February 16, 2011

Oregon Cattlemen's Association Comment on
DEQ Water Quality Standard Rulemaking for Toxic Levels

The Oregon Cattlemen's Association appreciates the opportunity to comment before the Oregon Department of Environmental Quality (DEQ) and the board members of the Environmental Quality Commission (EQC) concerning the proposed revisions in the Water Quality Standards for Toxic Pollutants.

Oregon Cattlemen's Association (OCA) and livestock producers are committed to the protection and enhancement of Oregon's water quality, while ensuring the continued management of this vital resource results in the multiple beneficial uses our citizens enjoy.

While OCA understands the need for some revision of Oregon's Water Quality Standards due to Federal EPA directive, the current proposal goes far beyond what is reasonable and threatens our livelihoods, both rural and urban. Oregon Cattlemen's comment will focus on several venerable points, concerning the Non-Point Source revisions.

The assumption, through the proposed establishment of "Implement Ready TMDLs" that the agricultural community has not contributed to improved water quality is totally in error and has no statistical data for that assertion. The Agricultural Water Quality Management Program (Ag WQMP) administered through Oregon Department of Agricultural (ODA) has significantly aided in maintaining and restoring healthy waters, while also having a positive economic benefit to producers. The current proposal will require surrogate measures and Best Management Practices that will cause economic hardship to ranchers, while not assuring the imposed land management practice will have beneficial improvement to water quality. Although DEQ maintains their Department does not want control of the Ag WQMP, the language contained within this revision is directly challenging the statutory and regulatory authority given to the Oregon Department of Agriculture by Senate Bill 1010 enacted by the 1993 Legislature, clarified in 1995, and signed by then Governor Kitzhaber.

Oregon Cattlemen's Association knows the Area Plans containing the regulatory rules administered by Oregon Department of Agriculture's authority have been and are an effective way to collaboratively enforce mandated regulations where all parties come together to achieve water quality. The current format of the DEQ revision would harm the existing process that relies upon best available science and has become the principal strategy for agriculture's role in responding to the 319 Section of the Federal Clean Water Act. This proposed change would destroy the cooperation and trust that has taken years to establish between ODA and agriculturalists. The mindset that because there has been no fines or civil penalties assessed, there needs to be stricter regulation and enforcement by DEQ, will only lead to litigated stalemate with environmental and economic loss resulting.

Another issue with current rulemaking is the lack of in depth economic analysis and the financial harm these standards would impose. As has been reflected in previous testimony, urban businesses would suffer with resultant loss of jobs, as would the agricultural sector with increased input costs with no

0089
Cattlemen_martin

monetary compensation. This proposed rule is ill advised with our state trying to find a way out of the existing economic malaise.

In closing, Oregon Cattlemen's Association recommends that the Environmental Quality Commission instructs DEQ to reopen this process to more than the previous seven workshops, with inclusion of the diversified resource organizations, and tell the Federal Environmental Protection Agency that Oregon is working toward a logical, common sense standard that will adequately address human health concerns.

Oregon Cattlemen's sincerely thank the Department and EQC for this opportunity to comment.

Curtis W. Martin
Oregon Cattlemen's Association
Water Resources Committee Chair