Oregon DEQ & EQC
Water Quality Division
811 SW 6th Ave.
Portland, OR 97204

Re: DEQ Toxics Rulemaking

I continue to be a Member of the North Coast Basin Agricultural Water Quality Management Area Plan Local Advisory Committee (LAC). Our plan was written in 2000 with ODA staff at every meeting and DEQ staff at many of our meetings.

Dairy producers operate under a waste Management Plan reviewed by ODA. They are inspected at least one time per year. They must account for animal waste and amounts of crop production. Livestock are fenced away from streams and ditches in most cases. Off stream livestock watering is provided. SWCD's are working with small animal owners, helping with any water quality problems they may have.

ODA is continuing to work with Agriculture operators to reduce pollution. I believe this is their task and not DEQ's. DEQ should not seek to take direct enforcement action against Agricultural operators. You know the Legislation passed in 1993 and 1995.

I want to add the following:

Since 2002 the Nestucca, Neskowin and Sand Lake Watersheds Council has planted over 32 stream miles in the watershed with over 44,000 native trees and shrubs. Enclosed is the September 2, 2009 plan review by ODA staff and the LAC.

Please remember it takes years for trees planted to begin to lower temperatures and for riparian vegetation to become effective.

To base this Rulemaking on fish consumption seems out of reason. It would require our population to eat hundreds of tons of fish per day, and much of our fish does not come from Oregon.

Please give careful consideration to your Rulemaking.

Thank you for considering my comments.

Dale Buck

Dale Buck.
A Retired Tillamook County Dairy Farmer
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Cloverdale, OR 97112

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Oregon Department of Agriculture

North Coast Basin Agricultural Water Quality Management Area Plan

September 2, 2009

Local Advisory Committee Meets to Review Area Plan

Executive Summary

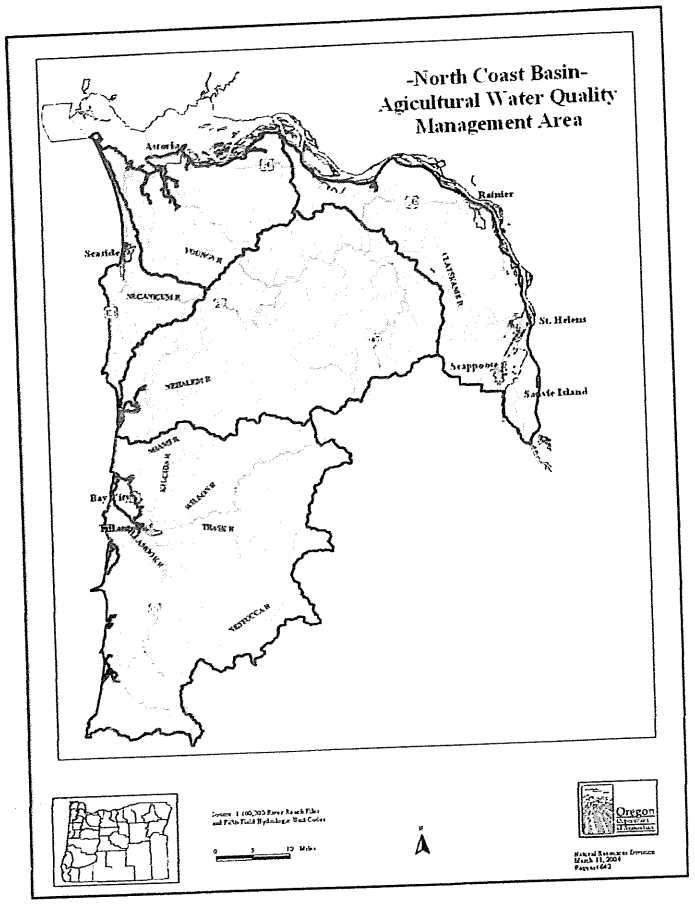
Six members of the North Coast Basin Agricultural Water Quality Management Area Local Advisory Committee (LAC) reconvened on September 2, 2009, to evaluate the Area Plan and Rules.

The LAC primarily discussed ways to quantify how the numerous conservation projects and practices that landowners have implemented have affected water quality in the basin since the Agricultural Water Quality Management Area Plan was written in 2000. The focus involved asking certain questions to assess effectiveness of the Area Plan in project implementation and outreach efforts. Oregon Department of Agriculture (ODA) staff introduced a method to help determine which questions are worth asking by using the S.M.A.R.T. model. S.M.A.R.T. stands for:

S = specific
M = measureable
A = achievable
R = relevent
T = time-bound

Suggestions of questions that could be asked involve revisiting the Area Plan goals (on page 3). For example, what is the level of awareness of water quality issues? Are nutrients, bacteria, and turbidity decreasing in surface waterbodies within the basin? Are funds being sought to implement the Area Plan? The LAC members decided that they believe the Area Plan is sufficient as currently written and the amount of work reported by the North Coast Basin conservation partners demonstrates that the plan is being implemented to protect water quality. For more details on these accomplishments please see Attachment A.

There were no recommended changes to the Area Rules at this time.



Map: The North Coast Agricultural Water Quality Management Area is bounded by the Pacific Ocean to the west, the crest of the Coast Range to the east, Neskowin Creek, and Little Nestucca River watersheds to the south, and by the confluence of the Willamette and Columbia rivers to the north, where the Columbia River flows west around the northern tip of the Coast Range.

LAC MEMBERS for 2009

Dale Buck, Chair	Shawn Reiersgaard*
Jim Bergeron*	Dirk Rohne
Randy Bergman	Mike Seppa
Sean Dooher*	Kay C. VanNatta
Margaret Magruder	Charles Woolridge*

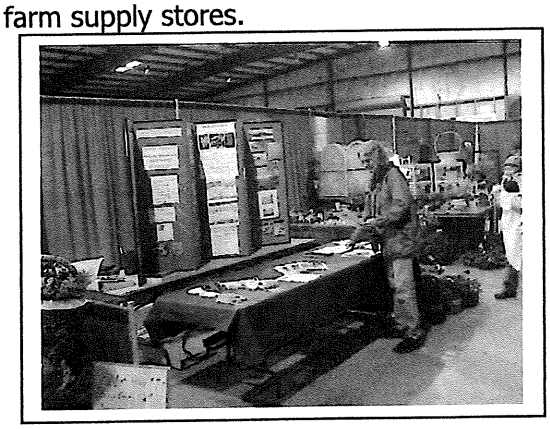
* not present

North Coast Basin Soil and Water Conservation Districts (SWCDs) Highlight Outreach

Clatsop SWCD

In addition to the extensive restoration projects that this district is involved in, outreach and education plays an important role in conservation in Clatsop County.

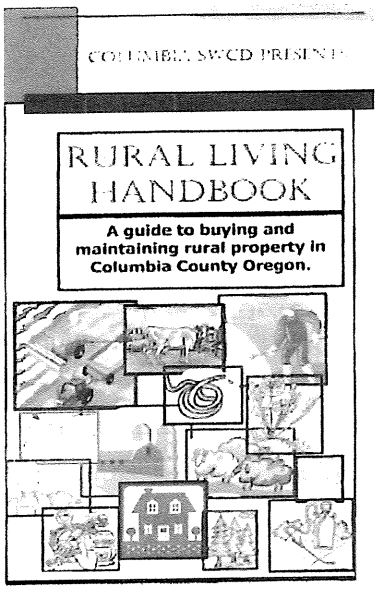
Since the last biennial review, the Clatsop SWCD has provided presentations/workshops to over 110 landowners, five press releases, two newspaper articles, and seven radio interviews. They have also disseminated over 150 fact sheets and informational brochures at county fairs, community events, and in local farm supply stores.



Columbia SWCD

With the acceptance of a supplemental technical assistance grant from ODA, the Columbia SWCD developed a Rural Living Handbook for Columbia County.

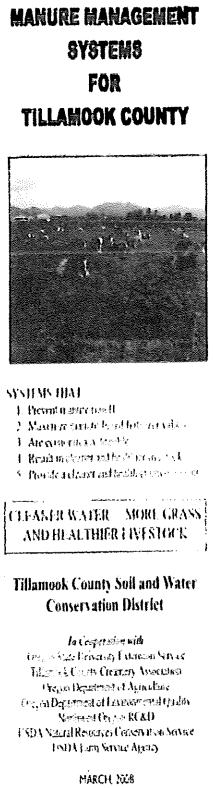
The focus of the handbook is on agricultural water quality and overall watershed health and provides information for small acreage landowners to locate resources that can assist them with questions that arise on their property.



Tillamook SWCD

The Tillamook SWCD has continued its long tradition of livestock fencing, riparian plantings, and manure management projects, but has also focused efforts on outreach and education to the community. Newspaper articles, workshops, K-12 presentations, and fair displays are just a few of the activities the district has participated in.

Their latest efforts have focused on developing brochures and booklets relating to manure and pasture management for local landowners. These have been distributed to over 1,500 people within the county.


MANURE MANAGEMENT SYSTEMS FOR TILLAMOOK COUNTY

CLEANER WATER MORE GRASS AND HEALTHIER LIVESTOCK

Tillamook County Soil and Water Conservation District

MARCH 2008

West Multnomah SWCD

West Multnomah SWCD has only a small portion of the North Coast Basin – Sauvie Island. They have been working with landowners and the Sauvie Island Drainage District to conduct a survey of drainage issues on agricultural and rural properties.

LAC Plan Review: continued

Background

The North Coast Basin Agricultural Water Quality Management Area Plan and Rules were developed with advice from the LAC. After review by the State Board of Agriculture, the director of ODA approved the Area Plan and Rules in 2000.

Since then, the LAC has met to review the Area Plan and Rules in 2004 and 2007.

When developing the current Area Plan, the LAC identified several goals that, if achieved, would significantly improve water quality in the North Coast Basin. These specific goals are:

- Create a high level of awareness of water quality issues and problems among agricultural operators and the rural public in the basin.
- Promote land management that limits the movement of nutrients and bacteria from agricultural and rural lands to state waters.
- Promote land management that stabilizes streambanks.
- Promote land management that reduces sedimentation of streams due to soil erosion.
- Seek to control water pollution as close to its source as possible.
- Seek funding to implement the North Coast Basin Area Plan.

Water-bodies that do not meet one or more water quality standards are included in Oregon's 303(d) list. The North Coast Basin management area water quality parameters that are associated with agricultural practices not meeting state and federal standards are temperature, dissolved oxygen, bacteria, and sedimentation.

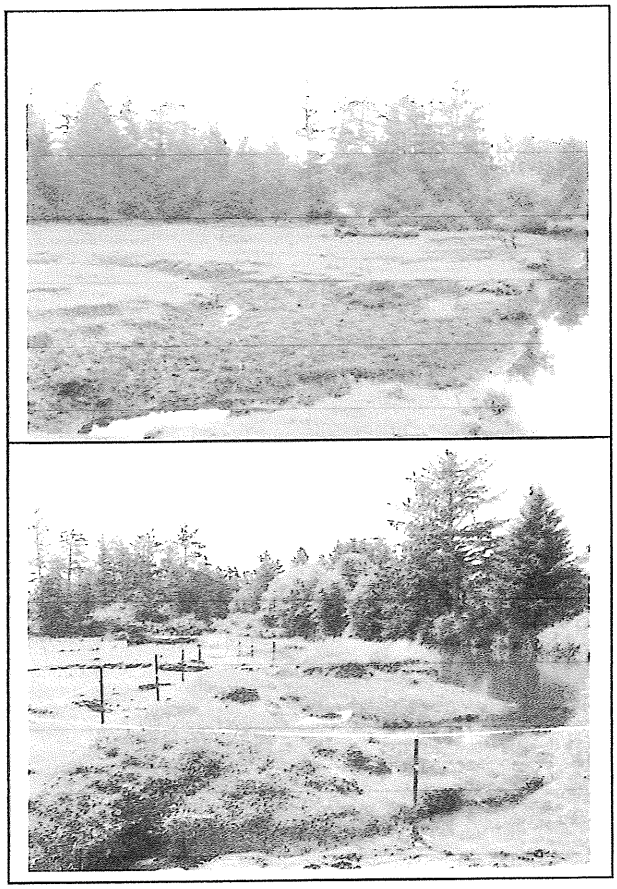
The Department of Environmental Quality (DEQ) is the state agency responsible for developing total maximum daily loads (TMDLs) for the parameters on the 303(d) list. TMDLs are water quality management plans that address the standards not being met. Currently, the TMDLs that have been developed in the North Coast Basin management area address temperature, bacteria, and sedimentation.

Compliance Investigations

Since the last biennial review in June 2007, ODA received three new compliance cases and closed one previous compliance case.

Complaint type:	**Resulting action:**
1. Livestock waste	No evidence to prove contamination.
2. Livestock waste	No connection to waters of the state.
3. Animal cruelty	No jurisdiction, referred to other agency.

The closed compliance case was concerning a horse operation. The horses were allowed to have full access to Ecola Creek, resulting in a lack of riparian vegetation. After several years of working with the landowner, a Notice of Noncompliance was issued requiring corrective actions. A site visit in July 2009 proved that a fence had been placed along the creek and the livestock have been excluded from the riparian area and the vegetation allowed to reestablish. Before and after photos are below.



Monitoring Efforts

Existing water quality data for nine streams were evaluated to look at general conditions and trends in E. coli, dissolved oxygen (DO), total phosphorus (TP), nitrate/nitrite (NO3/NO2), and turbidity. Data were obtained from DEQ's LASAR database and reviewed by ODA staff in 2009. The results are listed below:

Clatskanie River at Highway 30: Data obtained from this sampling location did not indicate significant problems with the variables of concern (listed above). However, this site does have continual seasonally high E. coli and moderately low DO concentrations. Statistical analyses did not indicate significant trends in the variables measured. Data as of 2009 showed a few high E. coli samples, but no problems with DO.

Kilchis River at Alderbrook: The water quality data from this location indicate a decreasing trend in NO^3/NO^2, though the Sen test did not show this to be statistically significant. Reported NO^3/NO^2 concentrations in this stream have not been elevated. E. coli concentrations have been mostly good with some large peaks. No notable problems were seen for DO, TP, and turbidity. As of 2009, there was still some elevated E. coli counts but no other changes in water quality.

Klaskanine at Youngs River Lp.: No significant problems were seen in the variables of concern, though pre-1999 data suggested problems with TP. There appears to be an overall decreasing trend in TP since early 1999. This trend was not found to be statistically significant. Continued seasonal moderately high E. coli and moderately low DO are apparent throughout the data record. As of 2009, there were a few low DO concentrations and one very high TP concentration. The high TP was reported on January 7, 2009, and corresponded with a large runoff event that affected most of the North Coast.

Miami River at Moss Creek Road: Data from this location shows continued high E. coli problems, and marginally high NO^3/NO^2 problems, throughout the data record. Graphs of the E. coli data do not indicate an upward or downward trend. NO^3/NO^2 data indicates increasing concentrations, but this is not a statistically significant trend. Data reviewed in 2009 was consistent with these observations.

Skipanon River at Highway 101: Data from this location shows seasonally high TP and low DO. DO values for this location were lower than for the other streams examined. Generally, declining E. coli was apparent though the trend was not statistically significant. Data reviewed in 2009 showed continued problems with low DO and some high TP concentrations. Total organic carbon concentrations were reported up to 18 mg/l, and these high values might help explain the low DO.

Tillamook River at Bewley Road: This site showed the highest consistent E. coli concentrations, with no apparent downward trend. Moderately high NO^3/NO^2 concentrations were also apparent through the data record. No other significant problems were apparent for the other variables examined. Data from 2009 showed consistency with past observations.

Trask River at Highway 101: Data from this location indicates minor E. coli and NO^3/NO^2 concentration problems. Trends for these variables are poorly developed and not statistically significant. The 2009 data review showed no problems with any analytes.

Wilson River at Highway 101: - Data from this location indicates minor E. coli and NO^3/NO^2 concentration problems. Trends for these variables are poorly developed and not statistically significant. The 2009 data showed very high turbidity as the result of the January 2009 runoff event, but NO^3/NO^2 were no longer a problem.

Nestucca River at Cloverdale: This station was reviewed for the first time in 2009. It also showed elevated turbidity during the January 2009 event but not for other sampling events. Some high NO^3/NO^2 were reported in 2005-2006 along with some high E. coli concentrations pre-2004.

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Attachment A. Summary of Area Plan goals and progress of Area Plan implementation.

Goal	Progress
1. Create a high level of awareness of water quality issues and problems among agricultural operators and the rural public in the North Coast Basin.	Since June 2007, **Clatsop SWCD** has conducted the following outreach and education activities: - Presentations/workshops to over 110 landowners—topics included: Agricultural Water Quality Management Area Plan and Rules, riparian vegetation, stormwater management, invasive species management, mud and manure management, general water quality/quantity issues and conservation planning - 5 press releases and 2 newspaper articles - 7 radio interviews on conservation issues - dissemination of over 150 high quality fact sheets and informational brochures on best management practices at county fairs, community events, and at brochure racks at local farm supply stores **Columbia SWCD** conducted the following outreach and education activities: -130+ landowners attended various workshops and presentations including topics such as— Agricultural Water Quality Conservation Planning and available programs Invasive species management Small acreage horse owners Mud and manure management Water quality/quantity issues - 900+ students in local K-12 public schools were presented information on topics of Water Quality, Forestry, Soils, and watershed health. - Local civic groups in the county were presented information about what the district offers the community and the projects that were currently in the progress. - 1600+ Brochures and information packets were passed out to local residents at the fair, Pumpkin festival, saurkraut festival, and other local events - 5 news articles, and 8 news releases 2 radio interviews on conservation issues <u>The Columbia County Rural Living Handbook</u> was created with the assistance of a Technical Assistance grant from ODA. The focus was on Ag water Quality and overall watershed health and provides information for new small acreage landowners to locate local resources that can assist them with questions that arise on their property. Distribution was focused initially on new landowners (real estate agents, chamber of commerce, and city offices) **Tillamook SWCD** has conducted the following outreach and education activities: - 186 Landowners contacted with 117 that were provided with technical and financial assistance. - 2 workshops with 42 attendees—topics included: Agricultural Water Quality Management Area Plan and Rules, Riparian Plantings, Pasture management, Mud and Manure management, general water quality/quantity issues and

	conservation planning. - 2 Fair Displays with over 1,100 visitors - 1 High School presentation with 11 students participating. Topic: Origin of the Oregon Plan, Area Plan Rules, Riparian Plantings - 1,260 fact sheets handed out Pertaining to: Nutrient Management and systems, Weed management and a guide to non-invasive plants. Conservation Planning, Technical and Financial assistance. - 16 newspaper articles with a target audience of 126,000 Rural Residential landowners, Livestock managers and Hobby Farmers. - 146 On-Site Evaluations addressing water quality due to run-off, erosion and manure application. - 11 sites monitored for Water Quality
2. Promote land management that limits the movement of nutrients and bacteria from agricultural and rural lands to state waters. 3. Promote land management that stabilizes streambanks. 4. Promote land management that reduces sedimentation of streams due to soil erosion.	**Practices were completed by Clatsop SWCD:** * Assistance was provided to NRCS to develop 10 Conservation plans - 2.6 acres of riparian planting - 6 waste storage facilities constructed and put in service - 500 feet of livestock exclusion fencing installed - .25 acres of heavy use protection installed * 2 formal complaints were received through the ODA Water Quality Program since 2007 **Practices completed by Columbia SWCD:** * Assistance was provided to NRCS to develop 2 Conservation plans

5. Seek to control water pollution as close to its source as possible.	3 miles of riparian planting – 32,000 native plants and grasses - 2 waste storage facilities installed - 2 acres of heavy use protection installed - 2.6 miles of fish passage restoration - 8 Acres of Channel vegetation - 433 acres of wetland/habitat management and restoration - 4 acres of upland wildlife habitat management - .5 acres of exclusion - 15 acres prescribed grazing - 10 acres forest harvest management - 500+ acres of weed management **Practices completed by Tillamook SWCD** *Assistance was provided to NRCS to develop 12 Conservation plans with 967 acres. *50 Water Quality Projects Implemented including several practices: - 41,545 feet of livestock exclusionary fence - 9,691 feet of waterline - 25 watering Facilities - 31.85 acres of tree shrub establishment - 57.19 acres of Use Exclusion - 11 Pumping Plants - 450 of Access Road - 215 acres of filter strips - 11 manure transfer units - 1,399 acres of Nutrient Management - 1,791 acres of Prescribed Grazing - 2 Roof runoff structures - 1 structure for water control - 1,794 feet of Surface Drainage Ditch - 1,250 feet of Underground Outlet - 27 acres of Upland Wildlife Habitat Management - 11 Waste Storage facilities - 1 Waste Treatment - 2,130 acres of waste utilization - 99 acres of Wetland Wildlife Habitat Management - 320 feet of Irrigation Water Conveyance - 1,089 acres of Forest Harvest Management - 46 acres of Wetland Restoration - 850 animal units of Amendments for treatment of ag waste

6. Seek funding sources to implement the North Coast Basin Area Plan.	**Clatsop SWCD Secured:** - $90,500 in grant funding from OWEB and DEQ for water quality related projects and assisted NRCS with EQIP projects valued at well over $100,000 to support implementation of the North Coast Basin Area Plan through conservation plan development, Best Management Practice technical assistance, project design, and implementation - Cost-share assistance **Columbia SWCD Secured:** - $1.1 million from NRCS for Emergency Watershed Protection to Protect 33 landowners from scour and erosion that threatened their homes, as well as debris removal in 3 creeks after the flood in December 2007. - $45,000 in small grants for manure storage and heavy use construction. - Over $400,000 in grant funding from OWEB, DEQ, and NRCS for water quality related projects throughout the county. * November of 2008 the voters of Columbia county approved a permanent tax levy of $0.10 for the Columbia SWCD. **Tillamook SWCD Secured:** - Over $100,000 for water quality related projects. - $50,000 from the Tillamook County Creamery Association's Environmental Stewardship program to help fund water quality projects for member producers. - The District also advertises for a "fee for services" to do water quality projects.