

Oregon Department of Environmental Quality
Green Permits Program Evaluation, Resource Constraints and Staffing Changes
February, 2003

History of Green Permits Program

In 1997 the Legislature passed an experimental program, Green Permits (ORS 468.501-521). The Environmental Quality Commission adopted rules to implement the statute in 1999 (OAR Chapter 340, Division 14).

Since then DEQ has issued three Green Environmental Management Systems (GEMS) Achiever Permits. These facilities have formal environmental management systems in place that include policies, measurable objectives and targets, procedures and resources to continually improve environmental performance. The permits contain language that allow regulatory flexibility such as consolidated reporting and other reporting modifications, extended permit intervals, expedited permit approvals, and enforcement discretion. One pending permit modification will allow regulatory flexibility in meeting the requirements of a RCRA regulation.

The law authorizing green permits is scheduled to sunset on December 31, 2003.

DEQ Evaluates Green Permits Program

In December 2002, DEQ's Executive Management Team reviewed the results of an independent evaluation of the Green Permits Program, summarized in a report prepared in June 2002. To review this report, go to <http://www.deq.state.or.us/programs/greenpermits/GPEvaluationFinal.pdf>

DEQ believes that the Green Permits approach – a multi-media approach through a single point of contact, coordinating a team effort to work with a facility and looking holistically at environmental improvements -- creates positive working relationships between DEQ and facilities. DEQ recognizes the value in promoting formal environmental management systems, particularly those that follow the ISO 14001 framework, among regulated facilities in Oregon.

However, only six applications have been submitted since 1999, and it does not appear that there is great demand for the program.

Advisory Committee Recommendations

The Green Permits Advisory Committee supports continuing the program and has made recommendations that DEQ increase its marketing of Green Permits and environmental management systems, and rewrite the rules to increase participation in the program and simplify program administration.

The stakeholders recognize, however, that the current funding mechanism does not cover all program costs and DEQ would need resources to both continue Green Permits in its current structure, and to make the recommended improvements.

Resource Constraints and Program Changes

During 2002, approximately \$3 million in General Funds were cut from DEQ's 2001-03 budget. Two-thirds of these cuts are permanent, and will continue into 2003-05. In the 5th Special Session during 2002, the Legislature approved House Bill 5100, which included predetermined cuts that

have gone into effect with the failure of Measure 28. Under HB 5100, DEQ's General Funds were reduced an additional \$896,000. Funding has been reduced in all of DEQ's programs, including Agency Management and the Director's Office, affecting staffing and work.

The Green Permits Coordinator was one of the positions cut as of February 1, 2003, as the result of failure of Measure 28. This cut is continued in the Governor's 2003-05 Balanced Budget.

With the loss of the Green Permits Coordinator position, DEQ will not perform the following work:

- Provide a single coordinator to answer questions and provide guidance to potential new applicants
- Centrally coordinate receipt of new applications
- Provide a single coordinator to train new staff on implementation
- Market the program
- Centrally organize promotion and recognition of facilities in the program
- Maintain and update the Green Permits website
- Maintain the Green Permits Advisory Committee
- Follow up recommendations made by the Advisory Committee and consultant to improve the program
- Undertake Green Permits rulemaking

Given these resource constraints and staffing changes, DEQ has made changes in handling Green Permit inquiries and applications. The Green Permits Coordinator handled initial inquiries, provided information, and accepted and coordinated applications. This work will no longer be centrally coordinated. **Facilities that may want to pursue a Green Permit should contact the DEQ office for their region:**

Eastern Region: Joni Hammond, 541-278-4610
Northwest Region: Cory Ann Chang, 503-229-5567
Western Region: Keith Andersen, 541-686-7838 x 246

Current law sunsets on December 31, 2003

The Green Permits Program statute is currently scheduled to sunset on December 31, 2003. This means that DEQ will have no authority to issue Green Permits after December 30, 2003, unless the statute is continued.

Each Green Permit is unique in its content and the time it takes to process from application to permit issuance. For instance, some Green Permits require significant negotiations with EPA, which may extend the time required to develop the permit. **DEQ is managing the expected sunset of this statute by closing its acceptance of Green Permits applications as of March 31, 2003.**