



Oregon Department of Environmental Quality

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

From: Aeron Teverbaugh, Sr. Legislative and Policy Analyst, Department of Environmental Quality

Re: Follow up on Questions asked November 17, 2025

Chair Lively, Vice Chairs Levy and Gamba and members of the Interim House Committee House Climate Energy and Environment: Thank you for your continued interest in DEQ's air permitting program. I'm following up on questions we received during our recent informational presentation on "Air Quality Permitting Improvement Initiatives."

Clean Air Oregon Internal Management Directive (whether it will help or delay DEQ processes)

When the legislature established Cleaner Air Oregon, it distinguished between "new" versus "existing" facilities. Facilities already in existence at the time the program was established are subject to less stringent requirements, relative to facilities constructed in the future. The policy rationale being that newly constructed facilities can more easily and cost-effectively meet standards that are most protective of public health.

In September, DEQ issued an Internal Management Directive to ensure consistent application of this distinction. The IMD is a directive to staff, describing expectations for how employees should implement various components of environmental programs.

This particular IMD makes clear that a facility is considered "existing" if it physically existed at a particular location and had a permit, or that DEQ previously determined did not need a permit prior to November 16, 2018 (the launch of the program).

The IMD is important in order to ensure consistency in how facilities are treated under the program. **In response to Representative Owens' question about the interaction between this IMD and Title V permit issuance: under the IMD a facility is not classified as "new" (and thereby not subject to more stringent standards) for permit lapses that were remedied or where a facility made changes that resulted in the facility exceeding Title V thresholds without obtaining a TV permit.** There may be a minimal improvement to the backlog.

How much the Title V permit backlog has decreased

As of mid-September, 45% of Title V operating permits were current, and 71% of the ACDP operating permits were current. The KPM target is 80% for each.

DEQ projects that by the end of this calendar year we will have renewed 4 additional Title V operating permits, despite the low staffing levels, improving our performance measure by four percentage points.

Under Oregon and federal law, draft Title V permits must undergo a public comment period, and then a 60-day review period by US EPA before they can be issued.