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March 19, 2011

Andrea Matzke
Oregon Department of Environmental Quality

Water Quality Division

811 SW 6th Avenue

Portland, OR 97204 RE: DEQ Toxics Reduction Rulemaking Package

Ms. Matzke:

We are a family farm business and are very concerned about the Toxics Reduction Rulemaking Package the Department of Environmental Quality (DEQ) is proposing and how it will affect us and other farms and ranches throughout Oregon.

It may seem like a good idea on the surface but it would be devastating to Oregon, which currently has some of the highest water standards in the world and there is no need to further enhance them. The proposed standard is ten times more stringent than we currently have as it relates to discharge into streams and rivers. This proposal would deem water taken from Oregon rivers for irrigation purposes not clean enough to return to the river!

These new proposed standards were determined by DEQ using a survey completed in the early 90's.  The DEQ is using data from a 20-year-old survey containing flaws and is based only on fish consumption of our Native Americans on the Columbia.  The rest of Oregon was not taken into consideration in this survey, but DEQ is proposing strict criteria on the entire state.

Oregonians have always maintained some of the cleanest water in the world. Alaska water standards are based on 17.5 grams of fish per day - that is what Oregon's standards are today.  Alaska certainly has more Native Americans than Oregon and they consume more fish in their daily diet. Yet the DEQ is set to increase our water standards to ten times that of the state of Alaska.

The rules, as proposed, will have significant effects on the Agriculture Water Quality Management Plans and Rules adopted by LAC’s across the state. Farmers and ranchers spent several years and thousands of hours to produce these Area Plans and Rules which describe requirements for agriculture landowners to protect water quality. These are the citizens who know the area and land and how best to achieve the desired achievable outcomes without putting farmers out of business. We believe it is imperative that any water quality regulation required of agriculture landowners and land managers continue to be managed through these Area Plans and Rules and through the Oregon Department of Agriculture (ODA). These plans should be based on best available soil, crop and animal science that demonstrates the effects of land practices on water quality and is reasonable and practicable to modern production agriculture.

Any regulation and enforcement of farming practices should come directly from ODA and no other agency. Oregon law does not provide direct enforcement authority to either Oregon Department of Environmental Quality (DEQ) or the Environmental Quality Commission (EQC). It is critical that any water quality regulation of farming practices remain under the direction and enforcement of ODA for practical outcome-based methods to reduce water pollution from agriculture nonpoint sources. All Area Plans and Rules must be economically reasonable and implemented only to the “maximum extent practical” as prescribed by the federal Clean Water Act.

We also oppose DEQ’s establishment of “Implementation-Ready” TMDLs. Any attempt of DEQ to directly regulate farming practices through any mechanism, particularly “Implementation-Ready” TMDLs, would be in direct conflict with Oregon law.

As members of Oregon Farm Bureau, we support the formal comments and suggested rule language changes they submitted. It is imperative that whatever is done to maintain water quality in Oregon must not create standards that are so stringent on all Oregon Rivers that it would destroy agriculture, industry and our way of life.

Respectfully,

E. Martin Kerns, Member