

State of Oregon
Department of Environmental Quality

Memorandum

Date: March 30, 2012

To: Environmental Quality Commission

From: Dick Pedersen, Director

Subject: Agenda item L2, Informational item: Update on water quality cases
April 25-27, 2012, EQC meeting

Why this is important The Oregon Department of Justice will discuss the status of three court cases relating to water quality that may affect forest operations in the mid-coast basins. The cases are: Northwest Environmental Advocates v. Locke, et al., involving a challenge to EPA and National Marine Fisheries Service funding of state coastal and nonpoint source programs; Northwest Environmental Defense Center v. Brown, involving regulation of stormwater from forest roads under the Clean Water Act, and Northwest Environmental Advocates v. EPA et al., involving Clean Water Act and Endangered Species Act challenges to Oregon's water quality standard for temperature and nonpoint source implementation rule. This presentation will be made in a public session and, consequently, the Department of Justice's ability to respond to questions will be limited because litigation is still pending in the NEDC v. Brown and NWEA v. EPA matters.

Background In 2011 and early 2012, judges presented final rulings in several cases related to water quality in Oregon. These judgments and settlements are being analyzed by DEQ, Forestry and EPA for their long-range implications, and it may be necessary for EQC or the Board of Forestry to set new policy directions or rules because of the case outcomes. These decisions will not be made at the April 2012 meeting, and this item is informational only.

Attachments None

Information provided by the Oregon Department of Justice

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