Water Quality Standards

2025- 2028 Triennial Review Report and Work Plan

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State of Oregon
Department of Environmental Quality

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Executive summary

The federal Clean Water Act requires states to review water quality standards at least every three years. This process is called the Water Quality Standards Triennial Review. DEQ reviews water quality standards for several reasons, such as the need to incorporate new scientific information to provide better protection, to comply with federal regulations or to clarify how it's implementing existing standards.

The purpose of this report is to document DEQ's 2024 Triennial Review process, including a summary of public comment, and to provide a workplan of priority projects that the water quality standards program plans to start or complete between 2025 and 2028.

DEQ created a water quality standards workplan for projects to start or complete between 2025 and 2028 based on the priority ratings, resources in the water quality standards program, and input from DEQ water quality staff, the public as well as other state and federal agencies.

DEQ's water Quality Program identified 48 water quality standards projects. DEQ rated them as high, medium, or low priority based on the project's based on the value or benefit to rule implementation or the environment, urgency, level of effort, environmental justice impact, and likelihood of project success. The high priority projects will be the first ones DEQ starts or completes in the next three years, 2025 to 2028. Medium and low priority projects may be worked on as time allows and will help DEQ prepare for the next triennial review or prioritize water quality program work.

Of the 48 water quality standards projects, DEQ identified 13 projects as high priority. The high priority projects include three projects already underway, and one rulemaking revision to the Three Basin Rule as directed by the Environmental Quality Commission. For more details on project descriptions and the workplan, please refer to Section 3 and Appendix C.

High Priority Projects proposed to be completed or initiated from July 2025 to June 2028 include:

- Develop narrative interpretation procedures to implement the narrative toxics criterion.
- Develop narrative interpretation procedures to implement the nuisance/excessive algal growth narrative criterion.
- Conduct a rulemaking to revise the Three Basin Rule in response to Marion County's rulemaking petition, as directed by the EQC.
- Develop procedures to implement the sedimentation narrative criterion.
- Create a web map or GIS layer to inventory waters where DEQ applies dissolved oxygen spawning criteria for resident trout and for tracking future determinations of resident trout spawning habitat.
- Review and correct designated uses to specific constructed canals that receive treated wastewater to allow for municipal water reuse.
- Review instances where natural background temperatures are higher than biologically based numeric criteria and if necessary, revise the temperature standard to establish site-specific alternatives that fully protect the designated use.
- Adopt Illinois River as Outstanding Resource Water in state rule.
- Adopt Rough and Ready Creek as Outstanding Resource Waters in state rule.
- Develop protective temperature target for sensitive native cool-water species present in the waters designated for "Cool Water Aquatic Life" in the Malheur River basin.
- Assist cross-program teams in updating assessment procedures for the narrative biocriteria and developing a stressor identification process to identify pollutants contributing to biological impairment.

- Revise antidegradation implementation procedures.

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1. Background

The federal Clean Water Act requires states to review water quality standards and hold a public hearing at least every three years. This process is called the Water Quality Standards Triennial Review. DEQ reviews water quality standards for several reasons, such as the need to incorporate new scientific information to improve use protection, to comply with federal regulations or to clarify procedures to implement existing standards. Reviews and revisions may fall into categories such as:

- To update and revise criteria or other water quality standard rules to incorporate new scientific information or U.S. Environmental Protection Agency recommendations.
- To clarify existing water quality standard rules to make them clearer.
- To develop internal implementation procedures to apply narrative standards to use the latest scientific methods and improve consistency.

DEQ considers the environmental, human health, and environmental justice benefits that would result from a project when prioritizing potential projects. DEQ also evaluates whether the project would improve the efficiency and effectiveness of standards implementation in DEQ's water quality programs, such as permitting and pollution reduction, DEQ also considers urgency, such as external requirements from court orders, legislative directives, and federal agency decisions. Internal review from water quality program staff and comments from the public are also considered to determine project priorities.

DEQ conducted the last Triennial Review in 2021. Water quality standards projects completed since 2021 includes:

- Rulemaking to amend toxics criteria for protection of fish and aquatic life.
- Rulemaking to amend Aquatic Life Beneficial Use Designations.
- Supporting development of methodology to assess ocean acidification and marine dissolved oxygen.
- Developing a Variance Implementation Guidance and Temperature Variance Case Study.

DEQ started additional projects between 2021 and 2024 that it will complete by 2028:

- Developing interpretation procedures of toxics narrative criterion.
- Developing interpretation procedures for nuisance/excessive algal growth.
- Finalizing the biocriteria assessment procedures.
- rulemaking revisions to the Three Basin Rule.
- Assisting cross-program teams in updating assessment procedures for biocriteria and developing a stressor identification process for pollutants contributing to biological impairment.

The purpose of this report is to document DEQ's 2024 Triennial Review process and to provide a workplan of priority projects that the water quality standards program will complete or initiate

between July 2025 and June 2028. This report outlines how DEQ prioritized projects, reviewed internal and public comments, and a summary of DEQ's response to public comment.

The 2025-2028 workplan reflects the current staff capacity in the water quality standards program, legislative and funding directives, as well as comments from DEQ programs, other state and federal agencies, and the public.

More information about Oregon's water quality standards and the triennial review may be found on the Water Quality Standards web page.

2. Development Process

Development of the triennial review workplan was a multi-step, collaborative process. First, DEQ's water quality standards program identified and rated a preliminary list of water quality standards work needs. DEQ considered several factors when prioritizing potential standards projects for review and revision, which are explained in more detail in Section 2.1. The rated projects were reviewed internally by DEQ water quality staff, state and federal agencies with which DEQ collaborates and released for public comment. Descriptions of all priority projects released can be found in Appendix C. Comments were considered in determining the final workplan for 2025-2028. Appendix B contains summaries of and responses to public comments.

2.1 Prioritization Criteria

DEQ evaluates multiple factors when assigning priorities to potential water quality standards projects to be considered during the triennial review. Public comments are considered in the final project prioritization. Overall prioritization of projects is based on value, urgency, level of effort and environmental justice. Each of these elements is assigned a rating of high, medium, or low. If there are risks to project success, they are described in the table. Environmental justice is evaluated with a scale of "yes," "no," "unknown," or "potentially," as methods to evaluate environmental justice impacts are still developing. All of these considerations were taken together to produce an overall priority rating of high, medium or low for each project.

2.1.1 Prioritization Category Elements (High/Medium/Low Rating):

Value

- **Administrative value**: improved efficiency, clarity and/or consistency in implementing a water quality standard.
- **Ecological value**: increased water quality benefit, pollution reduction, or protection based on best available science. Includes new information on toxicity or other impacts to species or human health, or new information about sensitive species or where they occur on the landscape.

Urgency

- External requirements with inflexible deadlines, such as court orders, EPA disapproval actions, reasonable and prudent alternatives from Biological Opinions from federal fishery agencies.
- Water quality program work, such as issuing permits or completing Total Maximum Daily Loads, is being impeded due to a standards issue that can be resolved or corrected.
- Dedicated funding has been allocated.
- Legislative directive or budget note.
- Work is currently in progress and on a schedule.

Level of effort (staff resource required)

- Guidance or precedence is available.
- Scope of the project.
- Research or data collection is needed.
- Whether the change will require multiple federal approvals, such as EPA, National Marine Fisheries Service, and U.S. Fish and Wildlife Service.
- Anticipated number of interested parties.

Additional prioritization elements:

Risk to project success (described)

- Level of likely controversy or public opposition.
- Lack of data and information.
- Large or unknown resource commitment needed.
- Difficulty of EPA approval or Endangered Species Act consultation.

Environmental justice (yes/no/unknown/potentially)

- The project would address an issue that disproportionately impacts a particular group of people in Oregon due to their race, income, education level, age or other factors.

2.2 Internal Review

DEQ's water quality standards program prepared a draft of potential projects to be reviewed by all water quality staff in August 2024. Standards program staff also arranged a webinar and internal informational meetings. DEQ staff provided thoughtful and helpful comments on the draft list of projects and contributed ideas for additional standards review and revision work. DEQ staff identified some projects as high priority because they would provide enhanced water quality protection. Staff also supported projects that develop or clarify procedures, explain how water quality standards should be implemented, or incorporate updated scientific information into the standards. DEQ standards program staff also solicited input from partner state and federal agencies. Based on this input, standards program staff added several projects to the list

and adjusted priority ratings of the project list before the project list was released for public review.

2.3 Public Comment

DEQ conducted a public comment period from October 14, 2024 to December 6, 2024. The comment period was extended due to public request. DEQ sent letters to tribal leadership and tribal natural resource staff by email notifying them of the Triennial Review process on July 29, 2024, and offering formal or informal consultation to discuss the review. DEQ sent an e-mail pre-notification for the informational webinar, public hearing, and the public comment period on September 12, 2024, to over 9,800 GovDelivery subscribers. DEQ issued a public notice on October 14, 2024, announcing the opening of the comment period and the times and online access information for an informational webinar and a public hearing. DEQ held the public informational meeting on October 22, 2024 at 4:00 p.m., and the public hearing on November 14, 2024 at 4:00 pm. Both were held via Zoom. DEQ posted a fact sheet, draft project workplan, and the presentation from the informational webinar on the DEQ Triennial Review webpage. DEQ sent an e-mail reminder of the public hearing and the public comment period closing date via GovDelivery on November 12, 2024. DEQ accepted comments verbally during the public hearing and written via postal mail and email.

Table 1: 2024 Triennial Review Timeline

Begin public comment period	Oct. 14, 2024
Informational webinar	Oct. 22, 2024, 4 p.m.
Public hearing	Nov. 14, 2024, 4 p.m.
Close public comment period	Dec. 6, 2024 (extended), 5 p.m.
Publish final workplan	April 2025
Present to EQC	May 8-9, 2025

3. Water Quality Standards Review Workplan

The projects in the 2025-2028 workplan were selected based on their overall priority rating, prioritization elements (value, urgency, and level of effort), available staff resource, and public comment. High priority projects represent a balance between a larger investment of time and effort (such as a rulemaking), and benefits to water quality protection or program work.

The Triennial Review Workplan includes the set of projects DEQ plans to complete or initiate from July 2025 through June 2028. Appendix A includes an estimated schedule for the initiation and completion of those projects. Note that many projects will occur concurrently.

Appendix C is a combined list of all proposed projects, displayed from high priority to low priority. The table includes the problem addressed for each project, the project scope, the outcome, and the reasoning for the priority. While they may identify important water quality issues, DEQ considered the high priority projects to be most important to initiate in the near term. The additional work can be considered again during the next triennial review.

3.1 Summary of High Priority Projects

Summaries of high priority water quality standards projects are found in Tables 2 and 3. High priority projects are those considered the highest priority for the DEQ Water Quality Standards Program to initiate or complete during the next three years. However, it is important to note that DEQ may not be able to complete all the high priority projects during this timeframe with the staff resources available.

Table 2: In Progress High Priority Projects

In Progress High Priority Projects	Description
Aquatic Life Toxics - narrative criterion interpretation procedures	Develop internal procedures to implement the narrative toxics criterion.
Algae – Nuisance/excessive algal growth narrative interpretation procedures	Consistent implementation of nuisance algal growth narrative criterion, chlorophyll-a action value, and pH and DO criteria to address nuisance or excessive algal growth and eutrophication problems. (See also description of project for numeric nutrient criteria, below)
Biocriteria	Assist cross-program teams in updating assessment procedures for the narrative biocriteria and developing a stressor identification process to identify pollutants contributing to biological impairment.
Revisions to Three Basin Rule	As directed by the EQC, conduct a rulemaking to revise the Three Basin Rule in response to Marion County's rulemaking petition.

Table 3: High Priority Projects

High Priority Projects	Description
Sedimentation	Suspended and bedded sediment: Build on current knowledge and practice to develop methodologies and procedures for implementing narrative criterion.
Designated uses - resident trout spawning inventory	Create a web map and/or GIS layer to inventory waters where DEQ applies dissolved oxygen spawning criteria for resident trout and for tracking future determinations of resident trout spawning habitat.

High Priority Projects	Description
Designated use - canals for water reuse (associated with proposed projects for the cites of Bend, Klamath Falls, Clean Water Services, and South Suburban Sanitary District)	Review and correct designated uses to specific constructed canals that receive treated wastewater to allow for municipal water reuse.
Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria	Review instances where natural temperatures are higher than biologically based numeric criteria and if necessary, revise the temperature standard to establish site-specific alternatives that fully protect the designated use.
Temperature - Site-specific interpretation of cool water species narrative for Malheur River basin.	Develop protective temperature target for sensitive native cool-water species present in the waters designated for "Cool Water Aquatic Life" in the Malheur River basin.
Outstanding Resource Water Adoption for Illinois River	ORW adoption for Illinois River.
Outstanding Resource Water Adoption for Rough and Ready Creek	ORW adoption for Rough and Ready Creek.
Antidegradation Implementation Policy	Revise antidegradation implementation procedures to incorporate issue-specific memos.

4. Review of National Recommended Criteria (304(a))

Federal water quality standards regulations at 40 CFR 131.20 require states to explain why they decide to not adopt new or revised 304(a) recommended criteria during the triennial review process. During the last triennial review in 2021, DEQ committed to evaluate the need to adopt new or revised 304(a) aquatic life criteria. In 2024, DEQ conducted a rulemaking to update Oregon's aquatic life criteria in 2024. DEQ adopted EPA's new or revised recommended criteria for six of the nine chemicals for which at least one of Oregon's aquatic life criteria is less stringent or non-existent compared to EPA recommendations. These updates include new criteria published by EPA for acrolein, aluminum, cadmium, carbaryl, diazinon, and tributyltin.

Because any adoption of criteria for the protection of aquatic life must undergo Endangered Species Act consultation prior to EPA approval, DEQ considers the likelihood of a successful consultation process in its prioritization. DEQ will revisit the prioritization of these water quality standards in three years and determine whether adoption of outstanding 304(a) criteria should be prioritized at that time.

Mercury aquatic life criteria are actively being litigated in the Pacific Northwest. Concerns have been raised that EPA's most recently recommended mercury aquatic life criteria may not protect salmonids, which comprise several threatened and endangered species in Oregon. DEQ is proposing to wait until EPA and the federal fisheries agencies have agreed upon protective criteria for listed species before updating Oregon's aquatic life criteria for mercury. In the meantime, the most recently approved aquatic life criteria for mercury adopted by Oregon remain in effect.

EPA's nonylphenol criteria are currently under ESA consultation in EPA Region 10. Concerns have been raised about whether they fully protect threatened and endangered species in the Pacific Northwest. Therefore, DEQ is waiting until the ESA review and corresponding biological opinion are completed and addressed by EPA before adopting nonylphenol criteria into state administrative rules.

For selenium, Oregon has an approved aquatic life criteria in effect. EPA's latest recommended chronic criterion will require complex and detailed implementation to be successfully applied in water quality implementation programs (permitting, assessment, TMDL). As part of this Triennial Review and consistent with the DEQ and U.S. EPA Region 10 Performance Partnership Agreement and in workplan, DEQ added projects to evaluate EPA's recommended selenium aquatic life criteria and develop implementation procedures to the priority project list for public comment. DEQ is awaiting the completion of EPA's national implementation guidance for selenium criteria and the outcome of federal promulgation of selenium criteria for California to inform this project.

For endosulfan, lindane, and silver, Oregon's criteria are more stringent than current EPA recommendations because EPA withdrew those criteria recommendations after Oregon adopted them into state administrative rules. In 2004, DEQ elected to maintain those withdrawn criteria in Oregon's water quality standards because they were based on sound scientific information and were necessary to protect aquatic life uses. Given that EPA has not issued any criteria recommendation updates since these chemicals were reviewed in 2004, DEQ is proposing to continue to retain the current aquatic life toxics criteria for endosulfan, lindane, and silver.

For PFOA/PFOS there is little data regarding emissions, fate and transport of these pollutants in Oregon waters with which to evaluate new criteria and implementation options. DEQ is also awaiting the outcome of Endangered Species Act consultation and national guidance on implementation to ensure new state criteria would be approvable and implementable. DEQ is currently developing a Statewide PFAS Reduction Strategy that may address sources on a shorter timeframe.

DEQ does not see a need to update human health criteria during the next three years. DEQ updated Oregon's human health criteria in 2011 based on EPA's national criteria recommendations at that time. Oregon recalculated criteria incorporating a fish consumption rate of 175 grams/day to protect subsistence consumers of wild fish, which is among the highest rates in the nation. DEQ believes use of this high fish consumption rate ensures that Oregon's

human health criteria are sufficiently protective for many chemicals as compared to EPA's later 2015 human health criteria recommendations. The high priority projects identified for DEQ's 2025-2028 workplan, will fully utilize DEQ's available staff over the next three years. DEQ has retained a lower priority project to review EPA's recommended 304(a) criteria for human health and compare them with Oregon's current human health criteria and will evaluate whether to include the project during the next Triennial Review period.

Appendix A- 2025-2028 Triennial Review Workplan

Table A-1. 2025-2028 Water Quality Standards Workplan: Estimated Schedule (Subject to Change)

Project	2025		2026				2027				2028	
	July-Sept.	Oct.-Dec.	Jan.-March	April - June	July-Sept.	Oct.-Dec.	Jan.-March	April-June	July-Sept.	Oct.-Dec.	Jan.-March	April-June
OAR-340-041-0350 Three Basin Rule Amendments Rulemaking												
OAR-340-041-0271 Illinois River and Rough & Ready Creek Outstanding Natural Resource Water Rulemaking												
Excessive Algal Growth Narrative Criterion Application Procedures												
Aquatic Life Toxics Narrative Criterion Application Procedures												
Sedimentation Narrative Application Procedures												→
Biocriteria - Assist a cross-program team in updating assessment procedures and identify stressors contributing to biological impairment.												
Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria												

Project	2025		2026				2027				2028	
	July-Sept.	Oct.-Dec.	Jan.-March	April - June	July-Sept.	Oct.-Dec.	Jan.-March	April-June	July-Sept.	Oct.-Dec.	Jan.-March	April-June
Temperature – Malheur Basin Cool Water Species Narrative Interpretation												
Resident Trout Spawning Habitat Inventory												
Designated Use – Canals for Water Re-Use and Use Attainability Analyses			As time and resources allow									
Antidegradation Implementation Policy	As time and resources allow											
Bacteria – evaluate policy options to address relative risk from seafood processing effluent	As time and resources allow											

Notes:

- The schedule and timeframes illustrated above are estimates and are subject to change.
- The projects on this table are not strictly in priority order.
- Select medium priority projects will be initiated “as time allows,” as noted in the timelines.
- The alternating colors are used only to make the table easy to read.

Appendix B- Public Comments Summary and Response

Overall Summary

This Response to Public Comments document addresses comments and questions received regarding the proposed 2024 Triennial Review Workplan. The individuals and organizations shown in Table 1 provided comments on the proposed Triennial Review Workplan during the public comment period which was held from Oct. 14, 2024 to Dec. 6, 2024.

All comments received during the public comment period have been reviewed by DEQ and addressed in this document. Comments that required modifications to the proposed Workplan are noted. In total there were 52 unique comments from 63 entities. DEQ made modifications to the final Workplan based on eleven comments. DEQ changed the overall priority rating of two projects (Outstanding Resource Water nomination of Steamboat Creek and selenium implementation procedures) and added three additional projects to the priority list for future consideration; 1) evaluate options to assess bacteria risks from seafood processing effluent; 2) develop numeric criteria for aquatic trash; 3) adopt narrative provisions for attainment of downstream water quality standards.

List of Commenters

Table B.1: List of Commenters

Commenter	Organization	Org Acronym
1	Veroune Chittim	CM
2	Illinois Valley Enthusiasts	IVE
3	Friends of the Kalmiopsis	FK
4	Doris Cellarius	DC
5	Oregon Legislative Coastal Caucus	OLCC
6	Lacy Ogan, Pacific Seafood	PS
7	Clean Water Services	CWS
8	USEPA	USE
9	Pacific Rivers	PR
10	OR-ACWA	OR
11	OSU Seafood Research & Education Center	OSR&EC
12	OR Sierra Club	OSC
13	Columbia Riverkeeper, Tualatin Riverkeepers, Willamette Riverkeeper, and the Northwest Environmental Defense Center (NEDC)	CRTRWR-NEDC
14	Water Climate Trust & Oregon Water Justice Alliance	WCT&OWJA

Commenter	Organization	Org Acronym
15	USFS	USF
16	ODFW	OD
17	Friends of the Corvallis Watershed	FCW
18	Rogue River Keeper	RRK
19	West Coast Seafood Processors Association	WCSPA
20	The Confederated Tribes of the Grand Ronde Community of Oregon	TCTGRCO
21	City of Cave Junction	CCJ
22	Columbia River Inter-Tribal Fish Commission	CRIFC
23	The Pew Charitable Trusts	TPCT
24	Larry Forsblad	LF
25	Melissa Jones	MJ
26	Oregon Trawl Commission	OTC
27	Steven Hammer	SH
28	Save the Phoenix Wetland Group	SPWG
29	Illinois Valley Fire Resiliency Oversight Group	IVFROG
30	Joe Janowicz	JJ
31	Illinois Valley Chamber of Commerce	IVCC
32	Wild Salmon Center	WSC
33	Confederated Tribes of the Warm Springs Reservation of Oregon	CTWSRO
34	Steamboaters	St
35	Cave Junction Farmers Market	CJFM
36	North Umpqua Foundation	NUF
37	Illinois Valley Community Development Organization	IVCDO
38	Ted Hogan	TH
39	Bruce Livingston	BL
40	Marie Sheahan Brown	MSB
41	Sarah Forsblad	SF
42	Diggin’ Livin’	DL
43	Betsy Johnson and the Elizabeth K. Johnson Trust	BJ-EKJT
44	Jeanette Muehleck	JM
45	Tim Palmer	TP
46	Barbara Brazelton	BB
47	Kevin Goodrich	KG
48	Cynthia Hobbins	CH
49	Mary Hogan	MH

Commenter	Organization	Org Acronym
50	Wild Rivers Water Rights	WRWR
52	Water League	WL
53	Melinda McIntyre	MM
54	Metolius River Forest Homeowners Association	MRFHA
55	Northwest American Indian Coalition, Inc.	NAICI
56	David Stone	DS
57	Bornstein Seafoods	BS
58	Kalmiopsis Audubon Society	KAS
59	Amy Wentworth, Pacific Seafood	PS.1
60	Klamath Siskiyou Wildlands Center	KSWC
61	South Coast Tours	SCT
62	Watershed Decisions/Pacific Rivers	WDR
63	American Rivers	AR

Summary of Comments and Responses

Suggested Change ID # 1

Comment: Bacteria - Add high priority project to revise the bacteria water quality standard

Commenter: 5, 6, 11, 19, 26, 27, 57, 59

Description: Request DEQ categorize as a high priority project in its Triennial Review Workplan the re-interpretation or revision of the bacteria water quality standard applied to seafood processors under Oregon Administrative Rule (OAR) 340-041-0009, accommodate EPA Guidance for Developing Alternative Recreational Criteria for Waters Contaminated by Predominantly Non-Human Fecal Sources to develop alternative recreational water quality criteria (RWQC) for waters impacted primarily by non-human fecal sources, or to change the bacteria limits for seafood processors and allowance of a mixing zone for bacteria limits as applied to 900J and individual NPDES permits.

Administrative and Ecological Value (High): The project will improve efficiency, clarity, and consistency for DEQ when implementing the bacteria water quality standards in both Individual Permits and General (900-J) permits for seafood processors. The differentiation between fecal and non-fecal bacteria sources of bacteria will allow for more accurate permit requirements and watershed plans to address water quality in surface waters that are impaired for bacteria. Urgency (High): DEQ development/issuance of Individual Permits for about ten seafood processing facilities in Oregon will move forward in 2025 – DEQ's permit deadlines are not

flexible. The inability of DEQ to provide a mixing zone for seafood processor bacteria limits has been identified by both the industry and DEQ as one of the most significant unresolved challenges seafood processors will face with the new permits. Members of the Oregon Legislature Coastal Caucus have submitted formal comments to DEQ specific to this issue a number of times over the last several years.

Level of Effort (High): Relative to other high priority projects in DEQ's Triennial Workplan, this project will be small in administrative/staff workload but very significant and far-reaching in terms of benefits to Oregon's coastal communities. DEQ staff has already spent a significant amount of time and resources understanding this issue and the seafood processing industry, which will help reduce the workload and staff resources necessary to complete this project.

Response:

Commenters have requested that DEQ categorize as a high priority project in its Triennial Review Workplan a number of different approaches for revising Oregon Administrative Rule (OAR) 340-041-0009 or how DEQ applies those standards to permits for seafood processors or waters into which seafood processors discharge. The projects recommended for consideration include:

- Changing the applicable bacteria limits for seafood processors. Some commenters specifically recommended that DEQ revise the rule to specify that the Bacteria Rule applies to "human fecal sources" and that seafood processing effluent is not a human fecal source.

- Allow mixing zones for bacteria limits for seafood processors for non-fecal sources of bacteria. Some commenters specifically recommended that DEQ should amend the regulations to specify that mixing zones for bacteria are available for non-human sources.

- Alter DEQ's current interpretation of mixing zone regulations for bacteria. Some commenters specifically recommend that DEQ change its interpretation of existing regulations governing water quality standards for bacteria as they relate to seafood processors and clarify the applicability of mixing zones for these sources.

- Amend the bacteria water quality standards regulations to explicitly accommodate EPA Guidance for Developing Alternative Recreational Criteria[1] and develop alternative recreational water quality criteria for waters impacted primarily by non-human fecal sources.

In considering whether to add a high priority project to revise the bacteria standard, DEQ must evaluate which of the potential policy options will address the commenters' concerns while also

[1] EPA 2024. Technical Support Materials: Developing Alternative Recreational Criteria for Waters Contaminated by Predominantly Non-Human Fecal Sources. U.S. Environmental Protection Agency. Office of Water. EPA 822-R-24-003. April 2024 https://www.epa.gov/system/files/documents/2024-07/tsm-nonhuman-sources-revised_073024_508c.pdf

ensuring the protection of designated water contact recreation and human health uses of the waterbodies.

DEQ agrees with the potential for increased administrative value through greater clarity of permit requirements, either by revising the bacteria water quality standards, adopting site-specific alternative recreational water quality criteria, or updating DEQ's guidance for interpreting the existing bacteria water quality standards. Depending on the approach taken, the level of effort is potentially significant.

DEQ notes the current regulations for bacteria water quality standards allow a source the demonstrate that bacteria in effluent are non-fecal in origin and the development of site-specific criteria based on that demonstration. However, such efforts would require significant staff resources to identify data needs, gather pertinent information, and quantifiably assess risk from pathogenic organisms to develop alternative water contact recreation criteria. Revisions to the mixing zone regulations may require many of the same evaluations.

Given these considerations, DEQ will add a medium priority project to the Workplan to evaluate the policy options, data and analyses that would be needed to support these options, and the feasibility and suitability of any proposed rule amendments to address the issues raised in the comments, as resources allow.

Any effort that results in amendment of the bacteria standards requires a state rulemaking process and approval from the U.S. EPA for consistency with federal Clean Water Act requirements prior to becoming effective.

Suggested Change ID # 2

Comment: Outstanding Resource Water (ORW) - Support for ORW Adoption- Rough and Ready Creek

Commenter: 2, 9, 21, 35, 3, 12, 17, 8, 20, 18, 14, 16, 23, 37, 36, 29, 45, 55, 1, 62, 25, 63, 30, 31, 32, 58, 42, 50, 60, 61, 48, 52

Description: Expressed support for the "high priority" project status for the Outstanding Resource Water adoption for Rough and Ready Creek.

Response: DEQ appreciates the comments and engagements in support of the ORW nomination for Rough and Ready Creek.

Suggested Change ID # 3

Comment: ORW - Support for ORW Adoption- Illinois River

Commenter: 2, 9, 21, 35, 12, 17, 8, 20, 18, 14, 16, 23, 37, 36, 29, 55, 1, 62, 25, 63, 30, 31, 32, 58, 42, 50, 60, 61, 48, 52

Description: Expressed support for the “high priority” project status for the Outstanding Resource Water adoption for Illinois River

Response: DEQ appreciates the comments and engagement in support of the ORW nomination for Illinois River.

Suggested Change ID # 4

Comment: ORW - Support for ORW Adoption- Steamboat Creek

Commenter: 9, 12, 17, 8, 20, 14, 16, 23, 34, 36, 62, 25, 63, 32, 60

Description: Expressed support for the “high priority” project status for the Outstanding Resource Water adoption for Steamboat Creek

Response: DEQ acknowledges comments in support of the proposed project. DEQ appreciates the far-reaching engagement on the ORW nomination for Steamboat Creek. During the public comment period, DEQ received additional information from the U.S. Forest Service, a critical management partner in the Steamboat Creek watershed. The commenter advocated for additional considerations before DEQ undergoes the ORW adoption process. Because of the issues raised, DEQ modified the prioritization status to “medium” in the Workplan. We will continue to engage with the U.S. Forest Service, other local management groups, and the public regarding the best approach for protecting water quality in Steamboat Creek.

Suggested Change ID # 5

Comment: ORW - Support for ORW Adoption - Metolius River

Commenter: 14, 17

Description: Expressed support to change the overall priority project status for the Outstanding Resource Water adoption for the Metolius River.

Response: DEQ acknowledges comments in support of the proposed project.

Suggested Change ID # 6

Comment: ORW - Opposition to ORW Adoption **- Metolius River**

Commenter: 40, 44, 54, 49, 38, 39, 43, 46, 49, 53, 41, 24

Description: Expressed opposition to the Outstanding Resource Water adoption for the Metolius River.

Response: DEQ appreciates the interest from community members on this proposed project. Given the substantial opposition and the addition of new high and medium priority projects, the ORW adoption for the Metolius River will remain a low priority.

Suggested Change ID # 7

Comment: Temperature - Revise the temperature standard to establish site-specific alternatives where temperatures cannot attain numeric criteria

Commenter: 4, 7

Description: Because of climate change and warming waters DEQ should prioritize addressing all situations where temperatures cannot attain biologically based numeric criteria and revise the temperature standard to establish site -specific alternatives that fully protect the designated use.

Response: According to OAR-340-041-0002(4) and OAR-340-041-0028(4), the biologically based numeric temperature criteria may be superseded by site-specific criteria that are adopted by the EQC and approved by U.S. EPA. DEQ has included a high priority project to explore and scope a project to address water bodies where the TMDL model evaluation of the natural thermal potential indicates a significant gap between the biologically based criteria and the naturally attainable temperatures. Please see the Workplan for high priority project "Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria.".

Suggested Change ID # 8

Comment: Drinking water - Request that drinking water quality be moved from a medium to high priority project

Commenter: 4, 12, 13

Description: Request that drinking water quality be moved from a medium to high priority project.

Response: DEQ appreciates the interest in reviewing drinking water criteria. The Oregon Health Authority (OHA) sets criteria for finished drinking water, and DEQ has a drinking water source protection program that works with OHA and drinking water providers to protect water quality in drinking water source areas upstream of water system wells, springs and intakes. DEQ has human health criteria for priority pollutants and other toxic substances that are often more stringent than the criteria for finished drinking water. In addition, these criteria do not consider that standard drinking water treatment required for all public water systems using surface water provide an additional layer of protection for public water systems. Given these existing protections for drinking water and the current resource constraints for the Water Quality Standards Program, it prevents DEQ from making this a high priority project at this time. DEQ's

drinking water source protection program will continue to work with OHA to protect water quality for drinking water source areas to ensure that public water systems can treat the water using conventional treatment methods.

Suggested Change ID # 9

Comment: Toxics Criteria - Prioritize adopting statewide criteria for PFOA/PFOS.

Commenter: 4, 13, 20

Description: DEQ should prioritize adopting statewide criteria for PFOA/PFOS. This could be based on EPA's freshwater aquatic life criteria and EPA's new drinking water standards for PFOA/PFOS.

Response: Adoption of statewide criteria for Per- and Polyfluoroalkyl Substances (PFOA/PFOS) is currently listed as medium priority in the Workplan. This project was given a medium priority rating because DEQ is currently developing an agencywide PFAS Strategy wholistically to focus on source reduction. Additionally, the high priority project titled "Toxics - narrative criterion" is in progress. In this project, DEQ will evaluate the use of EPA guidance values in developing implementation procedures for compounds without existing numeric criteria in Oregon, including EPA's Aquatic Life criteria and benchmarks for PFAS. EPA has also not yet finalized national implementation guidance for the PFAS aquatic life criteria. The initiation of a rulemaking to adopt statewide numeric PFOA/PFOS criteria will be considered as more national guidance is available.

Oregon OHA will start rulemaking in 2025 to adopt EPA's new drinking water standards for PFOA/PFOS for Safe Drinking Water Act purposes to protect public health.

Suggested Change ID # 10

Comment: Toxics Criteria - Develop aquatic life criteria for 6PPD-quinone

Commenter: 4, 13, 18, 20

Description: Because 6PPD-quinone has been found in Johnson Creek, DEQ should begin now to develop aquatic life criteria for 6PPD-quinone, basing it on EPA's Acute Aquatic Life Screening Values for Freshwater.

Response: Aquatic Life Toxics Criteria development for 6PPD-quinone is currently a medium priority project in the Workplan. Part of the rationale for this priority rating is that DEQ is already underway with the Toxics Narrative criterion project. In this project, DEQ intends to evaluate the use of EPA guidance values in developing implementation procedures for water quality programs for compounds without existing numeric criteria in Oregon, including EPA's 6PPD and 6PPD-quinone Aquatic Life Screening Values. For this reason, development of numeric aquatic

life 6PPD-quinone criteria will remain a medium priority project until more is known about how DEQ may use 6PPD-quinone screening values in the Toxics Narrative Criterion project.

Suggested Change ID # 11

Comment: Turbidity - Change assessment methodology and accept more data

Commenter: 4, 17

Description:

There are two current policies in DEQ's Integrated Report Assessment Methodology that discourage public involvement in identifying impairments for turbidity. The first is only accepting data from the public during the Call for Data period. The second is only considering data submissions from public water system operators to assess drinking water impacts from turbidity. Comments urge DEQ to change the Assessment Methodology to allow for more data to be accepted, especially in relation to assessing potential violations of the turbidity standard.

Response: The Triennial Review outlines DEQ's priorities when developing water quality standards. The Integrated Report (IR) Assessment Methodology is not a part of the water quality standards. There are opportunities to provide data or comment on DEQ's IR assessment methodology through the Integrated Report process.

The Integrated Report Call for Data submission guidelines contains information about how to submit data for the Integrated Report. Any entity, including the public, can submit data or information for consideration in the Integrated Report, so long as it is submitted during the official Call for Data window and meets the data submission guidelines. DEQ can only accept data submitted during the call for data period because of the time it takes to analyze data and prepare results for the Integrated Report. Data collected by organizations that participate in DEQ's Volunteer Monitoring Program are by default included in the Integrated Report and do not need to be resubmitted during the Call for Data.

As described in the Integrated Report Assessment Methodology, DEQ evaluates data or information submitted through the Call for Data to assess turbidity impairments for drinking water and fish and aquatic life beneficial uses. When assessing impairment of the drinking water beneficial use, DEQ requests confirmation from drinking water providers whether elevated turbidity levels in source water are impacting their treatment process.

DEQ's IR Assessment Methodology is updated every two years. During each update, DEQ holds a public comment period for the draft Assessment Methodology release. DEQ plans to hold a public comment period for the draft 2026 Integrated Report Assessment Methodology and Call for Data beginning in March 2025. DEQ will accept comments regarding changes to the methodology during that time. Please sign up through GovDelivery to receive notifications about the upcoming Assessment Methodology draft and public comment period.

Suggested Change ID # 12

Comment: Water Re-Use - Supports high priority for project evaluating designated use for canals for water reuse

Commenter: 7, 10

Description: DEQ's efforts to update and advance Oregon's regulatory framework and approach to water reuse should continue to be a high priority. The Oregon Legislature has directed DEQ to evaluate barriers to water reuse. Additionally, the advancement of water reuse policies and opportunities has been consistently supported by a variety of stakeholder groups including environmental organizations, irrigation districts, agricultural producers and local governments. Reuse represents a critical regulatory compliance pathway across the state and is identified as a Recommended Action within the state's Integrated Water Resources Strategy. In addition to water quality and regulatory compliance benefits, reuse projects can derive a variety of additional enhanced benefits, including ecological uplift and more efficient management of Oregon's limited water resources (e.g. offsetting the need for water withdrawals, avoided costs associated with using drinking water for irrigation, supporting increasing water demands, and serving as a tool to improve drought resilience). Applying designated uses to specific irrigation canals can significantly limit, if not prevent, the potential for irrigation districts to use recycled water. However, if regulatory pathways are developed and clear, these opportunities could generate more resilient water supply resources within our region while providing important water quality benefits and compliance strategies

Response: DEQ appreciates your support for the project to evaluate designated uses in canals for water reuse. DEQ is following the directive of the Oregon Legislature to evaluate barriers to water reuse. DEQ's water reuse program is primarily responsible for identifying barriers to water reuse and this project for the water quality standards program is to support that work.

Suggested Change ID # 13

Comment: Toxics Narrative Criterion - reconsider WET testing

Commenter: 7

Description: Requests DEQ review the proposed state-wide analysis of WET test results in the Triennial Review high priority item "Toxics – narrative criterion". Identified in the last sentence of the Problem Statement "…evaluate how Whole Effluent Toxicity testing is working for NPDES permitting and other programs." They are also interested in viewing the analysis of effectiveness of WET tests in detecting toxicity that was not identified by the toxics suites analysis. We would especially ask the question if the NPDES concurrency requirement is useful.

Response: Evaluation of the status of WET testing in relation to the narrative toxics criterion is one aspect of the in-progress project titled "Toxics - narrative criterion", which is designated as high priority in the Workplan. The NPDES program at DEQ uses WET testing to ensure that

toxic pollutants are not being discharged in toxic amounts. The effort to evaluate WET testing status will be a collaborative effort with DEQ permitting program staff with input from relevant interested groups.

Suggested Change ID # 14

Comment: Nuisance algal growth narrative implementation - Request higher priority

Commenter: 7

Description: In the Outcome/Result listed in the high priority item “Algae - Nuisance algal growth (see also numeric nutrient criteria below)”, DEQ points out, “TMDLs for nuisance algal growth are not currently a high priority, nor are development of numeric nutrient criteria.” Without TMDLs or nutrient criteria, it is difficult for NPDES permittees to establish effluent targets to prevent nuisance algal growth.

Response: Thank you for your comment. The purpose of the algal growth narrative interpretation guidance project is to develop procedures to interpret the narrative criteria, including developing an assessment methodology and implementation procedures for permitting and evaluate the feasibility of adopting site-specific numeric criteria for nutrients in specific circumstances. Currently, one of DEQ’s primary tools for managing nutrients is to establish TMDLs for waters where nutrient pollution may contribute to the impairments. These include waters impaired for one or more of the following water quality standards:

- Chlorophyll a (OAR 340-041-0019)
- Dissolved oxygen (OAR 340-041-0016)
- pH (OAR 340-041-0021)
- Deleterious algal growth (OAR 340-041-007(10))
- Biocriteria (OAR 340-041-007(340-041-0011)
- Phosphorus in the Yamhill River Basin (OAR 340-041-0344(5)(a))
- Phosphorus in Clear Lake and Collard Lake (OAR 340-041-0225)

Suggested Change ID # 15

Comment: Designated Use - Support for Resident trout spawning inventory map

Commenter: 7, 8, 18

Description: Support for the development of an updated fish use map for public use for the Aquatic Life Use Updates. This will provide clarity and ease of use for implementing the updated rules.

Response: DEQ appreciates the support for this high priority project.

Suggested Change ID # 16

Comment: Workplan - Add description of regulatory requirements to Triennial Review

Commenter: 8

Description: In 2015, the EPA revised the federal water quality standards regulations at 40 CFR 131.20 to add the following requirement for triennial reviews: “if a State does not adopt new or revised criteria for parameters for which EPA has published new or updated CWA section 304(a) criteria recommendations, then the State shall provide an explanation when it submits the results of its triennial review…”

The EPA recommends that DEQ include in the report a description of the regulatory requirements for triennial reviews and an explanation for any 304(a) criteria that will not be adopted.

Response: DEQ acknowledges the EPA’s comment and will add to the Triennial Review Report and Workplan a discussion and justification for why it has not proposed to adopt certain new or updated 304(a) criteria recommendations at this time.

Suggested Change ID # 17

Comment: Nuisance algal growth narrative implementation - Supports high priority for implementation procedures for narrative criteria for toxic substances for protection of aquatic life

Commenter: 8, 12, 13

Description: Support of Oregon’s priorities related to more systematically translating narrative criteria for toxic pollutants and taking additional steps to address nitrogen and phosphorus pollution either through the systematic implementation of narrative criteria or through adoption of numeric nutrient criteria for priority waterbodies.

Response: DEQ appreciates commenters’ support of Oregon’s priorities related to more systematically translating narrative criteria for toxic pollutants and our steps to address nitrogen and phosphorus pollution through implementation of narrative criteria for excessive and nuisance algal growth in priority waterbodies.

Suggested Change ID # 18

Comment: Designated Uses - Adopt provision for attainment/maintenance of downstream water quality standards

Commenter: 8

Description: In addition, note that 40 CFR 131.10(b) requires: “In designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters.”

The EPA recommends that Oregon adopt a provision applicable to all waters within its jurisdiction that provides for the attainment and maintenance of downstream water quality standards to explicitly acknowledge this requirement in the state’s water quality standards.

Response: DEQ acknowledges EPA’s comment.

DEQ currently follows EPA’s recommendations for Protection of Downstream Waters in Water Quality Standards. DEQ uses a watershed approach in the designation of water quality standards and beneficial uses. DEQ also communicates and coordinates early among jurisdictions, programs, and agencies regarding shared watersheds. NPDES permit limits and 401 Certifications are developed to protect downstream water quality standards and beneficial uses. DEQ’s existing antidegradation regulations for Outstanding Resource Waters and certain designated High Quality Waters prohibit new or expanded discharge to waters upstream if such a discharge would degrade the downstream water quality. Furthermore, DEQ applies an upstream waters policy to aquatic life use designations in order to protect water quality for downstream beneficial uses. In most situations, beneficial uses for fish & aquatic life are designated upstream for uses at least as sensitive or more as those designated downstream to ensure water quality will protect the designated beneficial uses.

Suggested Change ID # 19

Comment: ORW - Change urgency prioritization to “high” for Steamboat Creek

Commenter: 9

Description: We suggest a change in the “Urgency” category for Steamboat Creek’s ORW adoption from low to high in the workplan. While Steamboat’s extraordinary resource values have been recognized over the years, there remains no special water quality protection for it today. Steamboat Creek’s wild summer steelhead are unique, invaluable and imperiled. In light of the growing stressors inevitably caused by a warming climate, the need to restore and maintain the highest level of water quality for Steamboat Creek is urgent.

Response: DEQ appreciates the consideration given to the ORW nomination of Steamboat Creek. The Outstanding Resource Waters Implementation Plan (1995) outlines in Section 2 the nomination process and policy criteria. One of the policy criteria is to evaluate “need” in order to prioritize resources for areas of greater risk of degradation. Section 2.2.2 of the Implementation Plan recommends “In the case of headwaters entirely within wilderness areas, there is likely very low risk.” Because the watershed is primarily managed by the U.S. Forest Service, which has a management approach, this watershed is considered low “urgency”.

Suggested Change ID # 20

Comment: Antidegradation - Reevaluate & Prioritize Antidegradation procedures

Commenter: 9

Description: We express strong interest in the review and revision of Oregon's antidegradation implementation procedures. Antidegradation is the backbone of the state's water quality program. Clear, effective implementation procedures for each of its three tiers are fundamental. Together, they provide the framework for restoring and maintaining the quality of all the state's waters. We understand that work to review, clarify and update the procedures is underway, and is to be carried over from the prior Triennial Review. In light of this, we suggest changing its urgency from Medium to High in the workplan.

Response: DEQ appreciates the support for revisions to the antidegradation implementation procedures. The project was identified as a high priority project in the draft workplan and will remain a high priority.

Suggested Change ID # 21

Comment: Biocriteria - Change urgency to "medium"

Commenter: 12

Description: It is imperative that DEQ review whether additional water quality criteria are needed to protect drinking water use, such as turbidity, TDS or toxics criteria, as a matter of public health. In order to accommodate that change in rating, we suggest that DEQ consider moving the low-urgency Biocriteria - Assessment methodology update to Medium Priority status.

Response: DEQ appreciates the support for the development of biocriteria assessment methodology. The biocriteria assessment methodology project is already underway and nearing completion. The updated draft biocriteria assessment methodology will be available for public comment in March 2025 and used in the development of the 2026 Integrated Report.

Suggested Change ID # 24

Comment: Toxics - narrative criterion problem statement and project plan can be better defined

Commenter: 10

Description: The approach to the Toxics Narrative Criterion lays out several disparate ideas but there is no defined approach or pathway to achievement. Among the approaches noted in

the problem statement is to consider chemicals on Oregon's Priority Persistent Pollutants list and pollutants of emerging concern. DEQ established threshold levels for 118 Priority Persistent Pollutants as part of the SB 737 monitoring efforts. Major municipal treatment facilities (52 facilities) conducted monitoring for Priority Persistent Pollutants. With limited exceptions, the characterization showed the Priority Persistent Pollutants were not a concern at municipal treatment facilities. Facilities that exceeded threshold values established by DEQ developed pollution prevention plans to reduce these pollutants. In its project plan, DEQ must account for work previously conducted to characterize Priority Persistent Pollutants and build on these efforts.

The problem statement also specifies an evaluation of Whole Effluent Toxicity (WET) Testing in NPDES permit programs with an outcome of using Toxicity Units to evaluate WET test results. While Oregon NPDES permits do not specifically include Toxicity Units to assess WET test results, they do specify the endpoints and the dilutions that define acute and chronic toxicity. This approach is essentially the same as the use of Toxicity Units to assess WET test results. ACWA is skeptical as a technical matter that there is value in moving towards a Toxicity Units based approach for assessing WET test results. Additionally, the evaluation of how WET testing is working in the NPDES permit program and whether there are changes that should be made is not a standards issue – it is a NPDES permit program implementation issue. ACWA recommends that the evaluation of the effectiveness of WET testing be removed from the Toxics – narrative criterion. ACWA would be happy to engage with DEQ as part of the NPDES permit program implementation review in evaluating WET testing. Whole effluent toxicity (WET) tests are expensive (~$7,500 for dual end point testing of three species for three chronic and two acute endpoints, plus $500 in shipping costs) for NPDES permit holders to perform. Typically, four WET tests are required each permit term. In addition, 111 toxics analytes are required 12 times per permit term. DEQ's NPDES permit template for major dischargers now also requires 44 additional analytes for "Pesticides and PCBs" and "Other Parameters with State Water Quality Criteria", totaling 155 analytes in the effluent toxics characterization monitoring. DEQ, as a matter of policy (not law or regulation), insists that the toxics characterization suite be performed concurrently with the WET tests, which is a significant logistical burden for timing and sample volume. ACWA recommends that DEQ review the state-wide analysis of WET test results proposed in the Triennial Review high priority item "Toxics – narrative criterion" identified in the last sentence of the Problem Statement "…evaluate how Whole Effluent Toxicity testing is working for NPDES permitting and other programs." ACWA is also interested in the effectiveness of WET tests in detecting toxicity that was not identified by the toxics suites analysis. The currently used NPDES concurrency requirement seems to create significant costs to achieve an end that perhaps can be reached in a more cost-effective way that is equally protective of water quality.

Response: The details of the approach DEQ will use to review and update internal narrative toxics implementation procedures is still in development. The intent of the "Toxics - narrative criterion" project is to review existing practices and procedures DEQ follows in interpreting the narrative criterion (including WET testing, Integrated Report assessment methods, and permit development considerations) and update or clarify those procedures as needed based on the review. DEQ's past efforts though SB 737 will also be included in the review to ensure efforts

going forward are not unnecessarily duplicated. WET testing plays a critical role in the NPDES program at DEQ by ensuring toxic pollutants are not being discharged in toxic amounts. As WET testing is currently one of DEQ's primary means of interpreting the toxics substance narrative criteria in permit development it is important to consider it in this project. The project will be a collaborative effort with DEQ's NPDES permitting program. This project does not preclude its consideration as a focus area for NPDES permit program implementation review.

Suggested Change ID # 25

Comment: Temperature - Support for efforts to address site-specific instances where natural conditions exceed biologically based numeric criteria

Commenter: 10

Description: ACWA appreciates the acknowledgement that biologically based numeric criteria are not always achievable and could result in immediate noncompliance by some point sources. It is essential that the Triennial Review incentivize DEQ staff to explore providing solutions to the new and challenging Temperature TMDLs that are being hurriedly enacted to meet court-ordered deadlines. ACWA is very involved in the Temperature TMDL Replacements throughout Oregon. The risk of non-compliance for some NPDES permittees and DMAs is real and not a welcome thought. Tools and strategies to support success will be much needed and deeply appreciated. ACWA can offer assistance and work with DEQ in any manner that DEQ sees as helpful.

Response: DEQ appreciates your comment. The purpose of the high priority project is to identify critical water bodies and develop policy options to address TMDL modeling and other sources of data that show there are sometimes large gaps between natural conditions and Oregon's numeric temperature criteria. Adoption of site-specific criteria are one option DEQ has to establish attainable criteria based on natural condition. Natural condition is also widely recognized as protective of beneficial uses. DEQ will undoubtedly reach out to state, federal, and local partners as it identifies information needs to support this policy scoping effort.

Suggested Change ID # 26

Comment: Rule Clean Up: Treatment criteria, TMDL provisions, WQ Limited waters Rule - move to high priority

Commenter: 10

Description: Clarifying the purpose of OAR 340-041-0061 for Treatment criteria, TMDL provisions, Water Quality Limited Waters Rule and consider moving parts of this rule to other sections. The problem statement notes that water quality limited waters rule pertains to water quality assessment and listings, not water quality standards. Placement in the water quality standards rules creates confusion. The problem statement also notes that the lack of clear

ACWA Comments to DEQ Draft Triennial Review language in OAR 340-041-0061 has led to variation in the development for mass limits; inconsistent or unclear language has led to confusion, variation and extensive permit delays due to public comments.

This project is currently designated as a “Medium” priority. We believe that the DEQ should make this a high priority item. Many ACWA members have experienced frustrations and varying interpretations of current DEQ rules. Clean up of these rules as proposed would clarify DEQ’s expectations and would certainly be a worthwhile effort.

Response: DEQ appreciates the recommendation for a higher prioritization regarding this proposed project. DEQ recognizes the overall need for this project, However, DEQ resources limit the number of high priority projects that can be completed in the upcoming Triennial Review.

Suggested Change ID # 27

Comment: ORW - Opposition to ORW Adoption - Steamboat Creek

Commenter: 15

Description: Nearly all the Steamboat Creek watershed encompasses federal land managed by the USDA Forest Service, which works with Tribes and other agencies to protect and improve the watershed. They support a more collaborative solution to the threats facing Steamboat Creek Watershed. For this reason, the Umpqua National Forest does not support the high priority rating for the Outstanding Resource Water (ORW) adoption for Steamboat Creek.

Recommends DEQ revise how they prioritized the criteria: - Revise administrative value because the adoption would have little meaningful effect at the ground level. There are already administrative rules in place. - Revise level of effort because this adoption would add avoidable conflict with the existing layers of state and federal regulations. - Revise overall priority status because there is essentially only one landowner in the watershed and current management strategies have proven to improve water quality.

Response: DEQ thanks the U.S. Forest Service for their comments and accepts the recommendation to move overall prioritization of Steamboat Creek to medium priority. DEQ has incorporated the recommendations to revise administrative value, level of effort, and priority status on the list of water quality standards priorities.

DEQ encourages further discussion between the nominating parties and the Forest Service about actions to improve protection of the high water quality in the Steamboat Creek Watershed. DEQ may include reconsideration of ORW adoption in a future triennial review workplan.

Suggested Change ID # 28

Comment: Wetlands- Support wetlands criteria

Commenter: 14, 18, 28

Description: There is a lack of protection for wetlands under the Clean Water Act. It is important that Oregon and the DEQ develop wetlands criteria development in order to provide clarity and direction to protect wetlands within the state of Oregon. Improving the effectiveness of the Oregon water quality certification program to protect wetlands needs to be a priority as there is a need for guidance within the state of Oregon.

Response: DEQ acknowledges and thanks you for your comment. Wetlands are included in OAR as "waters of the state" defined by ORS 468B.05(10) and reflected in OAR 340-041-0002 (72). DEQ does not currently have wetland specific criteria or guidance because there have not been enough agency resources to identify whether wetland specific criteria are needed. The lack of information and staff resources required to determine this results in the current low priority of the project.

However, wetlands are protected under the States' Antidegradation policy in 340-041-0004. According to EPA guidance, antidegradation policies provide a powerful tool for the protection of wetlands and can be used by States to regulate point and nonpoint source discharges to wetlands in the same way as other surface waters. In conjunction with beneficial uses and narrative criteria, antidegradation can be used to address impacts to wetlands that cannot be fully addressed by chemical criteria, such as physical and hydrologic modifications. With the inclusion of wetlands as "waters of the State," State antidegradation policies and their implementation methods apply to wetlands in the same way as other surface waters and provide for the protection of existing uses in wetlands and the level of water quality necessary to protect those uses in the same manner as provided for other surface waters.

Suggested Change ID # 29

Comment: Intermittent and ephemeral waterbodies- Support for beneficial use designations

Commenter: 28

Description: Intermittent and ephemeral waterbodies are important to protecting water quality and watershed health and may receive little federal protection. Providing for water-body specific beneficial use designations will be important to provide guidance and direction to protect these water bodies and allow them to continue to provide water quality benefits such as contributing cool groundwater to larger streams and sustaining riparian areas. Areas of the Rogue basin continue to be developed in areas that could be considered wetlands or include intermittent and ephemeral streams and local jurisdictions need clear guidance and definitions to protect these

types of water bodies to allow them to provide benefits to the community, protect water quality, and benefit aquatic species

Response: DEQ thanks you for your comment and appreciates your support for the rating of "Wetlands criteria development or guidance on application of existing criteria" and the development of "Designated uses – for intermittent and ephemeral waterbodies". DEQ agrees that these items are critically important to improving and increasing protection of waterbodies. DEQ applauds you in the activities and accomplishments that the Save the Phoenix Wetland group has made to help protect springs, wetlands, unnamed streams and intermittent waterbodies.

The commentor states that: "these water features have very little protections"; that "none of these springs or unnamed streams were on maps"; and that "no designated uses were established for these waterbodies". To address these comments please see the Basin-Specific Criteria (Rogue): Beneficial Uses to Be Protected in the Rogue Basin in 340-041-0271 Bear Creek and surrounding unnamed and unidentified tributaries are currently protected under the year-round temperature fish use designations as salmon and trout rearing and migration OAR 340-041-0271 – Figure 271A and the cold-water aquatic life year-round DO fish use designation OAR 340-041-0271 – Figure 271C.

If waters do not appear on the above-mentioned maps, the waters are protected as per 340-041-0028(5) where:

> *"(Unidentified Tributaries. For waters that are not identified on the "Fish Use Designations" maps referenced in section (4) of this rule, the applicable criteria for these waters are the same criteria as is applicable to the nearest downstream water body depicted on the applicable map. This section (5) does not apply to the "Salmon and Steelhead Spawning Use Designations" maps."*

In addition, the State must ensure that water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters. DEQ ensures protection of waters through implementation of standards. NPDES permits, 401 certifications and TMDLs ensure that discharges and load allocations will meet standards in the near field (receiving water/mixing zone) and in the far field. The far field analysis ensures we are protecting downstream waters by meeting the standards that apply in those waters.

For example, temperature TMDLs are conducted on a large watershed or sub-basin scale, to address the sources and contributions and to prevent or minimize potential warming upstream. Specifically, the human use allowance portion of Oregon's temperature standard requires that waste load and load allocations restrict all NPDES point sources and nonpoint sources to a cumulative increase of no greater than 0.3 ℃ above applicable criteria after complete mixing and at the point of minimum impact (please see OAR 340-041-0028(12)(b)(B)).

In this way, DEQ ensures that water quality of downstream waters is protected over time, even if the uses of upstream waters are less stringent than those of downstream waters. In addition to the description above, for year-round aquatic life use subcategories, with very few exceptions,

the water quality standards of downstream waters are attained and maintained by designating the same uses in upstream waters. For example, if cold-water aquatic life is the designated use, waters upstream of that habitat are also designated for the use to ensure provision of sufficiently cold water downstream. Bear Creek currently has approved TMDLs for Ammonia, BOD, and Phosphorus 340-041-0274 which, along with the protection of the "Unidentified Tributaries" rule, also provides specific protections to upstream tributaries from the named pollutants.

Suggested Change ID # 30

Comment: ORW- Develop screening criteria- Make "high" priority

Commenter: 23

Description: We recommend the Department rate the proposed ORW planning project as a high priority project. The ORW planning project will develop information to enable the identification of waters qualified as ORW and provide a framework for Department initiated nominations, supporting and accelerating the adoption of ORWs to protect the state's most valuable waters, which is increasingly urgent in light of climate impacts and development pressures, but where there has been insufficient state focus and investment.

We recommend the ORW planning project include the development of a database with information on ORW characteristics, a statewide assessment of waters for ORW qualifications, and the establishment of a technical workgroup. In addition, in the planning process and the prioritization of waters for ORW adoption, we recommend the Department consider certain waterbody attributes that will amplify the impact of adoption for ecological and climate resilience benefits. Given the Department's capacity constraints, the Department could complete the ORW planning project in phases.

Response: DEQ recognizes the overall value and need for this proposed project. DEQ resources limit the number of high priority projects that can be completed in a three year period. Though there is an administrative need to update the ORW screening criteria, the environmental benefit and overall urgency is lower than that of other proposed projects, as there is an implementation policy in place to designate ORWs.

Suggested Change ID # 31

Comment: Fluoride in Drinking Water- Remove from drinking water

Commenter: 47

Description: Please take substantial steps toward removing Fluoride from all municipal (drinking) water systems within Oregon DEQ's statewide jurisdiction, as the evidence supports consumption of fluoridated water causes cognitive decline.

Response: The Oregon Health Authority (OHA) Drinking Water Services administers and enforces drinking water quality standards for public water systems in the state of Oregon. Fluoride levels may be adjusted by some community water systems before delivery to customers. Thus, a statewide mandate to remove fluoride from public water systems is beyond the scope of DEQ authority. Further questions on the matter should be directed to OHA Drinking Water Services.

Suggested Change ID # 32

Comment: Three Basin Rule- Opposition to including all three basins

Commenter: 20

Description: This rulemaking should be limited to permitting the North Santiam River Wastewater Treatment Plant as request by Marion County. The rule should not allow for future permitting that will result in further degradation of surface and groundwater.

There is also concern that making this a high priority will de-prioritize other high priority projects that are of greater urgency.

Response: DEQ placed a high priority on the Three Basin Rule Revisions project as a result of the EQC's decision to grant Marion County's rulemaking petition to revise the Three Basin Rule. In evaluating the petition and making its recommendation to the EQC, DEQ received comments that there may be other situations in which it may be preferable to allow new or expanded NPDES permits in the basins covered by the Three Basin Rule to allow municipalities to have improved, functioning wastewater treatment. DEQ will work with a Rule Advisory Committee and seek public comment for this project.

Suggested Change ID # 33

Comment: Sedimentation- Support for implementation guidelines

Commenter: 20, 22, 52

Description: Support for high priority to develop Sedimentation narrative interpretation procedures. Note urgency for implementation guidelines will allow for assessment and classification of waters as impaired for salmonid spawning. This will allow for more specificity in future permitting related to sediment and turbidity impacted waters.

Response: DEQ acknowledges the support for this project as a high priority. DEQ proposes to initiate this project after staff complete work on several projects that are currently underway, most likely in 2027. DEQ considered that this project would provide high ecological value in its prioritization.

Suggested Change ID # 34

Comment: Temperature- Support for site specific interpretation in Malheur Basin

Commenter: 14, 22

Description: A temperature target for the Cool Water Aquatic Life use is needed for completion of the Malheur River TMDL to meet the court-appointed deadline. This is both needed and urgent to protect waters in the Malheur basin from further degradation.

The Malheur River's designation as "Cool Water Aquatic Life" is important not only for the protection of native cool-water species within its basin but also for its impact on the health of the Snake River. As a tributary to the Snake, the Malheur River plays a role in determining downstream water quality. The Snake River is already highly degraded, with elevated temperatures being a significant limiting factor for aquatic life.

By setting protective numeric temperature targets for the Malheur River and its TMDL, ODEQ has an opportunity to not only preserve sensitive native cool-water species but also contribute to the restoration of water quality in the Snake River.

ODEQ should make sure that the temperature targets for the Malheur River are both scientifically rigorous and aimed at improving water quality over time. The focus should not just be on maintaining the current conditions but on restoring the Malheur River to its full ecological potential. This approach would support the long-term health of the Snake River, which relies on cooler, cleaner inputs from its tributaries to mitigate its own temperature challenges. We encourage ODEQ to take this larger watershed perspective into account as it develops its numeric temperature target and management strategies for the Malheur River basin. Similarly, we encourage ODEQ to examine other tributaries to the Snake River for potential improvements in the future.

Response: DEQ agrees that Malheur River's designation as "Cool Water Aquatic Life" is important for the protection of native cool water species in that waterbody. DEQ develops numeric targets to implement the Cool Water Aquatic Life narrative criteria based on the native species that are present in the waterbody and a review of scientific research of their thermal requirements. DEQ relies on published scientific literature to determine protective temperature thresholds. DEQ identifies the native species that are present primarily from species distribution data compiled by the Oregon Department of Fish & Wildlife.

Additional information is found in the Malheur River Basin TMDL and Water Quality Management Plan.

Suggested Change ID # 35

Comment: Nuisance algal growth narrative implementation - Request additional criteria

Commenter: 14

Description: Request DEQ look beyond drinking water and recreation criteria to 1) include fisheries health criteria; and 2) evaluate and implement rules meant to reduce the causal pollution (such as impaired flows, temperature pollution, agricultural run-off and nutrient loading, etc.) rather than simply posting and issuing warnings.

Response: DEQ appreciates your comment. DEQ adopted a statewide harmful algal bloom (HABs) strategy in 2011 and coordinates with the Oregon Health Authority and EPA to identify HABs and address root causes through DEQ's regulatory programs, such as TMDL. The Oregon Health Authority issues the advisories related to HABs. DEQ tracks water bodies that don't achieve water quality standards and develops pollution reduction plans. OHA and DEQ jointly develop drinking water protection plans. The state programs regulate pollution sources through water quality permits, licenses and certifications and nonpoint pollution source control.

DEQ has a project in progress to develop implementation procedures for applying the excessive algal growth narrative criterion (OAR 340-041-0007) and chlorophyll-a action values (OAR 340-041-0019) as they relate to aquatic life use. Please see the description of the high priority project "Algae – Nuisance/excessive algal growth narrative interpretation procedures."

Suggested Change ID # 36

Comment: EJ- Request more robust analysis

Commenter: 14

Description: Commenter supports DEQ considering environmental justice impacts of proposed projects, however the yes/no/unknown format of the planning document is insufficient to identify and understand the EJ issues on their own merits. For example, the temperature section is flagged as an EJ issue, but only because: "disadvantaged communities not able to meet permit limits." This seems speculative at best. DEQ should share verifiable examples or methodology showing that disadvantaged communities are struggling more than affluent communities and industrial polluters to meet permit limits.

Response: DEQ appreciates the support of environmental justice considerations in project prioritization. DEQ is invested in the principles of environmental justice and has committed to incorporating environmental justice in decision making and planning processes. Nonetheless, there remains a lack of established methodology for how to prioritize environmental justice in Triennial Review workplan development. DEQ remains open to emerging methodologies to identify and understand how environmental justice impacts proposed projects in future Triennial Review workplans.

Suggested Change ID # 37

Comment: Temperature - Opposition to project to address site-specific natural exceedance with biologically based numeric criteria-

Commenter: 14

Description: The current temperature standards for salmonids are already too high for ensuring recovery, and multiple victorious lawsuits against DEQ have proven this. If DEQ were to fully deploy 'scientifically credible' temperature standards, revisions would go the other direction from what the clear intent is here. Allowing permitted polluters to further degrade temperatures in fish-bearing streams via variances, waivers, or lower temperature thresholds is NOT a solution to our extinction crisis. This proposed project outcome indicates a weakening rather than strengthening temperature requirements. We are particularly concerned about 'site-specific' temperature requirement provisions that could allow for trading, off-site shading, or other questionable 'mitigation' measures. However, right sizing our water allocation system to ensure sufficient instream flows, more stringently regulating the temperature of agricultural 'return' waters, and retaining stream over story cover ARE pieces of that existential puzzle. This lack of cross-agency coordination to comply with the Endangered Species Act and spur salmonid recovery should be better covered in the Integrated Water Resources Strategy and this review to meet your legal obligations. DEQ leadership should be demanding that the Governor's office do more to empower DEQ to question/co-manage other agency's regulatory inertia that impairs your ability to do your job.

Response: Oregon's water quality standards for temperature were developed based on scientific recommendations of the Northwest Water Quality Temperature Guidance for Salmon, Steelhead and Bull Trout[2]. This was the result of a three year scientific interagency effort involving scientists from the Idaho Department of Environmental Quality, Oregon Department of Environmental Quality, Washington Department of Ecology, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Nez Perce Tribe, Columbia River Inter-Tribal Fish Commission (representing its four governing tribes: the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes and Bands of the Yakima Nation, and the Confederated Tribes of the Warm Springs Reservation of Oregon), and EPA Region 10. This effort resulted in six scientific papers with review from two independent scientific peer review panels.

To our knowledge, this Guidance represents the best available science to protect threatened and endangered salmon and other native species. When Oregon's numeric temperature criteria were adopted in 2003, it was recognized that naturally attainable temperatures would be higher in some waters. DEQ now has data, through the various TMDL modeling efforts conducted since 2003, to show that in many waters of the state, there is a wide gap between the natural temperature that rivers and streams can attain and the numeric water quality criteria in Oregon's temperature standards. The natural condition of waters is widely understood to be protective of designated uses. Variances or site-specific criteria are among the tools available to address situations in which the natural condition of waters and the current numeric water quality criteria for temperature are incompatible. The purpose of the project is to identify and evaluate

[2] EPA Northwest Water Quality Temperature Guidance for Salmon, Steelhead and Bull Trout https://www.epa.gov/wa/northwest-water-quality-temperature-guidance-salmon-steelhead-and-bull-trout

regulatory options for addressing compliance in waters where the natural condition of waters is significantly higher than Oregon's water quality criteria for temperature.

Suggested Change ID # 38

Comment: Temperature - seasonal cold water subcategory- Opposition to

Commenter: 14

Description: Regarding the problem statement for the medium priority seasonal cold water subcategory project. If we understand your planning documents correctly, this is yet another, lower-priority, area where you seem inclined to weaken rather than strengthen temperature requirements. We are particularly concerned about 'site-specific' temperature requirement provisions that could allow for trading, off-site shading, or other questionable 'mitigation' measures.

Response: The name of the designated use "Salmon & Steelhead Migration Corridor" creates confusion because of the emphasis on migration use rather than the seasonal rearing uses these waters also support. Although labeled "Migration Corridors" these waters are seasonally cold and within optimal temperatures for sensitive uses such as salmon and steelhead rearing, but that may have summer temperatures which exceed those optimums. The 20-degree Celsius temperature criteria, when met during the warmest week of the year, was established to ensure appropriate temperatures during the colder months of the year when sensitive uses occur while also acknowledging that these rivers naturally exceed the criteria for "Salmon and Trout Rearing and Migration" at the warmest part of the summer. Examples include large main stem rivers such as the Columbia and Willamette Rivers which support juvenile rearing in the winter months but are primarily used for adult migration during the warmest months of the summer.

The proposed project is concerned with clarifying the title and definition of the designated use category to match the intent of the numeric criterion, and not with changing the numeric criterion, which has already been approved as a protective water body goal for those waters.

Suggested Change ID # 39

Comment: Prioritization Criteria- Request pollution reduction impacts

Commenter: 13

Description: While Commenters applaud DEQ's use of "environmental justice considerations" as prioritization criteria, the rest of DEQ's prioritization criteria lacks a key component: considering pollution reduction impacts. Failure to prioritize pollution reduction in the formation of the Highest Priorities List misses a critical opportunity to tackle many of Oregon's pressing water quality problems. Commenters strongly urge DEQ and the EQC to frame the Triennial Review priorities through the lens of pollution reduction.

Under the Clean Water Act (CWA), DEQ's authority granted by the Environmental Protection Agency (EPA) compels the state agency to promulgate standards to achieve the Act's objectives. Further, under state law, DEQ is tasked with protecting Oregon's water bodies and reducing pollution. For example, under ORS § 468B.020, "Prevention of Pollution," states: (1) Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary to the public policy of the State of Oregon, as set forth in ORS 468B.015 (Policy). (2) In order to carry out the public policy set forth in ORS 468B.015 (Policy), the [DEQ] shall take such action as necessary or the prevention of new pollution and the abatement of existing pollution by: (a) Fostering and encouraging the cooperation of the people, industry, cities and counties, in order to prevent, control and reduce pollution of the waters of the state; and (b) Requiring the use of all available and reasonable methods necessary to achieve the purposes of ORS 468B.015 (Policy) and to conform to the standards of water quality and purity established under ORS 468B.048 (Rules for standards of quality and purity).

Response: DEQ's Triennial Review prioritization criteria include ecological value, defined as increased water quality benefit or protection based on best available science. Includes new information on toxicity or other impacts to species or human health, or new information about sensitive species or where they occur on the landscape. DEQ understands ecological value to encompass goals of pollution reduction as a central part of increasing water quality benefit or protection when considering which water quality standards projects to prioritize.

The Oregon Legislature directed the EQC in the development of water quality standards in ORS 468B.048. According to ORS 468B.020 the establishment of standards under ORS 468B.048 provides the direction necessary to achieve the purposes of ORS 468B.015 and § 468B.020.

Suggested Change ID # 40

Comment: Temperature - Address site-specific natural exceedance with biologically based numeric criteria- Request revision

Commenter: 22

Description: We are concerned that ODEQ appears focused on NPDES permit holders' inability to meet current standards rather than addressing the root causes of temperature exceedances. Elevated water temperatures are often driven by anthropogenic influences such as land use practices, riparian vegetation loss, or dam operations, which must be carefully analyzed and addressed as part of this process. Additionally, ODEQ needs to clarify its interpretation of "naturally attain" when stating that "it is clear that in many waters, temperatures cannot naturally attain the currently assigned biologically based numeric criteria." It is important to distinguish between truly natural conditions and those influenced by human activities.

Revising temperature standards must be based on robust, peer-reviewed science to ensure they remain protective of aquatic ecosystems. ODEQ must ensure that any new criteria maintain ecological integrity and support the recovery of temperature-sensitive species. Additionally, TMDL replacement projects must fully evaluate the difference between system

potential temperatures (accounting for anthropogenic impacts) and biologically based numeric criteria.

ODEQ identifies disadvantaged communities' struggles to meet permit limits as an Environmental Justice (EJ) concern. While we agree that disadvantaged communities should not bear disproportionate regulatory burdens, allowing water bodies to exceed biological temperature standards also harms EJ communities. Many of these communities rely on treaty-reserved species, such as salmon, which are highly sensitive to elevated temperatures. Failing to protect aquatic ecosystems exacerbates inequities for EJ communities that depend on healthy, functional ecosystems for their cultural, subsistence, and economic needs.

While we understand that site-specific criteria (SSC) may be necessary in certain cases, we are concerned about the broader implications of these revisions. SSC processes need to remain protective of aquatic life, particularly temperature-sensitive species. It is imperative that the tribes and CRITFC are notified and given meaningful opportunities to provide input on SSC proposals before they are finalized.

Finally, ODEQ must fully consider the impacts of climate change in this process. Rising global temperatures will further elevate water temperatures, exacerbating challenges for aquatic ecosystems and the species that depend on them. Any revisions to temperature standards must account for these anticipated changes to ensure the long-term protection of Oregon's water resources.

Response:

DEQ appreciates your concerns and recognizes the cultural, ecological, and economic importance of the salmon, steelhead, and trout species of Oregon to the Tribes, and the urgency to ensure recovery of healthy populations of these species.

Naturally attainable temperatures are the water temperatures that a waterbody is expected to attain without human influence. For evaluating naturally attainable temperatures, DEQ follows the definition in OAR 340-041-0002 (41)

> *"Natural Thermal Potential" means the determination of the thermal profile of a water body using best available methods of analysis and the best available information on the site-potential riparian vegetation, stream geomorphology, stream flows and other measures to reflect natural conditions."*

The goal of the proposed project is to identify and evaluate regulatory options for addressing waters where the natural thermal potential of a waterbody is significantly higher than Oregon's numeric water quality criteria for temperature. When the numeric criteria were adopted in 2003, it was recognized that naturally attainable temperatures would be higher in some waters. DEQ now has data, through the various TMDL modeling efforts, to show that in many waters of the state there is a wide gap between the natural thermal potential that represents the naturally attainable temperature of some rivers and streams and the numeric water quality criteria. The natural condition of waters is widely understood to be protective of designated uses. DEQ will modify the project description in the priority table to clarify this goal.

The U.S. EPA has established procedures that allow states and authorized Tribes to develop site-specific criteria to protect aquatic life designated uses based on natural background conditions. DEQ's current TMDL replacement projects model the expected temperature of water bodies if anthropocentric influences are removed. States and authorized Tribes must demonstrate that such site-specific criteria are scientifically defensible and that they protect the designated beneficial uses. Any such site-specific criteria would be adopted through Oregon's public rulemaking process. If this process begins, tribal governments will be notified in advance, with an invitation to participate in the rulemaking process or request government to government consultation. DEQ looks forward to working with the Tribes or CRTFIC on this issue as appropriate.

DEQ acknowledges the unequal burden of impacts on disadvantaged and EJ communities for cultural, subsistence and economic reasons related to both current temperature conditions and implementation of water quality standards. Including for those reasons, DEQ has made this project a high priority to identify regulatory solutions to address both the administrative issues and protection of treaty-reserved species.

DEQ is also concerned about accounting for and mitigating the impact of anthropogenic climate change on stream temperatures. Water quality standards, including the current numeric criteria and any potential site-specific criteria, are based on the biological needs of aquatic life. DEQ believes the age of data used for both the existing TMDL modeling and the data used to designate the beneficial uses for aquatic life represent a baseline before significant warming due to climate change has been realized in Oregon's waters. In some cases, however, these TMDL analyses show that naturally attainable river temperatures exceed the Oregon's numeric water quality criteria for temperature.

Suggested Change ID # 41

Comment: Sedimentation- Request revision to species protection

Commenter: 22

Description: In addition to addressing the degradation of spawning habitat of endangered salmon and steelhead caused by excessive sedimentation, DEQ should consider the impact of sedimentation on Pacific lamprey, macroinvertebrates, and all state biological resources. Pacific lamprey has great ecological and cultural importance to CRITFC's member tribes.

Response: DEQ identified the ecological benefits of clear narrative implementation procedures for sedimentation to address impacts of sediment on threatened and endangered salmon and steelhead and other native biota. DEQ will specifically refer to Pacific Lamprey as one of the species of native biota that is significantly impacted by sedimentation to highlight its importance.

Suggested Change ID # 42

Comment: ORW- Request consultation on Metolius River rulemakings

Commenter: 33

Description: The Tribe takes no position on the Triennial Review's potential adoption of the Metolius River as an ORW. However, should DEQ so designate the Metolius, the Tribe respectfully requests that the DEQ staff consult with me and my staff before taking any action, including rulemaking, to implement such an ORW adoption in order to protect the Tribe's treaty-protected interests in the Metolius.

Response: The ORW adoption of the Metolius River remains a low priority for DEQ completion. Public comments and the addition of priority projects to the Workplan continue to support the low priority rating. In any case, if this project proceeds, DEQ will consult with the Confederated Tribes of the Warm Springs Reservation. DEQ will reach out to the Tribe to ensure that their perspective is captured in the ORW adoption and engaged throughout the rulemaking process.

Suggested Change ID # 43

Comment: General comment - support for certain high priority projects

Commenter: 13

Description: Commenters commend DEQ for the work underway regarding toxics - narrative criterion, algae - nuisance algal growth, biocriteria - assessment methodology update, and antidegradation implementation policy.

Response: DEQ appreciates the input and support on the set of proposed high priority projects.

Suggested Change ID # 44

Comment: Bacteria - bacteria present in seafood processing effluent are non-human in origin

Commenter: 6, 11, 19, 26, 27

Description: Enterococcus present in seafood processing facility wastewater are non-human in origin and seafood effluent is not a fecal source. A large proportion of the Enterococcus in the effluent may be of environmental rather than of fecal origin.

Response: The commenter provided this information as context and reason to request DEQ add a project to revise the relevant bacteria water quality standards or other guidance for implementing the existing standards. Commenters offer perspectives on potential for non-human origins of fecal indicator bacteria in seafood processing effluents. Please see the responses to Comments #1 for responses to the specific requests for rulemaking and other projects associated with the water quality standards for bacteria.

Suggested Change ID # 45

Comment: Bacteria - Regulations and mixing zone policies are not being applied uniformly to NPDES permits

Commenter: 6, 19, 27

Description: As currently interpreted by DEQ, OAR 340-041-0009 does not allow for regulatory mixing zones for bacteria, based on protection of public health from exposure to fecal sources. The following regulations and guidance documents are not being applied uniformly to NPDES permits. 1) OAR 340-041-0009(6); 2) Oregon DEQ's Internal Management Directive (IMD) titled "Oregon Bacteria Rule: Bacteria Criteria for Marine and Estuarine Waters"[3].

DEQ's application of mixing zones in NPDES permits for seafood processors have not aligned on whether mixing zones are allowed. Section 9.0 of the IMD clearly indicates that mixing zones are allowed in marine and estuarine waters in some circumstances, but DEQ has denied them for seafood processors.

Response: The commenter provided this information as context and reason to request DEQ add a project to revise the relevant bacteria water quality standards or other guidance for implementing the existing standards. Commenters offer perspectives regarding how the exiting water quality standards have been implemented and interpreted in developing permit conditions. Please see the responses to Comments #1 for responses to the specific requests for rulemaking and other projects associated with the water quality standards for bacteria.

Suggested Change ID # 46

Comment: Wetland criteria - recommend moving the development of wetlands criteria to a high priority

Commenter: 13

Description: Commenters recommend moving the development of wetlands criteria to a high priority and regulators to not shy away from the project due to it having a "high" level of effort. Commenters have requested that DEQ prioritize wetland protections for the last two Triennial Reviews; in 2024, the pressing need for criteria remains. Since the last Triennial Review, federal protections for many wetlands under the CWA have receded in light of the 2023 Supreme Court of the United States case, Sackett v. EPA. The need for increased state-level protections is greater than ever.

[3] Please note: the Internal Management Directive "Oregon Bacteria Rule: Bacteria Criteria for Marine and Estuarine Waters" was published on 2/18/2011 and not 2/11/2018 as commenters referenced in their letters.

Response: In response to comments about additional high priority work that should be included in the Workplan, DEQ made some additions to the Workplan in response to funded priorities or directives from the Legislature or Environmental Quality Commission. DEQ's capacity is limited and we do not agree that development of wetland criteria is a higher priority than the projects we propose to initiate or complete in 2025-2028. DEQ will begin such a review of wetland criteria should the urgency for wetlands protections appear to exceed other priority needs. Since EPA has only released narrative national criteria recommendations, the technical challenges for this project cannot be understated and will require significant staff resources to develop which DEQ has to weigh against other priorities.

Suggested Change ID # 47

Comment: Human Health Criteria - support for current priority rating

Commenter: NA

Description: Commenters support DEQ's medium priority rating of reviewing the discrepancies between Oregon and EPA's human health criteria (HHC). DEQ should, however, consider examining this issue sooner if there is a change in national recommended criteria.

Response: DEQ acknowledges your interest in a review of Oregon's human health criteria for toxic substances and your support for the current prioritization.

Suggested Change ID # 48

Comment: Three Basin Rule - DEQ has failed to give commenters sufficient notice to comment on an updated priority list following the Three Basin Rule decision.

Commenter: 13

Description: DEQ should have provided more transparency on the potential action in response to Marion County's rulemaking petition to revise the Three Basin Rule and how it would impact priority listings for other projects. EQC's decision to direct DEQ to initiate rulemaking gave commenters insufficient time to comment on an outdated priority list. If DEQ changed the priority list following the EQC meeting, commenters were not provided sufficient notice as required by EPA and State public participation procedures.

Response: DEQ stated in the draft Workplan released for public comment that the Oregon Environmental Quality Commission's decision on Marion County's petition to revise the Three Basin Rule could impact the priority projects in the final Workplan. The public notice was clear that the Three Basin Rule would become a high priority if the Commission directed DEQ to initiate rulemaking. As noted in the comment letter, while the public comment period for the draft Workplan was open, the EQC directed DEQ to initiate rulemaking proceedings based on the petition. The timing of the Commission's action relative to the comment period did not prevent

organizations from commenting on the priority rating of any project proposed for the Workplan or whether the Three Basin Rule should be added as a high priority. Moreover, EQC's decision on Marion County's petition did not impact priority ratings for any project.

Suggested Change ID # 49

Comment: Narrative standards - aquatic trash and others

Commenter: 13

Description: See comment letter part IV. Other Considerations A. Additional Water Quality Standards

Commenters urge DEQ to prioritize setting numeric water quality standards for pollutants with only narrative water quality standards. The commenter states that numeric standards would create a pathway to develop TMDLs for these pollutants. As an example, they cite DEQ's lack of numeric criteria and reliance on a narrative water quality standard for aquatic trash, which makes it difficult to develop a plan to address the pollutant and uncertainty for attainment of the standard. There is regulatory precedent from the Los Angeles Regional Water Quality Control Board for a numeric aquatic trash water quality standard and a TMDL for DEQ to reference.

Response:

There are no federal recommended numeric criteria for trash. Development of numeric criteria for which there are not already national recommendations is resource and time intensive, and there is frequently insufficient scientific data and information to develop numeric criteria. States develop specific implementation procedures to develop methods or numeric values for determining impairment or setting pollution reduction targets or limits for narrative criteria. Narrative implementation procedures may involve factors like biological monitoring, habitat assessments, or statistical analysis of data in addition to specific numeric targets. These various approaches are protective of the designated use and can ensure the utilization of the latest scientific information and level of protection of the use. DEQ has two narrative implementation projects in progress and a third listed as a high priority in this Workplan.

Please note, that the absence of a numeric criterion does not absolve DEQ from the requirement to assess impairment for aquatic trash. In a 2023 memo[4], EPA directly addressed this by stating that trash is a pollutant to be regulated under the Clean Water Act. EPA states that the absence of assessment methodology does not preclude a state from the requirement to assess for the attainment of both numeric and narrative criteria. The draft 2024 Integrated Report included 11 assessments for aquatic trash, three of which resulted in an impairment

[4] EPA 2023. Memorandum: Information Concerning 2024 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions Recreational Water Quality Criteria. U.S. Environmental Protection Agency. Office of Water. https://www.epa.gov/system/files/documents/2023-03/2024IRmemo_032923.pdf. p. 13-15.

listing. In response to this comment, DEQ will add a low priority project to the Workplan to develop an aquatic trash numeric water quality criterion.

Suggested Change ID # 50

Comment: Waters of the State - project clarification

Commenter: 13

Description: Requests DEQ clarify what the projects would entail. Further, requests that DEQ ensure that it maintains the most protective definition of Waters of the State in light of the existing federal legal landscape and recent rollbacks on Waters of the United States protections.

Response: Oregon defines water of the state in ORS 468B.005 (10):

> *"Water" or "the waters of the state" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction."*

Oregon's definition of Waters of the State is comprehensive and DEQ is required to adhere to this definition for regulatory purposes.

The purpose of the waters of the state clarification project is to identify if and where there are instances that a water body may be a Water of the State (WOTS) but not a Water of the United States (WOTUS). This would mean that state regulatory actions on a water body that is a WOTS, but not a WOTUS, would not require additional federal approval or a federal permit. DEQ expects such waters to be few, which is reflected in the low priority of the project. DEQ will modify the project description to clarify this intent.

Suggested Change ID # 51

Comment: Bacteria - no feasible treatment to address seafood processing wastewater

Commenter: 5, 19

Description: Revision of the bacteria water quality standard, including inclusion of a mixing zone for seafood processing NPDES (wastewater) permits is essential. There are no treatment technologies available to address concentrations of fecal indicator bacteria to recreational standards in seafood processing wastewater.

Response:

The commenter provided this information as context and reason to request DEQ add a project to revise the relevant bacteria water quality standards or other guidance for implementing the existing standards. Commenters offer perspectives regarding the difficulty of treating seafood processing wastewater. Please see the responses to Comments #1 for responses to the specific requests for rulemaking and other projects associated with the water quality standards for bacteria.

Suggested Change ID # 52

Comment: Bacteria - Microbial source tracking has been performed at two different Oregon seafood processing facilities

Commenter: 19

Description: Microbial source tracking has been performed at two different Oregon seafood processing facilities, and human and gull have effectively been excluded as potential fecal sources of Enterococcus. Fish viscera could not be excluded as a potential source of Enterococcus to the wastewater samples analyzed from these two seafood processing plants. Enterococcus present in the facility's wastewater are likely comprised of environmental strains of indicator bacteria that reside in floor drains and sumps at the facilities.

Response: DEQ appreciates microbial source tracking efforts have been undertaken and will confirm that DEQ's water quality standards team has access to these studies. The commenter provided this information as context and reason to request DEQ add a project to revise the relevant bacteria water quality standards or other guidance for implementing the existing standards. Please see the responses to Comments #1 for responses to the specific requests for rulemaking and other projects associated with the water quality standards for bacteria.

Appendix C- 2024 Triennial Review Water Quality Standards Priority Projects

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue	DEQ Reasoning for Priority
In Progress High Priority Projects											
Toxics - narrative criterion	High – In Progress	OAR 340-041-0033	Review and update internal procedures to implement the narrative toxics criterion.	There may be an opportunity to better protect beneficial uses from toxic substances for which DEQ has no numeric criteria. Consider use of published Aquatic Life Benchmark values and other EPA guidance values or screening values. Consider chemicals on Oregon's Priority Persistent Pollutants list and pollutants of emerging concern. Review the status of Whole Effluent Toxicity testing as it relates to implementation of the narrative criterion	Ability to regulate toxic pollutants of concern that have no numeric criteria. Consider use of Toxics Units to evaluate whole effluent toxicity tests. Develop narrative translators for implementing narrative criteria in assessment and permits where needed.	Implementation procedures document	High	Medium	Medium	Potentially	Project in process; identified as priority during 2021 triennial review.
Algae - Nuisance algal growth (see also numeric nutrient criteria below)	High - In Progress	OAR 340-041-0007, OAR 340-041-0019, OAR 340-041-0021, OAR 340-041-0016	Consistent implementation of nuisance algal growth narrative criterion, chlorophyll-a action value, and pH and dissolved oxygen criteria to address nuisance algal growth or eutrophication problems.	DEQ has no implementation procedure guidance for assessing against the narrative nuisance algal growth criterion, nor how to address impairments in TMDLs, NPDES permits or 401 Hydropower certifications.	Develop narrative translators for implementing narrative criteria in assessment and permits. Targeted control of nutrient pollution where it is degrading water quality.	Implementation procedures document	Medium	Medium	Medium	No	Project in process; identified as priority during 2021 triennial review.

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue	DEQ Reasoning for Priority
Biocriteria - Assessment methodology update	High - In Progress	OAR 340-041-0011	Assist a cross-program team in updating assessment procedures to apply and implement the narrative biocriteria and identify stressors contributing to biological impairment.	To better understand where impacts to beneficial uses are occurring and develop methods for the stressor identification process.	Assist in cross-program efforts to develop procedures that more fully implement biocriteria and biological assessment methods in our programs.	Assessment methodologies, water quality standards guidance on Water Quality Program team to identify candidate stressors.	High	Low	Medium	Potentially	Project in process; identified as priority during 2021 triennial review.
Antidegradation Implementation Policy - Planned to begin early 2025	High - In Progress	OAR 340-041-0004	Revise antidegradation implementation procedures.	Oregon's antidegradation implementation procedures were developed in 2001. Since that time, DEQ has revised the policy. Current procedures include citations to the old rule and more recent clarifications are addenda to the IMD, rather than incorporated into the document. The addenda are memos prepared in response to specific issues outlined by EPA in a 2013 review of IMD. Permittees and permitting staff rely on IMD to interpret current policy, which occasionally leads to incorrect outcomes.	Clear implementation procedures.	Revised implementation procedures document	Medium	Medium	Medium	No	Identified as priority during 2021 triennial review. Needed to ensure consistent application of antidegradation rule in NPDES permits.
Revisions to Three Basin Rule	High	OAR 340-041-0350	Conduct a rulemaking to revise the Three Basin Rule in response to the Environmental Quality Commission's directive to initiate rulemaking.	Marion County submitted a rulemaking petition to DEQ to amend the Three Basin Rule, in relation to a proposed wastewater treatment plant along the North Santiam River. The Environmental Quality Commission directed DEQ to initiate a rulemaking to amend the rule.	Revisions to the Three Basin Rule	Revise Rule	High	High	Medium	Unknown	This project was designated a high priority due to EQC's direction for DEQ to initiate rulemaking in response to the Three Basin Rule petition.
High priority projects											

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue	DEQ Reasoning for Priority
Sedimentation	High	OAR 340-041-0007 (11)	Suspended and bedded sediment. Build on current knowledge and practice to develop methodologies and procedures for implementing narrative criterion.	Excessive sedimentation is one of the most pervasive pollutants nationally and statewide, but DEQ has no implementation procedures document describing how to apply this narrative criterion. As a result, there has been limited and inconsistent implementation. This is an important feature of spawning habitats, including endangered or threatened species. It is an important element of a properly functioning stream and floodplain. The importance is heightened by recent wildfires, which will likely lead to increased inputs of sediment.	Improved ability to prevent or remedy the impacts of sediment on threatened and endangered salmon, steelhead, Pacific Lamprey, and other native biota; and to protect healthy functioning streams in general.	Sediment narrative criteria implementation procedure.	High	Medium	Medium	No	This would provide high ecological value. It is a longstanding and unaddressed need of frequent stakeholder interest. There are EPA-approved methodologies that can be used as a starting point; DEQ has the data to develop site-specific reference-based benchmarks of impairment according to DEQ lab staff. As a result, we changed level of effort from high to medium for this project.
Designated Uses - Resident trout spawning inventory	High	OAR 340-041-0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Create a web map and/or GIS layer to inventory waters where DEQ applies dissolved oxygen spawning criteria for resident trout and for tracking of future determinations of resident trout spawning habitat.	DEQ created a commitment in finalizing the Aquatic Life Use Updates rule to create an inventory of resident trout spawning areas in order to incorporate new information closing data gaps about resident trout spawning use. It would be beneficial to fulfill this commitment in a timely manner while contacts with Oregon Department of Fish and Wildlife staff needed to assist the project are still fresh.	Capture where resident trout spawning is currently designated as well as where it has been determined DEQ does and does **not** need to apply criteria to protect resident trout spawning. Work with ODFW to identify data that can resolve data gaps identified during the Fish Use Update rulemaking.	Web page, web map, and/or GIS database with ability to update. Eventual update of designated uses with newly identified resident trout spawning habitat.	Medium	High	Low	No	DEQ created an obligation to complete this work as part of the 2023 Aquatic Life Use rulemaking. It is a priority in DEQ's funding agreement with EPA.

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Designated use - canals for water reuse (Bend, Clean Water Services, Klamath Falls, South Suburban Sanitary District)	High	OAR 340-041-0130 (Deschutes); -0180 (Klamath); -0271 (Rogue); -0340 (Willamette)	Review and, if necessary, correct designated uses to specific constructed canals that receive treated wastewater to allow for municipal water reuse.	Because of the broad way Oregon originally designated beneficial uses on a basin-wide scale, site specific uses, especially in constructed waterways, may need refinement. If designated uses in certain constructed waterways are inaccurate, they may pose regulatory barriers to water reuse. Particularly for aquatic life use subcategories pertaining to temperature, as well as other uses.	Revised use designations where appropriate, which clarify where criteria do/do not apply and adoption of criteria specific to revised uses, as necessary.	Beneficial use designation revisions. Rule amendment to update beneficial use tables by basin.	High	High	High	No	The Oregon Legislature directed DEQ to evaluate barriers to water reuse (House Bill 2010). Designated uses as applied to these specific canals may limit the potential for using recycled water to enhance municipal water reuse. There is uncertainty whether the uses designated for these canals are accurate or attainable.
Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria	High	OAR 340-041-0028	Review instances where national temperatures are higher than biologically based numeric criteria and if necessary, revise the temperature standard to establish site-specific alternatives that fully protect the designated use.	As DEQ completes temperature TMDL replacement projects, it is clear that in many waters of the state, the temperature attainable under natural condition greatly exceeds the currently assigned biologically based numeric criteria. it is important to establish the appropriate and protective temperature standard. When the numeric criteria were first adopted, it was recognized that naturally attainable temperatures would be higher in some waters and that the natural condition of waters is protective of designated uses.	Identify and evaluate regulatory options for addressing appropriate the criteria for waters where the temperatures attainable under natural condition is significantly higher than the water quality criteria for temperature currently applied. Options must fully protect designated uses, are scientifically credible and can be implemented efficiently. May include performance-based methods, site-specific criteria, variances, or other options to be determined.	Revise rule, develop site-specific criteria, develop variances, or other options.	High	High	High	Yes - disadvantaged communities not able to meet permit limits.	DEQ now has data, through the various TMDL modeling efforts conducted since 2003, to show that there is a wide gap between the natural temperature that rivers and streams can attain and the currently assigned biologically based numeric temperature criteria in many waters of the state. Administrative and permit compliance issues are becoming urgent. Project may rely on modeling results from TMDL replacement projects to better understand difference between system potential temperature and biologically based numeric criteria.

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Outstanding Resource Water adoption for Illinois River	High	OAR 340-041-0004; -0275	ORW adoption for Illinois River	DEQ received ORW nomination from Klamath-Siskiyou Wildlands Center. ORW adoption would protect water quality for valuable habitat. Potential threats from mining and marijuana farming.	ORW adoption with rules protecting outstanding water quality values.	Revise rule	Medium-High	Medium	Medium	Potentially	Need for protection of these waters because of habitat value and potential threats. May combine with ORW adoption for Rough and Ready Creek.
Outstanding Resource Water adoption for Rough and Ready Creek	High	OAR 340-041-0004; -0326	ORW adoption for Rough and Ready Creek	DEQ received ORW nomination from Kalmiopsis Audubon Society. Nomination not yet complete. ORW adoption would protect water quality for valuable habitat. Potential threats from mining and marijuana farming.	ORW adoption with rules protecting outstanding water quality values.	Revise rule	Medium-High	Medium	Medium	Potentially	Need for protection of these waters because of habitat value and potential threats. May combine with ORW adoption for Illinois River.
Temperature: Site-specific interpretation of Cool Water Species narrative for Malheur River basin.	High	OAR 340-041-0028	Develop protective temperature target for sensitive native cool-water species present in the waters designated for "Cool Water Aquatic Life" in the Malheur River basin.	A temperature target for the Cool Water Aquatic Life use is needed for completion of the Malheur River TMDL to meet the court-appointed deadline.	Numeric temperature target with supporting analysis and justification.	Section of TMDL Technical Support Document; Water Quality Standards Program memorandum.	High	High	Low	Unknown	Standards support is needed for completion of the Malheur TMDL within the court-appointed deadline.
Medium priority projects											
Bacteria – evaluate options to address relative risk from seafood processing effluent	Medium	OAR 340-041-0009	Revise mixing zone guidance for bacteria or establish site specific alternative recreational water quality criteria applicable to receiving waters for seafood processors.	Seafood processing facilities in Oregon may have difficulty in meeting permit limits for bacteria, which pose fewer risks to recreational users. In addition, DEQ's application of mixing zones in NPDES permits for seafood processing may need clarification.	Determine the data needs and policy options to develop alternative recreational criteria for waters contaminated by predominantly non-human Fecal Sources. Determine suitability of applying mixing zones for bacteria for seafood processors and update guidance, if necessary.	Priorities and data needs for adoption of site-specific criteria, if feasible, and/or updated guidance to clarify when and where mixing zones for bacteria from non-human sources may be allowed while ensuring protection of beneficial uses.	High administrative value. Low ecological value.	Medium	Medium	Unknown	Lack of resolution for this issue currently hinders completion of NPDES permit renewals for seafood processing facilities in Oregon.

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Outstanding Resource Water adoption for Steamboat Creek	Medium	OAR 340-041-0004; -0326	ORW adoption for Steamboat Creek	DEQ received ORW nomination from Trout Unlimited, Pacific Rivers, and American Rivers. ORW adoption would protect water quality for valuable steelhead habitat.	ORW adoption with rules protecting outstanding water quality values.	Revise rule	Medium	Low	Medium	Potentially	Need protection of these waters because of habitat value.
Algae - Harmful algal blooms. (See also Nuisance Algal Growth Narrative Procedures, in progress)	Medium	OAR 340-041-0007	Procedures to implement the narrative algal growth criterion for HABs, or revisions to the criterion, to better address harmful algae blooms.	There is an increasing incidence of harmful algae blooms in the state that impact recreation and human health. EPA has released recommendations for cyanotoxins for recreational uses and in drinking water. While DEQ lists waters as impaired using public health advisories for recreation and drinking water under our current narrative criteria, implementing corrective measures, such as TMDL's to determine the causes and control of nutrient discharges, are not currently in development.	Clear procedures for implementing the nuisance algal growth criterion, or revisions to the criterion, to address harmful algae blooms.	Procedure and/or Rulemaking to adopt new criteria	Medium	Medium	Medium-High	Yes	DEQ is implementing a statewide HABS strategy in collaboration with EPA, U.S. Geological Survey, and Oregon Health Authority to identify and issue advisories for HABs outbreaks. Advisories are used to make impairment listings on the 303(d) list. DEQ is also developing procedures to implement the narrative algal growth criterion which may include considerations for HABs.
Temperature - seasonal cold water subcategory	Medium	OAR 340-041-0028	Consider a “seasonal cold water” aquatic life use subcategory and criteria to replace or supplement "migration corridor" use in the temperature rule.	There is confusion about how the migration corridor use is defined because these waters support non-migratory uses beyond periods of peak summer temperatures. Evaluating application of human use allowance in such waters may assist in determining wasteload allocations.	Statewide or site-specific revisions to the temperature standard that protect uses, are scientifically credible, and can be implemented efficiently.	Rule modification	High	Low	High	No	This is a lower priority than addressing larger issues with the temperature standard; however, it could get incorporated into a higher priority project if DEQ decides to make other revisions to OAR-340-041-0028.
Drinking water	Medium		Review whether additional water quality criteria are needed to protect drinking water use, such as turbidity, TDS or toxics criteria.	There are toxic pollutants for which DEQ does not have ambient water quality criteria that could impact drinking source waters. Current turbidity and TDS criteria were not developed based on drinking water protection.	Gap analysis and identify whether additional criteria or criteria revisions are needed to protect drinking water source waters.	Report	Medium	medium	low	Yes	Could be of high value in limited locations. There is no immediate external driver. May be heightened urgency due to wildfires. Some work has been done on turbidity as part of 2010 assessment.

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Wetlands	Medium		Wetlands criteria development or guidance on application of existing criteria	The lack of wetland specific criteria or guidance regarding the application of current criteria to wetlands makes it more difficult for the water quality certification program to protect wetlands. Water quality criteria developed for freshwater may not be compatible with physical conditions or aquatic life specific to wetlands, making appropriate criteria and level of protection of designated uses in wetlands uncertain.	Improved ability to protect wetlands water quality, identify whether wetland specific criteria are needed.	Analysis of need for wetland specific criteria; guidance	Medium	Medium	High	Unknown	EPA's recommended national criteria for wetlands are narrative, which may not meet the objective of adding clarity for water quality implementation programs. Developing numeric criteria could require a high level of effort.
Designated Use - public water supply, constructed waterways, other	Medium	OAR 340-041-0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Use designation review and corrections. Correct designated uses for constructed waterways, irrigation canals and drainage ditches. (i.e. fish uses, fishing, boating, water supply, contact recreation). Review uses for estuarine waters, the Columbia Slough, alkaline lakes, Portland Harbor, Bear Creek, and others as needed.	Some waters have legacy use designations from the basin approach that do not reflect existing uses and may not be appropriate or attainable. Uses are not accurate and may pose barriers to water reuse and lead to inappropriate assessments.	Revised use designations where appropriate, which clarify where criteria do/do not apply.	Beneficial use designation revisions. Use Attainability Analysis and rule amendment to update beneficial use tables by basin.	Medium	Medium	High	No	The value would primarily benefit the assessment program. Permitted discharges to these waters are rare, so it may be best to focus on dischargers wishing to do water reuse, as described in a separate project in this table. UAAs will be required and can be resource intensive. DEQ is not aware of any pending actions that would make this an urgent need statewide.

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Rule clean up: Treatment criteria, TMDL provisions, Water Quality Limited Waters Rule.	Medium	OAR 340-041-0061	Review OAR 340-041-0061 to clarify purpose and consider moving parts of this rule to Div. 45. Move TMDL related provisions to the TMDL rule division. Move WQ limited waters rule.	Placement of certain implementation provisions in WQ Standards rules creates confusion. Lack of clear language in OAR-340-041-0061 has led to variation in the development for mass limits. Inconsistent or unclear language has led to confusion, variation and extensive permit delays due to public comments. For example, the water quality limited waters rule in 340-041-0004 pertains to water quality assessment and listings, not water quality standards.	Rules that are not water quality standards are moved to a more appropriate location within OAR 340 or withdrawn if redundant or unneeded.	Review or revised rule.	Medium	Low	Low	No	While this project would provide some administrative value, its value for environmental protection is likely low. There is low overall urgency associated with this project.
pH	Medium	OAR 340-041-0021; -0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Revise the pH criteria for the Crooked River, Columbia R. and some coastal basins.	Some pH criteria do not reflect the expected range of natural conditions (i.e. geology, rainfall, buffering capacity, etc.) of normal variability in pH.	Criteria that are protective of uses in the waterbody and are reflective of basin conditions.	Rule - site-specific pH criteria.	Medium	Low	Low	No	Once DEQ receives more information through current efforts, correcting these criteria could be packaged with another rulemaking with relatively low effort. DEQ does not currently have sufficient information to determine baseline conditions for pH in these waterbodies.
Toxics - human health criteria	Medium	OAR 340-041-0033	Do a thorough review of EPA human health criteria to determine whether Oregon is addressing HHC for which EPA has criteria.	The last HHC update in Oregon was performed in 2011, and there have potentially been other human health criteria recommendations that EPA has released since that time.	Review detailing the discrepancies between EPA recommended HHC and Oregon HHC	Report	High	Medium	Medium	Yes	This project has potentially high value for understanding how our state criteria compare with EPA's HHC and would require a medium amount of effort.

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Designated Uses - intermittent and ephemeral waterbodies	Medium	OAR 340-041-0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Water-body specific beneficial use designations. Identify intermittent/ephemeral streams in standards layers and appropriate beneficial use designations.	Higher-resolution hydrography and wider sampling has provided data/assessments in smaller tributaries and headwaters than in the past. Interested parties argue that the basin-wide beneficial uses do not make sense when applied to intermittent and ephemeral streams. Potentially applying criteria that are too strict to these waters.	DEQ could designate appropriate beneficial uses to these waterbodies. DEQ would know what streams are not covered under new Waters of the US rule, and therefore not subject to EPA approval of state actions.	Clarification to OAR-340-041-0101 to -0345 tables and/or maps.	High	Medium	High	No	Clarification of the beneficial causes that occur and need to be protected in intermittent and ephemeral waters would aid DEQ's programs in applying the necessary criteria accurately to these waters. However, the data and information needs for identifying beneficial uses are significant and may not be readily available. Additionally, the administrative requirements to develop Use Attainability Analyses for any updates would require significant resources to accomplish. The vast majority of waters where DEQ issues permits are in perennial rivers and streams where there is high confidence about the accuracy of currently designated uses.

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Toxics - Per- and Polyfluoroalkyl Substances (PFOA/PFOS)	Medium	OAR 340-041-0033	Consider adopting statewide criteria for PFOA/PFOS	Opportunity to address emerging contaminant issue.	Statewide criteria for PFOA/PFOS or guidance to implement benchmarks for PFAS with impacts to beneficial uses.	Rulemaking and change to toxic substances table.	High	Medium	High	Unknown	EPA has released freshwater aquatic life criteria and drinking water standards for PFOA/PFOS. Little to no information is available regarding emissions, fate and transport of PFAS in Oregon with which to evaluate new criteria and implementation options. It would be beneficial for DEQ to postpone adopting any new criteria until EPA finalizes national implementation guidance, and the new criteria have undergone Endangered Species Act consultation. DEQ is currently developing a Statewide PFAS Strategy. OHA is adopting PFAS drinking water criteria into state rule. OHA also issues health advisories that DEQ uses to identify impaired waters for the Integrated Report based on the current assessment methodology.
Aquatic Life Toxics Criteria - 6PPD-quinone	Medium	OAR 340-041-0033; OAR 340-041-8033	Develop aquatic life criteria for 6PPD-quinone based on EPA's Acute Aquatic Life Screening Values for Freshwater.	6PPD-quinone is toxic to aquatic life, especially Coho salmon, and potentially widespread in stormwater.	New toxic criteria	Rule - New criteria.	Low	Medium	High	Unknown	Little to no information is available regarding emissions, fate and transport of 6PPD-quinone in Oregon to evaluate new criteria and implementation options. DEQ will evaluate the potential to use the 6PPD-quinone screening values in toxics narrative implementation (see toxics narrative implementation guidance project, above).

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Selenium - evaluate implementation procedure options	Medium	OAR 340-041-0033; OAR 340-041-8033	Evaluate procedures to implement nationally recommended selenium criteria.	In its 2024 funding agreement, EPA requested DEQ add a project to evaluate adoption of implementation procedures for selenium aquatic life to the 2024 Triennial Review workplan and provide for public comment. Oregon would work with EPA to develop acceptable selenium implementation methods before initiating any rulemaking.	Implementation procedures or implementation policy options for latest nationally recommended selenium criteria.	Draft implementation procedures.	Low	Low	High	Unknown	This project was requested as part of the 2025-2026 Performance Partnership Funding Agreement between DEQ and U.S. EPA. DEQ recently evaluated whether to adopt the most recent nationally recommended selenium criteria as part of the 2024 Aquatic Life Toxics Criteria Rulemaking and concluded that detailed implementation procedures are needed for successful adoption of the new criteria. DEQ is awaiting the completion of EPA's national implementation guidance for selenium criteria and the outcome of federal promulgation of selenium criteria for California to inform any procedures. Oregon has existing water quality criteria for selenium and data on ambient selenium show low concentrations in Oregon waters.
Low priority projects											

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Use Attainability Analysis procedures	Low		Develop clear and efficient procedures for completing use attainability analysis. Review and update DEQ's procedures for conducting a UAA.	DEQ would benefit from procedures to ensure the process is clear, efficient and meets federal requirements. This could build on the work on the variance implementation procedure.	Working with EPA, develop clear and efficient procedures for both DEQ and EPA to improve the use of this tool where it is appropriate.	Procedures/Implementation procedure	Medium	Low	Medium	No	UAAs and site-specific criteria can be adopted if needed without a procedures document. Because to date these have been rare, a procedures document has less value than it would for procedures applied more frequently. On the contrary, clear efficient procedures may make these tools more usable where they are appropriate and could lead to efficiencies on other projects, such as examining uses in canals and intermittent and ephemeral streams.
Outstanding Resource Water adoption for Metolius River	Low	OAR 340-041-0004; -0130	ORW adoption or Tier 2.5 antidegradation level for Metolius River	DEQ received ORW nomination from Friends of the Metolius, Northwest Environmental Defense Center. Adoption would protect water quality for valuable bull trout habitat and temperature while allowing some flexibility for current land use.	Tier 2.5-type antidegradation adoption with rules protecting outstanding water quality values but allowing some flexibility for existing land use.	Revise Rule	Medium	Medium-Low	High	Yes	Risks to project success are too great, especially if CTWS has concerns. Also concerns from residents.
Natural Conditions Criteria	Low		Method to efficiently address situations where criteria are not attainable due to natural conditions.	Oregon's general “natural conditions” criterion was disapproved. DEQ needs to be able to address situations where natural conditions for various parameters exceed numeric criterion. This could include temperature, or temperature may be addressed in separate project. (See project: Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria, above)	An efficient and scientifically appropriate method to assess naturally occurring pollutants and establish appropriate water quality objectives. This will allow the state to target pollution control and restoration resources to areas with the potential for improvement.	Rule - Site specific criteria or new natural conditions provision. Or variances - waterbody, MDV or individual.	Medium	Low	Low	No	Not a situation that seems to be impacting our programs frequently. Site specific criteria could be an alternative. May benefit from a delay to observe the outcome of Washington Ecology's performance-based natural conditions rulemaking effort.

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Turbidity - implementation (see Turbidity - criteria below)	Low	OAR 340-041-0036	Turbidity - implementation procedures; staff training	DEQ has no formal procedures to apply the existing criterion.	Improved ability to use turbidity criterion for CWA programs	IMD	Medium	Low	Medium	No	Low urgency, DEQ is not aware of actions being impeded by this problem and there are no external deadlines.
Toxics - human health variances	Low	OAR 340-041-0033, -0059	Site specific criterion or variance for permittees that cannot attain the arsenic criterion. Variances to address other unattainable numeric toxics criteria.	Some permitted facilities may not be able to meet limits due to natural background levels of arsenic and the high cost to remove it through treatment. Variances or site-specific criteria may be needed. There may be a need for other metals or toxics criteria that are unattainable. for naturally occurring, variable pollutants, such as temperature, dissolved oxygen and nutrients	Allow permits to be issued that contain permit requirements that can ultimately be achieved and pollutant reduction requirements.	Rule - UAA and Site-Specific Criterion or Variances	Low	Low	Medium	Potentially	The need is unclear. To date no variances or SSC have been requested.
Outstanding Resource Waters	Low	OAR 340-041-0004	Develop screening criteria and a list of nominated waters for ORW adoption. The current approach is to adopt a site-specific standard for each ORW rulemaking. The new approach would be to adopt ORW rule with the same protection.	The process to add ORWs could be clarified to make future ORW adoptions more efficient. DEQ developed a nomination process and fact sheet to allow outside parties the opportunity to suggest waters for ORW adoption; this project would potentially result in DEQ identifying waters for adoption outside of the nomination process.	Clear screening criteria and process outline to standardize the ORW process. New waters can be easily added to the ORW waters list.	Rule or IMD - ORW adoption and protection policy	Low	Low	Medium	Potentially	This project would address an ongoing need for DEQ to nominate ORWs under its antidegradation policy. DEQ initiated an external ORW nomination process and is relying on that process to identify waters that are important to protect under its ORW policy. Therefore, it is not urgent relative to other projects.

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Three Basin Rule - evaluate need for revisions or clarifications (see also Three Basin Petition, above)	Low	OAR 340-041-0350	Amendments or clarifications to the three-basin rule may need to be evaluated regarding the conditions under which DEQ will issue permits, require stormwater controls, provide 401 certifications, or others.	Language of the Three Basin Rule may need to be wholistically examined for clarity and suitability for meeting the original policy goals of the rule. The scope of the current high priority project is narrow and may not address other needed clarifications.	Recommendations on rule interpretation memos or rule amendment options to clarify the rule language.	Proposal for rule interpretation memo or rule amendments to be considered.	Medium	Uncertain	Low to Medium	No	The EQC directed DEQ to revise the Three Basin Rule in response to a petition (see Three Basin Petition Project, above). If needed, evaluate whether clarifications need to be addressed through rule revision, or if an interpretation memo would suffice. An interpretation memo would be a lower effort and could result in a higher priority rating for this project.
Numeric Nutrient Criteria – for priority waterbodies (see also Nuisance Algal Growth Narrative Procedures, in progress)	Low		Adopt numeric nutrient criteria for priority waterbodies. (See above for the option to develop procedures to apply the nutrient and algal growth narrative criteria and the Chlorophyll-a, DO and pH criteria as an alternative.)	Waterbodies are being impacted or are vulnerable to impact from nutrients. Consider adopting site specific numeric nutrient criteria for priority waterbodies. EPA has developed procedures for developing numeric nutrient criteria for lakes under 304a. Unclear if procedures trigger requirements for states to adopt criteria.	Evaluate the value of numeric nutrient criteria for lakes or other sensitive waters. The value may be limited as DEQ does not permit discharges to lakes, or if we can manage nutrients adequately with existing narrative and numeric criteria.	Rule - Criteria - New	Low	Low	High	Unknown	DEQ is reviewing the potential need for site-specific numeric nutrient criteria and will make a recommendation as part of the nutrient narrative procedures project (see above). DEQ addresses nutrient pollution through other standards that more closely measure the potential impact to beneficial uses (dissolved oxygen, pH, chlorophyll a, narrative criteria for algal growth and biological criteria. Nutrients can be addressed on a waterbody basis through existing criteria and TMDLs. Lakes tend to be the most vulnerable to nutrient pollution, but DEQ does not permit NPDES discharges to lakes.

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Ocean acidification - Marine pH standard	Low	OAR 340-041-0021	Revise marine pH criteria or adopt additional criteria to protect aquatic life from ocean acidification.	Current marine pH criteria may not capture all biologically relevant impacts to aquatic life from ocean acidification.	Criteria that can be used to assess coastal water conditions for ocean acidification.	Rule - Criteria - New rule interpretation memo, assessment methodology	Low	Low	Medium	Unknown	For the 2024 Integrated Report, WQA staff in collaboration with a technical workgroup developed an assessment methodology for Ocean Acidification (OA) using the narrative biocriteria water quality standards. OA can be assessed using current narrative criteria and other appropriate scientific information. Current science is not adequate to develop numeric criteria for ocean acidification. Limited ability for regulatory enforcement actions within Oregon to offset global-scale drivers of ocean acidification.
Pathogens	Low	OAR 340-041-0009	DEQ is not aware of a need for additional pathogen criteria to protect recreation or shellfish consumption uses. EPA has not published recommended criteria.	Concern that bacteria criteria are not sufficient to protect human health from viral pathogens when recreating in waters of the state or consuming shellfish.	New criteria for waterborne pathogens, including viruses.	Rule - Criteria - New	Low	Low	High	Unknown	EPA has not yet published criteria for viral pathogens. There is not yet a measurement method. DEQ is not aware of an issue with illness that is not addressed using the current bacteria criteria.
Total Dissolved Solids	Low	OAR 340-041-0032	Review and update the total dissolved solids criteria.	How to apply the criteria is not clear. The relationship of the criteria to use protection and the variability of the criteria among basins need review. The criteria vary by basin without a known reason for the differences.	Implementation procedures regarding these "guide values," or update criteria based on new science.	Procedures or Rule - Modification	Medium	Low	Medium	Unknown	DEQ is not aware of an urgent need to address this issue.

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Turbidity - criteria (see implementation above)	Low	OAR 340-041-0036	Revise turbidity criteria to ensure protection of beneficial uses (fish and wildlife and drinking water) and to resolve issue of application of the criteria at low levels.	Current criteria are difficult to measure and implement in permitting, TMDL and assessment. DEQ has implementation procedures for turbidity in 401. Criteria are not connected to beneficial use impacts. The criteria are difficult to implement and overly conservative at low turbidity levels, i.e. less than 5 NTUs.	Criteria that reflect scientific literature on the impacts of turbidity on designated uses; improved ability to use turbidity criterion for Clean Water Act programs	Rule - Modification - Criteria	Medium	Low	High	Unknown	DEQ initiated efforts to revise the turbidity standard in 2009 - 2011, but the rulemaking was not completed. Lack of urgency expressed by many DEQ staff and external interested parties.
Waters of the State	Low		Clarify what waters are waters of the state (WOTS) versus waters of the U.S. (WOTUS) in light of recent case law (ephemeral v. intermittent, hydrologic connection v. off channel, etc.).	The purpose of the project would be to identify if and where there are instances that a water body may be a Water of the State but not a Water of the United States. This would mean that state regulatory actions on the water body would not also require additional federal approval or a federal permit. With availability of finer scale hydrography layers, the distinction between WOTUS and WOTS is becoming an issue.	Clarity about which waters are regulated under the federal Clean Water Act and how Oregon implements the CWA and state regulations.	Rule - Designation/Definition - guidance	Low	Low	Medium	Unknown	Oregon's definition of Waters of the State (WOTS) is broadly inclusive, so there may not be much value to this, other than to understand where EPA does not have oversight and approval over state actions. This likely requires a high level of effort and would require site specific information and case by case analyses. DEQ expects the occurrence of such waters to be few, which is reflected in the low priority of the project.
Rule clean up: all water quality standards Division 41	Low	OAR 340-041	A thorough review of all the water quality standards in Division 41 for inconsistencies.	Inconsistencies in water quality standards Division 41 rules may be confusing, outdated, or ambiguous.	A review of water quality standards Division 41 rules and subsequent rulemaking to make adjustments.	Rulemaking to clean up existing water quality standards rules	Low	Low	Medium	Unknown	While this project would require medium effort, its value would likely be low. There is low urgency associated with this project.

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue	DEQ Reasoning for Priority
Dissolved Oxygen - freshwater use revisions	Low	OAR 340-041-0016	New approaches to aquatic life use categories, such as tiered uses, “biological gradient” or a dual response approach where the parameter (i.e. temperature, sediment or nutrient) may be considered together with biological data for applying numeric dissolved oxygen criteria.	Opportunity to re-align DO and temperature fish uses for clarity for the public and for implementation. More accurately reflect needs of aquatic communities and natural thermal potential of waterbodies relative to places and times the protective criteria are applied.	Re-conceptualize aquatic life fish use sub-categories for dissolved oxygen. Affecting geographic extent and application of DO criteria.	Revisions to dissolved oxygen rule OAR-340-041-016.	Medium	Low	High	Unknown	Reclassification of fish & aquatic life beneficial uses for dissolved oxygen, temperature, or both would be resource intensive to develop and to adopt because of the need for extensive Use Attainability Analyses. Additionally, EPA approval of the 2023 rule updates to Oregon's fish & aquatic life use designations are still pending.
Dissolved Oxygen - Marine criteria revisions	Low	OAR 340-041-0016	Revise dissolved oxygen criteria for marine waters. Evaluate implementation procedures for measuring deviation from baseline, or numeric dissolved oxygen criteria for marine waters to address ocean hypoxia.	The current narrative marine dissolved oxygen standard is difficult to interpret and apply. Replacing the current narrative standard with a numerical standard.	New marine criteria for dissolved oxygen or clear narrative implementation procedures.	Rule - New Criteria; Narrative interpretation and implementation procedures.	Low	Low	High	Unknown	Adopting numeric marine dissolved oxygen criteria would require the state to develop numeric criteria, which is complex and may lack the necessary data. EPA only has nationally recommended numeric marine criteria specific to a region on the east coast of the U.S. Ocean hypoxia is currently being addressed through assessment of the narrative and this may be sufficient to identify threats to fish and aquatic life. Given that many of the factors affecting ocean hypoxia are global in scale, there is limited environmental benefit from controls within the ability of DEQ to implement.

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Nuisance phytoplankton growth - estuarine waters	Low	OAR 340-041-0019	Develop a chlorophyll-a action value or other indicators of excessive plant or phytoplankton growth for estuarine waters. Because this is an action value, not a criterion, it does not need to be adopted by rule. It could be included in procedures to apply the narrative algal growth criterion.	The current chlorophyll-a guidance value is based on freshwater conditions.	New chlorophyll-a action value or other indicator of excessive plant or phytoplankton growth in estuarine waters.	New benchmark or criterion.	Low	Low	Medium	No	EPA suggested that DEQ consider these action values for estuaries in the 2021 Triennial Review. Other comments received in the 2021 Triennial Review did not recommend DEQ spend time and resources on the development of a chlorophyll-a action value for estuaries ahead of other water quality standards work.
Aquatic Trash – numeric criteria	Low	NA	Set numeric water quality standards for pollutants with only narrative water quality standards.	In 2024, EPA published a memo that directly addressed trash as a pollutant to be regulated under the Clean Water Act. DEQ has also developed a methodology for assessing impairment by aquatic trash under the statewide narrative criteria. The absence of statewide numeric water quality criteria may hinder determining and responding to aquatic trash impairment.	New numeric criteria for aquatic trash	New criterion.	Low	Low	High	Unknown	DEQ has a narrative criterion that addresses aquatic trash and developed an assessment methodology for the narrative. DEQ listed waterbodies for trash impairment beginning with the 2024 Integrated Report. Since a TMDL may not be the most effective tool for reducing aquatic trash and DEQ does not issue permit limits for trash the overall priority was determined to be low.

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Antidegradation – Adopt narrative provision for attainment of downstream water quality standards	Low	OAR 340-041-0004	Evaluate current protections for downstream water quality protection and gap analysis. If needed, adopt a narrative provision applicable to all waters within its jurisdiction that provides for the attainment and maintenance of downstream water quality standards.	40 CFR 131.10(b) requires states to take into consideration the water quality standards of downstream waters and ensure that water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters in the Designation of uses and adoption of the appropriate criteria for those uses. The EPA recommends that Oregon adopt a narrative provision that explicitly acknowledges this requirement in the state's water quality standards.	Narrative provision for the attainment and maintenance of downstream water quality.	New narrative provision.	Low	Low	Medium	Unknown	This is a low priority because DEQ currently follows several of EPA's recommendations for Protection of Downstream Waters in the way it designates beneficial uses and applies water quality standards. Furthermore, DEQ has some antidegradation provisions for high quality and Outstanding Resource Waters that directly address maintenance of downstream water quality. DEQ would need to evaluate what are the gaps in downstream water protection and what is the best way to address those.