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OREGONrural ACTION

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SOWING SEEDS OF **CHANGE**

Chair Lively, vice chairs Gamba and Levy, and members of the House Committee on Climate, Energy, and Environment,

My name is Kaleb Lay and I'm director of policy & research with Oregon Rural Action. **ORA submits this testimony in light of deep concerns that opposing testimony on HB 4102 was not allowed to speak during the 8 a.m. hearing on February 3, 2026, and the Committee instead only heard one side of this debate.**

ORA is a community-led nonprofit that has worked for years with the communities affected by the pollution crises in northeast Oregon's Lower Umatilla Basin. The LUB is one of the most diverse and economically productive regions in Oregon; at the same time, it is home to a disproportionately high rate of low-income households as well as some of the state's most polluted water, air, and land.

ORA opposes HB 4102. This bill would only put more power into the hands of polluting corporations, especially in places like the Lower Umatilla Basin that are already wracked by over-industrialization. At the same time, it would fail to address the source of Oregon's permitting challenges, which is the chronic failure by the state to fully invest in permitting staff.

In the LUB, nitrogen-rich industrial wastewater is a significant contributor to the nitrate pollution crisis in local groundwater, which has been growing steadily worse since at least 1990. In 2004, DEQ approved a new permit for a major source of industrial wastewater. That permit expired in 2009 and remained expired, and in effect, until late 2025, when DEQ updated the permit and conceded that the expired version was not protective of groundwater. That permit holder also accrued numerous violations while the permit was expired, and even under the new permit, some of those harmful practices are being allowed to continue for another two years.

There is no denying that Oregon's permitting process is broken. Any system in which a major source of pollutants can operate on an expired permit for 16 years in a region with a decades-running groundwater pollution crisis deserves serious scrutiny. Funding alone clearly will not solve the problems at DEQ either – treating polluters as "customers," for instance – but HB 4102 is not the appropriate solution to address the permitting backlog.

The solution to this problem is not to outsource regulation of the private sector to the private sector, or to give polluters more power in decisions about their permits. Corporate polluters already hold too much power in public processes generally, while the public and those affected by pollution hold too little.

Oregon has long failed to fully support the staff who work in state permitting departments. As a result, agency staff are overworked and overstretched, resulting in a backlog. The solution to this problem is for Oregon to **invest in the dedicated, talented agency staff that work to protect our environment and keep our state running.**

In addition, the pool of professionals in Oregon who have the skills and experience needed to write, modify, and oversee permits is small. Keeping those qualified professionals working on behalf of the public is an investment in Oregon's ability to protect its environment and its communities. However, this bill may actually have the opposite effect by sparking a "brain drain" of permitting staff out of public service and into the private sector, which would likely only worsen the backlog of permits and thus increase reliance on the processes outlined in this bill to outsource permitting to the private sector.

We urge this committee not to advance HB 4102.

Respectfully,

Kaleb Lay

Oregon Rural Action