

TMDL Implementation in Oregon: Leveraging Resources to Meet Enforceable Requirements

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Take home messages

- Leadership from the top is critical
- Without enforceable requirements, implementation would be spotty and opportunistic at best
- Without watershed based TMDLs, we would not make significant progress
- Responsible parties – including privates, fed, state and local agencies – are compelled to implement the TMDL because they are required to, via order
- Because TMDL actions are required, there is significant leveraging of programs among publics and privates is occurring, addressing TMDL requirements through voluntary programs
- A single, high profile resource problem helps drive agencies toward a common goal



Setting

- Watershed-based TMDLs: examples
 - Willamette Basin
 - ✓ 11,400 square miles
(500,000,000 acres)
 - ✓ Temperature, Bacteria, Mercury
 - Rogue Basin
 - ✓ 5,200 square miles
(3,000,000 acres)
 - ✓ Temperature, Bacteria





Setting (continued)

- Watershed-based TMDLs are for both point and nonpoint sources
- TMDL Implementation Plan is adopted as part of the TMDL
- All lands in the watershed are covered
- Responsible parties are named in the TMDL Implementation Plan
- TMDL is issued as an order to all responsible parties





Setting (continued)

- Single issue driver statewide
- History of litigation
- Subsequent state authorities





Regulatory framework for TMDLs

- Oregon Administrative Rules
 - Provide for:
 - Uniformity in TMDLs
 - Required content of TMDLs
 - Procedures for:
 - Development:
 - Basics + margin of safety, reserve capacity
 - identification of responsible parties (including for nonpoint sources)
 - Includes a Water Quality Management Plan that identifies implementation strategies



Regulatory framework for TMDLs

- Oregon Administrative Rules (continued)
 - Procedures for:
 - Issuance
 - by Department Order
 - Appeals
 - Implementation
 - specifies requirements of responsible parties
 - Requires that responsible parties (federal, state, local governments) submit approvable nonpoint implementation plans with commitments, timelines, etc.
 - » Note: TMDL itself specifies delivery date of these plans by responsible parties



Regulatory framework for TMDLs

- TMDL and ESA programs initiated new or revised state agency authorities
 - Oregon Department of Forestry
 - Forest Practices Act took on a new focus toward water quality protection
 - Oregon Department of Agriculture
 - 1993's Ag Water Quality Act required a watershed approach
 - Prevention and control of water pollution from ag sources on rural lands
 - Provided overarching enforcement authority



Result

- Enforceable requirements across all land uses
- Significant leveraging of agency and private resources
- Integration of existing federal, state and local programs
- Stormwater requirements for sub-MS4 communities via the TMDL





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For more information

Visit our webpage at:

- <http://www.deq.state.or.us/wq/TMDLs/willamette.htm>
- <http://www.deq.state.or.us/wq/stormwater/stormwater.htm>

Or contact me at:

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