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Joelle Gore

Acting Chief - Coastal Programs Division (N/ORM3)

Office of Ocean and Coastal Resource Management, NOS

NOAA

1305 East-West Highway

Silver Spring, MD 20910

Sent by email to [joelle.gore@noaa.gov](mailto:joelle.gore@noaa.gov)

The League of Oregon Cities represents all 242 of Oregon cities. The Special District Association of Oregon represents special districts in Oregon that provide sewerage collection and treatment, along with stormwater districts in Oregon. The Oregon Association of Clean Water Agencies (ACWA) is a private, not-for-profit organization of Oregon's wastewater treatment and stormwater management utilities in Oregon, along with associated professionals. ACWA's 137 statewide members are dedicated to protecting and enhancing Oregon's water quality.

### **Oregon's Land Use Planning System Reduces Urban Stormwater Pollution**

Oregon's existing land use planning system - - put in place by the 1973 Oregon Legislature as Senate Bill 100 - - is an effective nonpoint source pollution reduction program, and the State should be given credit for its success. Unlike all other coastal areas in the US, Oregon's land use planning system limits new development to within the urban growth boundary where services, such as sewer and stormwater services, are provided and planned for in a logical fashion. Oregon's efforts to limit 'green field' development are a stormwater protection measure that should be acknowledged.

### **Concerns**

*Oregon ACWA/League of Oregon Cities/Special Districts Association of Oregon  
NOAA/EPA Proposal to Disapprove Oregon's Coastal NPS Control Program  
March, 2014  
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Our concerns about nonpoint source water pollution controls in Oregon's coastal zone are in three areas:

- DEQ's ineffective proposal for rural residential areas,
- Need for improve compliance programs and metrics monitoring for agricultural sources, and
- Continued efforts to link the Oregon Forest Practices Act to water quality standards outcomes.

### **Ineffective Proposal for Rural Residential Areas**

Our organizations have reviewed DEQ's draft "*Guidance to Urban and Rural Residential Designated Management Agencies for Including Post Construction Elements in TMDL Implementation Plans*" submitted to EPA and NOAA Fisheries on September 10, 2013.

The DEQ proposal to require all identified Designated Management Agencies (DMAs) to develop a more rigorous stormwater control program than is currently required of existing MS4 Phase II permittees (e.g., Corvallis, Bend, Medford) is not realistic or workable. The Coastal Zone listed communities, many of which are very small with extremely limited resources, cannot be expected to implement stormwater retrofit, hydromodification, and riparian protection/restoration programs.

Local government actions are not the major source of water quality problems in the coastal zone. The DEQ draft Guidance document inappropriately places an undue burden on small communities while setting inadequate expectations for other sectors with much larger contributions to the overall pollution problems. To achieve the environmental objectives of the Coastal Zone Management Act, DEQ needs to take a more active role in requiring compliance in the agricultural and forestry water quality programs.

- ***Enhance and Expand Existing Programs***

To help meet the coastal zone management objectives, DEQ should consider expanding the coverage of the existing 1200C permit by lowering the acreage applicability, or using a similar approach as used in the 1200COLS permit. The 1200COLS permit was created to tackle water quality problems in the Columbia Slough and is a global discharge permit based on the 1200Z industrial permits and applied to all significant dischargers evaluated in the TMDL process.

If DEQ felt additional controls to reduce sediment were needed, it should consider increased technical assistance, along with compliance and enforcement programs associated with its industrial stormwater permit (1200Z). Some sectors regulated by this permit are known sources of sediment and temperature discharges.

Use of DEQ's existing authority, expertise, and permits is a much more effective manner to accomplish the environmental goal of reducing sediment, rather than pushing that regulatory requirement onto small cities and counties that are not the main source of impairment, do not have this expertise, and cannot afford additional state-mandated programs.

## **Need For Improve Compliance Programs and Metrics Monitoring For Agricultural Sources**

In Oregon, agricultural obligations regarding clean water are incorporated in SB 1010, overseen by the Oregon Department of Agriculture.

Overall, we believe these areas of improvement are needed in Oregon's SB 1010 process:

- ***Compliance Strategy Needed***

An overall compliance strategy for ensuring that area plans and rules are adequately implemented to effectively meet TMDL load allocations and water quality standards is needed. There must be a policy and process for proactive determination of the implementation of required elements of the Agriculture Water Quality Management Plan, and an enforcement response plan to correct instances of non-compliance.

- ***Improve Monitoring and Reporting***

Oregon Department of Agriculture and Oregon DEQ's water quality monitoring programs should be specifically designed to evaluate the effectiveness of the agricultural area plans in meeting water quality standards and load allocations for water bodies with TMDLs. The water quality metrics and targets, along with associated monitoring programs, should be included in the area plan review updates.

Water quality monitoring results should be published and available for public review on an annual basis. Monitoring must include both landscape conditions linked to the TMDL, along with chemical parameters such as bacteria, nutrients, and pesticides. Use of landscape conditions as a surrogate for direct measurement of compliance with water quality standards, while appropriate for some water quality parameters such as temperature, cannot replace the need for actual measurements to determine loads of nutrients, pesticides, or other similar types of water pollution that adversely affect our streams and rivers.

- ***Link Farm and Area Plans to TMDL Requirements***

The SB 1010 process at the Department of Agriculture should be directly linked to the Oregon adopted TMDL for the river or stream stretch.

- ***"Legacy" Conditions/Active Restoration***

SB 1010 requirements stop short of addressing 'legacy' conditions related to agricultural activities, and do not require active restoration - - only removal of conditions that impairs restoration. These policy gaps must be addressed if Oregon is to meet its water quality standards.

All sectors having a clear pathway towards meeting their clean water obligations under the Clean Water Act and Total Maximum Daily Load (TMDL) plans is important to provide "*reasonable assurance*" under the Clean Water Act that the plans to meet water quality standards will be met. If "*reasonable assurance*" cannot be demonstrated, it may result in stricter-than-required

pollution controls at domestic wastewater treatment plants and for industries and businesses that hold National Pollutant Discharge Elimination System Permits.

**Continued Efforts to Link the Oregon Forest Practices Act to Water Quality Standards Outcomes**

We applaud recent collaboration between the Oregon Environmental Quality Commission and Oregon Board of Forestry to improve communication and share data related to water quality compliance of the Oregon Forest Practices Act, and to understand how the Forest Practices Act can be used as a tool to meet Oregon water quality standards. Efforts by the Oregon Department of Forestry to monitor and improve forest practices should be encouraged and continued.

Additional efforts are needed to address legacy road conditions and protection of non-fish bearing streams in Oregon’s forests.

**Additional Information**

Should you need any additional information regarding our comments, please contact [REDACTED]

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