

Submitter: Audrey Leonard
On Behalf Of: Columbia Riverkeeper
Committee: House Committee On Climate, Energy, and Environment
Measure, Appointment or Topic: HB4102

Columbia Riverkeeper opposes HB 4102 as currently written, and agrees with the testimony submitted by Verde, Oregon Just Transition Alliance, and Beyond Toxics.

Riverkeeper is especially concerned about the potential for conflicts of interest between the third party contract writer and DEQ. Allowing third party permit writers, without adequate guardrails, will degrade public trust and accountability for DEQ. From Riverkeeper's conversations with affected communities, there is already a sense that DEQ is not responsive to concerns raised in public comments on draft permits. This bill will create an additional burden on the public to learn about and comment on potential conflicts of interest and issues with third party permit writers, and decrease accessibility of the public process.

Section 1(9)(c)-(d)'s automatic approval should be removed. Many important permit processes, like NPDES permits and air quality permits, typically take longer than one year and timeline alone should not determine approval.

Finally, this bill ignores DEQ's institutional knowledge from writing and administering prior permits for similar industries and activities and creates the potential for inconsistencies among similar permits. There is a perverse incentive for industry-aligned third party permit writers to identify regulatory loopholes and abuse this process in a way that harms human health and the environment, with little recourse once a permit is final. Especially at a time when our regulations have not caught up to new industries, such as data centers, it is important for DEQ to be in the driver's seat.

Sincerely,
Audrey Leonard
Staff Attorney, Columbia Riverkeeper