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
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
• Single issue driver statewide
• History of litigation
• Subsequent state authorities
• 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
• 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
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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
TMDL Implementation in Oregon

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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• Because TMDL actions are required, there is significant leveraging of programs among publics and privates is occurring, addressing TMDL requirements through voluntary programs
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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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