

Changes to Part 4(B) DEQ Water Quality

Attached is DEQ's final Coastal Coho Assessment report. In finalizing the DEQ report, the following changes were made in response to comments received on the draft reports.

- Added information on areas where uncertainties exist about the effectiveness of the water quality program, especially relating to effectiveness monitoring and limited data on toxics.
- Described the status of the recently revised water quality criteria for toxics.
- Added findings from an analysis of water quality trends in watersheds where TMDLs have been implemented.
- Described concerns related to DEQ's wastewater permitting program (e.g., backlog of permit renewal applications) and the efforts underway to address those concerns.
- Added information on recent reductions in DEQ's water quality program budget that include reductions in monitoring and TMDL development.

A couple other comments were not addressed in the report but are responded to below.

Trout Unlimited commented that the 303(d) list of impaired waterbodies shows that there is an "increasing trend of rivers and streams to violate the Clean Water Act," which, if taken literally, is not an accurate interpretation of the data. The 303(d) list is unfortunately not a comprehensive assessment of waterbodies in the state; it simply reflects the data that is available. There have been significant increases in the number of waterbodies on the list over the last several years, however that is due mainly to changes in water quality standards and an increase in the amount of water quality data that is available. Since we have no comprehensive assessment, we cannot say whether there is an increasing trend or not. However, the Oregon Water Quality Index suggests otherwise. This index is described in Section B.1 of DEQ's report.

Trout Unlimited also raises questions about the effects of *NWEA v. EPA* on DEQ's water quality standards. On March 31, 2003 the Federal District Court of Oregon decision on this matter overturned EPA's approval of Oregon's temperature criteria, dissolved oxygen criteria, and antidegradation rules. Similarly, on September 29, 2003, EPA informed the State that it was withdrawing its approval of these same rules. In response, DEQ has since revised its antidegradation, dissolved oxygen, temperature and mixing zone rules. Those rules were adopted by the Environmental Quality Commission in December 2003 and approved by EPA (following consultation with NOAA Fisheries) in March 2004. The changes to the rules ensure that these standards are adequately protective of salmonid needs.

Attachment: Oregon Coastal Coho Assessment – Water Quality Report