funding for the "Your DEQ Online" project, and the Water Quality division's portion of a 2.5% reduction to General Fund services and supplies for the agency. Lastly, this package provides \$6 million Federal Funds expenditure limitation for the Columbia River Basin Toxics Reduction Lead Grant from the U.S. Environmental Protection Agency.

LFO Recommendation Approve the package.

LFO Recommended	(735,409)	-	25,823	6,000,000	-	-	5,290,414	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	4,461,563	-	86,012,643	7,500,146	-	-	97,974,352	196	197.28
2021-23 Ebds, SS & Admin Act	758,788	-	1,586,247	128,385	-	-	2,473,420	4	2.28
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	5,220,351	-	87,598,890	7,628,531	-	-	100,447,772	200	199.56
2021-23 Leg Approved Budget (Base)	5,220,351	-	87,598,890	7,628,531	-	-	100,447,772	200	199.56
Summary of Base Adjustments	705,747	-	1,937,196	219,964	-	-	2,862,907	1	4.05
2023-25 Base Budget	5,926,098	-	89,536,086	7,848,495	-	-	103,310,679	201	203.61
010: Non-PICS Pers Svc/Vacancy Factor	25,629	-	(232,812)	(24,182)	-	-	(231,365)	-	-
020: Phase In / Out Pgm & One-time Cost	(3,233,963)	-	10,029	-	-	-	(3,223,934)	(1)	(1.00)
030: Inflation & Price List Adjustments	81,792	-	3,209,214	158,941	-	-	3,449,947	-	-
060: Technical Adjustments	(77,711)	-	-	-	-	-	(77,711)	-	(0.28)
2023-25 Current Service Level	2,721,845	-	92,522,517	7,983,254	-	-	103,227,616	200	202.33
Adjusted 2023-25 Current Service Level	2,721,845	-	92,522,517	7,983,254	-	-	103,227,616	200	202.33
Total LFO Recommended Packages	(75,955)	-	6,550,638	873,867	-	-	7,348,550	15	16.06
2023-25 Legislative Actions	2,645,890	-	99,073,155	8,857,121	-	-	110,576,166	215	218.39
Net change from 2021-23 Leg Approved Budget	(2,574,461)	-	11,474,265	1,228,590	-	-	10,128,394	15	18.83
Percent change from 2021-23 Leg Approved Budget	(49.3%)	0.0%	13.1%	16.1%	0.0%	0.0%	10.1%	7.5%	9.4%
Net change from 2023-25 Adj Current Service Level	(75,955)	-	6,550,638	873,867	-	-	7,348,550	15	16.06
Percent change from 2023-25 Adj Current Service Level	(2.8%)	0.0%	7.1%	11.0%	0.0%	0.0%	7.1%	7.5%	7.9%

Land Quality

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 130 Statewide Emergency Response Capacity

Package Description This package includes establishment of a permanent, full-time Office Specialist 2 (1.00 FTE) for the Emergency Response program. This position would support program efforts to mitigate, prepare, respond to and recover from releases of oil and hazardous materials from commercial vessels, trains, pipelines, trucks and industrial facilities located along navigable waterways, and inland waters of the state and other culturally, economically or ecologically sensitive environments.

LFO Recommendation Approve the package.

LFO Recommended	-	-	177,745	-	-	-	177,745	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 132 Recycling Modernization Act Implementation

Package Description This package provides \$2.5 million Other Funds expenditure limitation and establishes four permanent, full-time positions (4.00 FTE) to continue implementing the Plastic Pollution and Recycling program as outlined by SB 582 (2021). This package is supported by fees paid by producers of packaging, paper products, and food service-ware.

LFO Recommendation Approve the package.

LFO Recommended	-	-	2,497,763	-	-	-	2,497,763	4	4.00
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Land Quality

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 133 Strengthen Materials Management Program

Package Description This package provides \$3.5 million Other Funds expenditure limitation, establishes six positions (6.00 FTE) and reclassifies and increases months on two existing positions (0.56 FTE). The increased staffing capacity will assist the Department in pursuing strategic outcomes derived from the 2050 Vision for Materials Management report.

LFO Recommendation Approve the package.

LFO Recommended	-	-	3,499,472	-	-	-	3,499,472	6	6.56
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Land Quality

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 135 Stabilize Tanks Program

Package Description This package provides \$0.2 million Other Funds expenditure limitation to re-establish an existing limited duration Operations and Policy Analyst 2 (1.00 FTE) to continue administering the Underground Storage Tank program. This package is supported by annual per-tank compliance fees.

LFO Recommendation Approve the package.

LFO Recommended	-	-	245,302	-	-	-	245,302	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package provides \$0.1 million in Other Funds expenditure limitation to increase an existing Natural Resource Specialist 5 position from 0.50 FTE to 1.00 FTE. This position is funded through cost recovery cleanup work. This package also provides \$0.9 million Federal Funds expenditure limitation for establishment of three permanent positions, as well as services and supplies, to support Infrastructure Investment and Jobs Act grants, including an Operations and Policy Analyst 2 (1.00 FTE), a Public Affairs Specialist 2 (1.00 FTE) and a Natural Resource Specialist 2 (1.00 FTE). Lastly, the package includes the Land Quality division's portion of a 2.5% reduction to General Fund services and supplies for the agency.

LFO Recommendation Approve the package.

LFO Recommended	(75,955)	-	130,356	873,867	-	-	928,268	3	3.50
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	170,550	-	41,216,756	-	-	-	41,387,306	93	93.30
2021-23 Ebds, SS & Admin Act	1,002,697	-	922,275	-	-	-	1,924,972	3	1.58
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	1,173,247	-	42,139,031	-	-	-	43,312,278	96	94.88
2021-23 Leg Approved Budget (Base)	1,173,247	-	42,139,031	-	-	-	43,312,278	96	94.88
Summary of Base Adjustments	431,276	-	1,050,846	-	-	-	1,482,122	(2)	(0.58)
2023-25 Base Budget	1,604,523	-	43,189,877	-	-	-	44,794,400	94	94.30
010: Non-PICS Pers Svc/Vacancy Factor	22,456	-	(110,468)	-	-	-	(88,012)	-	-
020: Phase In / Out Pgm & One-time Cost	(427,586)	-	(3,177,776)	-	-	-	(3,605,362)	-	-
030: Inflation & Price List Adjustments	13,602	-	1,841,879	-	-	-	1,855,481	-	-
2023-25 Current Service Level	1,212,995	-	41,743,512	-	-	-	42,956,507	94	94.30
Adjusted 2023-25 Current Service Level	1,212,995	-	41,743,512	-	-	-	42,956,507	94	94.30
Total LFO Recommended Packages	541,707	-	2,220,589	-	-	-	2,762,296	13	10.50
2023-25 Legislative Actions	1,754,702	-	43,964,101	-	-	-	45,718,803	107	104.80
Net change from 2021-23 Leg Approved Budget	581,455	-	1,825,070	-	-	-	2,406,525	11	9.92
Percent change from 2021-23 Leg Approved Budget	49.6%	0.0%	4.3%	0.0%	0.0%	0.0%	5.6%	11.5%	10.5%
Net change from 2023-25 Adj Current Service Level	541,707	-	2,220,589	-	-	-	2,762,296	13	10.50
Percent change from 2023-25 Adj Current Service Level	44.7%	0.0%	5.3%	0.0%	0.0%	0.0%	6.4%	13.8%	11.1%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 140 Environmental Justice Coordination

Package Description This package provides \$0.6 million General Fund and two permanent, full-time positions (1.50 FTE) as well as the associated services and supplies. These positions, including an Operations and Policy Analyst 3 (0.75 FTE) and a Principle Executive Manager E (0.75 FTE), will work with DEQ staff, regulated entities, governments at all levels and community-based organizations on issues related to Environmental Justice across the state. This funding for this package is accounted for in the statewide Climate Package.

LFO Recommendation Approve the package.

LFO Recommended	562,755	-	-	-	-	-	562,755	2	1.50
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 141 Maintain Agency Support Staffing

Package Description This package provides \$1.9 million Other Funds expenditure limitation for establishment of nine permanent, full-time positions (7.50 FTE), as well as associated services and supplies, to meet new demand on the Department’s central services following the approval of other packages.

LFO Recommendation Approve the package.

LFO Recommended	-	-	1,883,479	-	-	-	1,883,479	9	7.50
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 142 Grants Management and Support

Package Description This package provides \$0.3 million Other Funds expenditure limitation, establishment of two permanent, full-time positions (1.50 FTE), as well as associated services and supplies, to support the growing body of work related to federal and state grant administration.

LFO Recommendation Approve the package.

LFO Recommended	-	-	337,110	-	-	-	337,110	2	1.50
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package includes the Agency Management division’s portion of a 2.5% reduction to General Fund services and supplies for the agency.

LFO Recommendation Approve the package.

LFO Recommended	(21,048)	-	-	-	-	-	(21,048)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	-	-	-	-	230,350,000	-	230,350,000	-	-
2021-23 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	-	-	-	-	230,350,000	-	230,350,000	-	-
2021-23 Leg Approved Budget (Base)	-	-	-	-	230,350,000	-	230,350,000	-	-
Summary of Base Adjustments	-	-	-	-	(30,150,000)	-	(30,150,000)	-	-
2023-25 Base Budget	-	-	-	-	200,200,000	-	200,200,000	-	-
2023-25 Current Service Level	-	-	-	-	200,200,000	-	200,200,000	-	-
Adjusted 2023-25 Current Service Level	-	-	-	-	200,200,000	-	200,200,000	-	-
Total LFO Recommended Packages	-	-	-	-	70,080,000	-	70,080,000	-	-
2023-25 Legislative Actions	-	-	-	-	270,280,000	-	270,280,000	-	-
Net change from 2021-23 Leg Approved Budget	-	-	-	-	39,930,000	-	39,930,000	-	-
Percent change from 2021-23 Leg Approved Budget	0.0%	0.0%	0.0%	0.0%	17.3%	0.0%	17.3%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	-	-	-	-	70,080,000	-	70,080,000	-	-
Percent change from 2023-25 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	35.0%	0.0%	35.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 181 Clean Water SRF - Loans and Bonds

Package Description This package includes \$70 million Other Funds Nonlimited for Clean Water State Revolving Fund (CWSRF) loans. The Federal Water Quality Act of 1987 created the state CWSRF. The federal act requires states to match federal dollars with state funds in an amount at least equal to 20% of the federal capital grant. DEQ issues General Obligation bonds for the purpose of the match, which has been authorized by the state Bond Bill each biennium. This funding ensures communities are provided with affordable financing options for wastewater treatment and other clean water projects. The cost of bond issuance is included in this package; however, the debt service is included in Package 191.

LFO Recommendation Approve the package.

LFO Recommended	-	-	-	-	70,080,000	-	70,080,000	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	6,048,591	-	-	-	13,650,055	-	19,698,646	-	-
2021-23 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	6,048,591	-	-	-	13,650,055	-	19,698,646	-	-
2021-23 Leg Approved Budget (Base)	6,048,591	-	-	-	13,650,055	-	19,698,646	-	-
Summary of Base Adjustments	2,480,789	-	-	-	(12,658,255)	-	(10,177,466)	-	-
2023-25 Base Budget	8,529,380	-	-	-	991,800	-	9,521,180	-	-
2023-25 Current Service Level	8,529,380	-	-	-	991,800	-	9,521,180	-	-
Adjusted 2023-25 Current Service Level	8,529,380	-	-	-	991,800	-	9,521,180	-	-
Total LFO Recommended Packages	-	-	-	-	20,080,000	-	20,080,000	-	-
2023-25 Legislative Actions	8,529,380	-	-	-	21,071,800	-	29,601,180	-	-
Net change from 2021-23 Leg Approved Budget	2,480,789	-	-	-	7,421,745	-	9,902,534	-	-
Percent change from 2021-23 Leg Approved Budget	41.0%	0.0%	0.0%	0.0%	54.4%	0.0%	50.3%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	-	-	-	-	20,080,000	-	20,080,000	-	-
Percent change from 2023-25 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	2024.6%	0.0%	210.9%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 191 Clean Water SRF - Debt Service

Package Description This package includes \$20 million Other Funds Nonlimited for debt service related to General Obligation bonds issued to meet the state match for federal capitalization grants to maintain the Clean Water State Revolving Fund. The bonds are short term and fully redeemed during the 2023-25 biennium with no carryover into subsequent biennia. The Department sources all debt service from interest earnings in the fund, deeming these General Obligation bonds as "self-financed."

LFO Recommendation Approve the package.

LFO Recommended	-	-	-	-	20,080,000	-	20,080,000	-	-
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Legislatively Proposed 2023 - 2025 Key Performance Measures

Published: 6/1/2023 6:41:46 PM

Agency: Department of Environmental Quality

Mission Statement:

To be a leader in restoring, maintaining and enhancing the quality of Oregon's air, water and land.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
1. AIR QUALITY DIESEL EMISSIONS - Quantity of diesel particulate emissions (in tons).		Approved	2,394	2,100	2,100
2. AIR QUALITY CONDITIONS - National Standards: Number of days when air is unhealthy for sensitive groups and all groups.	a) National Standards Number of days when air is unhealthy for sensitive groups	Approved	137	25	25
	b) National Standards Number of days when air is unhealthy for all groups		159	6	6
3. AIR QUALITY - AIR TOXICS - Air Toxics Trends in Larger and Smaller Communities	a) Air Toxics Trends in Large Communities	Approved	17	8	8
	b) Air Toxics Trends in Smaller Communities		21	8	8
4. Permit Timeliness - Issuance of new permits - Percentage of new air quality permits that are issued within timeliness targets.	Permit Timeliness - Issuance of new permits (Air Contaminant Discharge Permits)	Approved	46%	80%	80%
	b) Permit Timeliness - Issuance of new permits (Title V Permits)		0%	80%	80%
5. Permit Timeliness - Issuance of Permit Modifications - Percentage of air quality permit modifications issued within the target timeliness period.	Permit Timeliness - Issuance of Permit Modifications (Air Contaminant Discharge Permits)	Approved	65%	80%	80%
	b) Permit Timeliness - Issuance of Permit Modifications (Title V Permits)		79%	80%	80%
6. Permit Timeliness - Current Permits - Percent of air quality permits that are current (not on administration extension)	Permit Timeliness - Current Permits (Air Contaminant Discharge Permits)	Approved	90%	80%	80%
	Permit Timeliness - Current Permits (Title V Permits)		69%	80%	80%
7. PERMIT TIMELINESS - Percentage of individual wastewater discharge permits issued within 270 days.		Approved	34%	50%	50%
8. UPDATED PERMITS - Percent of total wastewater permits that are current.		Approved	62%	75%	75%
9. WATER QUALITY CONDITIONS - Percent of monitored stream sites with significantly increasing trends in water quality.	a) Percent of monitored stream sites with significantly improving trends in water quality	Approved	8%	20%	20%
	b) Percent of monitored stream sites with significantly declining trends in water quality		11%	15%	15%
	c) Percent of monitored stream sites with good to excellent water quality		49%	60%	60%
10. CLEANUP - Properties with known contamination cleaned up	a) Percent of heating oil tank sites cleaned up	Approved	86.60%	90%	90%
	b) Percent of regulated underground storage tank sites cleaned up		90.10%	95%	95%
	c) Percent of hazardous substance sites (non-tank) cleaned up		55.19%	65%	65%
11. MATERIALS MANAGEMENT - Waste generation		Approved	5,960,805	4,500,000	4,500,000
12. MATERIALS MANAGEMENT - Waste recovery		Approved	42.07%	50%	50%

Legislatively Proposed KPMS	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
13. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	a) Expertise	Approved	70%	90%	90%
	b) Availability of Information		57%	90%	90%
	c) Helpfulness		72%	90%	90%
	d) Accuracy		67%	90%	90%
	e) Timeliness		63%	90%	90%
	f) Overall		68%	90%	90%
14. ERT - Percent of local participants who rank DEQ involvement in Economic Revitalization Team process as good to excellent.		Approved	78%	90%	90%
15. BOARDS AND COMMISSIONS - Percent of total best practices met by the Environmental Quality Commission.		Approved	87%	100%	100%

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the proposed Key Performance Measures and targets, as presented.

SubCommittee Action: