



Proposed disapproval of Oregon's 6217 program

[REDACTED]
To: joelle.gore@noaa.gov

Sun, Jan 5, 2014 at 10:46 PM

Dear Ms. Gore -

I understand the lawsuit by the self appointed Northwest Environmental Advocates and its subsequent denouement in the courts requires your bureaucracy to make a decision based on the facts as you understand them. I am unfamiliar with you so will provide a little background on my perspective. I was an adult when President Nixon vetoed the Clean Water Act. Of course, as I trust you are aware given your position with NOAA, Nixon's veto was based on cost, not ideology, as evidenced by his support of the Environmental Protection Act and other nature friendly legislation. Since then I have worked in social services, cultural resource and biological environmental work, and public service land use planning In Hawaii, California, and Oregon, which has provided me with a diverse viewpoint on which to comment on your proposed denial.

This recognition of financial feasibility has been an integral part of the necessary understanding of the act and its iterations. For example in Hawaii, where I worked for 10 years in the 319 program, it is the Counties that control the on site waste-water programs, while the State is required by the State Constitution to pay for any unfunded mandates. The federal Clean Water Act qualifies as such a program given the cost of land and improvements. Yet it is my experience your agency still demands that the State, not the counties who are responsible for the permitting of these improvements, meet this requirement of inspections at a rate suitable to determine failure. There is nothing thoughtful or consistent about passing off this responsibility from the federal government to the states.

This of course is another area where states such as California have gotten away with promises, rather than action. It is obvious that a different standard is being used when compared to previous approvals. Fairness, that so nonlegal but civil concept, should demand NOAA and EPA outing themselves on what they have accepted previously without any necessary sleight of hand or awkward silences. Your agency should focus on assisting the approval process via provision of the minimum standard previously accepted for any state, rather than hoping for the State to meet your moving target or come up with a superior albeit expensive response.

While, as noted previously, I am unaware as to your involvement with approvals throughout the coastal states, the inequities that have allowed promises, future surveys, and hopeful pie in the sky programs to grant certification of some of the earlier approved 319 programs certainly suggests that Oregon is being held to a different standard than others. Why do we still ignore the nonsense of how total maximum daily loads and water quality limited segments are determined, or the fact that to even maintain water quality at 1990 levels given the population increase in 24 years is a success? Stop the threats and continue to fund water quality improvements in this state. Suck it up and approve Oregon's 319 program based on previous decision making by your agency and changed circumstance, or decertify previous approvals.

As identified in Oregon's ongoing response to your demands improvements are being made. The history of the Clean Water Act has shown it has required re-cobbling on a regular basis (1970s, 1990s, and I would suggest now...). The Act recognizes there is no one size fits all answer to mitigating the myriad sources of polluted runoff. Given that fact to place arbitrary and capricious temporal and jurisdictional standards on a state is absurd.

Sincerely,

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Outer Southeast

Portland, Oregon