

HB 4102 -1, -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

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Meeting Dates: 2/16, 2/23

WHAT THE MEASURE DOES:

The measure modifies the statute authorizing the Oregon Department of Environmental Quality (DEQ) to enter into an agreement with an applicant, permittee, or regulated entity (applicant) to expedite or enhance a regulatory process. It takes effect on the 91st day following adjournment sine die.

Detailed Summary:

- Allows DEQ to spend money received under an agreement for hiring additional staff, including limited duration employees, to expedite or enhance the regulatory process
 - Requires DEQ, before hiring additional staff or contracting with a third party to provide services, to evaluate opportunities to perform the services with existing staff
 - Allows an applicant to request that DEQ enter into an agreement for hiring additional staff
 - Requires DEQ to evaluate whether the expedited or enhanced regulatory process is in the public interest by considering certain factors about the request
 - Establishes actions DEQ must take within 45 business days after receiving a written request to enter into an agreement with the applicant
 - Requires DEQ to make certain information available on its website and removes the requirement that it must identify department activities suitable for contracting out to third parties
 - Establishes conditions under which DEQ must enter into an agreement with an applicant
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- House Vote: Ayes, 57; Excused, 3
 - Minimal Fiscal Impact
 - No Revenue Impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Requires that the request to enter into an agreement include a statement affirming that any contractors working on the project will utilize a skilled and trained workforce, or perform work pursuant to a binding agreement with labor and community groups regarding minimum labor and environmental standards for all construction work. Establishes standards for contractors to satisfy the requirement to utilize a skilled and trained workforce. Requires DEQ to consider the applicant's history of compliance with environmental quality laws and violations of the applicant. Requires DEQ in selecting third-party contractor to consider the contractor's: prior experience, demonstrated knowledge, resources, and ability to meet deadlines, record in meeting performance obligations, and any conflicts of interest with applicant.

-2 Modifies the -1 amendment by restoring the placement of the language directing DEQ to evaluate opportunities to use existing staff prior to hiring or contracting additional staff.

-3 The amendment requires DEQ, prior to contracting, to consider the third party's potential or actual conflicts of interest with the applicant, permittee, or regulated entity.

- No Revenue Impact
- Minimal Fiscal Impact

BACKGROUND:

According to DEQ, its mission is to “be a leader in restoring, maintaining and enhancing the quality of Oregon’s air, land and water.” The five-member Environmental Quality Commission oversees DEQ and sets the department’s policies and rules.

Currently, as stated in ORS 468.073, DEQ has the authority to enter into an agreement with any applicant, permittee, or regulated entity to set a schedule of payments to the department. The purpose of such an agreement is to enable DEQ to expedite or enhance a regulatory process by contracting for services, hiring additional staff, or covering costs of activities not otherwise provided during the ordinary course of department business. These agreements may help relieve permit backlogs.

PRELIMINARY