

ODA-DEQ Water Quality Coordination

Updated Memorandum of Agreement on Agricultural Nonpoint Source Pollution

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Background

- ODA and DEQ signed an MOA in 2012 focused on cooperative roles for evaluating effectiveness of ODA's Agricultural Water Quality Program and biennial updates to Agricultural WQ Management Area Plans.
- The MOA was renewed without changes in 2018.
- The 2022 update improves nonpoint source pollution control through collaborative implementation of Total Maximum Daily Loads and the Agricultural WQ program.

Collaborative efforts Jan.- Oct. 2022

- On-going ODA-DEQ staff and manager coordination on implementation of WQ programs
- Monthly ODA-DEQ administrator, manager and staff meetings
- Engagement with EQC and BOA liaisons
- Development of collaborative process flow charts
- Updates to MOA to capture program and process changes and better achieve joint water quality goals
- Joint 30-day public notice seeking input on revised draft MOA (Aug.- Sep. 2022)
- Joint evaluation of input received and additional revisions to MOA

Summary of 2022 MOA updates

1. Reflects current roles and responsibilities related to TMDL development and implementation under state and federal law;
2. Adds information on:
 - Existing compliance and enforcement processes;
 - Strategic Implementation Areas – focused Ag WQ program implementation initiative;
 - Evaluating progress and adaptively managing toward water quality standards and related goals;
3. Introduces a process for ODA to develop TMDL implementation plans in addition to adapting Area Plans and Rules;

Summary of 2022 MOA updates

4. Commits to continue to build methods and capacity for monitoring and evaluation of nonpoint source program implementation; and,
5. Increases accountability and transparency through periodic reporting on MOA implementation progress to EQC and the Board of Agriculture.

TMDL Adaptive Management Process

**DEQ and partners
implement basin-wide
monitoring strategy**

**ODA participates
in monitoring**

- DEQ conducts periodic reviews**
- Compile and evaluate all available monitoring data and information from all basin-wide implementation plan reporting

- ODA participates in periodic reviews**
- Submit report evaluating progress on TMDL implementation on Ag lands in subject basin
 - Refocus enforcement, as needed
 - Use evaluation/reviews in Area Plan updates, as needed
 - Plan for Area Rule updates, as needed

Summary of public input received

299 Commenters

Hayes Oyster Company (1)

Oregon Association of Conservation Districts (1)

Grant Soil and Water Conservation District (1)

Oregon Association of Clean Water Agencies (1)

OR Farm Bureau, OR Assoc of Nurseries, OR Dairy Farmers Assoc, Oregonians for Food and Shelter, OR Seed Council, OR Cattleman's Assoc and OR Business Council (1)

Trout Unlimited Oregon (1)

Rogue RiverKeeper (1)

Wild Salmon Center (1)

Confederated Tribes of the Umatilla Indian Reservation (1)

Citizens (288), (1), (1)

- 299 commenters
- Provided 12 unique comment letters/emails
 - That requested 40 specific changes to the MOA
 - And provided 7 statements that did not request a change

Summary of revisions in response to input

The agencies revised the MOA responsive to 11 change requests.

Topics of revisions to clarify terms and concepts, use active voice and more closely align language with statutory or rule requirements:

- Regulatory and incentive-based voluntary processes;
- Limits and uncertainty of existing data and reporting; and
- Agency intentions and commitments

Summary of revisions in response to input

The agencies determined revisions were not needed to address 29 change requests:

- Expressed support for the MOA;
- When concepts or processes were already included in the MOA; or
- Elements that were outside the MOA's scope, such as:
 - Confined animal feeding operation permits and groundwater management areas that are addressed in other agreements;
 - Roles of Soil Water Conservation Districts and agricultural area Local Advisory Committees that are addressed in cited statute and rule;
 - Air quality regulation; and
 - Intricate details of specific agency processes.

Next steps

- The agencies are presenting this information and the revised MOA to the commission and the Board of Agriculture this week to prompt review and any further discussion.
- The agencies' goal is to have both Directors sign the 2022 MOA by the end of December 2022.
- Coordination between ODA and DEQ on shared water quality goals will continue, guided by this updated agreement.

Questions or discussion