

ODA Agricultural Water Quality 101

May 4, 2022

Oregon Board of Agriculture

Isaak Stapleton, Natural Resources Program Area Director

Marganne Allen, Water Quality Program Manager



**OREGON
DEPARTMENT OF
AGRICULTURE**

Topics

- Ag WQ Policy framework
- Ag WQ Program and partners
- ODA-DEQ Memorandum Update
- OSU Willamette Ag and Water Study

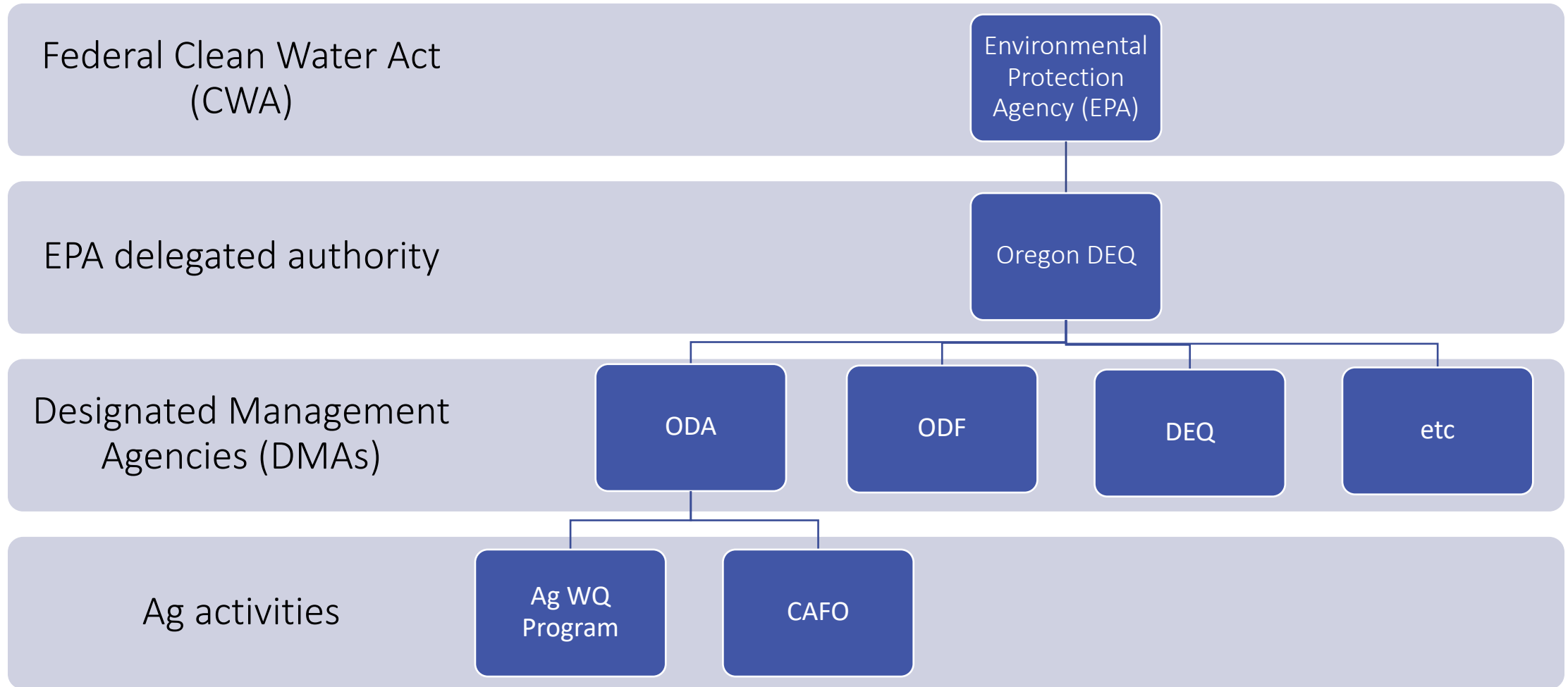


Ag Water Quality Policy Framework



**OREGON
DEPARTMENT OF
AGRICULTURE**

Water Quality Policy Framework



Each state must:

Designate

- Beneficial uses
- Parameters to monitor
- Criteria to meet (WQ standards)

Identify impaired waters – “303(d) list”

Develop and implement Total Maximum Daily Loads (TMDLs)

- Identify issues
- Develop load allocations
- Designate responsible parties



OREGON
DEPARTMENT OF
AGRICULTURE

Oregon Law: ORS 468B (1972)

Don't pollute

Don't place wastes where they are likely to discharge to water

Don't discharge to violate WQS

Applies to Waters of the State



AgWQ Act (1993)

Senate Bill 1010 and later SB 502

ODA prevent and control water pollution from ag activities
(meet WQ standards and TMDL load allocations)

Create WQ Plans where required
Enforce when necessary



**OREGON
DEPARTMENT OF
AGRICULTURE**

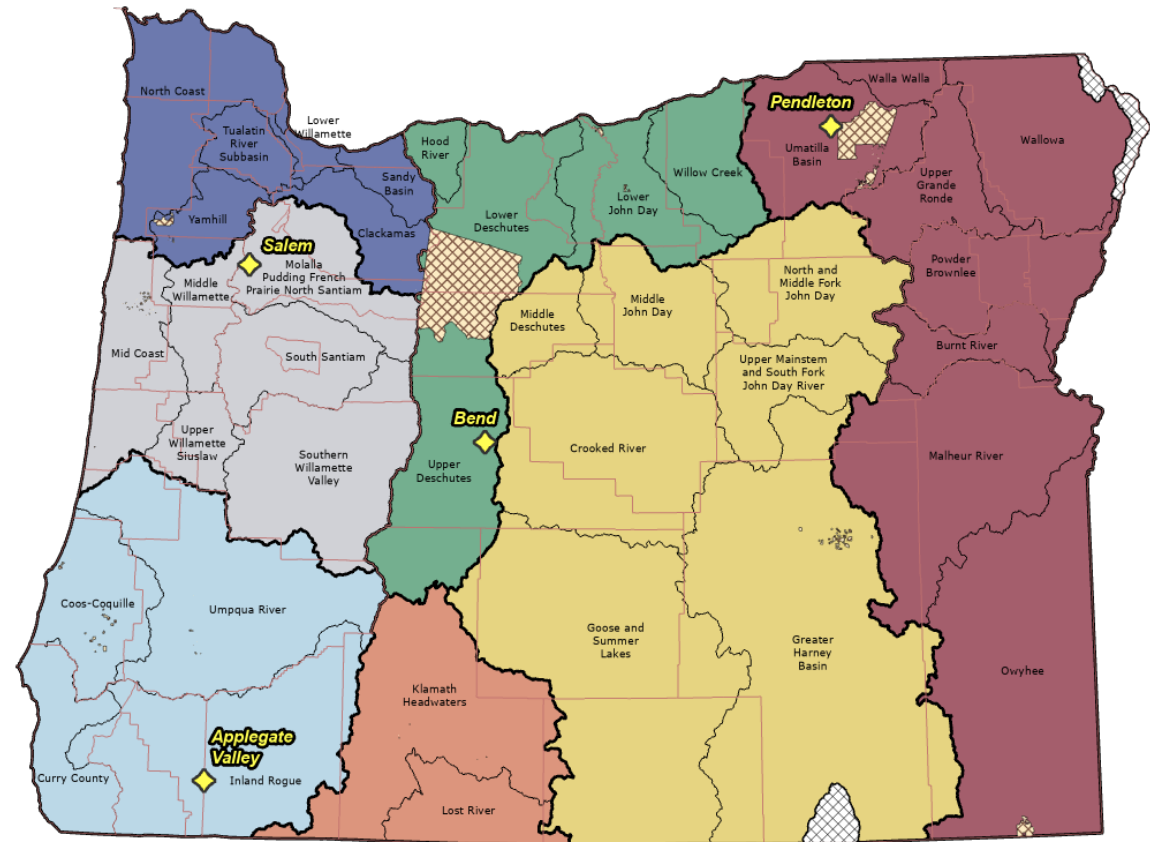
AgWQ Program and Partners



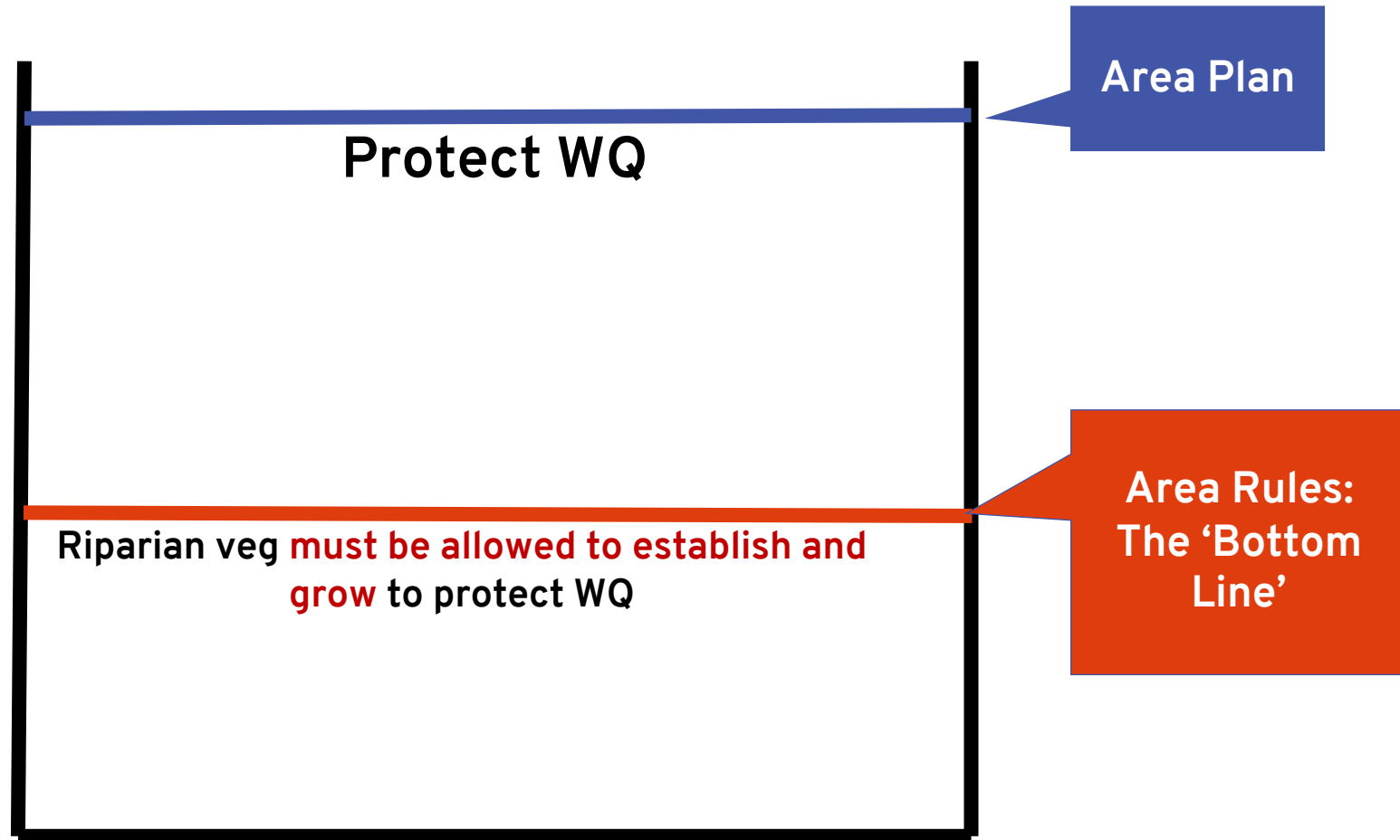
**OREGON
DEPARTMENT OF
AGRICULTURE**

ODA's Water Quality Program and Partners

- **Voluntary**
- 38 watershed-based area plans
- Local Advisory Committees
- SWCD Partnership
 - Local expert & non-regulatory
 - Technical assistance & planning
- **Regulatory**
- Agricultural Water Quality Area Rules
- Ag Drainage Channel Maintenance



Plan vs Rules



SWCDs “to the maximum extent practicable”

Outreach and Technical Assistance (TA)

Seek funding

Implement projects

Monitoring

Scope of Work (SOW) funding



OREGON
DEPARTMENT OF
AGRICULTURE

Ag Water Quality Program Evolution

Foundations

Year	Milestone
1993	Senate Bill 1010 authorizes Ag WQ Program
1997	Funding <ul style="list-style-type: none">• Area Plans and Rules• SWCD technical assistance
1997-2004	38 Area Plans and Rules developed, adopted



Ag Water Quality Program Evolution

Implementation

Year	Milestone
2004-2012	Voluntary program implementation Backstop: Complaint-based compliance



Ag Water Quality Program Evolution

Adaptation

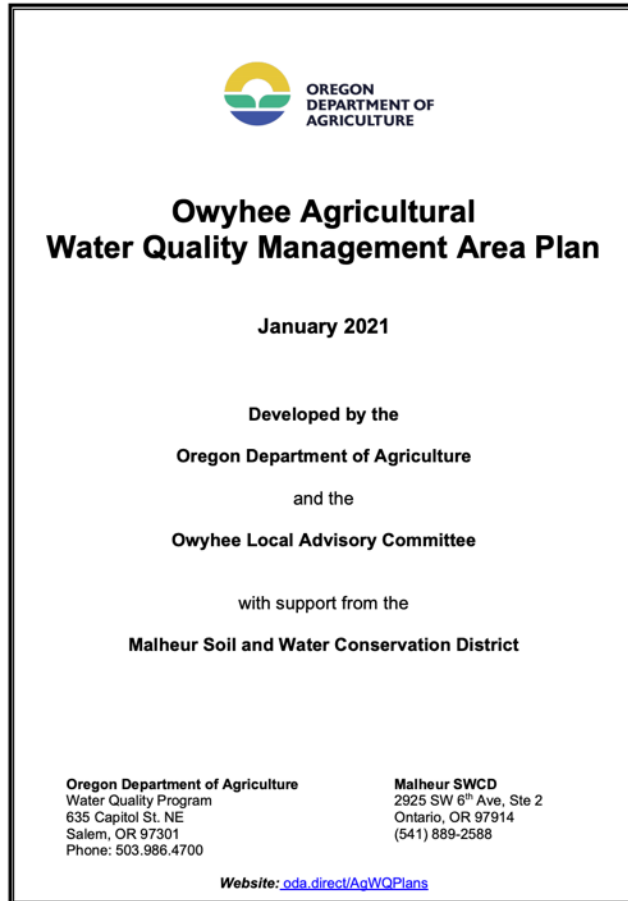
Year	Milestone
2013-2015	Program Initiatives <ul style="list-style-type: none">• Focus Areas• Strategic Implementation Areas (SIA)<ul style="list-style-type: none">• Partnerships: OWEB, DEQ, ODFW
2014-2015	Area Plan Consistency <ul style="list-style-type: none">• Converted Area Plan to 4-chapter template
2015 - present	Area Plan Additions <ul style="list-style-type: none">• Measurable objectives (ongoing)<ul style="list-style-type: none">• Focus Area, SIA
2019 - present	Continued Adaptations <ul style="list-style-type: none">• Updated Area Plan chapter template, light-full review schedule• Ag Drainage Channel Maintenance Program authority• Mercury TMDL Implementation Plan: Develop, integrate with Area Plans

Mercury TMDL: Model for consistent TMDL implementation

Water Quality Management Area Plans

Purpose: Identify agricultural water pollution control strategies

- Biennial review (full, light)
- Content
 - Measurable Objectives
 - DEQ Status and Trends Reports (Context: TMDLs, WQ stds)
 - New! Soil health
 - New! Drinking water sources
- Direct partner activities (SWCDs)
- Reporting to Board of Agriculture
- DMA obligation fulfillment (MOA)



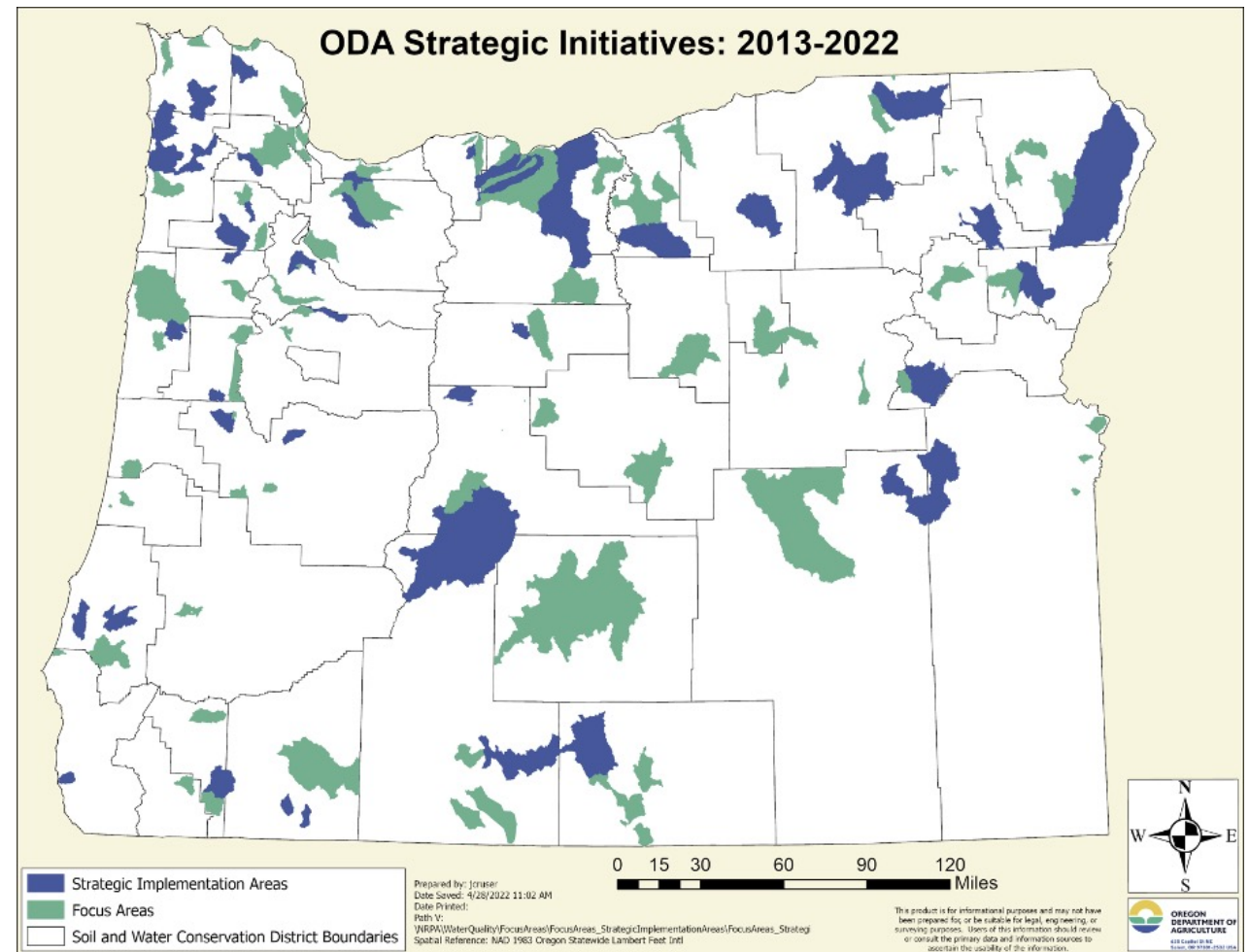
A (slightly) closer look: Programs and Initiatives



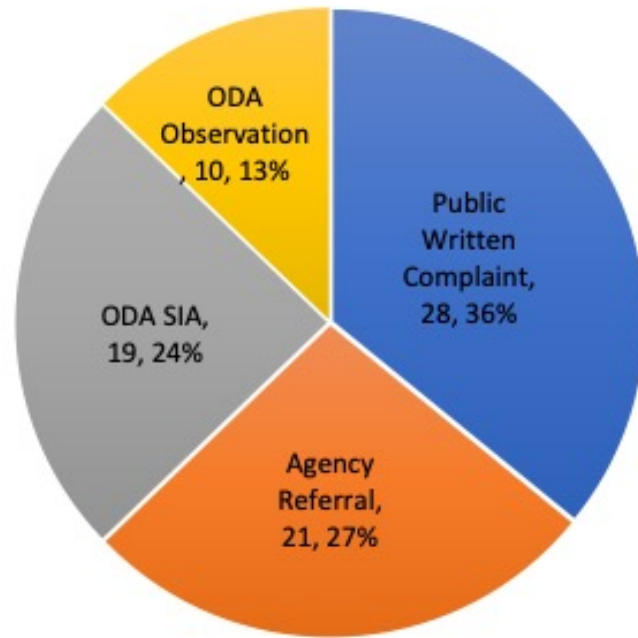
**OREGON
DEPARTMENT OF
AGRICULTURE**

Ag WQ Program Initiatives: Focused Efforts

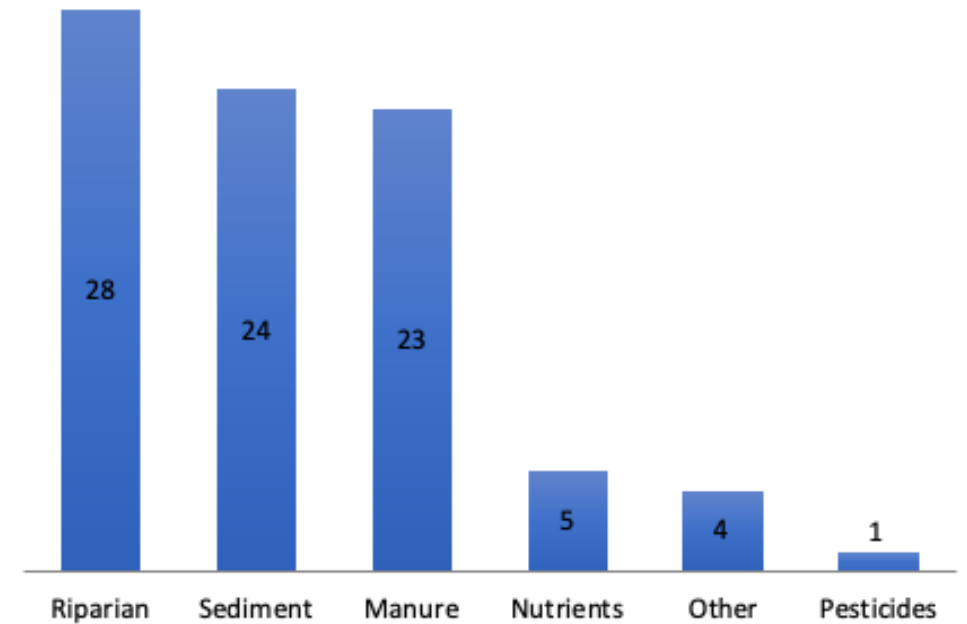
- Strategic Implementation Areas (SIAs)
 - Voluntary portion - SWCDs leads
 - Compliance portion - ODA leads
- Focus Areas (FAs)
 - Voluntary only - SWCDs lead, with ODA oversight



78 Compliance Cases Investigated



Types of Issues



Compliance: Statewide 2021

Ag Drainage Channel Maintenance Program

Simplified regulatory process to clean channels while protecting aquatic resources

Applies to:

- Traditionally-maintained channels that provided drainage in last 5 years
- Non-ESH
- Channels dry at time of work

How it works:

- ODA Notice is an alternative to DSL permit
- Free, fast process
- Requirements: streamside veg, timing of work, equipment (variances available)

<https://oda.direct/AgChannelMaintenance>

ODA-DEQ MOA Update



**OREGON
DEPARTMENT OF
AGRICULTURE**

ODA DEQ MOA Update

Existing MOA

- Signed in 2012
- Reviewed in 2018; with no changes
- Purpose: to assist DEQ and ODA in collaborative efforts to meet their legal responsibilities relating to agricultural nonpoint source pollution.

Current Need and Desired Outcome

- Existing MOA is outdated and needs updated to better reflect current programs, rules and policies
- Updated MOA that clarifies roles, responsibilities, and coordination

ODA DEQ MOA Update

Timeline and Process

- Jan – July 2022: Project team development of draft MOA
- Mid-August 2022: Public input on MOA
- Mid-Sept—October 2022: Revised MOA in consideration of public input
- December 2022: Final MOA

Board of Agriculture and EQC Communication

- May 2022: Initial communication
- July 2022: Progress Check-in
- Oct—Nov 2022: Review the process, input considered and present updated MOA

ODA DEQ MOA Update

Not changed

- Shared purpose
- Roles and responsibilities with regard to:
 - State nonpoint source program
 - TMDL development and implementation
 - Biennial Review Process

Possible change

- TMDL implementation for agriculture
- Adding Compliance and enforcement coordination
- Including SIA initiative
- Clarifying framework for monitoring, reporting, evaluating effectiveness, and adaptive management

Field Trip:

OSU Willamette Valley Ag & Water Quality Long Term Study



**OREGON
DEPARTMENT OF
AGRICULTURE**

Background

- FY 16-17 Legislature
 - OSU Funding
 - Statewide research efforts
 - Stakeholder priority
 - Willamette Valley ag paired watershed study
- 2016 – 17: Draft study plan, start \$\$



**OREGON
DEPARTMENT OF
AGRICULTURE**

Study Highlights

Who?

- Dr. Carlos Ochoa – Water Resources Science
- Derek Godwin – WS Mgt, Extension Faculty

What?

- Ag Water quality and quantity
- Range of valley ag operations

Where?

- Today: Oak Creek, OSU Campus vicinity



**OREGON
DEPARTMENT OF
AGRICULTURE**

Questions?



**OREGON
DEPARTMENT OF
AGRICULTURE**