

Updates on DEQ/ODF Water Quality MOU

Item E

Sept. 30, 2021

Oregon Environmental Quality Commission Meeting

Presenters Jennifer Wigal, Deputy Water Quality Administrator, DEQ
 Kyle Abraham, Acting Deputy State Forester, ODF
 Diane Lloyd, Senior Assistant Attorney General, DOJ

Why are the Agencies undertaking this effort?

- Existing Memorandum of Understanding from 1998 is now outdated
- New MOU needed to
 - Ensure clarity on roles and responsibilities in carrying out Agencies' programs
 - Detail how program requirements and water quality outcomes will be achieved
 - Transparency to public regarding how agencies will carry out their programs

March 2021 DOJ Advice to Agencies

- Relevant state and federal authorities for protecting water quality
- Intersection of DEQ/ODF water quality requirements and authorities

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

MEMORANDUM

DATE: March 2, 2021

TO: Peter Daugherty, State Forester, Department of Forestry
Richard Whitman, Director, Department of Environmental Quality

FROM: Matt DeVore, Assistant Attorney General, Natural Resources Section
Diane Lloyd, Assistant Attorney General, Natural Resources Section

SUBJECT: Authority to Protect Water Quality on Forestlands

Question presented:
What are the respective authorities and obligations of the Environmental Quality Commission and the Board of Forestry for the protection of water quality on forestland? ¹¹¹

Short answer:
The Environmental Quality Commission (Commission) is charged with protecting the quality of waters of the state and with administering the federal Clean Water Act (CWA) in Oregon. This responsibility includes establishing water quality standards to protect beneficial uses of waters, issuing permits and certificates that limit water pollution, and (in areas where water quality standards are not met) overseeing development and implementation of plans to further limit pollution from all sources in order to improve water quality so that standards are met in the future. These plans, known as "Total Maximum Daily Loads" or "TMDLs" identify the amounts of pollution that can occur from particular sources in order to achieve water quality standards. If pollution reductions are needed from particular sources in order to improve water quality and meet standards, they are achieved through limits and requirements in permits and certificates (for point sources), and through implementation plans (for non-point sources, such as forest

Key areas addressed

- Scope of MOU
- Desired outcomes and principles for collaboration
- Identify key program areas and process points for collaboration between DEQ and ODF
- Clarifies how ODF will carry out implementation of load allocations on non-federal forestlands if additional protections are needed

MOU Status and Timeline

