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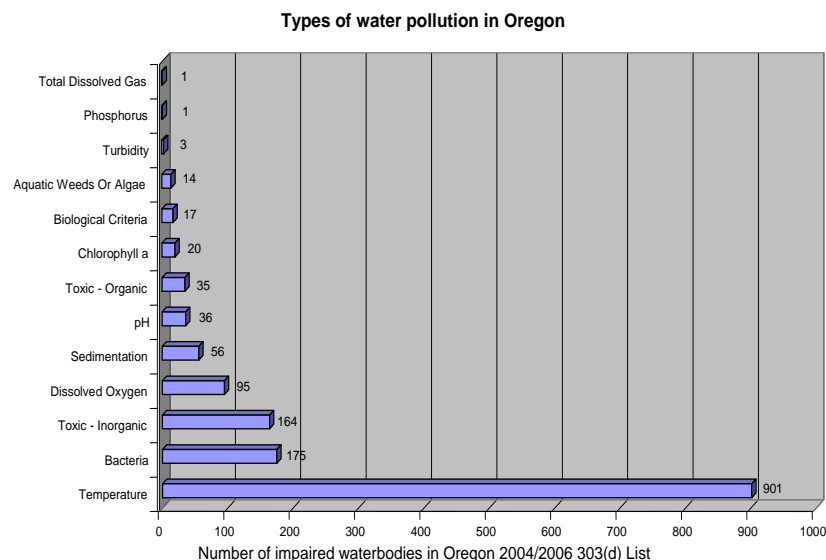
Background Brief on ...

Water Quality

The federal Environmental Protection Agency (**EPA**) has delegated authority to the Oregon Department of Environmental Quality (**DEQ**) to operate the federal Clean Water Act (**CWA**) in Oregon. The EPA has oversight authority over how DEQ carries out the Act. The EPA also has separate enforcement authority under the CWA. DEQ is responsible for protecting Oregon's rivers, lakes, streams, and ground water to keep these waters safe for a wide range of uses, such as drinking water, recreation, fish habitat, aquatic life, and irrigation. DEQ's Water Quality Program accomplishes this by:

- Developing clean water standards for Oregon's waters
- Monitoring water quality with regular sampling of more than 50 rivers and streams in 18 designated river basins in Oregon
- Regulating sewage treatment systems and industrial dischargers through permits that set limits on pollutants discharged
- Developing and implementing clean water plans ("Total Maximum Daily Loads" or **TMDLs**) for rivers and streams that do not meet clean water standards
- Inspecting septic system installations and working with local agencies to ensure consistency around the state
- Helping public drinking water systems implement plans to protect drinking water
- Offering low cost loans to public agencies and grants to different entities to help fund improvements to water quality
- Providing grants and technical assistance to reduce pollution from surface water runoff (also called "nonpoint source" pollution)

Clean Water Standards – Clean water standards are the foundation of the DEQ's water quality program. Standards establish water quality goals by designating beneficial uses for each water body and setting criteria to protect those uses. Beneficial uses include public water supply, fish and aquatic life, recreation, irrigation, and more.



303(d) List – Section 303(d) of the CWA requires states to develop a list of water bodies that do not meet the state’s clean water standards. DEQ uses existing scientific data from a variety of sources to assess water quality and determine which water bodies should be listed. Once a list is developed, DEQ must prioritize the list and submit it to EPA for approval. DEQ’s 2004/2006 Section 303(d) list was approved by EPA in March 2007. A total of 1,117 of approximately 37,600 water bodies in Oregon (three percent) are on the list for at least one pollutant.

Total Maximum Daily Loads – Once a waterbody is placed on the 303(d) list, the CWA requires states to develop a plan to meet clean water standards. This plan is called a TMDL, which describe the maximum amount of pollutants from municipal, industrial, commercial and surface runoff sources including natural background that can enter waterways without violating clean water standards.

Implementing a TMDL often includes revising industrial and municipal wastewater permits to incorporate revised permit limits. On agricultural lands, implementation plans are developed through the Oregon Department of Agriculture’s Senate Bill 1010 process. On state and private forestlands, the Department of Forestry has the lead in providing water quality protection through

the Forest Practices Act and long range management plans. In urban areas, local governments take the lead in developing TMDL implementation plans. The U.S. Forest Service and the Bureau of Land Management are responsible for developing water quality restoration plans for lands under their jurisdiction.

Under most circumstances, TMDL implementation plans for improved water quality rely on cooperation among landowners and land managers within a river basin. Local watershed councils, Soil and Water Conservation Districts or other organizations serve as community-based coordination points for these united efforts. TMDL implementation plans describe actions that will be taken to reduce pollution.

Industrial/Domestic Wastewater Permitting – DEQ’s wastewater management program regulates and minimizes adverse impacts of pollution on Oregon’s waters from point sources of pollution. The term “point source” generally refers to wastewater discharged into water or onto lands through a pipe or a discernible channel. These point sources operate under the terms of a federal National Pollutant Discharge Elimination System (NPDES) or state Water Pollution Control Facilities (WPCF) wastewater discharge permit issued by DEQ. DEQ currently manages over 5400 federal and state water quality permits. Point sources requiring a

NPDES permit include wastewater treatment plants, various industries such as pulp and paper plants and food processors, as well as municipal stormwater systems for Oregon's larger urban areas.

Recent Legislative Activity

Several bills introduced during the 2011 legislative session were spurred by DEQ's proposed revisions to water quality standards.

Background – In December 2010, DEQ published proposed revisions to state water quality standards for public review and comment. The proposed rulemaking would revise the state's water quality standards to address the human health criteria for toxic pollutants and spurred the introduction of several bills during the 2011 legislative session. The proposed rulemaking would also address the implementation of water quality standards through various water quality control programs, including National Pollutant Discharge Elimination System (NPDES) permits and nonpoint source pollution programs.

DEQ's objective for this rulemaking was to adopt water quality standards for Oregon that protect people from adverse health effects as a result of consuming fish and water from Oregon streams and lakes and to allow DEQ and other agencies to implement the water quality standards in a cost-effective manner while achieving meaningful environmental results. The Environmental Quality Commission adopted the final rules on June 16, 2011 and the U.S. Environmental Protection Agency approved these rules on October 17, 2011.

Legislation – Several bills introduced during the 2011 session (House Bill 3591, House Bill 3676 and House Bill 2007) addressed concerns related to implementation of the proposed standards in wastewater discharge permits. Only one bill, House Bill 3591, was enacted into law. That bill requires DEQ to minimize costs to permittees that apply for a variance to a water quality standard. The bill also requires DEQ to report on variance activity during the 2013 legislative session. DEQ also received a budget note that builds upon this by requiring DEQ to also report

during the 2015 session and by specifying additional reporting elements.

Another bill addressing nonpoint source concerns, House Bill 3613, passed out of the House and had a hearing in the Senate but was not enacted. This bill focuses on the relationship between DEQ and the Oregon Department of Agriculture (ODA) with regard to agricultural water quality and the respective authorities of each agency. Toward the end of the session, the Governor's Office agreed to convene a work group to continue the discussions post-session. That group met several times between October 2011 and February 2012. Much of the discussion focused on a Memorandum of Agreement (MOA) between the two agencies that was in the process of being updated. At the final meeting of the work group, DEQ and ODA agreed to finalize the MOA (completed May 2012) and to develop a comprehensive monitoring and evaluation for the Agricultural Water Quality Management Program.

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