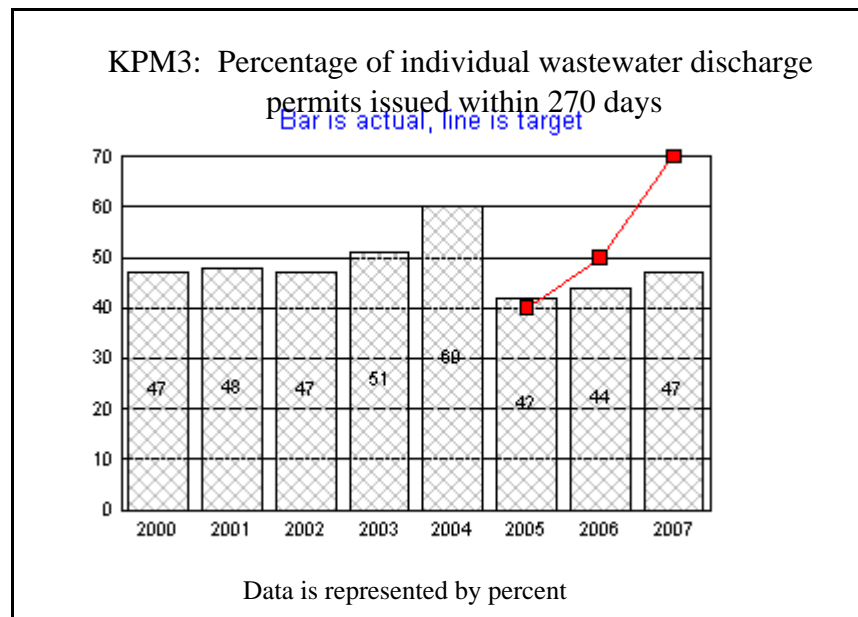


<b>KPM #3</b>	PERMIT TIMELINESS: Percentage of individual wastewater discharge permits issued within 270 days.	1992
<b>Goal</b>	IMPROVE OREGON'S AIR AND WATER.	
<b>Oregon Context</b>	KPM #3 is also Oregon Benchmark #10b. It links to: (1) Oregon's Statewide Planning Goal 6: Air, water, and land resources quality (OAR 660-015-00 (06)); (2) Oregon Shines Goal 1: Quality jobs for all Oregonians, and (3) Oregon Shines Goal 3: Healthy, Sustainable surroundings (Oregon Benchmark 78, Stream Water Quality.)	
<b>Data Source</b>	Water Quality Program database.	
<b>Owner</b>	DEQ Water Quality Program. Melissa Aerne, (503) 229-5656.	



**1. OUR STRATEGY**

To achieve this goal, DEQ continues to focus on timely issuance of permits and reducing the permit backlog. DEQ develops permit issuance plans based on a watershed approach, and continues to make improvements in the permitting program.

## 2. ABOUT THE TARGETS

The target sets a standard for issuing permits in a timely manner because businesses need quick turn-around times on permits to construct, expand or modify their operations. High percentages of permits issued in a timely manner indicate an efficient program.

## 3. HOW WE ARE DOING

DEQ did not meet its 2007 target for timeliness. In 2004, DEQ was able to issue 60% of its individual wastewater permits within 270 days because we temporarily diverted staff from other important program activities, including permit compliance and enforcement, in order to focus on reducing the backlog of expired water quality permits. However, since 2005, DEQ needed to shift focus back onto other difficult permit issues, such as incorporating Total Maximum Daily Loads (TMDLs) into permits, transitioning to issuing permits on a watershed basis, and litigation. DEQ also experienced significant staff turnover. Timeliness has improved some each year since 2005, although DEQ has not been able to meet its new increased target of 70% for 2007.

To account for every permit applied for in a given year, each year's data is available 270 days after December 31; final 2007 data is not available until September 27, 2008. The permit timeliness figure of 47% shown in the chart reflects permit applications received from January 1 through October 19, 2007. DEQ cannot account for applications received from October 20 through December 31, 2007 until September 27, 2008.

## 4. HOW WE COMPARE

There are no formal public or private industry standards for permit issuance, although there is a clear expectation that permits be issued in a timely manner.

## 5. FACTORS AFFECTING RESULTS

DEQ has been working with a stakeholder group known as the "Blue Ribbon Committee" to identify long-term improvements to the wastewater permitting program. As a result, DEQ is moving to a watershed approach that will allow the agency to better plan for workload and resource needs in the Water Quality permit program. This approach will likely delay some permit renewals because they will be rescheduled to fit into a watershed cycle. The complexities of technical and legal issues encountered during permit development also affect permit timeliness. Similarly, permit actions are frequently subject to legal challenges that require the assistance of technical staff. These activities require resources to be pulled away from on-going permit renewal requirements causing delays.

Funding - The Blue Ribbon Committee recommended that DEQ ensure stable, ongoing funding that improves fee predictability for rate payers and

revenue for budget management. This is accomplished by maintaining a mix of fee and public funding and allowing for up to a 3% annual permit fee increase to help address increased permit program costs. The 2005 Legislature approved an 11% fee increase, adopted by the Environmental Quality Commission (EQC) in 2006, to maintain funding for four existing permit staff and add 2.5 new positions. These new positions assisted DEQ in more efficiently assessing compliance. In 2007, the EQC approved the first annual fee increase of 3%, as authorized by the 2005 Legislature through Senate Bill 45, effective for the 2008 Fiscal Year (July 1, 2007 to June 30, 2008). The 2007 Legislature approved a 5% water quality permit fee increase, an 82% stormwater permit fee increase, and a surcharge to support toxic reduction work required by Senate Bill 737. In June 2008, the EQC approved the 5% and 82% fee increases, the SB 737 surcharge, and an annual 3% fee increase. These increases support 2.5 new positions to improve permit development and compliance for the water quality permit program, add 14 new positions to improve the stormwater program, help address increased permit program costs, and support 2 limited-duration positions to perform the work required by SB 737.

Litigation - During 2007 and 2008 the DEQ wastewater permit program was involved in 15 lawsuits affecting permit issuance. DEQ has postponed issuance of affected permits and diverted resources from permit development to litigation response.

EPA objections regarding the state bacteria standard and permitting of Sanitary Sewer Overflows (SSOs) - EPA raised objections to the General Conditions section of the NPDES permits that DEQ has used since 2004 to incorporate the state water quality standard for bacteria into permits for municipal sewage treatment plants. Until this issue can be resolved, DEQ can not continue processing these types of permits. EPA and DEQ are currently discussing options for revising the template language.

Compliance Schedules - Since November 2007, the wastewater permit program has withheld issuing permits that contain a compliance schedule as a result of litigation against the Environmental Protection Agency (EPA). This litigation challenges EPA's approval process for Oregon's water quality rules pertaining to the use of compliance schedules.

Reconsideration - During 2007, DEQ's wastewater permit program was petitioned to reconsider 22 recently issued permits. This legal action required DEQ to re-examine the technical aspects and policy basis supporting issuance of a specific permit.

Staff turnover - Statewide, DEQ lost 12 (out of 62) people in the wastewater permit program during 2007. Replacing these positions has been a challenge. In cases when qualified staff have been hired, there is an impact on the availability of existing staff who are re-directed to train new hires instead of working directly on permits.

## 6. WHAT NEEDS TO BE DONE

To help meet the permit timeliness goal, DEQ needs to concentrate on hiring and retaining qualified staff, so that the necessary resources will be available to issue water quality permits. Additionally, DEQ needs to invest in training and tools for staff to ensure that they have the necessary information, data and skills to resolve the complex environmental and regulatory challenges. DEQ will be working on several Internal Management Directives as chapters in a new Permit Writers' Manual and will be working to improve database systems used by permit writers. DEQ needs to continue working towards achieving better integration between the various Clean Water Act subprograms. Ensuring that all the pieces work together

to achieve a common goal will assist with the timeliness of permits and with keeping permits current.

**7. ABOUT THE DATA**

The reporting cycle is the calendar year. Due to the 270-day target timeline, data for each calendar year is reported at the end of the 3rd quarter the following year.