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HEADLINE: INDUSTRY GROUP PUTS UP MONEY FOR DEQ STUDY

SOURCE: MICHELLE COLE - The Oregonian

BODY:

Summary: The pulp and paper association offers \$126,000 for a review of water clarity rules, but critics see a certain conflict of interest

The Northwest Pulp and Paper Association wants the state to revise its rules on water clarity in rivers and streams, and will give the state Department of Environmental Quality as much as \$126,000 to hire the staff to get the work done.

The agreement with the pulp and paper industry may be unusual but it is legal, DEQ officials said Friday.

Conservationists say it's a clear conflict of interest.

"The NWPPA has repeatedly advocated for less protective water quality standards," said Brent Foster, attorney for Willamette Riverkeeper, a conservation group based in Portland.

But Llewellyn Matthews, executive director of the pulp and paper association, said the group's goal is to update -- not weaken -- the 25-year-old turbidity standard..

"We had hoped that the DEQ would have had the resources itself to keep the standards updated," Matthews said Friday. "Frankly, the budget situation is such that the DEQ can't take on the work unless there are some resources to cover it."

The state Receipts Authority Act of 1997 allows the department to accept payments to "expedite or enhance a regulatory process." In the past five years, a handful of businesses and manufacturers have paid the agency to speed work on wastewater pollution permits.

But the agreement with the pulp and paper association marks the first time the agency will accept payment to review and potentially revise a water quality standard, said Michael Llewelyn, water quality division administrator.

The department will use the \$126,000 it receives from the pulp and paper industry to hire staff to survey other states' turbidity standards and to investigate scientific research about turbidity and its effects on aquatic life.

The agency will not put any money into the project, but Llewelyn said he "can't fathom a situation where a staff person would feel, because their position is funded by a particular sector, that they are beholden to them in terms of the ultimate product."

The agreement between the industry and the DEQ clearly states that the agency will be free to "exercise its independent judgment." It also gives either the state or the pulp and paper association the right to sever the relationship with 30 days' notice.

Eight conservationist groups wrote to DEQ Director Stephanie Hallock this week to protest the agreement. Giving the industry the right to pull its funding with little notice gives industry officials significant control over the process, they said.

"The public does not have the ability to stop this project if it doesn't like where it's going," Foster said.

Matthews said her association's members have no intention of walking away. "We do not have a preconceived notion of what the final results should be. It could be something we haven't thought of. We're just asking that they (DEQ officials) look at what similar states are doing."

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Agency officials emphasized that any proposed revision of the turbidity standard would be reviewed by the agency's water quality advisory committee, which includes members from conservation groups, as well as from industry and local government.

A new standard also would be subject to public comment and would be reviewed by the state Environmental Quality Commission.

Any changes then would be submitted to the U.S. Environmental Protection Agency -- and possibly the National Marine Fisheries Service and the U.S. Fish and Wildlife Service -- for approval.

"This is as transparent and open process as any we've got in this agency," Llewelyn said. Michelle Cole: 503-294-5143; michellecole@news.oregonian.com

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