


State of Oregon  
Department of Environmental Quality

Memorandum

**Date:** July 9, 2018  
**To:** Environmental Quality Commission  
**From:** Richard Whitman, Director   
**Subject:** Agenda item I, Informational item: Water Quality Policy Discussion  
July 11-13, 2018, EQC meeting

**Purpose of this agenda item** The commission requested additional detail on roles and responsibilities concerning how Oregon makes progress to protect clean water and improve water quality. This request was as a follow-up to a recent tour of water quality project sites in The Dalles.

**Background** At the May 10-11, 2018, EQC meeting, commissioners toured several project sites in The Dalles. These sites illustrated projects undertaken in partnership with DEQ, the Oregon Department of Agriculture and the Oregon Watershed Enhancement Board along with local partners. During the tour, staff from these agencies and local implementation bodies described the planning, collaboration and tracking of projects and identified ways state agencies, and their respective boards, find better environmental outcomes through collaborative solutions.

During this item, DEQ staff will outline the specifics of how clean water plans (Total Maximum Daily Loads, or TMDLs) are developed and implemented. For TMDL development, DEQ staff will present information on the on-going work in the mid-coast on bacteria and temperature. For TMDL implementation, DEQ staff will focus on work in the Tualatin and Southern Willamette basins.

This discussion is intended to illustrate the roles of DEQ and its partners from ODA and OWEB. The objective of the discussion is to clarify the regulatory and non-regulatory roles of various entities working on water quality issues; evaluate what tools, or approaches, have been successful for water quality improvements in Oregon; and discuss future policy goals or objectives for the state's water quality.

**Guiding questions for discussion** During this item, participants are encouraged to focus on a set of discussion questions, below, to help guide the conversation and address policy questions raised by the commission at prior meetings.

1. What regulatory or non-regulatory barriers exist to protecting clean water and improving water quality? What opportunities exist for the EQC to reduce or remove those barriers?
2. In areas of the state with water quality impairments, what tools and strategies have been most successful for improving water quality?

3. What are the most critical elements of a successful partnership or activities for water quality improvements, and are these elements replicable statewide?
4. Are we seeing situations where water quality is consistently improving or worsening? What can we say about the causes of improvements? What about the causes of worsening quality?

**State agency roles** Multiple agencies oversee Oregon's waters, through both regulatory and non-regulatory programs to assist Oregonians in complying with state law and rules.

### **Department of Environmental Quality**

DEQ is the state agency responsible for environmental protection and the quality of Oregon's water, with few exceptions. EPA confers this responsibility to DEQ with specific delegation for the operation of programs under the federal Clean Water Act to maintain, protect and enhance Oregon's ground and surface waters.

#### *Regulatory programs for water quality*

- Standards and assessment, including monitoring
- Permits for point sources
- Nonpoint Source, in collaboration with many federal, state and local government entities
- Certifications: Section 401 Hydropower, Section 401 Removal-and-Fill, Wastewater Operators
- Water Quality Management Plans (Total Maximum Daily Load)
- Groundwater Quality Protection
- Drinking Water Protection
- Biosolids
- Underground Injection Control (wells used to store or dispose of fluids underground)
- Onsite Septic Systems, in collaboration with local governments
- Industrial Pretreatment, in collaboration with federal and local governments
- Water reuse

The non-regulatory work of DEQ's Water Quality Division includes:

- Technical assistance: Nearly all elements of DEQ's Water Quality regulatory programs include technical assistance to individual, communities and entities subject to the regulations
- Grants and loans: Clean Water State Revolving Loan Fund for wastewater treatment (multiple types of loans and grants available) and Section 319 for nonpoint source control improvements

### **Department of Agriculture**

The Department of Agriculture has both regulatory and non-regulatory responsibility for the management of water quality on Oregon's agricultural lands. These responsibilities fall under the Natural Resources Programs at ODA.

#### *Agricultural Water Quality Management Program*

ODA operates the Agricultural Water Quality Management Program, which works with agriculture to prevent and control water pollution from agricultural activities and soil erosion and achieve Oregon's water quality standards. Fulfilling agriculture's responsibilities in TMDLs, Groundwater Management Areas, and other mandates is maintained through the development and implementation of Agricultural Water Quality Management Plans, also known as Senate Bill 1010 Plans, and administrative rules. The management plans and administrative rules are basin-specific. Each plan includes goals and objectives to achieve agriculture's responsibilities under Oregon's water quality mandates, while area rules establish minimum requirements that must be met on agricultural lands to prevent pollution. The program works closely with partner agencies and organizations to achieve compliance with the rules on agricultural lands and to achieve the uplift needed to meet Oregon's water quality goals.

#### *Pesticides*

ODA has EPA-delegated authority for the regulations of all pesticides; including fungicides, herbicides, insecticides and rodenticides in Oregon. DEQ, as the lead for most water quality-related enforcement in Oregon, participates in the Water Quality Pesticide Management Team, a multi-agency body to efficiently address the protection of waters of the state from pesticide contamination. This team coordinates monitoring, data interpretation and multi-agency responses to water quality conditions related to pesticide use. ODA also participates in the Pesticide Stewardship Partnership Program, which works with pesticide users to monitor and address pesticide concerns in surface water, and provides leadership to the Pesticide Analytical and Response Center, which coordinates the state's response to pesticide incidents and concerns.

#### *CAFOs*

ODA oversees the implementation of Oregon's Confined Animal Feeding Operations Program, with water quality protection authorities formally delegated from DEQ's role as the state agency that regulates National Pollutant Discharge Elimination System and Water Pollution Control Facility permits. The general and individual permits include regulatory provisions to protect Oregon's waters from manure pollution to both surface and groundwater.

#### *Soil and Water Conservation Districts*

Soil and Water Conservation Districts, along with other non-regulatory agencies such as the USDA Natural Resources Conservation Service and Farm Service Agency, are key non-regulatory partners to help landowners in Oregon meet agricultural water quality rules and also achieve conservation uplift to meet Oregon's water quality goals. ODA provides technical assistance and limited administrative, and non-regulatory, oversight to soil and water quality conservation districts across the state. This role helps Oregon's SWCDs operate legally, build capacity, and work with landowners to protect Oregon's waters

and achieve other conservation goals such as wildlife habitat improvement and protection of agricultural lands.

### **Watershed Enhancement Board**

Created in 1987, OWEB provides grant funding for projects across the state that will improve water quality. OWEB does not have a regulatory objective; however, the activities and programs funded by OWEB must comply with state laws and rules and are subject to reporting requirements to ensure Oregon's water quality goals are met. OWEB's funding priorities and project portfolio are established through a collaborative multi-agency evaluation process that engages its board members who represent local governments, state agencies and boards, including EQC, and federal bureaus and management agencies.

Other state entities with water quality responsibilities in Oregon include the Department of Forestry (maintaining the quality of rivers and waterbodies on forested lands), Water Resources Department (quantity and availability) and the Health Authority (safety of drinking water). Many local and municipal governments operate water quality protection or enhancement projects, and Tribal nations operate their own water quality and natural resource programs in collaboration with EPA and others.

**Next steps** DEQ will provide updates and information as requested by the commission and in collaboration with other federal, state, Tribal and local governments or project partners.

**Supporting materials**

- A. DEQ Water Quality Programs webpage:  
<https://www.oregon.gov/deq/wq/programs/Pages/default.aspx>
- B. Memorandum of Agreement between DEQ and ODA for water quality management:  
<https://www.oregon.gov/ODA/shared/Documents/Publications/NaturalResources/DEQODAMoa.pdf>
- C. ODA Agricultural Water Quality Plans webpage:  
<https://www.oregon.gov/ODA/programs/NaturalResources/AgWQ/Pages/AgWQPlans.aspx>
- D. ODA Pesticide Program webpage:  
<https://www.oregon.gov/ODA/programs/Pesticides/Water/Pages/AboutWaterPesticides.aspx>
- E. OWEB History webpage: <https://www.oregon.gov/oweb/about-us/background/Pages/History.aspx>

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