

Notice of Proposed Rulemaking

Aug. 10, 2026

Umpqua River Basin Temperature Water Quality Management Plan

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Introduction

The Oregon Department of Environmental Quality invites public input on proposed permanent rule amendments to Chapter 340 of the Oregon Administrative Rules.

Request for other options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

Consistent with ORS 468B.110 and OAR Chapter 340, Division 42, DEQ proposes the Umpqua River Basin Water Quality Management Plan for Temperature to implement the 2025 Umpqua River Basin Temperature Total Maximum Daily Load. The WQMP will be proposed for adoption by the Environmental Quality Commission, by reference, into OAR 340-042-0090.

The U.S. Environmental Protection Agency issued the 2025 Umpqua River Basin Temperature TMDL on June 27, 2025, as part of the court-ordered replacement of Oregon temperature TMDLs that relied on the former Natural Conditions Criterion. DEQ developed the WQMP to establish the implementation framework for achieving the TMDL allocations and attaining applicable water quality standards. The proposed rule primarily affects designated management agencies, National Pollutant Discharge Elimination System permit holders, and other responsible persons identified in the WQMP. DEQ developed the proposal through a public rulemaking process that included Tribal outreach, stakeholder engagement, and a Rule Advisory Committee. The rule may result in fiscal impacts for some responsible persons, as described in the Fiscal and Economic Impact Statement.

Procedural summary

More information

Information about this rulemaking's webpage: [Umpqua River Basin Temperature Water Quality Management Plan](#).

Public hearings

DEQ plans to hold one virtual public hearing. Anyone can attend the hearing by [Zoom webinar](#) or teleconference.

Date: Sept. 22, 2026

Start time: 5:30 p.m.

[Join Zoom webinar instructions](#)

Join by phone:

Dial In: 669 900 6833

Meeting ID: 864 6607 9869

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, mail, or at the public hearing.

- Email: Send comments by email to: umpqua.tmdltemperature@deq.oregon.gov
- Postal mail: Oregon DEQ, Attn: Sarah Norpchen, 221 Stewart Ave., Suite 201. Medford, OR 97501
- At virtual public hearing: 5:30 p.m., Sept. 22, 2026

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on **Sept. 24, 2026**.

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

Signing up for notifications via [Granicus Communications](#).

Signing up on the rulemaking website: [Umpqua River Basin Temperature Water Quality Management Plan](#)

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ's intended timeline to submit the proposed rule changes to the commission is at their meeting on March 11-12, 2027.

Statement of need

What need would the proposed rule address?

The proposed rule adopts the Umpqua River Basin Water Quality Management Plan for Temperature to implement the 2025 Umpqua River Basin Temperature Total Maximum Daily Load issued by the U.S. Environmental Protection Agency on June 27, 2025. EPA issued the TMDL as part of the court-ordered replacement of Oregon temperature TMDLs that relied on the former Natural Conditions Criterion. Under OAR 340-042-0040(8), DEQ developed the WQMP to provide the implementation framework needed to achieve the TMDL allocations and attain applicable water quality standards.

How would the proposed rule address the need?

The proposed rule would adopt the Umpqua River Basin Water Quality Management Plan for Temperature by reference into OAR 340-042-0090 to implement the 2025 Umpqua River Basin Temperature TMDL.

How will DEQ know the rule addressed the need?

The need will be addressed when the Environmental Quality Commission adopts the WQMP by rule, establishing the implementation framework for the 2025 Umpqua River Basin Temperature TMDL.

Federal relationship

ORS 183.332, 468B.110 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules implement federal requirements found in 40 CFR 130.7(c). Under the federal Clean Water Act, the state is required to establish TMDLs for water quality limited segments of waterways listed on the submittal required by Clean Water Act Section 303(d).

Rules affected, authorities, supporting documents

Lead division

Water Quality

Program or activity

Watershed Management

Chapter 340 action

Amend – 340-042-0090

Statutory authority – ORS

ORS 468.020, 468.065, 468B.030 & 468B.035

Statutes implemented – ORS

ORS 468B.020 & 468B.110

Documents relied on for rulemaking

- [DEQ's Oregon Administrative Rules 340-042-0080 Implementing a Total Maximum Daily Load](#)
- [Umpqua River Basin Temperature Water Quality Management Plan rulemaking webpage](#)
- [US Environmental Protection Agency Umpqua River Basin Temperature TMDL](#)

Rules summary

OAR chapter 340, division 42

Rule Number	Rule Title	Explanation
340-042-0090	Total Maximum Daily Loads and Water Quality Management Plans	The rule is being amended to include the Umpqua River Basin WQMP

Fee analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and economic impact

Issuance and implementation of the rule may impose fiscal and economic costs on entities in the Umpqua River Basin, including private agricultural and forestland operations, local governments, special districts, utilities, federal and state agencies, and entities holding National Pollutant Discharge Elimination System permits. DEQ does not have sufficient data to fully quantify all costs associated with meeting TMDL allocations.

Previously named responsible persons may face additional costs to meet new requirements not included in the [2006 Umpqua Basin WQMP](#). Newly named responsible persons may incur costs for developing implementation plans, carrying out management strategies, conducting monitoring, reporting on progress, and completing required periodic reviews.

This fiscal and economic impact statement does not quantify the costs of ongoing water quality impairments or the potential economic and ecological benefits of improving water quality and achieving beneficial uses. The rule requires responsible persons to implement the WQMP, which helps achieve TMDL allocations and attain water quality standards. Water pollution can harm communities throughout the Basin and downstream, including commercial, recreational, and subsistence fishing communities. It can also impose economic and ecological costs, such as impacts on fish populations, recreational opportunities, Tribal cultural lifeways, and water treatment. These externalized costs may disproportionately affect Indigenous, rural, minority, and low-income communities in Oregon.

Some entities may qualify for technical or financial assistance through state or federal programs.

Statement of cost of compliance

Entities may incur administrative, planning, and implementation costs to comply with this rule. DEQ does not have sufficient data to fully quantify potential economic impacts on landowners, businesses, agencies, or local governments. Several factors affect compliance costs, including:

- Whether the responsible person is already implementing a temperature TMDL or is newly identified as responsible.
- Existing strategies in some locations may already reduce or prevent exceedances of temperature criteria.
- Costs vary depending on the temperature management strategies selected.
- Some locations may require multiple temperature management strategies.
- Site-specific conditions can affect the complexity and cost of implementation.

- Project size, location, and site complexity affect cost efficiency; large rural projects often benefit from lower per-acre rates compared to smaller urban projects.
- Existing infrastructure, such as buildings or roads, may limit implementation options.
- Required permits, including associated fees, may increase implementation costs.
- Costs are associated with establishing and maintaining temperature management strategies, including ongoing monitoring, maintenance, and replacement of project components over time.
- Organizational capacity, including staff time, technical expertise, and access to contractors, affects feasibility and cost.
- Funding availability and match requirements influence the scale and pace of implementation.
- Implementation may reduce the amount of productive agricultural or commercial forest land available, resulting in economic impacts tied to lost production or reduced land use flexibility.
- DEQ does not have complete information to identify all potential sources or determine which actions responsible persons may need to take to meet temperature criteria.
- Temperature load allocations are assigned by source sector, not by individual entities or properties.

Based on recent OWEB application project budgets in the Umpqua River Basin, the cost of stream restoration typically ranges from \$8,000 to \$35,000 per acre.

- Projects at the lower end of this range include planting, limited fencing, and minimal infrastructure.
- Projects in the middle of this range often include moderate site preparation, invasive species control, fencing, planting, and some engineered features like hardened crossings or livestock watering systems.
- Projects at the higher end of this range generally include more intensive restoration with high planting densities, complex site conditions, engineered infrastructure, and multi-year maintenance commitments.

These estimates primarily reflect large rural restoration projects. Urban restoration projects may cost substantially more because of site constraints, existing infrastructure, property owner coordination, access limitations, vandalism concerns, and longer-term maintenance requirements. For example, the City of Medford estimates urban restoration costs ranging from approximately \$36,000 to \$96,000 per acre for installation, plus \$6,500 to \$15,500 per acre per year for 10 years of maintenance. Passive restoration activities, such as ceasing mowing in streamside areas may be lower cost.

Entities holding NPDES permits may incur costs to comply with discharge limits that reflect revised TMDL wasteload allocations. Individual permit holders include two agencies, nine local governments, six special districts, and three private businesses. General permit holders include two agencies, 14 local governments, six special districts, one utility, and 71 private businesses. These entities may need to invest in capital improvements, operational changes, or additional monitoring to achieve compliance. Some permit holders have no additional nonpoint source responsibilities and are required only to meet their NPDES limits.

The WQMP identifies funding resources available to support entities in meeting TMDL allocations, surrogate measure targets, and other WQMP implementation requirements. Resources include state and federal grants (such as the [Oregon Watershed Enhancement Board](#) and Clean Water Act Section 319 nonpoint source implementation grants) and Clean Water State Revolving Fund loans, which may include principal forgiveness for public entities. Additional resources are listed on [DEQ's Water Quality Funding Resource webpage](#) and [EPA's watershed protection](#) and [financing guidance pages](#).

Federal agencies

ORS 183.332, 468B.110 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The rule will have a fiscal impact on federal agencies identified as DMAs. Federal DMAs must develop and carry out nonpoint source temperature TMDL implementation plans. They will likely incur administrative and operational costs to prepare, implement, and revise their plans.

U.S. Bureau of Land Management is an existing DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on BLM-managed lands. DEQ found that existing Riparian Reserve protections in BLM's [Northwestern & Coastal Oregon](#) Record of Decision and Resource Management plan and [Southwestern Oregon](#) Record of Decision and [Resource Management Plans](#) are sufficient to attain TMDL load allocations. BLM will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

U.S. Forest Service is an existing DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on USFS managed lands. DEQ found that existing riparian reserve protections in USFS's [Northwest Forest Plan](#) are sufficient to attain TMDL load allocations. USFS will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

State agencies

The rule will have a fiscal impact on state agencies identified as DMAs that are required to develop and implement nonpoint source temperature TMDL implementation plans. These DMAs will likely incur administrative and operational costs to prepare, implement, and revise their plans.

Oregon Department of Environmental Quality directs some responsible persons to develop and implement TMDL implementation plans to address load allocations from nonpoint sources and incorporates revised TMDL wasteload allocations into NPDES permits during issuance and renewal. DEQ carries out both NPDES permitting and TMDL implementation plan oversight using existing TMDL program resources. Therefore, the agency expects to absorb any additional workload from the rule within current resources, with no new fiscal burden.

Oregon Department of Forestry is an existing DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on non-federal forest

lands, including the Elliot State Forest. ODF has agreed to develop a TMDL implementation plan to be submitted to DEQ for review and approval. ODF may need to take additional management actions to meet TMDL load allocations and effective shade targets. ODF will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

Oregon Department of Agriculture is an existing DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on non-federal agricultural lands. ODA has agreed to develop a TMDL implementation plan to be submitted to DEQ for review and approval. ODA may need to take additional management actions to meet TMDL load allocations and effective shade targets. ODA will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

Oregon Department of Transportation is an existing DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on ODOT-managed lands, excluding stormwater conveyances covered by the current DEQ administered Municipal Separate Storm Sewer System (MS4) permit. ODOT will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

Oregon Department of Fish and Wildlife is a new DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on ODFW-managed lands. ODFW will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

Oregon Parks and Recreation Department is a new DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on OPRD-managed lands. OPRD will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

Local governments

The rule will have a fiscal impact on thirteen local governments; all identified as DMAs in previous TMDLs. They will likely incur administrative and operational costs to update their existing nonpoint source temperature TMDL implementation plans to comply with the new WQMP requirements.

Douglas County is an existing DMA that must develop and carry out an implementation plan to meet TMDL allocations on lands and reservoirs under the County's jurisdiction. Douglas County will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting. There will be a substantial cost to actively restore riparian shade in areas within their jurisdiction as well as an ongoing cost to maintain planted areas. The county must also conduct water temperature monitoring and assessment at Galesville and Ben Irving Reservoirs, which could result in additional costs. Based on monitoring results, DEQ may require plan amendments. Implementing reservoir temperature mitigation could lead to significant expenses.

The cities of Reedsport, Elkton, Drain, Yoncalla, Sutherlin, Oakland, Roseburg, Myrtle Creek, Winston, Canyonville, Riddle, and Glendale are existing DMAs that must develop and carry out implementation plans to meet TMDL allocations on lands under municipal jurisdiction. They will likely incur administrative and operational costs to develop plans and carry out the related management, monitoring, and reporting. There will be a substantial cost to actively restore riparian shade in areas within their jurisdiction as well as an ongoing cost to maintain planted areas.

Financial incentives and technical assistance programs are available to help local governments implement the actions needed to meet TMDL allocations. Grants and low-interest loans can support water quality assessments, pollution control measures, watershed restoration projects, and other landscape improvements necessary to achieve temperature load allocations.

Utilities

PacificCorp is a new DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations associated with [North Umpqua Hydro Project](#). PacificCorp must also conduct water temperature monitoring and assessment of the North Umpqua Hydro Project, which could result in additional costs. Based on monitoring results, DEQ may require PacificCorp to amend its plan or the 401 Water Quality Certification. Implementing reservoir temperature mitigation could lead to significant expenses.

Responsible persons not required to submit implementation plans

The WQMP identifies thirteen new responsible persons who are not required to develop TMDL implementation plans at this time: Bonneville Power Administration, Central Oregon & Pacific Railroad, Coos Bay Rail Link, Highland Ditch Irrigation District, Jackson County, Klamath County, Lane County, Longview, Oregon Department of State Lands, Portland & Northern Railroad, Port of Umpqua, Sutherlin Water Control District, U.S. Department of Agriculture, Union Pacific Railroad, Winchester Water Control District. These responsible persons are expected to comply with the WQMP and will likely incur cost to implement the TMDL. If conditions or information changes, DEQ may require these responsible persons to submit a plan. In that case, the responsible person would likely incur costs for plan development and implementation.

Public

The WQMP does not impose direct costs on the public. It establishes requirements for responsible persons, who may pass costs through fees, water rates, rule changes, or other mechanisms, depending on the type of entity and applicable authorities, to comply with TMDL requirements. Financial incentives and technical assistance programs are available to help local governments, businesses, and private landowners implement the actions needed to meet TMDL allocations. Additional programs support agricultural and private forest landowners, operators,

ODF Stewardship Foresters, and Soil and Water Conservation Districts in implementing management strategies needed to meet TMDL requirements.

The public and Tribal Nations may benefit from the long-term ecological and cultural advantages of cooler water temperatures, which are essential for the recovery of threatened native species, including steelhead trout (*Onchorhynchus mykiss*), Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Onchorhynchus kisutch*), coastal cutthroat trout (*Onchorhynchus clarki clarki*) and Pacific lamprey (*Lampetra tridentata*). The rule supports the goals of the [Oregon Plan for Salmon and Watersheds](#), a statewide initiative promoting both regulatory and voluntary actions to restore native fish populations and improve watershed health.

By addressing temperature impairments, the proposed rule implements state and federal recovery plans that identify elevated water temperature as a limiting factor. These include the [Coastal, Columbia, and Snake Conservation Plan for Lampreys in Oregon](#), the [Oregon Coast Coho Conservation Plan](#), and the [Recovery Plan for Oregon Coast Coho Salmon](#).

The rule may also strengthen Oregon's economy, quality of life, and water security for future generations. In 2021, the [marine salmon and steelhead fishery generated \\$52.4 million](#) in coastwide income, and [recreational angling generated \\$1.1 billion](#) in economic impact. In Douglas County, fishing contributed nearly [\\$10 million in spending in 2019](#), supported 102 jobs, and generated \$504,979 in state and local tax revenue. Cooler streams can also improve drinking water quality, reduce public health risks associated with harmful algal blooms, and improve recreational opportunities, particularly during droughts and heatwaves.

Large businesses - businesses with more than 50 employees

DEQ reviewed 2024 data from the [Oregon Employment Department](#) to identify large businesses operating in Douglas County that could be affected by the rule. Thirteen large businesses hold NPDES permits, including one with an individual permit. These large businesses may incur costs to invest in capital improvements, operational changes, or additional monitoring to meet discharge limits based on TMDL wasteload allocations.

Large businesses are not directly regulated under the rule. Responsible persons may change management practices to meet TMDL load allocations, and these changes may indirectly affect large businesses. Agricultural and timber operations are most likely to be affected because they account for a substantial portion of streamside land use and influence streamside vegetation and shading. Affected operations could include three timber tract operations and four businesses that provide support services for agriculture and forestry. Indirect fiscal impacts may include additional labor or operational modifications.

Small businesses – businesses with 50 or fewer employees

ORS 183.336 - Cost of Compliance for Small Businesses

DEQ used 2024 data from the [Oregon Employment Department](#) to identify small businesses in Douglas County. Fifty-five small businesses hold NPDES permits, including two with individual permits. These small businesses may need to upgrade systems, adjust operations, or conduct

additional monitoring to comply with discharge limits that reflect updated TMDL wasteload allocations.

Small businesses are not directly regulated under the rule. Responsible persons may change management practices to meet TMDL load allocations, and these changes may indirectly affect small businesses. Agricultural and timber-related operations are most likely to be affected because they represent a large portion of streamside land use. These effects could also extend to small private woodland owners not classified as businesses in OED's database. Indirect fiscal impacts may include additional labor, equipment, materials, or administrative effort.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

DEQ identified 2,580 registered small businesses in Douglas County based on [Oregon Employment Department](#) data. This dataset includes only registered businesses. Of these, 33 are agricultural businesses and 85 are timber-related businesses that may be affected if they operate within streamside areas. Small private woodland owners not classified as businesses may also experience indirect impacts.

DEQ used Douglas County Assessor data (2023) to characterize land use and industries not fully captured in the registered business data. This analysis identified approximately 37,576 privately owned parcels that include streamside acreage. Of these, 7,580 parcels (174,586 acres) are designated as farm use (property class 500 series) and 3,694 parcels (283,391 acres) are designated as forest use (property class 600 series). Industrial timber operations own at least 70 percent of the private forest-designated acreage (1,780 parcels) in the Umpqua Basin. The remaining agricultural and forest parcels are largely held by small operations or individual landowners, including small businesses that may be affected.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The rule does not directly impose new reporting or administrative requirements on small businesses. However, responsible persons may require small businesses to participate in additional reporting, recordkeeping, or administrative activities to support WQMP implementation. Existing ODA, ODF, or local water quality programs already include some of these activities.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

Small businesses do not face direct operational requirements under the rule. Responsible persons may change management practices to meet TMDL load allocations, and these changes may indirectly affect small businesses operating within streamside areas. Impacts could include additional equipment, materials, labor, or administrative effort. Some of these activities may already be required under existing ODA, ODF, or local water quality programs.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ notified interested parties about the rulemaking process through GovDelivery and hosted an informational webinar on Sept. 30, 2025. DEQ also convened two Rule Advisory Committee meetings on February 18, 2026, and April 29, 2026, that included representatives from agriculture, forestry, and municipal governments, to provide input on potential fiscal impacts to small businesses.

Documents relied on for fiscal and economic impact

- [DEQ's Oregon Administrative Rules 340-042-0080 Implementing a Total Maximum Daily Load](#)
- [DEQ TMDL Funding Webpage](#)
- [OWEB Oregon Watershed Restoration Inventory](#)
- [BLM Northwestern & Coastal Oregon ROD and RMP](#)
- [BLM Southwestern Oregon ROD and RMP](#)
- [USFS Northwest Forest Plan](#)
- [Private Forest Accord Report](#)
- [PacifiCorp North Umpqua Hydro Project](#)
- [Port of Umpqua](#)
- [Oregon Plan for Salmon and Watersheds Resources](#)
- [Coastal, Columbia, and Snake Conservation Plan for Lampreys in Oregon](#)
- [Oregon Coast Coho Conservation Plan](#)
- [Recovery Plan for Oregon Coast Coho Salmon](#)
- [Oregon Fishing Industry 2020-2021, The Research Group](#)
- [ASA Senate Handout, 2023](#)
- [Factsheet Economic Impact OR Counties, Earth Economics 2019](#)
- [Oregon Employment Department Request public records](#)
- [North American Industry Classification System \(NAICS\) codes](#)
- [USDA Natural Resources Conservation Service](#)
- [Oregon Watershed Enhancement Board grant programs](#)
- [Oregon Business Xpress: Certification for Minority, Women, Veteran, & Small Business Owners](#)
- [U.S. Environmental Protection Agency Environmental Justice Screening Tool](#)
- [Climate and Economic Justice Screening Tool](#)
- [U.S. Census Bureau QuickFacts](#)
- [Environmental Justice Best Practices for Oregon's Natural Resource Agencies](#)
- [DEQ Annual Report to the Environmental Justice Council 2024](#)

Advisory committee fiscal review

DEQ appointed an advisory committee for the Umpqua WQMP rulemaking.

As ORS 183.333 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

DEQ provided the draft fiscal and economic impact statement to the committee and on the rulemaking webpage ahead of the committee meetings on Feb. 18, 2026. and April 29, 2026. The committee reviewed the draft fiscal and economic impact statement, and DEQ documented the committee's comments in the meeting summary [online](#).

RAC members raised concerns about implementing riparian protections and instream project requirements. They identified permitting fees as a barrier and asked whether DEQ could subsidize those costs. Members also discussed the potential economic effects of removing productive agricultural and forestland from production adjacent to riparian areas, although they said they could not quantify those impacts at this time. They cited the costs of establishing and maintaining riparian plantings, installing livestock exclusion fencing, developing off-stream watering systems, and foregoing timber harvest where proposed no-cut buffers extend beyond ODF requirements.

RAC members also stated that the cost-per-acre values in the Fiscal Impact Statement appear understated because larger projects generally have lower per-acre costs than smaller, often urban, projects. They recommended that DEQ account for these higher urban project costs in its analysis. One member also noted that implementing future temperature TMDLs would require substantial additional work by ODF staff and described this as an unfunded mandate. Members further expressed concern that a 120-foot buffer could be difficult for smaller cities and agencies with limited riparian area to implement and commented that smaller projects and headwater tributaries may not require buffers of that width.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined that the proposed rule is unlikely to affect housing costs, because it does not impose direct requirements on residential property owners or developers.

Responsible persons may adopt rules, ordinances, or permitting requirements under TMDL implementation plans, which could impose indirect costs on residential property owners or developers. DEQ cannot quantify these potential impacts.

Racial equity

ORS 183.335(2)(a)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state.

Water pollution, including elevated stream temperatures, disproportionately affects Indigenous, minority, rural, and low-income communities in Oregon. These communities rely on clean water for drinking, recreation, and subsistence fishing. The rule directs responsible persons to implement nonpoint source TMDL plans and incorporate TMDL wasteload allocations into NPDES permits. These actions reduce stream temperatures, improve fish habitat including salmonid species that support subsistence fisheries, and may lower water treatment needs. By addressing these environmental impacts, the rule provides direct benefits to communities historically affected by water quality impairments.

DEQ identified Minority Business Enterprises in Douglas County using the [Oregon Certification Office for Business Inclusion and Diversity](#) directory. One MBE provides forestry and logging support services and may incur indirect costs to comply with TMDL implementation programs. MBEs, small businesses, and private landowners can access technical assistance, funding, and other resources available to businesses of all sizes, including microlending, business incubation, and networking support through the Oregon Association of Minority Entrepreneurs.

DEQ notified Tribal nations including the Cow Creek Band of Umpqua Tribe of Indians; the Confederated Tribes of Siletz Indians; the Coquille Indian Tribe; the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; and the Confederated Tribes of Grand Ronde about the rulemaking and invited them to consult on the rule. Representatives from Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, and Confederated Tribes of the Grand Ronde accepted appointments as Rule Advisory Committee members.

DEQ engaged agricultural, forestry, fishery, and conservation communities through the Rule Advisory Committee to ensure that historically marginalized groups have the opportunity to provide input on rule implementation.

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues.

182.545 Duties of natural resource agencies. In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

- (1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.
- (2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.

- (3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.
- (4) Create a citizen advocate position that is responsible for:
 - a) Encouraging public participation;
 - b) Ensuring that the agency considers environmental justice issues; and
 - c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.

Environmental justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

DEQ evaluated environmental justice concerns in Douglas County using [EPA's Environmental Justice Screening and Mapping Tool](#), the [Council on Environmental Quality Climate and Economic Justice Screening Tool](#), and [US Census Bureau County Quick Facts](#) (July 2022).

These analyses identified populations with higher vulnerability scores that may face cumulative environmental and socioeconomic burdens, such as higher poverty rates, lower access to broadband, and limited English proficiency.

Douglas County residents are, on average, older, less ethnically diverse, and experience slightly higher poverty rates than state averages. Households have lower access to computers (91.7% vs. 95.7%) and broadband internet subscriptions (85.5% vs. 90.5%). Only 3.9% of households speak a language other than English at home, compared to 15.3% statewide. At 2.2%, the percentage of residents identifying as American Indian exceeds the state average of 1.9%, likely reflecting the presence of the Cow Creek Band of Umpqua Tribe of Indians, whose governmental, cultural, community service, and business operations are based in Roseburg and Canyonville.

The Umpqua Basin encompasses the ancestral homeland of the Cow Creek Band of Umpqua Tribe of Indians; the Confederated Tribes of Siletz Indians; the Coquille Indian Tribe; the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; and the Confederated Tribes of Grand Ronde. These Tribal members continue to live, work, and maintain important connections to the basin. The Tribes should have an active role in decisions affecting the lands and waterways within the Umpqua River Basin.

DEQ invited each Tribe to consult on the rulemaking process. Representatives from Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, and Confederated Tribes of the Grand Ronde accepted appointments as Rule Advisory Committee members.

Committing meetings for the Umpqua River Basin were held online, and DEQ will make recordings available on request to improve accessibility for participants with limited internet access or scheduling conflicts.

Land use

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

The Oregon Environmental Quality Commission (EQC) is a five-member panel appointed by the governor of Oregon for four-year terms to serve as the Oregon Department of Environmental Quality's policy and rulemaking board. DEQ will present an informational update at the January 14-15, 2027, EQC meeting.

Advisory committee

Background

DEQ convened the Umpqua River Basin Temperature Water Quality Management Plan advisory committee. The committee met on Feb. 18, 2026, and April 29, 2026. The committee's web page is located at: [Umpqua River Basin Temperature Water Quality Management Plan](#).

The committee members were:

Name	Representing
Ashley Russell	Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
Becky Anthony	Oregon Department of Fish and Wildlife
Beth Pietrzak	Oregon Department of Agriculture
Bill Hoyt	Douglas County Livestock Association
Cindy Bright	Douglas Soil and Water Conservation District
Hannah LaGassey	Cow Creek Band of Umpqua Tribe of Indians
Geoff Rabinowitz	Oregon Association of Clean Water Agencies
Jim Baird	Roseburg Urban Sanitation Authority
Joe Blanchard	U.S. Forest Service
John Colby	Bureau of Land Management
Keri Morin Handaly	Confederated Tribes of the Grand Ronde
Rebecca McCoun	Oregon Department of Forestry
Lonnie Rainville	City of Canyonville
Soctt Adams	Douglas County
Stanley Petrowski	South Umpqua Rural Community Partnership
Steve Albertelli	Pacific Corp
Tyler Ernst	Oregon Forest Industries Council

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - DEQ Public Notices

- Nonpoint Source Water Quality
 - Total Maximum Daily Loads
 - Water Quality Standards
- Added advisory committee announcements to [DEQ's calendar of public meetings](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee discussed the WQMP. All agendas, meeting presentations and meeting summary are online at [Umpqua River Basin Temperature Water Quality Management Plan](#).

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Aug. 10, 2026, filing notice with the Oregon Secretary of State for publication in the September 2026 Oregon Bulletin;
- Notifying the EPA by mail;
- Posting the notice, invitation to comment and draft rules on the rulemaking web page.
- Emailing approximately 20,000 interested parties on the following DEQ lists through Granicus (formerly GovDelivery):
 - Rulemaking
 - DEQ Public Notices
 - Nonpoint Source Water Quality
 - Total Maximum Daily Loads
 - Water Quality Standards
- Forwarding Granicus (formerly GovDelivery) to approximately over 300 permit registrants, local governments, agencies, restoration practitioners, and special interests;
- Emailing the following key legislators required under ORS 183.335:
 - Sen David Brock Smith (SD1)
 - Sen Dick Anderson (SD5)
 - Rep Virgil Osborne (HD2)
 - Rep Boomer Wright (HD9)
 - Sen Golden, Chair Senate Interim Committee on Natural Resources
 - Sen Nash, Vice-Chair Senate Interim Committee on Natural Resources
 - Rep Helm, Co-Chair House Interim Committee On Agriculture, Land Use, Natural Resources, and Water
 - Rep Owens, Co-Chair House Interim Committee On Agriculture, Land Use, Natural Resources, and Water
- Emailing advisory committee members,
- Posting on the [DEQ event calendar](#)

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, mail or at the public hearing. Information about how to comment on this rulemaking is on the [rulemaking page](#).

- **Email:** Send comments by email to: umpqua.tmdltemperature@deq.oregon.gov
- **Postal mail:** Oregon DEQ, Attn: Sarah Norpchen, 221 Stewart Ave., Suite 201. Medford, OR 97501
- **At virtual public hearing:** 9 a.m., Sept. 18, 2026

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on **Sept. 24, 2026**.

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Public hearing

DEQ plans to hold one virtual public hearing.

The public hearing is [online](#) and by teleconference only.

Anyone can attend a hearing in person, or by webinar or teleconference.

Date: Sept. 22, 2026

Start time: 5:30 p.m. PT

[Join Zoom webinar instructions](#)

Join by phone:

Dial In: 669 900 6833

Meeting ID: 864 6607 9869

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

For translation or other formats, visit DEQ's [Civil Rights and Environmental Justice page](#).

Supporting documents

The [Umpqua River Basin Temperature Water Quality Management Plan rulemaking web page](#) provides access to supporting documents related to this rulemaking.

- [Draft Umpqua River Basin Temperature Water Quality Management Plan](#)

Draft rules: Edits highlighted

New text

Division 42 TOTAL MAXIMUM DAILY LOADS (TMDLS)

340-042-0090

Total Maximum Daily Loads and Water Quality Management Plans

The following TMDLs are adopted by EQC by reference in this rule on the dates indicated. The TMDL documents and supporting information for TMDLs adopted as rule or issued by order are available on DEQ's website.

(1) Upper Yaquina River Watershed, USGS watershed of the Northern Oregon Coastal Basin (HUC 1710020401):

(a) TMDL: bacteria and dissolved oxygen, Sept. 14, 2023

(b) WQMP: bacteria and dissolved oxygen, Sept. 14, 2023

(2) Powder River Basin, USGS Subbasin of the Middle Snake-Powder Basin (HUC 170502), including the Powder River Subbasin (HUC 17050203), Burnt River Subbasin (HUC 17050202) and Brownlee Subbasin (HUC 17050201):

(a) TMDL: bacteria for *E. coli*, May 23, 2024

(b) WQMP: bacteria for *E. coli*, May 23, 2024

(3) Willamette Subbasins – Ten subbasins within the Willamette Basin (HUC 170900), including the Middle Fork Willamette Subbasin (HUC 170900001), Coast Fork Willamette Subbasin (HUC 170900002), Upper Willamette Subbasin (HUC 170900003), McKenzie Subbasin (HUC 170900004), North Santiam Subbasin (HUC 170900005), South Santiam Subbasin (HUC 170900006), Middle Willamette Subbasin (HUC 170900007), Molalla-Pudding Subbasin (HUC 170900009), Clackamas Subbasin (HUC 170900011), and Lower Willamette Subbasin (HUC 170900012).

(a) TMDL: temperature, May 8, 2025

(b) WQMP: temperature, May 8, 2025

(4) Lower Columbia-Sandy Subbasin (HUC 170800001), within the USGS Lower Columbia Basin (HUC 170800)

(a) TMDL: temperature, August 6, 2024

(b) WQMP: temperature, August 6, 2024

(5) Umpqua River Basin – Includes North Umpqua Subbasin (HUC 17100301), South Umpqua Subbasin (HUC 17100302), and Umpqua Subbasin (17100303). Excludes the Little River watershed, HUC 1710030111 where a TMDL was approved by EPA in 2002.

(a) WQMP: temperature, MM DD, YYYY

Statutory/Other Authority: ORS 468.020, 468.065, 468B.030 & 468B.035

Statutes/Other Implemented: ORS 468B.020 & 468B.110

History:

[DEQ 12-2025, amend filed 05/9/2025, effective 05/9/2025](#)

[DEQ 11-2025, amend filed 05/8/2025, effective 05/8/2025](#)

[DEQ 13-2024, amend filed 08/6/2024, effective 08/6/2024](#)

[DEQ 9-2024, amend filed 05/28/2024, effective 05/28/2024](#)

[DEQ 14-2023, adopt filed 09/15/2023, effective 09/15/2023](#)

