Review Comments on Oregon's NPS Program Progress in 2013

Utilization of Oregon's Clean Water Act (CWA) Section 319 Funding Allocation

The Annual Report provides an overview of Oregon's NPS program, which reflects the goals and objectives of the Oregon's NPS Management Plan. Funding provided by EPA to Oregon is split between the Oregon Performance Partnership Grant (PPG) – to fund staff supporting the NPS program and a separate 319 grant funding local projects. The total 2013 319 grant was for $2,058,000. This past year, approximately 37% was directed to 26 project grants. The remainder 63 % was directed to the PPA grant fund to support 9.45 FTE staff positions. The $905,000 funds were directed in five areas, Best Management Practice (BMP) implementation (14%), Riparian Restoration (44%), TMDL implementation (57.2%), Pesticide Stewardship Program (4%) and Public Outreach (12%), and Water Quality Assessment (26%). The allocation split between incremental and base fund use is not consistent with EPA's guidelines. However, given ODEQ's decrease in funding to support staff and water quality programs, this adjustment is supported by the EPA. The reported split of funds was for $1,301,492 for base funding (63%) and incremental funding of $756,508 (37%).

Local 319 Project Implementation

The Annual report describes the process used to evaluate local projects for funding in 2013 under the State geographic and programmatic priorities. The projects include BMP implementation, Pesticide Stewardship, Public Outreach, Riparian Restoration and Water Quality Assessment. The progress of all local 319 funded projects is summarized in the Annual Report.

Due to the State 319 grants being awarded by the EPA yearly, each with multiple year grant periods, a considerable number of individual projects were in progress in 2013, 68 are open, including the 26 funded in 2013. During 2013, the oldest (FY2009) state 319 grant was closed out with no remaining unexpended funds. We appreciate ODEQ's continued successful management and completion of these sub-grant watershed projects within the grant period. We also commend the ODEQ regional offices conducting project oversight and monitoring, and providing local technical assistance.

Impaired Waters, TMDLs and Watershed Based Plans

The Annual Report describes ODEQ's overall water quality program that has an increased emphasis on the watershed approach. The watershed approach is divided into 17 subprograms that produce basin based assessments that include water quality conditions and recommendations and uses the assessments to work with local stakeholders to find solutions to water quality issues. The two main elements of a watershed approach are a basin status report and a basin action plan. In 2013 DEQ completed three basin status/action plans: North Coast, Deschutes and Rogue Basin. Also, ODEQ nearly completed the Clackamas and Sandy River Basin, South Coast Basin and Powder/Burnt. ODEQ also started work on the Umatilla Basin, Tualatin Subbasin and the Upper Willamette Area Water Quality

Status and Action Plans.

The Annual Report describes the areas of focus for development and implementation of TMDLs.

State Revolving Fund NPS Projects

In 2013 DEQ provided additional Clean Water State Revolving Fund (CWSRF) loans totaling more than $6 million to two nonpoint source projects, Central Oregon Irrigation District to pipe open canals and to the City of Ashland to restore 8 miles of riparian area within the Bear Creek watershed. The EPA strongly supports the use of CWSRF financing for NPS pollution control projects.

Drinking Water Protection and Groundwater Management Areas

NPS also contributes to groundwater contamination in the State which is the source of 75% of the publics' water supply. The Annual Report provides a detailed update on ODEQ and other state agency involvement in groundwater protections activities, including source water assessment and linkage analysis, supplied maps, data and scientific information to municipalities and watershed councils, implemented strategies for nitrate reduction in Irrigon's groundwater area, assisted with aquifer protection plans, pesticide collection events, assisted with ODEQ's Harmful Algae Bloom strategy, and responded to the need for grant funds in the Dalles following a fire.

ODEQ has designated three Groundwater Management Areas (GWMA's) to respond to their concern over elevated nitrate in groundwater, the Lower Umatilla Basin, the Northern Malheur County GWMA and the Southern Willamette Valley GWMA. Specific actions are outlined in the Annual Report. Activities to date include education and outreach, monitoring, planning, technical assistance and interagency coordination. The EPA commends ODEQ on the continued progress and good work protecting groundwater resources.

Coastal Nonpoint Pollution Control Program

Under Section 6217 of the Coastal zone Act Reauthorization Amendments (CZARA) the state is required to develop Coastal Nonpoint Pollution Control Programs (CNPCP) within the coastal zone areas of the state. The State program was conditionally approved by the National Oceanic and Atmospheric Administration (NOAA), and EPA, subject to three outstanding measures pertaining to new development, on-site sewage disposal, and additional forestry management. Pursuant to the subsequent Settlement Agreement, a process and timeline for actions addressing the remaining management measures was initiated in 2010. This includes the development of TMDL Implementation Guidelines. Both NOAA and the EPA reviewed and provided comments on these proposed approaches during 2012.

On December 20, 2013, NOAA and EPA issued a proposed decision to disapprove Oregon's program in the Federal Registrar. The public comment period ended March 20, 2014. Oregon provided comments and updated information during the public comment period. The Annual Report describes the current process and outlines the management measures that have been conditionally approved in Oregon's Coastal Program. Oregon is currently working towards addressing the three remaining management measures including urban runoff from new development and on-site disposal systems management and forestry measures.

Water Quality Monitoring and Assessment

The Annual Report describes monitoring and assessments conducted throughout the state in support of TMDLs, water quality standards reviews, toxics reduction efforts, groundwater management, the ambient monitoring program, and volunteer efforts. Notably, during 2013 the state collected toxics data in coastal watersheds and southeast Oregon at 80 coastal locations for a broad sweep of contaminants. Information from this study will be used to develop long term toxics monitoring network.

The EPA strongly supports ODEQ's efforts in continuing its monitoring program which is critical to the NPS program.

Agricultural Lands and Pesticide Stewardship Partnerships

The Annual Report describes how ODEQ is addressing water quality issues on agricultural lands through coordination with Oregon Department of Agriculture (ODA), the Natural Resources Conservation Service (NRCS), the state Soil and Water Conservation Districts (SWCDs) and other organizations.

Progress under the Pesticide Stewardship Partnership continued in 2013 in Eastern Oregon specifically in Hood River, Walla Walla River and watersheds in Wasco County. As described in the Annual Report monitoring shows pesticide levels (diuron and malathion) have been significantly reduced and levels of almost all pesticides in the Hood River Watershed remain below criteria or benchmarks. DEQ also continues to work with partners in the Willamette Valley, Clackamus, Pudding and Yamhill River, and Amazon watersheds providing technical assistance and monitoring.

DEQ also participated on the Water Qualtiy Pesticide Management Team (WQPMT), an interagency team formed to coordinate and communicate pesticide issues with ODA, DHS, and ODF. The WQPMT operates under a Memorandum of Understanding established in 2009. ODA is the lead coordinating agency under the EPA-ODA Consolidated Pesticide Cooperative. The Annual Report describes the numerous efforts addressed by WQMPT including evaluating pesticide data, establishing pesticides of concern and of interest, education to pesticide applicators, coordination with PSP and other key stakeholders.

The Annual Report describes the work done with the Conservation Effectiveness Partnership in 2013 (which was started in 2010), between ODEQ, ODA, NRCS and Oregon Water Enhancement Board (OWEB) with the goal of evaluating the effectiveness of funded restoration. Work is reported to continue to finalize reports on two pilot watersheds, the Wilson River in Tillamook Bay and the Wychus Creek along the Upper Deschutes River.

The EPA strongly supports ODEQ's collaborative partnerships and interagency efforts. We recommend that ODEQ continue to identify priorities and opportunities for efficiency. We also encourage the development of success stories through EPA measures SP12 and WQ10 that address NPS pollutants from agricultural lands.

Forests and Rangelands

The Annual Report describes efforts to address water quality issues on forests and rangelands. ODEQ continues to participate with the Oregon Department of Forestry (ODF) on the RipStream (Riparian Function and Stream Temperature) project, which is evaluating whether current riparian protections on fish-bearing streams are adequate to meet water qualtiy standards for temperature. The results

demonstrate the need for changes in riparian protection rules for private forestlands in Oregon. In 2013 ODEQ accomplished the following: 1) ODF in cooperation with ODEQ conducted a systematic review of the scientific literature around riparian stream protection in forest harvest. ODEQ also analyzed data from the RipStream study to determine what level of riparian protection will be needed in the revised rules. 2) ODF staff and others partly funded by 319 grant, conducted a modeling analysis and wrote a manuscript regarding transmission of heat from harvest units through shaded downstream reaches using the RipStream data which supports the need to protect thermal regimes.

ODEQ also worked on the MidCoast Sediment TMDLs to evaluate the impact of forest practices on sediment regimes and aquatic life during the source assessment.

Coordination also continued between ODEQ and the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) through the respective MOU's with these agencies on federal lands. In 2013 a draft final of the MOU to meet federal and state water quality rules and regulations between US Dept. of Agriculture and ODEQ was completed. The Annual Report describes BLM's planning activities for Western Oregon forests. In 2012 ODEQ signed an MOU defining the scope of their involvement and participation in reviewing these plans and the work accomplished for 2013 is reported in the Annual Report.

The EPA strongly supports ODEQ's collaborative partnerships with BLM, USFS, and ODF in addressing watershed protection and restoration activities on forested and agricultural lands.

Measuring Progress under the NPS Program (Load reductions and Success Stories)

Section 319 of the CWA requires states to report annually on: (1) progress in meeting NPS Program milestones, (2) reductions in NPS loading, and (3) improvements in water quality resulting from NPS program implementation. National NPS program measures were developed under these objectives, including WQ-10 (NPS-impaired waterbodies which are partially or fully restored as documented through Success Stories), WQ-9 (reductions in nitrogen, phosphorus, and sediment from 319 projects through the Grants Reporting and Tracking System (GRTS), and SP-12 (water quality improvement on a watershed basis). We appreciate the efforts by ODEQ to document improvements to water quality resulting from NPS implementation and 319 funding.

Documentation for partial or full restoration/attainment of water quality standards (WQ-10) is through publication on the EPA's Success Stories website. Oregon has one WQ-10 Success Story for Diamond Lake. Stories which do not yet count toward WQ-10, but do document progress toward attainment of water quality standards, or document ecological restoration, can also be published on that website. Excellent examples of published "progress" success stories for Oregon include the Bear Creek Watershed (phosphorus reductions), published in 2010, and the Tualatin River watershed (phosphorous, Chlorophyll a, pH and bacteria improvements), published in 2011. The Annual Report also highlights ODEQ success stories resulting from restoration actions and BMP's implemented in other watersheds throughout the state. We appreciate the assistance ODEQ provided to develop and highlight these stories. However, we would like to recommend that ODEQ continue its efforts to add to this list of success stories by continuing to coordinate with the NPS, TMDL implementation and listing programs.

Annual nitrogen, phosphorous, and sediment load reductions from 319 projects were modeled and entered into GRTS by ODEQ. The summary for these three pollutant load reductions are summarized in

the Annual Report on page 58 in Table 12. We commend ODEQ for continued progress in reporting load reductions by the annual February 15th national deadline.

Update of Oregon's 2000 Nonpoint Source Management Plan

A primary EPA management goal stemming from the national source program study which EPA prepared for the Office of Management and Budget in 2011 was for 50% of the state NPS management plans (which are outdated) to be updated by the end of FY 2013. EPA received a draft of the revised NPS management Plan and provided comments to ODEQ. We commend ODEQ for this accomplishment.