Oregon Department of Environmental Quality

Meeting Summary
Outstanding Resource Water: Illinois River & Rough and Ready Creek

Rulemaking Advisory Committee Meeting #2
Aug. 12, 2026, in-person and virtual meeting (Zoom)

In person
Illinois Valley Branch, Josephine County Library
209 West Palmer
Cave Junction, OR 97523

List of Attendees

Rule advisory committee representatives present:

Stuart Blanco	Tidewater Contractors
Steve Burns	Rogue River-Siskiyou National Forest
Zachery Collier	Kalmiopsis Guides Association
Michael Dotson	Klamath-Siskiyou Wildlands Center
Tyler Ernst	Oregon Forest Industries Council
Keri Morin Handaly	Confederated Tribes of Grand Ronde
Eric Larsen	City of Grants Pass on behalf of Oregon Association of Clean Water Agencies
David Moryc	American Rivers
Brian Paul	City of Cave Junction
Shawn Simpson	Bureau of Land Management
Jeff Strobel	Patriot Nickel Corporation
Barbara Ullian	Friends of the Kalmiopsis
Ann Vileisis	Kalmiopsis Audubon Society

Government advisors:

Vaughn Balzer	Oregon Department of Geology and Mineral Industries
Michelle Maier	U.S. Environmental Protection Agency
Kelly Meinz	Oregon Water Resources Department
Becky Anthony	Oregon Department of Fish and Wildlife

Oregon Department of Environmental Quality staff:

Aron Borok, Tatyana Isupov, James McConaghie, Connie Dou, Trina Mayberry

Tribal representative:

Andrea Sumerau	Confederated Tribes of Siletz Indians

Translations or other formats

Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
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Interested parties:

Don Elder (Pacific Rivers), Kirk Blaine (ODFW), Maelagh Baker (Illinois Valley resident), Julia Watson (Rogue River-Siskiyou National Forest), Annette McGee Rasch (Protecting Wild Rivers Alliance and Illinois Valley Enthusiasts), Joe Blanchard (Umpqua National Forest), Justin Dillon (OWRD), Justin Haynes, Scott Blower (U.S. Forest Service), Isis Thornton-Saunders (Patriot Nickel/United Strategies and Consulting), Jen Aguayo (Rogue Riverkeeper), Forrest Roth (Illinois Valley News), Gordon Lyford (water rights), Ashton Williams (Illinois Valley News), Megan Curtis (Illinois Valley Chamber of Commerce), Dawn Present (Illinois Valley resident), Steve Wise (Southern Oregon Land Conservancy), Christopher Hall (Water League), Barry Martin (Williams Grange), Matthew Robinson (Illinois Valley Soil and Water Conservation District)

Materials provided before the meeting – available on DEQ's rulemaking webpage

- Meeting 2 agenda
- Draft fiscal impact statement
- Draft rules

Agenda

9:30 a.m.	Introductions and Review of Rulemaking Advisory Committee Charter (Tatyana Isupov, facilitator) • New member introduction and roll call • Review of RAC charter, function and meeting ground rules.
10 a.m.	Rule Language Overview and Discussion (Aron Borok, rulemaking lead) • DEQ reviews rule language • RAC members have opportunity for questions and discussion on rule language
10:45 a.m.	Break
11 a.m.	Fiscal Impact Statement and Discussion (Aron Borok, rulemaking lead) • DEQ staff reviews working draft Fiscal Impact Statement • RAC members provide feedback on Fiscal Impact Statement
12:15 p.m.	Wrap Up & Next Steps (Tatyana Isupov, facilitator and Aron Borok, rulemaking lead)
12:30 p.m.	Adjourn

Meeting Summary

I. Introductions and Rulemaking Advisory Committee charter

- Tatyana Isupov welcomed the group and reviewed Zoom logistics and the meeting agenda.
- New RAC member, Jeff Strobel, CEO of Patriot Nickel Corporation, introduced himself. DEQ representatives, RAC members and agency advisors completed roll call.
- Tatyana Isupov reviewed the ground rules from the RAC charter.

II. Project Background and Proposed Rule Language

Aron Borok gave a presentation reviewing the project background, relation to the Rogue River Total Maximum Daily Load and proposed rule language. The presentation included:

a) Project background: DEQ is proposing to designate nominated portions of the Illinois River and Rough and Ready Creek as Outstanding Resource Waters and adopt rules to protect their outstanding water quality values.
b) Relationship to the Rogue River TMDL: The goal of the TMDL is to improve water quality in the Rogue River basin and is consistent with the goals of the ORW, which is to ensure protection of water quality at the time of the designation. Nonetheless, they are separate rulemaking processes.
c) ORW regulatory updates: Oregon's antidegradation rules will need to be updated to include both waterbodies and reference the appropriate basin-specific rule where DEQ establishes the policies that are specific to each ORW designation. In this case, the proposed rule lists Rough and Ready Creek and the Wild and Scenic portion of the Illinois River, then refers to the basin-specific rule for the Rogue River basin.
d) Proposed change to ORW boundary: In response to recommendations in the first RAC meeting, Eight Dollar Mountain Botanical Wayside has been added to the proposed ORW boundary.

Questions and Comments from RAC members:

1. Jeff Strobel asked for clarification on slides stating that specific activities are not prohibited under an ORW.
    a. Aron responded that ORWs do not prohibit specific activities but will prohibit DEQ from issuing new National Pollutant Discharge Elimination System permits or other permits that would allow for direct or indirect discharges to an ORW-designated waterbody. ORWs allow for issuance of new Water Pollution Control Facility permits, which are for facilities that dispose of wastewater with no direct or indirect discharge to surface waters.
2. Ann Vileisis asked if Lawson Creek is included in the ORW boundary. She recommended it be included as it is a major tributary to the Illinois River and provides significant flow during low flow conditions. This has been identified as valuable by the U.S. Forest Service.
    a. Aron clarified that it should be included and DEQ can adjust the rule language to make it clear that Lawson Creek is included.
3. Eric Larson asked for clarification on the inclusion of the Eight Dollar Mountain Botanical Wayside.
    a. Barbara Ullian noted that the Botanical Wayside is within the USFS boundary. Steve Burns clarified that the Botanical Wayside includes a short stretch of the Illinois River that is not within the USFS boundary.
4. Brian Paul asked if the ORW will put more of a spotlight on the Cave Junction wastewater treatment plant?
    a. Aron replied that regardless of ORW, Cave Junction is required to comply with their permit. Minor facilities usually rely on technology based effluent limits, and water quality based limits to protect beneficial uses. To evaluate operations at Cave Junction, DEQ would look at the water quality impacts at the ORW boundary, which is approximately 5 miles downstream of the city's discharge. Typically, for minor facilities, DEQ focuses on impacts of the discharge on dissolved oxygen.
5. Jeff Stobel asked two questions:
    a. Considering how large the proposed ORW boundary is, is the intent of the rulemaking to stop any development?
        i. Aron explained that the intent is to maintain the exceptional water quality within the ORW boundaries, with the baseline being the existing water quality at the time of ORW designation.
6. Steve Burns asked if routine infrastructure maintenance activities will be impacted by section 6(d) of the antidegradation rules? (Note: Section 6(d) allows a lowering of water quality to a water that meets water quality standards if it will not adversely affect endangered species.)

    a. Aron replied that if an organization has a programmatic agreement with the federal fisheries services and they are meeting obligations of that agreement, it would meet section 6(d) requirements.
7. David Moryc wanted to state on the record support for clarifying the rule language to include Lawson Creek. He also wanted to express support for USFS continuing with infrastructure improvements to maintain recreation and public access.
8. Zach Collier commented that water quality is an essential component to the Illinois River and Rough and Ready Creek's viability as an outdoors tourism attraction that benefits the local economy. He emphasized that the unique and valuable qualities of these waterbodies should be protected.
9. Michael asked if basin-specific rules will get updated by the Rogue River TMDL.
    a. Aron and Connie will confirm but since the TMDL is being adopted by rule there will likely be additional revisions to the basin specific rules.
10. Eric Larson asked how DEQ would determine if and from where water quality degradation is occurring.
    a. Aron replied that a permit will typically have conditions that are defined in order to protect water quality conditions. In some cases, such as the individual permit in Cave Junction, DEQ can look at modeling to evaluate potential impacts.
    b. Vaughn Balzer added that DEQ will investigate complaints and if findings can be attributed to an individual facility or other events.
    c. Tatyana added that DEQ, depending on the nature of a violation, typically has follow up actions that take place prior to enforcement actions.

Break

III. Fiscal Impact Statement

Aron Borok reviewed the statutory requirements of a fiscal impact statement. The focus of the FIS is specifically on impacts on state and local governments and business and, in particular, small businesses that must comply with the rule. The RAC's input is part of state law and one of the main roles of the advisory committee. DEQ asks RAC participants to consider if there is an impact, the extent of the impact, will those impacts be levied by small businesses and what are the costs to comply with impacts? A goal of the RAC meeting is to receive verbal input on potential fiscal impacts, but committee members will have a few more weeks to also provide written comments on the FIS.

Aron explained impacts of the proposed rule on state and local governments and businesses. He noted that for large forestry operations, meeting current requirements under the Forest Practices Act would be considered sufficient to meet the requirements of the ORW. Businesses currently operating under NPDES permits could potentially be affected if they were required to obtain a WPCF permit, which is a non-surface discharge permit. Discussion included whether compliance with WPCF requirements would impose costs beyond existing federal requirements. Differences in compliance costs between NPDES and WPCF permits would be relevant.

Questions and Comments from RAC Members

a) Ann Vileisis noted that Oregon has funding sources available for projects that provide co-benefits related to infrastructure improvements, ecosystem protection, and water quality.
b) Steve asked why given the federal government's ownership and management of a substantial majority of the land (over 95%) in the ORW, potential impacts to the federal government were not reflected in the draft FIS.
    a. Aron explained that the draft FIS includes the impacts required under applicable statutes, which do not specifically require an assessment of federal impacts. However, if the U.S. Forest Service anticipates a significant fiscal impact, DEQ could include that information in the FIS.

c) Jeff Strobel noted that the draft FIS appeared to have been developed with a focus on forestry and questioned whether the potential opportunity costs associated with limiting future industrial

development had been considered. He cited the potential scale of investment and direct wages associated with activities undertaken for mining operations.
    a. Aron acknowledged that opportunity costs could occur but explained that the statutory focus of the FIS is primarily on compliance costs. Information regarding differences in costs for complying with NPDES vs. WPCF permits and requirements that could result from the ORW designation would be particularly useful to DEQ.

d) Ann Vileisis noted the importance of the Illinois River to Rogue River fisheries and cited an estimated annual sport-fishing value of approximately $25 million associated with Rogue River salmon runs. She indicated that she would provide DEQ with citations and supporting information.

e) Michael Dotson asked when the City of Cave Junction might need to expand its wastewater facilities.
    a. Brian explained that the city's treatment system has a total capacity of approximately 4 million gallons and that current discharge is well below that level. A facilities plan had been discussed approximately 15 years ago, but funding limitations had placed it on the back burner.
    b. Brian stated that future ORW compliance needs could potentially place a burden on Cave Junction ratepayers. Although such costs could be many years in the future, the city may eventually need to ask ratepayers to fund infrastructure upgrades in anticipation of growth.

f) Barbara Ullian emphasized that water-quality protection can provide economic benefits that may be difficult to quantify, including reduced treatment requirements for communities such as Cave Junction, increased property values, and quality-of-life benefits. She also indicated that many local business owners already view protection of local water quality as a benefit to the local economy.
    a. She shared a link to an EPA brochure on the economic benefits of protecting water quality.

g) David Moryc suggested that DEQ follow up on the connection between water quality and the Rogue River guide and outfitting economy. He encouraged written comments that provide additional detail on the economic benefits of the Illinois River and its contribution to the broader Rogue economy.
    a. Barbara Ullian further emphasized that the Illinois River and its tributaries are important contributors to the world-class fisheries associated with the Rogue River. She noted that the Illinois River provides a substantial portion of the flow to the Lower Rogue Wild and Scenic River, particularly during low-flow periods. She stated that the proposed ORW designation could provide benefits to the USFS by supporting its responsibility to protect outstandingly remarkable values associated with Wild and Scenic Rivers.
    b. Steve and Shawn from the Bureau of Land Management also noted that activities on federal lands are already subject to multiple layers of federal regulatory requirements, including NEPA, Wild and Scenic Rivers analysis, Endangered Species Act requirements and consultation with NOAA Fisheries/NMFS, and aquatic conservation requirements under the Northwest Forest Plan. Shawn agreed that ORW protection could provide additional water-quality consideration for federal land management activities.

h) Vaughn indicated that DOGAMI would submit comments regarding mining activities that could potentially be affected. He noted that none of the identified activities are currently covered by DEQ permits, and there is uncertainty regarding potential impacts if NPDES permits were required.

i) Eric Larsen asked if this is the first ORW with a treatment facility upstream. Also, if DEQ had considered potential stormwater impacts associated with future development.
    a. Aron replied that it is. He noted that stormwater is generally addressed through separate stormwater or MS4 permits, which include general best management practices. DEQ has not specifically evaluated the potential MS4 implications for this proposal.
    b. Tatyana noted that Cave Junction does not currently appear to have an MS4 permit. Aron explained that the applicable population threshold for an MS4 requirement is 10,000 people.
    c. Brian also noted that Cave Junction has experienced significant population growth, approximately 40 percent between 2000 and 2020, with a current population of approximately 2,300.[1] He stated that future growth in the Illinois Valley is difficult to predict.
    d. The city currently provides drinking water to Kerby and Selma, and Brian noted that it is difficult to predict whether Cave Junction might eventually provide sewer service to those communities. Such expansion could increase demand on the city's wastewater treatment system. Discussion also considered whether Selma could eventually grow enough to require its own wastewater treatment system.

[1] According to U.S. Census data, Cave Junction grew ~35% from 2000 to 2020, from 1,360 residents to 2,071 residents.

    e. Michael noted that future plans for Cave Junction expansion should be available through the City Engineer's office. Aron stated that DEQ had reviewed a Cave Junction facilities plan from approximately 2010 but did not believe the plan identified a current capacity limitation.

j) Ann noted that Cave Junction currently discharges treated wastewater to the golf course during the summer, when river water quality and flow can be constrained, and so avoids impacting water quality in that season.
    a. Brian explained that there is a limit on the amount of water the city can discharge to the golf course. If that capacity becomes insufficient, the city may need to increase treatment capacity or identify another disposal method.
    b. Aron explained that the draft TMDL already assigns Cave Junction a zero waste-load allocation during the summer, when the city is not discharging to the river. Therefore, some future limitations on summer discharge would exist regardless of the ORW designation. Connie agreed that the Roque River temperature TMDL would likely be the primary limitation on future summer discharge rather than the ORW designation.
k) Erik Larsen asked whether the city would need to obtain a new permit if it could no longer discharge to the golf course during the summer and instead needed to modify its discharge.
    a. Aron explained that this would likely be considered an expansion or modification of the existing permit rather than a completely new permit. DEQ would need to evaluate whether the proposed discharge would lower water quality downstream.

IV. Wrap Up and Next Steps

Aron asked Advisory Committee members to provide additional written input on the FIS by August 26. Jeff Stobel also asked DEQ and the RAC to consider scheduling an additional RAC meeting to allow a final opportunity for RAC members to discuss the final FIS and rule language. DEQ and the RAC agreed to hold a third RAC meeting.

Comments from non-RAC members

a) Matthew Robinson asked if DEQ defines water quality standards that are dynamic or static. Aron explained how DEQ applies water quality standards and how it considers upstream conditions of a waterbody.
b) Matthew Robinson of the Soil and Water Conservation District (non-member) raised a related concern about how to account for an industry that might not locate in the area because of the proposed rule. He noted that while impacts on existing tourism may be relatively small because tourism is already established, preventing a future industry could represent a larger potential economic impact.
c) Steve Wise of the Southern Oregon Land Conservancy asked whether the proposed prohibition on impacts to the ORW would extend to springs and subsurface waters that feed the *Darlingtonia* Springs. He also asked whether the proposed ORW designation could affect existing water rights, noting that the sources of some springs currently serve neighboring properties. He asked how the designation would protect existing water rights while addressing potential impacts to the springs and their sources.
    a. Aron explained that, under a Supreme Court decision, a subsurface discharge that reaches surface water can be treated as a direct discharge. Such a discharge would require an NPDES permit, which would not be allowed under the proposed ORW provisions.
    b. Aron clarified that the ORW designation is intended to protect the water quality that exists at the time of designation. The designation should not affect existing water rights, although it could potentially affect applications for future water rights. He later noted that there are separate groundwater protection rules. Any potential discharges would have to be evaluated for direct impact, which would require a permit.
d) Gordon Lyford, an Oregon water rights examiner, emphasized the close relationship between groundwater, springs, domestic water rights, and the ecological functions of the area. He raised questions about how changes to aquifer hydrology could affect spring flows, noting that the potential impacts are not fully understood.

    a. Aron noted that this relationship is one reason the proposed ORW would be considered in water rights reviews.

e) Annette, representing Protecting Wild Rivers Alliance and Illinois Valley Enthusiasts, asked how secure an ORW designation would be if state or federal leadership or federal Clean Water Act interpretations changed.
    a. Aron explained that removing an ORW designation would require a new state rulemaking process, including public comment, RAC involvement, and Environmental Quality Commission approval.
    b. Connie noted that the designation is based on scientific information documenting the existing high water quality and would establish state water-quality standards.
    c. Aron explained that Oregon has its own, broader definition of "waters of the state" and its own ORW provisions, providing state-level protections independent of changes to federal definitions.
f) David Moryc thanked participants and DEQ for their time and for providing a virtual participation option.

Tatyana Isupov adjourned the meeting at 12:15 p.m.

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