Keno Irrigation District

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March 15, 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 small irrigation district located along the Klamath River between Klamath Falls and Keno in Klamath County. We are very concerned about the Toxics Reduction Rulemaking Package the DEQ is proposing and the far-reaching effects it will have on agriculture in Oregon.

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 many hours over a period of several years 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 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.

In conclusion, we support the formal comments and suggested rule language changes submitted by Oregon Farm Bureau. It is imperative that whatever is done to maintain water quality standards in Oregon must also allow our farm and ranch businesses to continue to operate profitably.

Sincerely,

John K. Lilly, President