

February 7, 2011

Comment on Toxics Rule Oregon Dept. of Environmental Quality

I want to voice my opposition to the proposed regulation by DEQ to directly regulate and enforce water quality standards and violations on Oregon agricultural lands. The language proposed by this department, DEQ, declares that any landowner or land manager (that are under Agricultural Water Quality Management Plans, and do contain Administrative Rule) found in violation of DEQ water quality standards, that DEQ may/will require direct regulatory intervention. The current language from DEQ states, "DEQ may also require remedies of a person causing pollution or contributing to water quality standards violation if ODA does not take action" (proposed OAR 340-041-066(11)). This is absolutely a direct contradiction to the Statutory authority given to the Oregon Department of Agriculture through the 1993 and 1995 legislation enacting Senate Bill 1010.

The Agricultural Water Quality Management Program, administered by Oregon Department of Agriculture, has been very successful in cooperative and collaborative projects that have not only benefited the environment but also provided economical benefits to the producer. This rule would destroy the mutual trust between ODA and producers that has taken years to establish. The mindset of some agency bureaucrats that because there has been no fines or civil penalties assessed the "1010" program is ineffective is totally in error and would set back the active cooperation between Agriculturalists and ODA.

For this reason DEQ needs to replace the current proposed language, open the dialogue with Natural Resource entities and reinforce, not weaken, the current administration of protecting and enhancing the water quality of Oregon.

Respectfully submitted,

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