



State of Oregon  
Department of  
Environmental  
Quality

**Oregon Department of Environmental Quality**  
**and U.S. EPA Region 10**  
**Performance Partnership Agreement**  
**July 1, 2016, to June 30, 2018**



# Performance Partnership Agreement Between the Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency – Region 10

We are pleased to sign the Performance Partnership Agreement between Oregon DEQ and EPA.

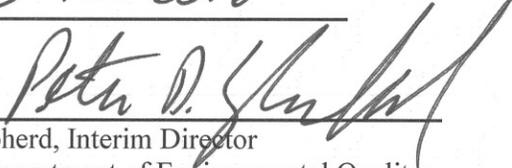
DEQ and EPA have a joint commitment to ensure success of this PPA. Collaborative approaches to addressing environmental issues ensure efficient and focused use of resources and are essential to achieve environmental results. DEQ and EPA's partnership reflects an agreement to align and focus resources on priority work, and to make difficult choices about what work will not get done due to cuts in program funding and staffing.

Working in partnership to achieve our environmental goals, and making decisions regarding how best to employ our resources within the context of funding uncertainties, requires timely communication and collaboration. During this PPA the agencies' leadership will meet periodically to check in on our progress, identify issues and enhance our partnership.

Date: 8/16/16

*for* Signed:   
Dennis McLerran, Regional Administrator  
U.S. EPA - Region 10

Date: 8-12-2016

Signed:   
Pete Shepherd, Interim Director  
Oregon Department of Environmental Quality

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# PERFORMANCE PARTNERSHIP AGREEMENT

## PURPOSE AND SCOPE

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This Performance Partnership Agreement describes how the Oregon Department of Environmental Quality and the U.S. EPA Region 10 will work together to protect Oregon's environment during the state fiscal years 2017 and 2018 that are from July 1, 2016, through June 30, 2018.

The PPA is an agreement documenting the commitments of EPA and DEQ regarding implementation of federally-delegated environmental programs, and is part of a wider effort called the National Environmental Performance Partnership System, an agreement between EPA and the Environmental Council of States. The goal of NEPPS, and of PPAs, is to promote flexibility, accountability, and innovation in state/federal agreements regarding implementation of federal environmental programs delegated to states for operation. PPAs are intended to enhance protection of the environment by focusing attention on overall environmental protection goals and the actual results of efforts to achieve these goals, not on government programs and the number of actions taken.

EPA and the states, through ECOS, are working together to reaffirm the NEPPS principles of *joint* planning and priority setting processes, and providing flexibility to allocate scarce resources to address the highest environmental and public health priorities, particularly in light of continued declining federal revenues. The NEPPS model being discussed by EPA and the states is one of co-governance, embracing and redefining the collaborative relationship between states and EPA, promoting allocation of resources to address state and regional priorities, and encouraging the use of best practices and innovative strategies to maximize environmental results.

The PPA appendices contain program-specific work plans for Air Quality, Hazardous Waste, and Water Quality describing the joint priority work to be accomplished during state fiscal years 2017 and 2018.

This PPA also serves as the work plan for the Performance Partnership Grant covering state fiscal years 2017 and 2018. A PPG allows for a number of grants to be combined into one flexible grant package. This reduces administrative burden and enhances efficiency by consolidating several grants into one and allows states the flexibility to direct resources to the highest environmental and public health priorities.

Grants from the following program authorities are included in this agreement and are combined in the PPG:

- Clean Air Act, Section 105
- Clean Water Act, Section 319 (partial grant)
- Clean Water Act, Section 106
- Resource Conservation and Recovery Act, Section 3011
- Safe Drinking Water Act – Underground Injection Control, Section 1443(b)(1)
- Multipurpose Grant, FY 2016 Consolidated Appropriations Act (Public Law 114-113)

## STRATEGIC PRIORITIES

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EPA and DEQ staff members were guided in these PPA negotiations by their respective program guidance, strategic plans and priorities, and other agreements. DEQ's strategic priorities and EPA's national goals for 2014-2018 share similar objectives that achieve the requirements of CAA, CWA, SDWA and RCRA with limited resources. DEQ and EPA will continue to improve collaboration and integration of joint strategic

planning efforts, including resources, to achieve the highest overall environmental benefits specific to Oregon.

## **EPA's Strategic Priorities**

EPA's Strategic Plan charts the course for advancing EPA's priorities and mission to protect human health and the environment. The EPA developed the FY 2014-2018 Strategic Plan in accordance with the Government Performance and Results (GPRA) Modernization Act of 2010.

The plan identifies the measurable environmental and human health outcomes the public can expect and describes how EPA intends to achieve those results. The plan represents a commitment to core values of science, transparency, and the rule of law in managing environmental programs.

The plan identifies five strategic goals to guide EPA's work:

- Goal 1: Addressing Climate Change and Improving Air Quality
- Goal 2: Protecting America's Waters
- Goal 3: Cleaning Up Communities and Advancing Sustainable Development
- Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution
- Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

The plan also sets forth the following four cross-agency strategies which set clear expectations for changing the way EPA does business in achieving its results.

- Working toward a sustainable future
- Working to make a visible difference in communities
- Launching a new era of state, tribal, local, and international partnerships
- Embracing EPA as a high-performing organization

The plan prioritizes environmental justice, continuing to focus on urban, rural, and economically disadvantaged communities, to ensure that everyone, regardless of age, race, economic status, or ethnicity, has access to clean water, clean air, and the opportunity to live, work and play in healthy communities. The plan also includes EPA's Agency Priority Goals (APGs), a component of the Administration's performance management framework which supports improvement in near-term outcomes related to the Strategic Plan. More information on the Agency's APGs is available at [Performance.gov](http://Performance.gov).

## **Oregon DEQ's Strategic Priorities**

DEQ's mission is to be a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water. The agency's vision is to work collaboratively with all Oregonians for a healthy and sustainable environment. Since 2010, DEQ has embraced outcome-based management as its new business model to reach this vision. Outcome-based management is a system for setting goals for the agency's core (day-to-day) work, and for developing and using performance measures to frequently assess progress in meeting those goals. This system encourages efficient use of resources and improved accountability and transparency to achieve Oregon's environmental goals. The agency has made steady progress since 2010 to implement the system, and has in place an organizational structure to fully support outcome-based management.

DEQ's strategic goals guide the agency's actions to ensure that overall quality of life, from human health to the state's economy, is supported by a beautiful, healthy and productive environment.

There are five themes:

- Efficiently and responsibly meet environmental standards and emerging needs
- Sustain a diverse, outcome-oriented workforce and culture

- Provide easy access to information and services
- Maintain informed and engaged relationships with tribes and Oregon's communities
- Sustain strong, effective internal business practices

Adjustments to these goals may be made over time as DEQ aligns them to its organizational structure. In addition to these priorities, DEQ continues its work to strive for environmental justice, improve tribal government relations and help Oregonians comply with environmental regulations. Some highlights of programmatic and organizational efforts are outlined below to help illustrate these themes.

### **Improving Water Quality**

The availability of clean water is critical to Oregon's environment, residents and economy. Protecting Oregon's rivers, lakes, streams, territorial sea and groundwater quality keeps the state's waters safe for numerous beneficial uses, such as drinking water, fish habitat, recreation and irrigation. DEQ works with state, local and federal partners on the overall water quality, quantity and ecosystem protection efforts, is involved with local communities to protect watersheds and provide innovative and efficient wastewater infrastructure, and continues to work locally to support and encourage the implementation of clean water plans.

### **Improving Air Quality**

Meeting National Ambient Air Quality Standards and reducing exposure to toxic air pollution are key elements of DEQ's work to protect public health. DEQ works closely with communities that violate air quality health standards to develop strategies, plans and programs to reduce emissions and ultimately bring those communities into attainment with federal standards. DEQ works to reduce cancer-causing toxic air pollution from specific sources such as vehicles, diesel engines, woodstoves and industrial sources. DEQ also works with state, local and federal partners to reduce emissions of greenhouse gases that contribute to climate change and to improve visibility in scenic areas by developing and implementing strategies to reduce and prevent pollution from industrial, commercial, motor vehicle and household sources.

Over the next 20 months, DEQ will be partnering with the Oregon Health Authority to overhaul Oregon's industrial air toxics regulations and align them with human health standards. This new program is called Cleaner Air Oregon. The activities will evolve current rules aiming to restrict pollution by imposing industry- or technology-specific requirements on manufacturing facilities (e.g., emissions control devices, specific work practices, or equipment designs) by taking into account the local impacts of industrial pollution on human health.

Cleaner Air Oregon will create regulations to protect all Oregonians from a variety of air pollutants. It will reset allowable pollution levels and tie the standards regulators use in permitting decisions and enforcement actions to health-based standards.

The new regulations will:

- Set limits on air emissions for industrial sources based on risks to human health.
- Define exposure levels that are protective of human health and assess facility emissions based on human health safety standards.
- Cover a comprehensive range of industrial facilities across the state. The rules will apply to facilities that emit a wide variety of potentially harmful toxics.

DEQ and OHA will engage communities throughout Oregon to shape industrial air toxics regulations for Oregon by:

- Sharing information about Oregon's current rules and lessons from other states (spring 2016)
- Engaging community members in public input regional forums statewide (fall 2016)

- Partnering with community-based organizations to ensure diverse engagement of Oregonians (ongoing)
- Providing a diversity of forums for engagement and information sharing including online, in person and in small groups (ongoing)

### **Managing Materials Responsibly**

Significant environmental, economic and social problems are directly related to how materials are produced and used – and current production and use of materials are not sustainable. DEQ is implementing a long-term plan, *Materials Management in Oregon: 2050 Vision and Framework for Action*. The document describes a future where Oregonians produce and use materials responsibly, conserving resources, protecting the environment, and living well. It presents a comprehensive and holistic view, identifying both environmental impacts across the full life cycle of materials, and specific actions that can be taken to reduce those impacts. To achieve the *2050 Vision*, DEQ performs foundational work, develops policies and regulations, engages in collaborations and partnerships, and develops education and information for its partners to use.

### **Reducing Pollution**

DEQ has an agency-wide toxics reduction strategy to guide its efforts in reducing toxics that pose the greatest risk to human health and the environment. The strategy makes the most efficient use of agency resources by focusing on the highest-priority toxic chemicals, implementing actions to reduce toxics at their source, establishing partnerships with other agencies and organizations to increase effective use of public and private resources, and using environmental outcome statistics to measure the effectiveness of strategy implementation. Some strategies to reduce toxics, such as reducing fossil fuel combustion, offer additional co-benefits by diminishing greenhouse gases that contribute to climate change. In addition to the toxics reduction strategy, other DEQ pollution reduction efforts include: reducing water quality pollution through implementation-ready TMDLs for the Mid-Coast Basin and enhancing the Pesticide Stewardship Program, as well as implementing sustainable materials management through the *Materials Management in Oregon: 2050 Vision and Framework for Action*.

### **Implementing Outcome-Based Management**

The agency has made steady progress since 2010 to implement its outcome-based management system. DEQ completed the Headquarters' reorganization in 2015. DEQ's new organizational structure aligns with the agency's core work map, which details agency-wide goals and the supporting processes, measures and outcomes. This structure focuses on outcomes and results to encourage efficient use of resources and improved accountability and transparency through measures tracking. DEQ managers and staff hold quarterly reviews to track progress on over 100 measures. This organizational structure reduces programmatic "silos" by encouraging environmental problem-solving through integrated solutions across its air, land and water programs rather than organizing solutions based on individual programs.

### **Supporting DEQ Infrastructure**

To support its agency strategic goals, DEQ is investing in needed infrastructure improvements, especially those tied to technology and document management. Key activities will include efforts to better define business process needs to modernize and enable e-government and e-commerce activities, and implement EPA's e-reporting rules. Modernizing and standardizing DEQ's business infrastructure will enable the agency to provide improved and transparent services to stakeholders and improve business process and practices to better achieve DEQ's mission.

DEQ has many existing systems, most over 10 years old, that do not have the capacity to meet internal and external demands for information sharing. Also, the majority of these systems are at or past the end of their life cycles. In addition to having limited capacity and ongoing maintenance challenges, these systems do not have standardized technology or business processes and collectively have little ability to support e-

commerce. Due to these factors, DEQ finds it difficult to meet the data infrastructure and information needs of the public, the regulated community, and state and federal partners.

DEQ's Environmental Data Management System project is intended to replace many of the business systems by providing a common platform and updating business processes. After carefully considering market research and internal limitations, DEQ believes that buying an off-the-shelf product, which is what other state environmental regulatory agencies have done, offers the best path forward. Such systems offer a tested and proven way to efficiently and effectively receive and share environmental information, and modernize with features such as e-commerce and web-based interactions that stakeholders want. We will also be better able to meet our partnership agreements with EPA and other stakeholders, and ultimately better serve the people and businesses of Oregon.

DEQ will do the project in phases, bringing in similar environmental and business functions at the same time:

- Air quality programs
- Land quality programs
- Water quality programs
- Invoicing functions
- Customer portal
- Internal staff portal

Each phase requires DEQ to conduct thorough business analysis and process mapping to migrate business processes from existing systems to the new EDMS environment, as well as deep technical review to determine feasibility of data migration and plans for implementation.

### **Encouraging Sustainability**

DEQ continues to implement its sustainability plan, in alignment with outcome-based management principles. This plan encourages practices that result in clean air, water and land that support socially and economically healthy communities under a framework of sustainability. This framework requires the balancing of decisions and processes with the biosphere's ability to maintain a healthy environment. The framework transects multiple levels of environmental improvement policy and pollution reduction strategies, DEQ agency operations and infrastructure to community infrastructure and public engagement in sustainable behaviors.

### **Environmental Justice**

Oregon DEQ is committed to the principles of Environmental Justice and strives to ensure that the agency's actions address the interests of Oregon communities, including minority, low-income and other traditionally underrepresented communities, including rural communities. DEQ's environmental justice efforts are guided by state and federal laws.

Federal laws include Title VI of the [1964 Civil Rights Act](#) and [Federal Executive Order 12898](#).

With implementation of Oregon's Environmental Justice law ([Oregon Revised Statutes 182.535-182.550](#)) in January 2008, Oregon DEQ and other state agencies became subject to new environmental justice requirements. The law requires agencies to consider environmental justice when determining whether and how to act, providing greater public participation to all people affected by decisions, and creating a citizen advocate position to support this work.

Below is an example of EJ-focused work that DEQ accomplished during the period covered by the 2014-16 PPA.

DEQ's Northwest Region initiated a pilot project using EPA Site Discovery funds to identify and assess whether there was legacy contamination at former dry cleaners in the region. Dry cleaning chemicals and related breakdown products can persist in soil at concentrations that can pose a risk to human health long after operations cease. When DEQ's dry cleaner program began regulating dry cleaners in 1995 it had limited information about historic dry cleaner operations in Oregon and their waste disposal practices.

To target the most critical sites, DEQ prioritized the assessment work in vulnerable areas, including high poverty areas, vulnerable populations and drinking water protection areas. DEQ focused on two areas within the region: Tillamook County and East Portland; then evaluated information from the Multnomah County Library, Tillamook County Historical Society, and the City of Portland to identify potential sites in these areas. From this work, DEQ found approximately 40 historic dry cleaners near 82<sup>nd</sup> Avenue in Portland that were not already involved with the DEQ dry cleaner program or reviewed under the cleanup program. Similarly, approximately six historic dry cleaners in Tillamook County were previously unknown to DEQ.

During discovery, DEQ partnered with the City of Tillamook, Tillamook Chamber of Commerce, the Governor's Regional Solutions Teams, the City of Portland brownfields program, Oregon Health Authority and Groundwork Portland, a non-profit organization that specializes in sustainable, community-led improvement in low-income areas. After consulting with these groups, DEQ selected seven sites to screen using EPA Site Discovery funds. DEQ performed initial screening at five sites in Portland and two sites in Tillamook County. After performing site investigations with limited sampling at three of the sites, DEQ issued a No Further Action for one of the sites, and determined that the other two were a low priority for additional investigation.

DEQ will use lessons learned from this pilot project when addressing future environmental concerns with historic dry cleaner operations and other potential sources of pollution.

DEQ's programs and activities integrate the principles and requirements of Environmental Justice into their operations. While DEQ does not outline actions and tasks related to environmental justice that are specific to direct federal or other funding, EPA's expectation is for Environmental Justice to be an integral part of all work of the states. However, it is also the expectation of EPA that efforts to further compliance for Title VI of the Civil Rights Act of 1964 can be made through DEQ partnerships, outreach, tools, accountability and training. The efforts noted below represent DEQ's commitments through internal practices and cooperative work with local, state and federal partners for the time period associated with this agreement.

In 2016-18, Oregon DEQ will continue efforts to further the progress of EJ in Oregon. This will include:

#### Partnerships

- Collaborate with EPA and other states to share information about current EJ issues, activities and events applicable to Oregon
- Coordinate with other state natural resource and health agencies, and local environmental public health agencies to develop and share tools for EJ activities in Oregon, such as a tool to take into account demographic indicators for prioritizing work and sharing environmental public health with communities with environmental justice concerns
- Consult with the [Oregon Environmental Justice Task Force](#) for guidance about tools to more deeply integrate EJ principles and requirements into DEQ operations
- Participate in, and work with EPA on, any national or regional EJ efforts or initiatives, such as EPA Region 10's Making a Visible Difference steering committee
- Coordinate with EPA to develop EJ trainings for specific Oregon DEQ programs

- Consult with state and local environmental public health agencies to incorporate EJ considerations into programs, such as priorities for air toxics site investigation
- Collaborate with EPA to identify LEP individuals who need language assistance using data such as EJ Screen, the latest census data, or information from DEQ

#### Outreach

- Diversify Oregon DEQ's advisory committees and workgroups, including, but not limited to, participants representing environmental justice issues
- Establish DEQ protocols for culturally appropriate community engagement, taking into account demographic indicators and Limited English Proficiency

#### Tools

- Develop a tool to take into account demographic indicators for prioritizing DEQ's work
- Explore opportunities to focus Supplemental Environmental Project funds resulting from civil penalties for environmental law violations in communities with environmental justice concerns
- Develop a Limited English Proficiency implementation plan with measureable outcomes to address the identified needs of LEP populations and provide guidance for Oregon DEQ
- Continue to develop an agency implementation and staff training plan, with outcome-based measurements, for using EPA's EJ Screen when DEQ decisions may affect communities with identified or potential EJ concerns

#### Accountability

- Consult with the Oregon Environmental Justice Task Force to measure success while developing the Environmental Justice section of the next PPA; review work completed during the previous grant cycle and seek task force input about how to improve moving forward
- Reduce localized impacts of air toxics in communities with environmental justice concerns statewide through the Cleaner Air Oregon regulatory reform program
- Incorporate EJ and cultural competency expectations and understanding implicit cultural bias in Oregon DEQ manager position descriptions and performance management materials
- Ensure compliance with Title VI of the Civil Rights Act of 1964. This includes participating in EPA sponsored training and/or guidance to help achieve compliance with Title VI
- Take reasonable steps to ensure meaningful access to programs and activities that impact LEP persons, by following the four factors according to 69 Fed. Reg. 3502 (June 25, 2004), at: <http://www.gpo.gov/fdsys/pkg/FR-2004-06-25/pdf/04-14464.pdf>
  - (1) the number or proportion of LEP persons eligible to be served or likely to be encountered
  - (2) the frequency with which LEP individuals come in contact with or impacted by program/activities
  - (3) the nature and importance of the program, activity, or service provided by the ODEQ to people's lives; and
  - (4) the resources available including costs considerations
- Provide notice to LEP persons that language services are available and that they are free of charge

#### Training

- Maintain an online training for environmental justice that is available to all employees
- Strongly encourage all managers and staff whose primary work responsibilities include permitting or field work to complete the online EJ training
- Provide all DEQ employees opportunities to access training in cultural competency and understanding implicit cultural bias
- Provide all DEQ employees opportunities to access training about DEQ's tool to evaluate demographic indicators for prioritizing work and engaging communities

- Coordinate Technical Assistance/Training needs for Title VI and LEP with EPA
- Provide training to managers and staff regarding LEP policies and procedures
- Provide training in the use of EJ Screen, in collaboration with EPA, with a strong focus on managers and staff whose primary work responsibilities include permitting, enforcement, or field work

If additional funding for EJ work in Oregon is available and awarded, Oregon DEQ will use it for the activities below:

- Reduce barriers to participation by communities with environmental justice concerns in public meetings and hearings convened by Oregon DEQ, by providing childcare, food and opportunities for interpreters
- Improve outreach for public meetings and hearings convened by Oregon DEQ to include targeted materials based on demographic information for communities. For example, work with county environmental public health agencies to understand languages spoken in communities, and translate outreach and communication tools as appropriate
- Implement recommendations in Oregon DEQ's statewide Toxics Reduction Strategy to reduce toxic pollution to Oregon's air, water and land, which may have disproportionate effects on environmental justice communities
- Implement recommendations from the Portland Air Toxics Solutions Recommendations that address Environmental Justice communities as determined by the Environmental Justice Analysis conducted for the project

### **Tribal Government Relations**

Oregon DEQ consults and coordinates with the nine federally-recognized tribal nations in Oregon on air quality, water quality and land quality issues. DEQ works with tribes on a government-to-government basis to understand and address tribal interests related to DEQ's environmental initiatives, policy and program development, and proposed legislation. DEQ partners with tribal nations to increase our collective ability to protect and enhance Oregon's environment and people's health.

DEQ's internal tribal relations activities are focused on improving consultation and communication between agency and tribal managers and staff, as well as providing training to DEQ employees on tribal government, sovereignty and issues of interest to tribal nations.

DEQ developed a Tribal Government-to-Government Relations Program in 1996 following Governor Kitzhaber's signing of [Executive Order \(EO\) 96-30](#). In 2001, the Oregon Legislature approved [Senate Bill 770](#) which institutionalized the executive order into law. Under this law, State agencies are directed to improve their working relationships with the nine federally recognized Tribes in Oregon.

DEQ's official response to the directives of SB 770 is contained in our [tribal relations policy](#). The Statement expresses DEQ's commitment to maximize inter-governmental relations between the agency and the nine tribes. Measures include:

- Maintain a Tribal Liaison responsibility in the Director's Office
- Provide periodic training and educational opportunities to staff on tribal sovereignty and related issues
- Institutionalize the consideration of tribal interests and issues in planning and decision-making activities
- Establish a familiar day-to-day working relationships between agency staff and tribal environmental staff.

DEQ's Tribal Liaison meets regularly with individual tribal nations and participates in tribal-state workgroups focused on natural resource management and protection of tribal cultural resources. DEQ's Tribal Liaison also facilitates leadership-level meetings between tribal and agency officials, provides tribal relations training to DEQ employees and other groups, and advises DEQ managers and staff on opportunities for strengthening relationships with tribal nations. Christine Svetkovich serves as DEQ's Tribal Liaison, and she can be reached at 503-229-6991.

The US Environmental Protection Agency (EPA) is also an important participant in government-to-government relations between DEQ and the tribal governments. EPA has a federal trust responsibility to protect and restore the lands and environmental treaty resources (on-and-off reservation) of Indian Tribes. Regulation of federal environmental laws on tribal lands is also the responsibility of EPA. However, tribes may seek direct delegation authority from EPA to carry out federal and tribal environmental regulations on tribal lands. DEQ participates in a partnership with EPA and tribal governments in carrying out their respective responsibilities for protecting and enhancing Oregon's environmental resources.

DEQ developed the Cultural Resources Protection Guidance, a resource for agency staff and the regulated community that describes the federal and state cultural protection laws.

### **Compliance and Enforcement**

DEQ considers compliance monitoring, compliance assistance and enforcement critical to its regulatory mission and is committed to continued investment in these activities as part of an integrated strategy for the core programs. DEQ identifies violations through self-monitoring reports, compliance inspections and complaint response. Using its discretion, DEQ initiates formal enforcement for compliance orders and penalties as appropriate under its rules and directives. Such a strategy allows the state to focus on important environmental and compliance issues, deter those who might violate, maintain a level playing field for the majority who do comply, and promote a healthier environment.

DEQ supplements some of its regulatory programs with “technical assistance” and other non-enforcement educational efforts. These efforts help regulated entities – especially small businesses and communities – to better understand regulatory requirements, find cost-effective ways to comply, and improve environmental performance through the use of pollution prevention, environmental management practices, and innovative technologies.

DEQ works with a multitude of other local, state and federal agencies, including the Oregon Department of Justice's Environmental and Cultural Resources Enforcement Unit, the Oregon State Police and EPA's Criminal Investigation Division to identify, investigate, and present possible environmental crimes for prosecution at both the state and federal levels.

EPA's overall national enforcement goals focus on civil and criminal enforcement for violations that threaten communities and the environment; greater compliance and protection through use of advanced monitoring and information technologies; and strong EPA/State/Tribal partnerships for working together toward shared environmental goals. Enforcing environmental laws is an integral part of [EPA's Strategic Plan](#) to protect human health and the environment. EPA works to ensure compliance with environmental requirements and, when warranted, civil or criminal enforcement action.

One of EPA's top priorities is to expand the conversation on work for environmental justice. EPA is integrating EJ into enforcement and compliance planning and program implementation, case targeting and development of remedies to benefit overburdened communities.

EPA initiates civil enforcement actions to protect human health and the environment by taking legal action to bring polluters into compliance with the law. EPA also investigates and assists in the criminal prosecution of

deliberate or egregious violations of environmental laws or regulations and any associated violation of the U.S. criminal code.

EPA civil enforcement actions may lead to settlement agreements, civil penalties, injunctive relief or supplemental environmental projects. Criminal investigations may lead to penalties and/or incarceration.

EPA ensures consistent implementation and oversight of federal environmental laws and policies across states in order to provide equal environmental benefits to the public and a level playing field for the regulated community. EPA's oversight responsibility includes working to improve state performance by building upon existing practices and effective working relationships.

#### Primary responsibilities

EPA and DEQ agree that **EPA's primary responsibility** is to ensure compliance with, and enforcement of, federal or federally approved regulations and to ensure that DEQ's administration and enforcement operations are consistent with national timely and appropriateness policies. EPA is also responsible for addressing environmental issues in Indian Country in accordance with Indian treaties, statutes, executive orders, and historic relations between the United States and Indian tribes.

EPA and DEQ agree that **DEQ's primary responsibility** is to administer delegated federal and state regulations on a day-to-day basis. DEQ is the primary agency conducting inspections and initiating enforcement under Oregon laws and policies to ensure adequate deterrence to noncompliance through consistent and predictable enforcement.

DEQ and EPA agree that each will follow their statutory and regulatory directives and federal and state policy and guidance to determine the appropriate enforcement response to violations. DEQ and EPA will use their respective penalty regulations and policy in determining penalty amounts for both economic benefit and gravity.

#### Guiding principles

EPA and DEQ agree to follow these guiding principles when conducting civil and criminal enforcement activity in Oregon.

1. EPA and DEQ agree to establish and maintain a **cooperative regulatory approach** that will ensure compliance with state and federal pollution control regulations and improve environmental quality in Oregon.
2. EPA and DEQ agree to a **collaborative planning** process in order to avoid duplication and surprises. EPA will collaborate with the state in setting national and regional initiatives and in planning for the appropriate roles and responsibilities necessary to implement these initiatives.
3. DEQ and EPA agree to engage in a **collaborative process** and coordinate enforcement and compliance goals, priorities, and activities to maximize the effectiveness of limited resources. Individual programs may have unique enforcement policy that may be found under each program narrative or work plan.
4. EPA and DEQ agree to **coordinate** when EPA initiates an inspection or enforcement action when requested by DEQ or for other reasons. When EPA initiates an inspection or enforcement action in federally delegated and state administered programs, EPA will, to the extent possible, inform DEQ and provide an opportunity for DEQ to participate.
5. EPA and DEQ agree to **communicate** about potential disagreements at the earliest possible time and to resolve conflicts at the lowest appropriate organizational level. If a dispute cannot be resolved at the lowest level it will be elevated to the next organizational level as soon as possible. If not resolved at that level, the dispute will be referred to each sequentially higher level until resolved. When program priorities differ, the parties will attempt to resolve the differences as soon as possible and ensure that all program objectives are met

6. EPA and DEQ agree to consider *innovative approaches* to compliance and enforcement and to look for pollution prevention opportunities when returning sources to compliance in order to further benefit the environment when resolving environmental issues.
7. EPA and DEQ can improve performance through reciprocal *capacity sharing* in many areas where sharing expertise, knowledge and resources would enhance performance and benefit the environment.
8. EPA and DEQ agree that EPA will *assess* the adequacy and efficacy of the DEQ enforcement program by completing a State Review Framework report. Program effectiveness will be determined by application of mutually agreed-upon program assessment principles.

## **OVERVIEW OF EPA'S AND OREGON DEQ'S JOINT OBJECTIVES**

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DEQ and EPA share the goals of clean air, clean land, clean water, healthy communities and compliance with environmental laws. This PPA incorporates EPA's national and regional objectives in ways that fit with Oregon's priorities and objectives. Each agency has unique responsibilities to achieving these objectives, with a common outcome of environmental protection. For example, EPA sometimes focuses protection on national scale concerns while DEQ focuses protection on state or more local scale concerns. Both agencies take a holistic approach to protecting water, including taking measures to ensure water quality and quantity, preventing pollution and reducing toxics, and engaging communities and partners in problem-solving strategies to help clean up communities and advance sustainable development.

Two of EPA's national goals, *Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance* and *Cleaning Up Communities and Advancing Sustainable Development*, provide an overarching theme to the work associated with both agencies. DEQ's outcome-based management system and subsequent commitment to encouraging sustainability is intended to provide the foundation to accomplish these goals through innovative and efficient practices with measurable outcomes that support concepts from the Government Performance and Results Act.

EPA's and Oregon DEQ's remaining objectives are closely aligned. For example, EPA's priorities of *Addressing Climate Change* and *Improving Air Quality* are included in Oregon DEQ's *Improving and Protecting Environmental Quality* and *Reducing Pollution*. Other examples of the agencies' strategic alignment include pollution prevention efforts and controlling pollution sources.

Where there are funding uncertainties, creative opportunities will be explored such as work share in order to maximize the overall environmental benefits. The attached Air Quality, Hazardous Waste, and Water Quality work plans describe how Oregon DEQ and EPA will collectively work together on specific activities to help achieve the environmental goals outlined in this agreement.

DEQ values the flexible and collaborative nature of the PPA. Over the next 18 months, DEQ and EPA will designate agency contacts to identify opportunities to advance innovation and cross-program synergies across the Air, Land and Water components of the PPG. We will continue to strive to find ways to strengthen our inter-agency relationships and align and leverage our resources to meet environmental outcomes.

## **PERFORMANCE EVALUATION**

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DEQ and EPA have developed agreements regarding the process for conducting joint evaluation of performance. The specific process is included in the attached work plans for each program. The purpose of the joint evaluation process is to discuss:

- Work plan accomplishments

- Effectiveness of work performed
- Existing and potential problem areas
- Suggestions for improvement

## **MODIFYING THE AGREEMENT**

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The PPA is intended to be a “living” document. Although DEQ and EPA developed this agreement based upon current and projected information, it is possible that either partner may want to revise the agreement based upon new information or changes that occur during the timeframe of the agreement.

Economic conditions have an impact on DEQ and EPA’s operating budgets. Potential future reductions in state or federal funding in air, hazardous waste or water programs is one reason modifications to the commitments outlined in this PPA might be required. An example of the implications of potential federal water quality budget reductions to PPA commitments is detailed in the Water Quality Program section of Appendix C. In the event of any major budget reductions that affect the ability to meet outlined commitments in this PPA, EPA and DEQ will work closely to re-negotiate work plans to meet commitments with the available funding. Additionally, re-negotiation of PPA commitments may be required in order to address changes in environmental conditions or priorities. DEQ and EPA expect that, in most instances, negotiating changes will be a fluid process that both agencies can readily agree to, or that changes will be interpreted to be within the scope of the existing agreement. These modifications can be captured through written or verbal side agreements. When major changes are needed, the PPA can be re-opened and re-negotiated under the direction of the DEQ Director and EPA Regional Administrator.

When either agency believes that changes are needed, the agencies will need to reach agreement on the following:

- The level of resources necessary to do the work,
- Any specific disinvestments from existing work that will be required to accomplish this new work, and
- The roles and responsibilities of each agency to support identified projects.

# APPENDIX A: AIR QUALITY PROGRAM COMPONENT

## AIR QUALITY PROGRAM

The goal of DEQ's Air Quality Program is to ensure Oregon's air is healthy to breathe, protect valued resources such as visibility and ecosystems, and reduce greenhouse gases. DEQ uses a number of measures to determine how well these goals are being met.

### DEQ Air Quality Measures

**Percent of communities within DEQ's jurisdiction that have been redesignated from nonattainment to attainment with a National Ambient Air Quality Standard. DEQ also considers the number of nonattainment area designations avoided through early intervention and pollution prevention to be a very important goal and measure.**

For a time in the late 1990's through early 2000's, 100 percent of Oregonians lived in areas that meet the National Ambient Air Quality Standards for criteria pollutants, which represents a tremendous improvement from a period of routine violations in the 1980s and early 1990s. However in 2006, based on new health information, EPA tightened the daily standard for fine particles to a level where two Oregon communities - Klamath Falls and Oakridge - were designated nonattainment. One additional community - Lakeview - was later found to violate the new PM2.5 standard but has yet to be formally designated nonattainment by EPA because DEQ, EPA and the community have worked in partnership to develop a PM2.5 reduction plan that brings the area back into compliance with the NAAQS and avoids the need for a formal nonattainment designation. The City of Prineville has also recently been found to violate PM2.5 standards in the winter. DEQ, EPA and the community have worked in partnership to develop a PM2.5 Advance Plan for that community as well. Periodic severe winter cold and air stagnation events have also put several other communities at risk of violating the lower PM2.5 NAAQS.

Since the last PPA period DEQ has worked successfully with Klamath Falls and EPA to finalize an attainment plan and bring PM2.5 levels in the community back into compliance with standards. DEQ also worked successfully with the communities of Lakeview, Prineville and EPA to develop PM Advance Plans and adopt measures needed bring PM2.5 levels back into compliance.

During this PPA period, DEQ will be working with Klamath Falls to develop a PM2.5 maintenance plan and redesignation request. DEQ will continue to oversee the implementation of the Lakeview PM Advance Plan, and will continue working with the cities of Prineville, Burns, and Hillsboro on measures to reduce PM2.5 levels and prevent violations of the NAAQS. The Lane Regional Air Protection Agency has responsibility for attainment planning in Oakridge, which is located in Lane County. DEQ is working with LRAPA and EPA to update the Oakridge attainment plan and bring that community into compliance with PM2.5 standards. All communities in Oregon are in compliance with other criteria pollutant NAAQS.

**The number of days when air is unhealthy for (a) sensitive groups, (b) all groups (DEQ Key Performance Measures 9a and 9b).**

While most communities are meeting federal air quality standards, which are based on repeated high levels of pollution over several years, there are still numerous individual days when the air is unhealthy to breathe in many communities. One of the key performance measures that DEQ uses to gauge air quality is the number of days when the air in Oregon communities exceeds federal air quality standards. The measure has two parts: part (a) tracks whether Oregon's air is healthy to breathe for sensitive groups, asthmatics, children, and the elderly; and part (b) tracks whether Oregon's air is healthy to breathe for healthy adults.

DEQ's goal is to eliminate all unhealthy air days in all communities. The number of days statewide that were unhealthy for sensitive groups decreased from 121 days in 2013 (with 52 caused by forest fire smoke) to 73

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days (with 22 of the days caused by forest fire smoke) in 2014. The majority of these unhealthy days were caused by wintertime woodstove smoke, combined with poor ventilation (air stagnation) conditions that greatly intensify air pollution levels. The 2014 winter season was warmer than 2013, with no prolonged stagnation events, which helped to improve results. For 2014, 20 communities had unhealthy air days, and the three communities that currently violate the federal standard for fine particulate (Lakeview, Oakridge and Prineville) experienced the most unhealthy days. Lakeview had 13 days, Oakridge had 13 days and Prineville had 10 days (two from forest fire smoke) that were unhealthy for their most sensitive citizens. Klamath Falls which used to be above the standard only had two days that were unhealthy (one was from forest fire smoke).<sup>1</sup>

DEQ's annual air quality data report is also available on its website:

<http://www.deq.state.or.us/aq/forms/annrpt.htm>

### **Air Toxics Trends in Larger and Smaller Communities (DEQ Key Performance Measures 10a and 10b).**

Another of DEQ's key performance measures show trends in select "bellwether" air toxics in both representative large and small communities (Portland and LaGrande). DEQ's monitoring for these pollutants reflects "regional scale" or "metropolitan scale" influences from a broad range of emission sources as they impact the community as a whole. Using current medical studies DEQ has established threshold levels (i.e. air toxic benchmarks<sup>2</sup>) for a variety of airborne toxic chemicals that represent levels of acceptable risk to the public. DEQ's KPM goal is to reduce monitored levels of these five representative toxics: benzene, acetaldehyde, formaldehyde, arsenic and cadmium down to one time above the benchmark for each pollutant by 2020. The three year rolling average is typically used to track long-term air pollution trends.

Overall, DEQ sees improving trends in these bellwether air toxics in these communities, largely due to the introduction and maintenance of cleaner motor vehicles. This suggests some good news overall for air toxics reduction and lower public health risk. However, more work is needed across the board to measure and reduce all types of air toxics. In addition to its regional-scale monitoring, DEQ is also pursuing special monitoring studies to investigate the potential for more localized air toxic impacts associated with specific industrial processes. DEQ has developed data related to localized cadmium impacts in Portland and is preparing further monitoring studies. Issues around localized industrial air toxics impacts are an emerging and very important new area for DEQ.

### **Air Quality Program Joint Priorities**

DEQ and EPA worked together to develop the Performance Partnership Agreement Air Quality Program Work Plan. The objective was to come up with a plan that targets Oregon's most important air quality issues within the constraint of limited resources. Through this partnership agreement, both agencies have agreed to support each other's efforts in the following important work.

#### **Priority 1: Meeting National Ambient Air Quality Standards**

**Fine particulate, PM<sub>2.5</sub>:** As noted earlier, Klamath Falls is officially designated as a fine particulate nonattainment area. DEQ worked with EPA and the local community to develop an attainment plan, which was adopted by the Environmental Quality Commission and submitted to EPA for approval in late 2012.

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<sup>1</sup> This is the latest information available, finalized in September 2015 and prepared for DEQ's 2015-17 legislatively adopted budget.

<sup>2</sup> The benchmarks serve as clean air goals not regulatory standards, and are based on very protective concentrations at which sensitive members of the population would experience a negligible increase in risk of additional cancers or other health effects. Multiple year averages produce a more accurate measure of trends because unusual events in any single year could produce unrepresentative results.

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EPA completed a partial approval of the Klamath Falls PM<sub>2.5</sub> plan in August 2015 and is working to fully approve the plan by May 2016. Through implementing the control measures in the attainment plan Klamath Falls has reduced PM<sub>2.5</sub> levels and attained compliance with the NAAQS. During this PPA period, DEQ will work with Klamath Falls to maintain these gains and begin work with the community on a maintenance plan.

While not yet designated as nonattainment areas, Lakeview and Prineville also currently violate the fine particulate standard. Several other Oregon communities, including Eugene-Springfield, Hillsboro, Burns and Medford are potentially at risk of exceeding and/or violating fine particulate standards. DEQ is actively working in Lakeview, Prineville, Burns, Medford and Hillsboro on prevention measures to reduce pollution, ensure compliance and avoid the need for a nonattainment designation. We will closely monitor our progress in these communities over the next few years. Another factor potentially affecting these communities will be EPA action in 2017-18 to review and possibly modify the PM<sub>2.5</sub> NAAQS. DEQ is also working with EPA and the Lane Regional Air Protection Agency to update the PM<sub>2.5</sub> attainment plan for Oakridge.

Woodstove smoke continues to be the major source of fine particulate pollution jeopardizing compliance with the PM<sub>2.5</sub> NAAQS in Oregon, as well as being a significant source of air toxics. DEQ is engaged in a number of woodsmoke reduction initiatives:

The 2015 Legislature passed HB 3068 requiring DEQ to conduct a study and develop recommendations for legislation to reduce woodstove smoke in Oregon, particularly in communities where attainment of the national air quality standards is a concern. The bill also directs DEQ to explore options for transitioning from older, high-polluting woodstoves to cleaner burning home heating alternatives including non-wood heating systems and for reducing the cost of using woodstove alternatives for home heating during poor air quality days. Additionally, the bill directs DEQ to explore the use and production of residential biomass fuel. DEQ convened a 15 member woodsmoke work group to inform the study and provide recommendations for legislation or budget requests. The study group is meeting from mid 2015 through the summer of 2016, and DEQ will provide a report and recommendations to the legislature by September.

DEQ continues to implement the Heat Smart program statewide. This program includes general public education on clean woodstove use, prohibitions on the sale of noncertified woodstoves and residential scale wood-fired boilers in Oregon, as well as provisions authorized by the 2009 Oregon legislature requiring removal of old, noncertified woodstoves from homes when they are sold.

DEQ's nonattainment planning and PM<sub>2.5</sub>/air toxics prevention work in all our "at risk" communities (e.g. Washington County/Hillsboro, Multnomah County, Prineville, and Burns. Medford, Oakridge, Klamath Falls and Lakeview) focus primarily on the reduction of woodstove smoke. This work reflects partnerships between DEQ and the local communities to fund and implement public education and outreach programs, episodic curtailment during air stagnations events, and stove replacement grants as they become available.

During 2010 and 2011, DEQ administered an American Recovery and Reconciliation Act grant for \$2,000,000 to replace uncertified woodstoves with cleaner heating devices. Funds were spent in areas with the most significant PM<sub>2.5</sub> pollution problem. Also, in 2014, the legislature provided funding for five regional solutions projects throughout the state including 1.5 million dollars for additional woodstove replacements and home efficiency upgrades in Klamath and Lake Counties. Funding for the project will come from bond sales. Going forward, DEQ and EPA will work together to seek additional resources to replace more noncertified stoves in high priority PM<sub>2.5</sub> areas. Ongoing funding for local government wood heating curtailment, education/outreach, and enforcement programs is expected to be a major challenge in the coming years.

**Carbon Monoxide and particulate, PM<sub>10</sub>:** All areas of Oregon are in compliance with the federal PM<sub>10</sub> and the carbon monoxide National Ambient Air Quality Standards. During the last PPA period, DEQ had to

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invest in limited maintenance plan development for Medford and Grants Pass to avoid transportation conformity problems. DEQ and EPA staff worked in partnership to complete this work quickly and effectively. Carbon monoxide and PM10 are no longer at levels of concern, yet there are several legacy requirements (such as monitoring commitments and transportation conformity) that need to be managed through the SIP. Obsolete monitoring commitments are also being addressed through DEQ's annual state air monitoring plan review with EPA.

**Ozone:** On October 1, 2015 EPA strengthened the National Ambient Air Quality Standard for ground-level ozone to 70 parts per billion from 75 ppb to protect public health. All communities in Oregon are in compliance with the new ozone standard; however, with recent ozone design values in Medford, Portland and Hermiston ranging from 63 to 65 ppb DEQ will need to stay vigilant about increased emissions and ozone. The higher ozone values in Hermiston have prompted a new partnership between DEQ, EPA and Washington Department of Ecology to explore issues of interstate ozone transport.

**Lead:** All areas of Oregon are currently designated as unclassifiable or in compliance for the lead standard based on available monitoring data. DEQ continues to operate a lead monitor at our NCORE site in Portland.

**Nitrogen dioxide, NO<sub>2</sub>:** In 2010, EPA revised the NO<sub>2</sub> standard, setting the one-hour NO<sub>2</sub> standard at 100 parts per billion. All areas of Oregon are designated attainment or unclassifiable for NO<sub>2</sub>. However, EPA has established new ambient air monitoring requirements for NO<sub>2</sub>, focusing on "hot spots" expected to have higher concentrations. In urban areas, monitors are required near major roads as well as in other locations where maximum concentrations are expected. Additional monitors are also required in large urban areas to measure the highest concentrations of NO<sub>2</sub> that occur more broadly across communities. DEQ operates one near roadway monitor in the Portland area to meet the NO<sub>2</sub> monitoring requirements. DEQ's NO<sub>2</sub> roadway monitor began operations in May 2014. Not surprisingly, the data show that NO<sub>2</sub> levels near a major roadway are higher than what would be typically found farther away in a neighborhood; but all data show levels are far below the national ambient air quality health standard.

**Sulfur dioxide, SO<sub>2</sub>:** On August 10, 2015, EPA finalized the Data Requirements Rule (DRR) which directs air agencies to characterize sulfur dioxide (SO<sub>2</sub>) air quality in areas across the country with sources of SO<sub>2</sub> emissions greater than 2,000 tons per year. In early 2016, through consultation with EPA Region 10, DEQ evaluated individual sources and groups of sources against the SO<sub>2</sub> thresholds given in the Data Requirements Rule. DEQ concluded there are no groups of sources with cumulative emissions above the 2,000 tpy SO<sub>2</sub> thresholds. The only individual source in Oregon that exceeds the SO<sub>2</sub> threshold is the Portland General Electric Boardman facility. DEQ has identified air quality modeling as the most appropriate approach to characterize SO<sub>2</sub> emissions from this facility. DEQ is collaborating closely with EPA on this work and will provide a modeling protocol to Region 10 by the next DRR deadline, July 1, 2016. As of March 2016, EPA indicates they are not planning to have a guidance document for SO<sub>2</sub> interstate transport. Region 10 is reviewing our SO<sub>2</sub> interstate transport SIP submittal and plans to take action on it this year.

### Priority 2: Air Toxics

DEQ's air toxics program is currently going through significant changes. Our recent partnerships with U.S. Forest Service and EPA to conduct monitoring projects in Portland resulted in important findings about the public's exposure to industrial air toxics and has engendered a great deal of concern and interest in air toxics from the public, neighborhood groups and elected officials. These events are a good example of our efforts and success in conducting environmental assessment and creating opportunities to reinforce our message about the importance of clean air. They also provide the scientific rationale to pursue new strategies for reducing air toxics from industrial sources, diesel engines and potentially other source categories. These events also highlight the challenges to adequately resourcing this complex work and the need to increase DEQ's air quality funding and capacity to conduct air quality assessment and data analysis, policy

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development and to develop communications to better inform the public. It also illustrates the vital importance of working in collaboration with EPA, state and county health departments and others to assess and communicate about air pollution risks.

The 2016 Legislature provided new funding to address air toxics in Portland and throughout the state. New work includes:

- Expanded monitoring for air toxics.
- Creation of a new air toxics section within the air program to develop and implement new human health risk-based industrial permitting programs.

More details will become available as these projects proceed.

Oregon's Environmental Quality Commission adopted health benchmarks for 51 toxic air pollutants in 2006. In 2010, the commission added an additional benchmark for ethylbenzene, updated the benchmarks for lead and manganese, and clarified that the mercury benchmark applies only to elemental mercury. These benchmarks allow DEQ to assess public health risks from air toxics, and to identify high priority geographic areas and source categories for emission reduction work. DEQ again convened its Air Toxics Science Advisory Committee in 2015 to review and update as needed DEQ's air toxics Ambient Benchmark Concentrations, including our benchmark value for diesel particulate. ATSAC will conclude its meetings in 2016 and DEQ will initiate rulemaking to update the ABCs.

DEQ also expects to use a multi-pollutant approach to achieve air toxics co-benefits from efforts to reduce emissions of fine particulate, ozone precursors and greenhouse gasses. DEQ continues to implement the NEHSAP program to achieve air toxics reductions from point sources, but as noted above, is also developing a more comprehensive air toxics component for its state industrial permitting program. DEQ incorporates major source NESHAPs into Title V permits and has implemented numerous area source NESHAPs through our Air Contaminant Discharge permitting program. In addition, DEQ continues to lead and support numerous projects to retrofit and replace older high-emitting diesel engines using EPA grant funds.

### Priority 3: Climate Change

Greenhouse gases contribute to climate change, which is expected to have serious impacts in Oregon including coastal and river flooding, snow pack declines, lower summer river flows, reduction of farm and forest productivity, energy cost increases, public health effects, and increased pressures on many fish and wildlife species. DEQ has a number of important initiatives underway to work on state and federal greenhouse gas reduction strategies. These include:

**Clean Cars:** In 2006, the Environmental Quality Commission adopted California's emissions standards for vehicles sold in Oregon to reduce greenhouse gas emissions from new vehicles and increase the availability of zero emission vehicles. DEQ began implementation of the Oregon Low Emission Vehicle Program in January 2008. During this PPA period, DEQ will update the ORLEV program rules to incorporate changes made by California. The rule changes will include new provisions addressing sales requirements for electric and other zero emission vehicles. To support the OR-LEV program goals, DEQ is also engaged with ODOT and others in the implementation of a multi-state zero emission vehicle action plan.

**Greenhouse Gas Reporting:** In October 2008 and again in 2010, the commission adopted greenhouse gas reporting rules which required industrial air permitted sources, fuel distributors and electricity providers to begin annual reporting and now capture over 90 percent of the greenhouse gas emissions in Oregon, as well as emissions from out of state electricity generation. In 2016-18 DEQ will produce statewide GHG inventories for the 2013/14/15 calendar years to support the mission of the Global Warming Commission and

## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

provide data for climate policy discussions through partnerships with DEQ's Materials Management program and the Oregon Department of Energy.

**Clean Fuels:** In 2009, the Oregon Legislature authorized the Clean Fuels program (Low Carbon Fuel Standards) through adoption of House Bill 2186. Following extensive outreach, DEQ proposed and the Environmental Quality Commission adopted the first phase "reporting rules" for the Clean Fuels program. In 2013, DEQ began registering fuel importers and collected data on the types and carbon intensities of fuels being imported into Oregon. The 2015 Oregon Legislature removed the statutory sunset and the Environmental Quality Commission adopted rules fully authorizing the Clean Fuels program. In the next PPA period DEQ will continue implementing the program and conduct rulemaking to add cost containment features.

**Clean Power Plan:** During the last PPA period DEQ began work on the federal Clean Power Plan. DEQ formed a core advisory team with the Oregon Department of Energy and the Oregon Public Utility Commission, and spent many months meeting with stakeholders to discuss and gain perspective on key technical and policy issues that would influence Oregon's plan design. DEQ also initiated outreach to other western states to begin a dialogue about the Clean Power Plan and potential regional compliance approaches. In late 2015, DEQ hosted a major stakeholder meeting in Portland that included EPA participation.

In February 2016, the U.S. Supreme Court temporarily halted enforcement of the Clean Power Plan. In response, Governor Brown stated that "Even though the Clean Power Plan is being battled in court, Oregon is committed to continued efforts to reduce greenhouse gas emissions." In this next PPA period as the Clean Power Plan is addressed by EPA and the court, DEQ will continue to work with Oregon Department of Energy, the Public Utility Commission and stakeholders to advance understanding of the best compliance approach for Oregon. DEQ is determining a process and timeline that aligns with the changing landscape of the Clean Power Plan, but expects to use the extra time to explore the key decisions EPA has given states that will shape Oregon's compliance strategy.

**New Initiatives:** The 2016 Oregon Legislature directed DEQ to study and provide information for the 2017 legislative session on how a market-based carbon reduction system would work in Oregon. DEQ is designing and leading this study, which involves researching market-based GHG reduction programs in other counties and states, consulting with other Oregon state agencies and stakeholders and hiring a contractor to provide some economic analysis work. DEQ will provide its assessment and report to the 2017 Legislature.

### Priority 4: Visibility

Oregon's regional haze plan was adopted by the Environmental Quality Commission in June 2009 and submitted to EPA for approval. The centerpiece of the plan is the requirement to install "best available retrofit technology" or BART to reduce sulfur dioxide and nitrogen oxides at certain "grandfathered" industrial plants, including the PGE Boardman coal-fired power plant. The commission adopted very stringent emission control requirements for Boardman, requiring a reduction in SO<sub>2</sub> and NO<sub>x</sub> emissions of over eighty percent by 2018. Subsequently, at the request of Portland General Electric, the commission revised the BART rules in December 2010 to require permanent closure of the Boardman plant coal-fired boilers by 2020. The requirements included interim controls for NO<sub>x</sub> and SO<sub>2</sub> consistent with the reduced life of the plant. At DEQ's request, EPA expedited approval of this portion of Oregon's regional haze plan. In August of 2012, EPA approved DEQ's complete regional haze plan. All BART required controls are installed and meeting emission limits. During the course of this PPA period, DEQ will submit the required regional haze five-year progress report. DEQ plans to propose this report for adoption by the EQC in October 2016.

### Priority 5: Enforcement

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DEQ and EPA will work collaboratively to implement EPA's National Enforcement Goals and National Enforcement Initiatives. EPA's overall national enforcement goals focus on civil and criminal enforcement for violations that threaten communities and the environment; greater compliance and protection through use of advanced monitoring and information technologies; and strong EPA/State/Tribal partnerships for working together toward shared environmental goals.

### **EPA Support for DEQ Programs**

EPA and Oregon work together to meet clean air goals cost-effectively by employing a variety of regulatory and voluntary approaches and programs. DEQ develops emission inventories, operates an EPA approved air monitoring network and writes the state implementation plans necessary to lay the foundation for improving and maintaining air quality in Oregon. EPA primarily assists DEQ by providing financial assistance, guidance and new regulations. EPA also implements programs in Oregon that reduce pollution from a variety of sources such as trucks, buses, power plants and dry cleaners. In addition, EPA is charged with protecting air quality in Indian Country in Oregon.

### **Funding for this Agreement**

DEQ is very concerned about the planned reduction in CAA Section 105 funding for Oregon's air program. Under EPA's allocation formula for distributing CAA Section 105 funding, Oregon's share of the federal allocation would be reduced by approximately 5% per year over the course of eight years for a total reduction in federal funding about 40%. The first 5% reduction for this PPA period would be a hardship on our program; however, the proposed long term cut will have a severe impact on the air program in Oregon and greatly undermine Oregon's ability to meet basic obligations to ensure clean air in Oregon by meeting federal air quality standards, implementing federal and state regulations, and reducing all forms of air pollution to protect public health and ecosystems.

DEQ will discuss the affect of these planned reductions with EPA Region 10, including what work DEQ may have to eliminate to align with new federal funding levels. Some programs could be returned to EPA, partially cut, or completely eliminated and may include the regional haze program, development of infrastructure SIPs, development of other federal GHG reduction strategies (e.g. a Clean Power Plan) and adoption and implementation of federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs).

EPA stands ready to facilitate DEQ's success in implementing the requirements of the Clean Air Act in Oregon. In order to meet the objectives and outcomes identified in the attached work plan EPA will work closely with DEQ to develop, implement and support programs necessary to maintain healthy air quality in Oregon.

Some of the work EPA will do to facilitate successful implementation of the Clean Air Act in Oregon includes:

- Working closely with DEQ to develop and revise plans necessary to address air quality in new nonattainment areas and existing attainment areas in Oregon.
- Updating DEQ on any new analyses of community, state, or regional air quality including risks associated with public health and the environment.
- Taking final action on redesignation requests within 18 months, and expediting action when feasible upon request from DEQ.
- Coordinating with DEQ on designating new nonattainment areas following a revision to any federal air quality standard.
- Updating DEQ on any new EPA Region 10 strategies for reducing emissions.
- Issuing delegation notices for NSPS within three months of receiving a delegation request from DEQ.

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- Partnering with DEQ to develop implementation strategies for NSPS and National Emissions Standards for Hazardous Air Pollutant programs.
- Processing NESHAP delegation requests within three months after they are received.
- Supporting Oregon's efforts to implement the Clean Diesel Initiative.
- Consulting with DEQ on applicability determinations, compliance determinations, and other case-by-case issues where EPA needs to make final decisions.
- Completing applicability determinations in a timely fashion.
- Providing Aerometric Information Retrieval System support and training.
- Assisting DEQ with database needs for interfacing with ICIS-Air when that system becomes operational.
- Partnering with DEQ to develop future Oregon regional haze plan updates. Taking timely action on regional haze plan approvals.
- Informing DEQ about national plans for enforcement program oversight.
- Conducting compliance assurance and enforcement activities in support of EPA's National Clean Air Act compliance priorities (i.e. Prevention of Significant Deterioration/New Source Review and Air Toxics).

Considering significant resource challenges faced by EPA and DEQ, EPA will strive to streamline requirements and focus on environmental outcomes to the extent possible consistent with laws and national guidance. This includes:

- Working with DEQ to establish protocols for infrastructure SIPs that are consistent with the environmental risks associated with each pollutant, and to the extent possible work within the Infrastructure SIP model template already created and agreed to by DEQ and EPA Region 10.
- Working with DEQ to agree on mutually acceptable protocols for technical analysis supporting nonattainment area planning, infrastructure SIPs, NAAQS compliance demonstrations, and other projects as needed.
- Providing guidance and comments to DEQ as early as possible during development of attainment plans and other SIP submittals.
- Collaborating with DEQ on any air quality assessment projects initiated by EPA, including coordinating and collaborating with DEQ on any related communications strategy.
- Coordinating field activities to complement, rather than duplicate, efforts whenever possible.
- EPA will continue to look for ways to reduce the workload on states for exceptional events documentation.

### **Multipurpose Grant Agreement**

Specific to the EPA Multipurpose Grant Agreement, two thirds of the funding will be used for air toxics work in Oregon. This is a collaborative effort with DEQ, Oregon Health Authority and the Lane Regional Air Protection Authority for a new health based air toxics program. A small portion of the funding will be used on other air toxics work related to address nonattainment issues for fine particular matter from wood smoke.

#### Air Toxics – Oregon DEQ

In response to the discovery of high metals emissions from two art glass manufacturing facilities and unprecedented public concern and outcry, the 2016 Legislature appropriated \$2.5 million in General Fund to expand monitoring activities and to develop new human health risk-based rules to control industrial emissions.

Governor Brown ordered DEQ and the Oregon Health Authority to work together to overhaul Oregon's industrial air toxics regulations and align them with human health. The new program is called "Cleaner Air

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Oregon” and it will create regulations to protect all Oregonians from a variety of air pollutants. It will reset allowable pollution levels and tie the standards regulators use in permitting decisions and enforcement actions to health-based standards. The new regulations will:

- Set limits on air emissions for industrial sources based on risks to human health.
- Define exposure levels that are protective of human health and assess facility emissions based on human health safety standards.
- Cover a comprehensive range of industrial facilities across the state. The rules will apply to facilities that emit a wide variety of potentially harmful toxics.

DEQ will use approximately \$190,500 of Oregon’s air quality specific multipurpose grant funding to supplement state funding in the development of the Cleaner Air Oregon program. Specifically, the multipurpose grant funding will support project management of Cleaner Air Oregon, public outreach/community involvement efforts and developing human health risk information. The Cleaner Air Oregon project is on a fast track, so DEQ anticipates spending multipurpose grant funding in a timely manner.

### Oakridge Attainment Work – Lane Regional Air Protection Agency

Approximately \$21,000 of the 2016 Multipurpose Grant from EPA will be allocated to LRAPA as follows, in order of highest priority to least.

1. \$11,330 will be allocated to Oakridge Police Department’s part-time Code Enforcement Officer position. This funding will provide one-third of the salary for this crucial component to the LRAPA/City of Oakridge’s Home Wood Heating Program. The code enforcement officer makes observations in the field and responds to complaints about smoke violations. The code enforcement officer is also responsible for issuing citations and providing testimony in court for violations. Training for this position is provided through the city’s police department, LRAPA, and the Smoke School for EPA 9 stack reading methods. This officer is also the key person on the ground that makes contact with wood burners, providing education and warnings before further enforcement actions are taken. This position is a critical component of the Oakridge Attainment Plan, as a designated non-attainment area it is crucial that this position diligently monitors and enforces in the city.
2. \$5,000 will be allocated toward the Oregon Solutions Project. This project requires \$15,000 of seed funds to support the exploration of the necessary overall \$2 million funding of the Oakridge Attainment Strategy. The \$5,000 contribution from the multipurpose grant will make up LRAPA’s contribution to the seed funds. Oregon Solutions is also looking at the Ford Family Foundation and the City of Oakridge to contribute the remaining \$10,000. The \$2 million will be used for extensive wood stove change outs and weatherization for residents on Oakridge’s home wood heating exemption list and other key emission reduction programs. These residents are some of the most economically disadvantaged population with limited access to resources. Their continuous wood burning habits negatively impact any progress towards attainment for the area, and therefore must be provided with assistance such as woodstove change-outs, weatherization, and education.
3. The remaining funds of \$4,847 will be used towards other important Oakridge attainment strategies such as the Community Seasoned Firewood Sale which is led by the Southern Willamette Forest Collaborative or other woodburning emission reduction programs. Last year, the SWFC with the help of InBound LLC, LRAPA, Roseburg Forest Products, and the City of Oakridge, were able to

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sell about 60 cords of dry, seasoned firewood. The firewood was sold to people on Oakridge's home wood heating exemption list. These residents meet low income criteria and/or have only a woodstove as their sole heat source. They were able to purchase a cord of wood for \$100-\$150, which is less than half the rate of local commercial cord prices. Although the program was viewed with much positivity and seen as a success for the area, the project exceeded its original budget. To make sure a program is in place for this upcoming winter season, the partners must acquire about \$15,000. LRAPA can contribute about a third towards this project through the multipurpose grant.

### **Evaluation Process**

To insure that EPA and DEQ maintain open communications during this PPA, the two agencies agree to check-in every six months and have meetings as needed. In addition, grant update reports will be submitted every six months and will be used to determine if a check meeting or teleconference should be scheduled. At a minimum the update should include the following information:

- A discussion of accomplishments as measured against the work plan commitments.
- A discussion of the cumulative effectiveness of the work performed.
- A discussion of existing and potential problem areas,
- Suggestions for improvement including schedules if possible.

If the joint evaluation process reveals that sufficient progress under the work plan is not being made EPA and DEQ agree to negotiate a resolution that addresses the issue.

## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

### AIR QUALITY PROGRAM WORK PLAN

<b>Objective 1: Limit public exposure to criteria pollutants by consistently meeting and exceeding health-based air quality standards throughout the state.</b>	
<b>Outcome Measures</b>	
<ul style="list-style-type: none"> <li>• Monitoring demonstrates continuous improvement in air quality as measured by a decline in the number of days when air quality is considered unhealthy for sensitive groups or unhealthy for all groups, as recorded by the Air Quality Index.</li> <li>• All communities within DEQ’s jurisdiction have been redesignated from nonattainment to attainment with a National Ambient Air Quality Standard (NAAQS).</li> <li>• Communities at risk of violating national ambient air quality standards take actions needed to avoid nonattainment.</li> </ul>	
<b>Outputs</b>	<ol style="list-style-type: none"> <li>1) DEQ will continue to work with the City of Lakeview to implement the community’s PM Advance Plan to reduce emissions and restore healthy air quality and avoid nonattainment.</li> <li>2) DEQ will develop the NAAQS Infrastructure SIP for the 2015 ozone NAAQS, due by October 1, 2018. This topic may require further discussion with EPA. EPA’s February 29, 2016 Addendum to their National Program Managers Guidance describes EPA’s desire for states to “Initiate development of transport SIP’s for the 2015 Ozone NAAQS”. DEQ will adopt the new federal ozone NAAQS value of 70ppb into state rule in 2016.</li> <li>3) In the 2016-17 timeframe, DEQ will complete a multi-pollutant assessment study for the Portland and Medford-Ashland metropolitan areas considering current (2014) and future (2024) emission levels of ozone precursors, particulate matter and air toxics.</li> <li>4) In 2016-17, DEQ will participate in a study of ozone formation and interstate transport affecting the Hermiston area in partnership with Washington State University, Portland State University, Confederated Tribes of the Umatilla Indian Reservation, Washington Department of Ecology and EPA. The goal is to better understand the risks of ozone exceedances and the nature of interstate ozone transport in that area.</li> <li>5) DEQ will work with Washington County, the City of Hillsboro and Multnomah County to reduce fine particulate (PM2.5) emissions in the area. This work produces co-benefits for air toxics. The Portland metro area, particularly Hillsboro, has experienced high levels of PM2.5 that could potentially cause the area to violate the standard. DEQ will continue to assist Washington County and the City of Hillsboro with technical support regarding the recent ordinance adoption of a mandatory wood stove curtailment and open burn ban program and developing a future woodstove changeout program. DEQ will work with Multnomah County to develop a similar mandatory wood stove curtailment program. The strategy for targeting woodstove outreach and reduction strategies will consider local EJ information.</li> <li>6) DEQ will continue to consult with EPA regarding air monitoring showing the City of Prineville is violating the PM2.5 NAAQS in the winter. DEQ staff have worked with community leaders in Prineville to develop a PM Advance Plan, and that plan has been submitted to EPA. DEQ will continue to work with the City of Prineville to implement the community’s plan to reduce emissions, restore healthy air quality, and avoid nonattainment.</li> </ol>

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	<p>7) DEQ staff continue to work with Klamath Falls to implement the approved PM2.5 attainment plan and ensure continued compliance with standards. DEQ will begin the Klamath Falls PM2.5 maintenance plan in late 2016/early 2017. A local plan development process will begin in spring 2017, with rulemaking and EPA plan submittal targeted for late 2017 or early 2018.</p> <p>8) In 2016, DEQ will continue to partner with EPA and Lane Regional Air Protection Agency on the submittal of an updated Oakridge PM2.5 attainment plan.</p> <p>9) DEQ will work with the Oregon Department of Forestry on the next review of the smoke management program policy and rules in the 2017-18 time frame.</p> <p>10) DEQ is leading a state-wide work group established by House Bill 3068 (2015) to study and develop recommendations for legislation to reduce woodstove smoke. The legislation also calls for study of the use of wood pellets. DEQ will report recommendations to the Legislature by September 2016 and provide technical support for any subsequent legislation.</p> <p>11) On January 13, 2016, DEQ submitted to EPA a letter identifying PGE Boardman as the only Oregon source that needs characterization and assessment against the new sulfur dioxide (SO2) NAAQS. DEQ is collaborating with PGE and EPA to make this assessment in 2016.</p> <p>12) DEQ will track the EPA E-Enterprise initiative through participation on Environmental Council of States (ECOS) committees. The goal of the initiative is to develop a streamlined approach to facility reporting and data collection.</p>
<p><b>Core Work</b></p>	<p>1) DEQ will continue to implement all strategies contained in the PM10, carbon monoxide and ozone maintenance area plans, as well as plans for PM2.5 nonattainment areas including financial support for local woodstove curtailment programs. DEQ will engage with community's leaders as needed to discuss the latest information on PM2.5 compliance levels, smoke management, or other air issues. DEQ will discuss with EPA on-going monitoring needs and priorities in these nonattainment areas as part of our 2016 statewide monitoring strategy.</p> <p>2) DEQ will notify EPA of exceedance events, in a timely manner consistent with EPA's Exceptional Events rule and will identify any data (PM2.5 and PM10) to be flagged.</p> <p>3) DEQ will work with Oregon Department of Forestry, the Governor's Office, local elected officials, US Forest Service, EPA and others on smoke management program policy, implementation, and communications. DEQ will periodically meet with USFS and ODF to review burn objectives and smoke intrusions.</p> <p>4) DEQ will participate in the annual multi-agency team dedicated to air quality wildfire response. The team includes DEQ, Oregon Health Authority, US Forest Service, Oregon Department of Forestry, local county health agencies and others. DEQ will maintain the Memorandum of Understanding with ODF for smoke forecasting services.</p> <p>5) DEQ will coordinate with EPA on prioritizing State Implementation Plan review and approvals, and setting priorities for the coming year. EPA and DEQ will communicate at least once a year (fall) to discuss the status of submitted plans and the projected schedule for future submittals.</p> <p>6) DEQ will develop initial development plans for each State Implementation Plan submittal approximately six months before EPA review is needed. The development plan will include schedules that will be negotiated with EPA. EPA and DEQ will process all development plans in accordance with the State Implementation Plan Process Improvement Plan, dated April 15, 2013.</p>

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	7) DEQ will contribute some staff time to NWAIRQUEST for the continued development and application of emissions data and air quality models, including the Community Multi-scale Air Quality model and EPA MOVES, to support ozone and particulate matter forecasting models for use by the regional partnership. Staff will participate in the Modeling, Emissions and Exceptional Event workgroups, participate in quarterly conference calls and attend the annual membership meeting.
	8) DEQ will operate and maintain the monitoring network plan according to 40 CFR Part 58 requirements and EPA approved Quality Assurance plans. DEQ will consult with EPA on network changes in the annual network plan.
	9) DEQ will participate in national and regional monitoring quality assurance activities including the Performance Evaluation Program and through-the-probe testing.
	10) DEQ will maintain Quality Assurance Project Plans for each pollutant it monitors for reporting to EPA.
	11) DEQ will operate a fine PM monitoring and sampling network in the Willamette Valley during the summer field burning season. Sites in the network include Portland Spangler Road, Salem, Lyons, Silverton, Mill City and Detroit. The network provides near real-time data to DEQ and the Oregon Department of Agriculture on smoke impacts and weather conditions. Any changes to the network will be made through annual statewide monitoring plan updates.
	12) DEQ will operate the nephelometer network in cooperation with the US Forest Service and BLM. Objective is to measure smoke impacts in areas likely to be impacted by prescribed fire. Sites include Baker City, Enterprise, John Day, Sisters, Cave Junction, Provolt, Shady Cove, Roseburg, Burns, Grants Pass, Klamath Falls, and Lakeview. Any changes to the network will be made through annual statewide monitoring plan updates.
	13) DEQ will monitor for gaseous criteria pollutants at the NCORE site in SE Portland and the near-roadway NO2 site in Tualatin.
	14) DEQ will operate a field burning smoke nephelometer in Jefferson County from June through September and operate a field burning smoke nephelometer in Union County during the summer.
<b>Reporting</b>	1) DEQ will submit nephelometer data converted to PM2.5 values and ozone values to AIRNow for all nephelometer and ozone sites. Hourly average data is submitted to AIRNow every hour.
	2) DEQ will report ambient air quality data to EPA's Air Quality data system quarterly, as required by 40 CFR Part 58.
	3) DEQ will report to EPA criteria pollutant emissions for Oregon's largest point sources by December 31 of 2016 and 2017.
	4) To prepare the 2014 National Inventory information for future EPA modeling efforts, DEQ will work to review the released versions of the 2014 NEI in partnership with EPA staff and adjust the data as needed. This national modeling data is used to plan air quality protection measures. DEQ's work will include documenting best practices for preparing and submitting a state-wide emissions inventory.
<b>Objective 2: Reduce greenhouse gas emissions that contribute to climate change.</b>	
<b>Outcome Measures</b>	
<ul style="list-style-type: none"> <li>• By 2020, achieve greenhouse gas emission levels that are 10 percent below 1990 levels.</li> <li>• By 2050, achieve greenhouse gas emission levels that are at least 75 percent below 1990 levels.</li> </ul>	

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<b>Outputs</b>	1) DEQ will seek delegation of any NSPS promulgated to address greenhouse gas emissions once adopted by EPA. DEQ will also develop a state plan and adopt rules to implement any emission guidelines promulgated by EPA for greenhouse gas emissions.
	2) DEQ will implement the Oregon Clean Fuels Program (adopted in 2015), making on-going program improvements as needed.
	3) The 2016 Legislature directed DEQ to provide specific information on how a market-based carbon reduction system (e.g. cap and investment) could work in Oregon. DEQ will execute the study plan as outlined in the bill and will report findings back to the 2017 Oregon Legislature.
	4) In 2016-2017, DEQ will update Oregon’s Low Emission Vehicle rules to incorporate recent changes made by California. The rule changes will revise the low emission vehicle program to reduce GHG emission limits, cut tailpipe emissions and increase the number of Zero Emission Vehicles sold.
	5) DEQ will lead development of the Oregon Clean Power Plan under CAA section 111(d).The project is being reevaluated given the rule stay by the Supreme Court. New timelines and deliverables to be determined.
	6) DEQ will work with Oregon Department of Transportation and other states that have opted into the California Clean Cars Program to implement a Memorandum of Agreement between the states on electric vehicles. The MOA provides the basis for a multi-state work plan to support infrastructure and others actions needed to grow the use is zero emission vehicles in each state.
<b>Core Work</b>	1) DEQ will continue to monitor and participate in some collective efforts to characterize and reduce greenhouse gas emissions, including participation with groups such as the Pacific Coast Collaborative, and the Oregon Global Warming Commission and several of its subcommittees.
	2) DEQ will continue to implement the Oregon Low Emission Vehicle Program, including providing technical assistance to automobile dealers and conducting compliance verification.
	3) DEQ will work with ODOE, ODF, the Governor’s Office and other agencies to increase coordination regarding Oregon biomass policy. DEQ will also track the Federal Forest Lands Advisory Committee and other relevant groups.
	4) DEQ will implement Oregon’s New Source Review/Prevention of Significant Deterioration program for greenhouse gases for the “Anyway Sources”.
	5) DEQ will continue to implement Oregon’s greenhouse gas reporting program. Implementation work during this PPA period will include: <ul style="list-style-type: none"> <li>• Assisting sources with GHG reporting;</li> <li>• Maintaining an Oregon GHG database to track emissions for permitted facilities;</li> <li>• Reviewing annual reports from Oregon industrial sources emitting over 2500 metric tons of CO2 equivalent, electricity suppliers and fuel distributors; and</li> <li>• Developing the statewide GHG inventory for 2013 in 2016 and the 2014 inventory in 2017.</li> </ul>
<b>Objective 3: Protect human health and the environment through ongoing Air Quality improvement strategies.</b>	

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<b>Outcome Measures</b>	
<ul style="list-style-type: none"> <li>• Monitoring demonstrates continuous improvement in air quality as measured by a decline in the number of days when air quality is considered unhealthy for sensitive groups or unhealthy for all groups, as recorded by the Air Quality Index.</li> <li>• The National Emissions Inventory results will show a decrease in emissions over time.</li> </ul>	
<b>Outputs</b>	1) DEQ will submit periodic delegation requests for EPA adopted NSPS. The request will generally be for standards adopted by EPA and in the CFR published July 1 of the previous year.
	2) DEQ will continue to implement the area source NESHAPs program, by issuing permits or registration and performing periodic inspections. DEQ will also perform outreach and technical assistance to help area sources comply with the regulations.
	3) In 2016, DEQ will develop rule amendments to increase the Title V fees by the consumer price index to cover program costs in 2017 and 2018.
<b>Core Work</b>	1) DEQ will continue to implement the Title V permitting program.
	2) DEQ will continue to partner with EPA and LRAPA on the submittal of the LRAPA rule revisions to align with the Oregon “kitchen sink” permitting revisions submitted to the EPA.
	3) DEQ will continue to implement the Air Contaminant Discharge Permit Program.
	4) DEQ will continue to run the Small Business Assistance Program including having a Small Business Ombudsman and Compliance Advisory Panel. DEQ will provide training and technical assistance to small businesses to help them reduce air emissions and comply with air quality rules.
	5) DEQ will implement the Air Pollution Advisory program. In the summer, DEQ will forecast daily and issue ozone pollution advisories in Portland, Salem and Medford. The rest of the year, DEQ will forecast daily and issue PM2.5 pollution advisories statewide.
	6) DEQ will operate the Employee Commute Options program in the Portland Air Quality Maintenance Area. Activities include: provide assistance to affected employers, review compliance status, document and respond to violations, conduct outreach and education, maintain rules and improve the database.
	7) DEQ will operate the tanker certification program by providing assistance to gasoline transporters, issuing tanker certifications and maintaining the database.
	8) DEQ will provide on-going assistance to local, state, and federal agencies on transportation issues, travel modeling consultation, mobile emission estimates and conformity regulations/analysis.
	9) DEQ will operate the Vehicle Inspection Program in the Portland and Medford areas. This includes Clean Air Stations, self-service, remote OBD, fleets and dealership testing. DEQ will submit annual and biennial Vehicle Inspection Program reports in compliance with Title 40, Chapter 1, Part 51, Subpart S, Sec. 51.366 of the Clean Air Act. DEQ will submit this report by July of each year and it will contain statistical analysis from data collected from January through December of the previous year.

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	<p>10) DEQ will implement the open burning program including: complaint management (database, tracking); investigations; inspections; compliance determination and enforcement; issuance of permits for construction, demolition and land clearing where applicable; outreach and education to the public, cities, counties and fire departments. Work also includes prescribed burning response. Due to budget constraints, DEQ staff will only respond to high priority burning events and those requiring enforcement actions.</p> <p>11) DEQ will provide air quality regulatory oversight (permitting and monitoring) for DOGAMI’s Calico Mine project.</p> <p>12) DEQ will engage with Oregon Department of Agriculture, elected officials and the public as needed regarding field burning issues.</p> <p>13) DEQ will issue permits that contain limits that are necessary to address source-specific air quality impacts.</p> <p>14) DEQ will implement its internal strategy to address and regulate complaints of nuisance odor conditions using its general rule authority.</p>
<b>Reporting</b>	<p>1) DEQ will continue to submit New Source Review/Prevention of Significant Deterioration information to EPA including applications, incomplete application letters, updated application information, technical analysis, draft permits and final permits.</p> <p>2) DEQ will enter RACT/BACT/LAER determinations into the clearinghouse database within 90 days of permit issuance.</p> <p>3) DEQ Air Quality program staff will inspect air permitted gasoline dispensing facilities (GDF) required to have stage II controls. DEQ Tanks program staff will inspect air permitted GDFs not required to have stage II controls while performing their tank inspections.</p> <p>4) DEQ will provide EPA’s Air Quality system with data quarterly, submitted within 120 days of the end of the quarter.</p>
<b>Objective 4: Limit public exposure to toxic air pollution.</b>	
<p><b>Outcome Measures</b></p> <ul style="list-style-type: none"> <li>• The National Emission Inventory results will show a decrease in emissions over time.</li> <li>• Diesel emissions are reduced by 250 tons per year to reach the goal adopted by the 2007 Oregon Legislature of reducing the cancer risk from exposure to diesel emission to one cancer in a million individuals over a lifetime of exposure by 2017.</li> </ul>	
<b>Outputs</b>	<p>1) DEQ will expand its air toxics monitoring program to focus on more environmental assessment of industrial air pollution. DEQ will deploy additional monitoring resources to assess air toxic metal hot spots identified by the moss study and the Portland Air Toxics Solutions model. Data will be collected, evaluated, and results and recommendations shared with communities and decision-makers. All major air toxics projects will include consideration of outreach needs for EJ communities.</p> <p>2) DEQ will expand the use of moss collection and analysis as a cost effective way to screen for air toxics.</p> <p>3) DEQ will propose rules to reduce metals emissions from glass manufacturing facilities in Portland.</p> <p>4) DEQ will develop rules to implement a human health risk-based approach to industrial air permitting . As part of the rule development, DEQ will conduct an extensive stakeholder and public outreach process, including exploring data and information gaps and better ways to evaluate and communicate about risk during the permitting process and investigating best practices for reducing air toxics upon permit renewal. DEQ is committed to working with the EPA and will develop a process to communicate project status updates.</p> <p>5) In 2016-17, DEQ will evaluate options for new diesel reduction strategies and will participate in work groups studying statutory changes to reduce diesel emissions. DEQ will also continue to pursue clean diesel grant opportunities as they arise by assisting local governments, school districts and businesses to replace old dirty diesel equipment.</p>

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	6) DEQ will conduct rulemaking to update Oregon’s ambient air toxics benchmarks based on the recommendations of the Air Toxics Science Advisory Committee. ATSAC met in 2015 and reviewed 26 benchmarks. The committee will complete its review by /mid 2016 and DEQ will proceed with rule making.
	7) In response to SB 705 (2015) DEQ adopted temporary asbestos rules in December 2015 and secured EQC approval of permanent rules at the April 2016 EQC meeting. The rules require an asbestos survey before a residential building constructed before Jan. 1, 2004, is demolished. DEQ will begin a comprehensive review of the asbestos rules and initiate additional rulemaking in 2017.
	8) DEQ may perform a mobile-nephelometer survey in the winter of 2016-17 to better characterize woodsmoke hot spots in the Portland area. The results would be shared publically, and DEQ staff would work with local communities to evaluate the results and discuss options for woodsmoke reduction. This project depends on the availability of resources.
<b>Core Work</b>	1) DEQ will periodically submit a National Emission Standards for Hazardous Air Pollutant delegation request to EPA. The request will generally be for all NESHAPs adopted by EPA and in the CFR published July 1 of the previous year.
	2) DEQ will continue to implement NESHAPs rules by incorporating them into air permits, providing technical assistance, conducting inspections, evaluating compliance and taking enforcement actions when appropriate.
	3) DEQ and EPA will maximize information sharing and explore innovative implementation options for area source NESHAPs.
	4) During the PPA period, DEQ will measure ambient air toxics concentrations at existing air toxics monitoring sites. DEQ will make results and conclusions of DEQ air toxics monitoring projects publicly available and discussed with community leaders.
	5) DEQ will implement the asbestos program, including licensing contractors, conducting outreach and education, and inspecting abatement projects. A database will be maintained that contains information about notifications, projects, inspections, compliance and enforcement, certifications, and accreditations.
	6) DEQ will implement the Heat Smart program, including program improvements, database improvements, customer assistance, compliance assistance, education and outreach. DEQ will incorporate recently updated NSPS requirements into rule.
	7) DEQ will compare the air toxics emissions that companies report to the Toxic Release Inventory to DEQ’s calculated emission inventory data to support TRI improvements as well as state emission inventory knowledge.
	8) Air Quality program staff will participate on the agency’s team-toxics, to coordinate an agency wide, multi-media toxics reduction strategy.
<b>Reporting</b>	1) DEQ will provide EPA with air toxics data quarterly, submitted within 120 days of the end of the quarter.
	2) DEQ will continue to report county level air toxics emission inventory data to EPA as outlined in the reporting section of Objective 1.
<b>Objective 5: Improve visibility in federal Class I Areas, and work to protect visibility in Columbia River Gorge National Scenic Area.</b>	
<b>Outcome Measure</b>	
<ul style="list-style-type: none"> <li>• No worsening of visibility on the clearest days in Crater Lake National Park and Oregon’s wilderness areas.</li> </ul>	
<b>Outputs</b>	1) DEQ will submit Oregon’s regional haze progress report in summer 2016.
<b>Core Work</b>	2) DEQ will continue to review Western Regional Air Partnership work products over the next several years, with the objective to incorporate new information from that group as part of the next scheduled update to the regional haze plan.

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	3DEQ will track Columbia River Gorge air quality through periodic regional haze updates. DEQ remains available to meet as needed with EPA, federal land managers and tribal nations to discuss Gorge air quality issues.
	4DEQ will continue to operate the existing visibility monitoring network at Crater Lake, Mt. Hood and NE Oregon.
<b>Objective 6: Maintain an effective compliance assurance program that contributes to prevention and reduction of pollution and protection of public health.</b>	
<b>Outcome Measure</b>	
<ul style="list-style-type: none"> <li>Compliance and enforcement program meets the national goals set forth in the Clean Air Act Compliance Monitoring Strategy and the Timely and Appropriate Enforcement Response to High Priority Violations.</li> </ul>	
<b>Outputs</b>	1)
	1) DEQ will take steps to address areas for improvement or that need attention identified in the most recent State Review Framework.
	2) DEQ and EPA will participate in annual compliance planning meetings. Discussion topics for the meeting will include: work share opportunities; roles and responsibilities; national, regional and state priorities; trends in data; changes in national guidance; changes in DEQ compliance and enforcement guidance; joint compliance and enforcement activities and planned inspection activities (i.e. mentoring, oversight, joint).
<b>Core Work</b>	1) DEQ and EPA will participate in quarterly conference calls to discuss high priority violations, as well as policy and strategy issues.
	2) DEQ will resolve violations detected at major sources and SM80s in accordance with the EPA “Timely and Appropriate Enforcement Response High Priority Violations.”
	3) DEQ will work with EPA each year to ensure that compliance and enforcement data (annual data set) is accurate in anticipation of the annual public compliance and enforcement data release through EPA’s website, Enforcement and Compliance History Online.
	4) DEQ will participate in the implementations (e.g., file availability, coordination) of the State Review Framework review. The review is conducted every three (3) years. The next review will be conducted in 2018.
<b>Reporting</b>	1) DEQ will utilize the OpenNode for monthly reporting of compliance evaluations, compliance certifications, and stack tests. If necessary, DEQ will upload to ICIS-Air.
	2) DEQ will provide a quarterly update on the status of high priority violations.
	3) DEQ will provide data to ICIS-Air in a timely fashion, completing the annual input by the required timeframe.
	4) DEQ will continue to enter sources subject to NSPS and NESHAPS and the applicable subparts into ICIS-Air.
	5) DEQ will report the Federally-reportable violations for CAA Statuinary Sources and the Minimum Data Reuirements (MDR’s) for CAA Stationary Source Compliance.
	6) DEQ will conduct annual FFY data verification of compliance and enforcement data captured in ECHO and correct data in AFS, if needed. This will be done according to the schedule provided by EPA in anticipation of EPA’s annual Data Metric Analysis and EPA’s annual release of data to the public through ECHO.

# APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

## HAZARDOUS WASTE PROGRAM

In a time of diminishing resources, leveraging limited resources to maximize environmental gains is essential. This hazardous waste work plan highlights priorities DEQ and EPA commit to through partnership and a collective interest in supporting and engaging in compliance and beyond compliance efforts. This Performance Partnership Agreement work aligns well with:

- DEQ's priorities to use initiatives to ensure safe management and reduction of hazardous waste and toxic chemicals, and to continuously improve and innovate to achieve greater efficiencies and environmental gains; and
- EPA's Strategic Plan Goal 3, Cleaning up Communities and Advancing Sustainable Development and Goal 5, Enforcing Environmental Laws.

DEQ and EPA agree to review, discuss and modify the Memorandum of Agreement to ensure consistency with any State program modifications in connection with the annual State grant work program or PPA.

In 2013, the Hazardous Waste program adopted a Strategic Plan with a vision of leading Oregon to protect human health and the environment by reducing the generation and ensuring the safe management of hazardous waste and toxic chemicals. The Hazardous Waste program will work toward this vision by:

1. Incorporating outcome based management for continuous program improvement, such as tracking and assessing project management expectations, decision making, project staff workload/budgets, communication; measure performance and outcomes, link agency core work and program projects to staff accomplishments, engage staff in developing innovations and solutions to accomplish the program's vision;
2. Working collaboratively on statewide and regional hazardous waste initiatives that achieve DEQ priorities, contribute to DEQ's toxics strategy, align with DEQ's materials management vision and improve sustainability; and
3. Ensuring reduction of hazardous waste and toxics and safe management of hazardous waste through technical assistance, compliance, permitting and enforcement activities.

The Oregon Hazardous Waste program will work towards these goals in this PPA through the following three priorities:

- A. Hazardous Waste Initiatives
- B. Safe Management and Reduction of Hazardous Waste and Toxics
- C. Hazardous Waste Improvement and Innovations

### **Priority A: Hazardous Waste Initiatives**

The Hazardous Waste program's integrated compliance strategy emphasizes the value of forming collaborative partnerships with Oregon businesses, communities, governmental agencies and other programs within DEQ to produce environmental results. Strategic initiatives, such as sector- and geographic-focused projects, are examples of those partnerships. An example of a priority initiative for DEQ and the program is the Toxics Reduction Strategy:

While ensuring safe management of hazardous waste is critically important, it is equally important to work with businesses to reduce the use of toxic chemicals. DEQ completed its agency Toxics Reduction Strategy in November 2012. The Program is making this recommended action its priority focus, "I-2 Prioritize and direct business sector or geographic-based toxics use reduction technical assistance activities using Focus

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List chemical data, and integrate those individual assistance programs where appropriate.” The Hazardous Waste program has begun a process to integrate actions listed in the Strategy into inspections, technical assistance and other program activities.

Oregon DEQ was awarded an EPA grant through its Pollution Prevention (P2) Grant program. This grant proposal supports DEQ’s agency-wide Toxics Reduction Strategy and builds on a four-year DEQ effort to focus on reducing or preventing acutely harmful toxic chemicals commonly used in Oregon manufacturing processes. DEQ’s priorities include: Reducing toxics, climate change gasses and waste; improving industry processes to prevent pollution at the source; and enabling industry leaders to implement green chemistry innovation. Through a cross-media approach, DEQ will connect toxics reduction challenges with real world, practical solutions.

The DEQ proposal will implement three green chemistry related projects that are ready to execute: 1) expanding the Economy, Energy and Environment or E3 program in Oregon, 2) training Oregon staff and industry on use of green chemistry tools; and 3) incorporating a Pollution Prevention Internship into existing university intern programs. DEQ partners with many state agencies, non-profits, universities and others to bring together technical expertise and outreach capabilities to businesses and communities to complement the coordination and integration of pollution prevention into regulatory environmental programs.

The Hazardous Waste program will work on other initiatives based on a prioritization process. DEQ has developed a program projects tracking tool to identify current and future projects, track progress, and measure outcomes.

### **Priority B: Safe Management and Reduction of Hazardous Waste and Toxics**

DEQ achieves this priority in many ways, but primarily through its:

#### **Compliance Inspections**

The program focuses compliance inspection efforts primarily on large quantity generators, small quantity generators, treatment storage and disposal facilities (TSDFs), high priority complaints and non-notifiers.

As part of this commitment, DEQ will inspect a minimum of 20 percent of large quantity generators per year with a goal of inspecting 100 percent of the large quantity generator universe every five years as per EPA RCRA Core Program requirements. When determining the inspections, DEQ will select sites from: 1) The most recent state annual generator report data available, which in alternate years is the same data used for the national Biennial Report of hazardous waste generation and management; and 2) the most current large quantity generators as shown in the agency’s HazWaste.Net reporting system.

For TSDF sites that include all operating and post closure facilities that have a compliance evaluation inspection (CEI), DEQ will complete Financial Record Review for the CEI to be complete. The Financial Record Review can be done separately from the CEI, although the RCRAInfo record must show them completed within the same federal fiscal year.

DEQ acknowledges the importance of enforcement actions for significant non-compliers to deter non-compliance in the regulated community, and continues to implement a strong enforcement program for this purpose. A facility will receive a SNC designation if any one of the SNC-qualifying factors exists:

- Violation where there is actual exposure or substantial likelihood of exposure to people or the environment from hazardous waste;
- Violation through flagrant or willful action;
- Violation by a chronic violator; or

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

- Violation that constituted a substantial deviation from a permit, order, or environmental regulation.

DEQ's Office of Compliance and Enforcement staff will revisit the SNC checklist later in the process when determining compliance with orders so facilities that violate one of the factors during the case will receive a SNC designation as appropriate.

### Technical Assistance

DEQ will continue to provide hazardous waste and related technical assistance to businesses and organizations in Oregon. This work will involve site visits, educational workshops, and supporting initiatives. This work will continue to focus on program priorities, including the priority projects highlighted in the Hazardous Waste Initiatives section. Technical assistance providers, assisted by headquarters, will continue to implement the Toxics Reduction and Hazardous Waste Reduction Program. This will include continued work with the reporting groups to submit the required notices and implementation summaries. Also, the program will upload additional implementation summaries into the web-based Toxics Use & Hazardous Waste Reduction Clearinghouse.

### Permitted Facilities

According to the *Statutory and Regulatory Requirements* section in the FY2014 Office of Enforcement and Compliance Assurance (OECA) National Program Manager (NPM) Guidance (June 12, 2013, p.54), RCRA requires minimum inspection frequencies for treatment, storage, and disposal facilities (TSDF) - annually for TSDFs operated by state/local governments, and biennially for non-governmental TSDFs. Those TSDFs which are federally owned and/or operated must also be inspected annually. RCRA01 and RCRA01.s apply to TSDFs owned or operated by non-governmental entities, and to TSDFs owned but not operated by state/local/tribal governments. RCRA03 applies to TSDFs operated by state/local/tribal governments. The inspections performed under these RCRA commitments should generally be Compliance Evaluation Inspections (CEIs). In order to meet the TSDF inspection requirement, a CEI and a Financial Record Review (FRR) of the facility's financial assurance documentation must be completed in the same federal fiscal year.

The RCRA core program Compliance Monitoring Strategy (CMS) allows states to conduct Focused Compliance Inspections (FCIs) in lieu of CEIs at TSDFs if the states have approval from their Region and the TSDF meets the established requirements (i.e. has been inspected at least two times and has no significant noncompliance).

DEQ and EPA's specific permitting activities are outlined in the work plan that follows this narrative. The strategic objective for permitting activities is to "Prevent releases and safely manage hazardous waste by updating approved controls by renewing permits and other actions at Treatment, Storage and Disposal Facilities."

### Corrective Action Activities

DEQ and EPA's specific corrective action activities are outlined in the work plan that follows this narrative. Both agencies will update the corrective action program agreements as per the Joint Agreements section.

### RCRAInfo

DEQ has contracted with a software company to develop the ability to translate all compliance, monitoring and enforcement (CM&E) data through the Exchange Network Node into RCRAInfo. Functionality of translation through the Node will be complete summer 2016 eliminating the need to manually enter formal enforcement data into the RCRAInfo database. The data will flow every 30 days to ensure generators' compliance is current.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

### Priority C. Hazardous Waste Improvement and Innovations

#### **EPA State Review Framework (SRF)**

Region 10 and DEQ conducted the quadrennial review of the RCRA compliance and enforcement program in the previous PPA period. The SRF process is based on a solid foundation of quality data, ensures states get credit for their activities, and the public receives accurate information via the Enforcement and Compliance History Online (ECHO) and other public websites. EPA will complete the review and report in 2016 and DEQ will address the recommendations in the next PPA.

#### **Rules and Authorization**

DEQ's last major adoption of federal rules covered rules promulgated through June 30, 2014. DEQ started rulemaking in 2016 to adopt federal rules promulgated after July 1, 2014. In addition, during the performance period of this grant, DEQ will submit an authorization revision application and coordinate with EPA to review those federal rules subsequently promulgated by EPA. DEQ's last federal authorization program revision became effective on January 7, 2010. During this performance period, DEQ will identify and update any programmatic changes to the federally-approved Program Description in preparation for the authorization revision application submittal.

#### **Joint Agreements on Agency Communication and Coordination**

DEQ and EPA have established agreements on information sharing, communication, and reporting. During the term of this agreement, the agencies will begin a review of these agreements, and either reaffirm, update or delete them as appropriate. DEQ and EPA will begin updating the *Corrective Action Communication Strategy* dated October 2000. The two agencies also agree to update the *DEQ/EPA Memorandum of Agreement* dated March 19, 2002, in anticipation of a proposed update to the authorized state program regulations.

The agencies will continue to hold quarterly meetings to share progress, plan work efforts, and resolve issues. Disputes on roles and responsibilities will be elevated through the lines of communication described in the *EPA/DEQ Hazardous Waste Program Issue Resolution Process*.

By June 30, 2017, DEQ and EPA will check on progress and negotiate any shifts in resources to reflect priority activities for the following year. The agencies agree to modify the work plan based on shifts in priority work or the addition of new work such as EPA's enforcement priorities, and to accommodate changes to the hazardous waste program budget that may occur. At the end of the agreement, each agency will provide a report summarizing key accomplishments during the duration of the agreement.

The following specific agreements are incorporated by reference:

RCRA Data Management Agreement – 12/15/2011  
DEQ/EPA Memorandum of Agreement – 3/19/2002  
Corrective Action Communication Strategy – 10/2000  
Issue Resolution Process – 5/5/2011

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

### HAZARDOUS WASTE PROGRAM WORK PLAN

**EPA Strategic Plan Goal 3: Cleaning Up Communities and Advancing Sustainable Development; and**

**EPA Strategic Plan Goal 5: Enforcing Environmental Laws**

#### **DEQ HW Priority A, Goal 1: Statewide and Regional Priorities & EPA Objective 3.2: Preserve Land**

<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Implement the DEQ Toxics Reduction Strategy.	Coordinate pollution prevention efforts on toxics reduction.	Continuous	Integrate Strategy into program project priorities, and consider the Strategy when planning new projects.

#### **DE HW Priority B, Goal 1: Compliance and Enforcement & EPA Objective 5.1: Enforce Environmental Laws**

<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Conduct large quantity generator inspections per national guidance and other inspections to address priority areas and take necessary enforcement actions.	Conduct LQG inspections per national guidance and other inspections to address priority areas and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	DEQ will inspect 20 percent of the LQG universe, based on 2015 BRS data in each year of the PPA. Both agencies will coordinate what inspections EPA will conduct by September 30 of each year.  Report compliance data to EPA by October 31 of each year and complete RCRAInfo data verification process.
Conduct treatment, storage and disposal facility inspections per national guidance and other inspections to address priority areas and take necessary	Conduct TSDf inspections per OECA National Program Manager Guidance ( <a href="http://www2.epa.gov/planandbudget/national-program-manager-guidances">http://www2.epa.gov/planandbudget/national-program-manager-guidances</a> ). Other inspections to address priority areas and	Continuous	Inspect 50% of operating TSDf annually. Inspect federal facilities annually. Coordinate what inspections EPA

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

<b>DE HW Priority B, Goal 1: Compliance and Enforcement &amp; EPA Objective 5.1: Enforce Environmental Laws</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
enforcement actions.	take necessary enforcement actions will be coordinated with DEQ.		will conduct by September 30 of each year, consistent with Annual Commitment System targets. Complete financial record reviews in conjunction with non-federal facility CEIs. Report to EPA by October 31 of each year and complete RCRAInfo data verification process.
Inspect small quantity generators.	Inspect SQGs to address priority areas and issues and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	Measure total SQGs inspected and percentage inspected using 2015 SQG universe. Coordinate what inspections EPA will conduct by September 30 of each year.
Inspect conditionally exempt generators.	Inspect CEGs to address priority areas and issues and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	Inspect CEGs, including those that may be non-notifiers. Coordinate what inspections EPA will conduct by September 30 of each year.
Inspect non-notifiers.	Inspect non-notifiers to address priority areas and issues and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	Inspect non-notifiers when identified. Coordinate what inspections EPA will conduct by September 30 of each year.
Inspect high priority complaints.	Provide technical assistance as appropriate.	Continuous Complaint response may include a desk investigation to clarify the issues and improve the efficiency of site visits.	Total number of hazardous waste complaints, total number of site visits due to hazardous waste complaints and percentage of site visits due to a hazardous waste complaint.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

<b>DE HW Priority B, Goal 1: Compliance and Enforcement &amp; EPA Objective 5.1: Enforce Environmental Laws</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Ensure that SNC designations are made appropriately and that data is updated according to the SNC policy.	Discuss SNC designations	Quarterly	Track and review total number of active and inactive SNCs, including those with a repeat SNC designation.
Complete data verification and provide file information for the State Review Framework process.	Conduct Oregon Round 3 SRF reviews of the state RCRA enforcement program, following Round 3 headquarters guidance issued in December 2013 and available on the ECHO SRF page ( <a href="http://www.echo.epa.gov">www.echo.epa.gov</a> , login required).	Complete draft reports for Round 3 SRF reviews scheduled for calendar year 2015. Final reports are to be completed by December 31, 2016.	OECA NPM measure SRF 01.

<b>DEQ HW Priority B, Goal 2: Permit TSD Facilities &amp; EPA Objective 3.2: Preserve Land</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Evaluate all financial assurance submittals made to DEQ each year.	Follow-up to non-compliance in consultation with DEQ, note that financial assurance is included with TSD inspections in Goal 1.	Annually when facilities submit assurances.	Compliance determinations and appropriate enforcement.
Lockheed Martin – issue permit modifications and develop a renewal permit.	Review permit revisions and submit comments on the draft permit and five year CERCLA review following the detailed RCRA/CERCLA plan.	TBD	Prevent releases at hazardous waste management facilities with updated controls.
Tektronix – develop and issue a renewal permit	Timely review of draft permit conditions	November 2016	Prevent releases at hazardous waste management facilities with updated controls.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

<b>DEQ HW Priority B, Goal 2: Permit TSD Facilities &amp; EPA Objective 3.2: Preserve Land</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Umatilla Chemical Storage Depot – Determine if facility can be certified as clean closed and that corrective action is complete with controls. Evaluate effectiveness and sustainability of institutional controls and modify as necessary to ensure protectiveness and enforceability. If satisfactory, then modify permit to remove HWMUs and SWMUs.	Timely review and comment for the determination of clean closure, corrective action completed with controls and effectiveness and enforceability of controls.	December 2016	Prevent releases at hazardous waste management facilities with updated controls.
Safety Kleen – issue final renewal permit.	Discuss EPA’s position on DEQ’s response to EPA’s 271.19 comments and path forward for permit issuance.	TBD based on outcome of discussion	Prevent releases at hazardous waste management facilities with updated permit controls.
Chemical Waste Management of the Northwest – develop and issue a renewal permit.	Discuss key changes in permit conditions with DEQ, timely review of draft permit conditions.	December 2017	Prevent releases at hazardous waste management facilities with updated permit controls.

<b>DEQ HW Priority B, Goal 3: Corrective Action Sites &amp; EPA Objective 3.3: Restore Land</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Univar Portland (VWR) – technical coordination as needed.	EPA-lead - oversee facility construction of the modified remedy.	TBD due to EPA staffing workload	Increase the number of RCRA facilities where the site is ready for anticipated use CA800.
Permapost – complete remedy selection	Technical assistance	June 30, 2017	Increase % of RCRA facilities with final remedies constructed CA400. Remedy selected is precursor to construction.
Evraz –evaluate Remedy Constructed criteria	Technical assistance	June 30, 2018	Remedy constructed CA550RC.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

<b>DEQ HW Priority B, Goal 3: Corrective Action Sites &amp; EPA Objective 3.3: Restore Land</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Commitment Measures</b>
Boeing – evaluate Work Completed criteria.	Technical assistance for Ready for Anticipated Use.	TBD	New GPRA Measure: Number of RCRA facilities with corrective action performance standards attained and the site is ready for anticipated use RCRAInfo: CA800, CA900 and CA999.

<b>DEQ HW Priority C, Goal 2: Improve Data Management &amp; EPA Objectives 3.2, 3.3, 5.1</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Target Date</b>	<b>Program Measures</b>
RCRAInfo data analysis and update.	Data analysis technical assistance.	Continuous	Prevent releases at hazardous waste management facilities with updated controls.
Use the National Environmental Information Exchange Network (EN) to translate data to RCRAInfo.	Ensure EN technical assistance is available to execute this project.	Continuous	Secure Internet- and standards-based way to support electronic data reporting, sharing, and integrating regulatory environmental data.
Translate ACES data into RCRAInfo and enter directly any core data that are not available in ACES.	Technical assistance.	Monthly	All EPA measures are pulled from RCRAInfo.

<b>DEQ HW Priority C, Goal 3: Evaluate and Streamline Program Activities &amp; EPA Objectives 3.2, 3.3, 5.1</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Target Date</b>	<b>Program Measures</b>
Review 2 joint agreements on agency communication and coordination.	Continue to review and collaborate with DEQ on joint agency communication and coordination agreements.	MOA December 31, 2016. Timing of MOA revisions will be aligned with state authorization update. Corrective Action Communication Strategy – September 30, 2018.	All agreements reaffirmed, updated or deleted, with the exception of the MOA which can be modified but never deleted.
Expedited Enforcement Offers (EEOs) Program.	Cross-reference to the authorized program description.	Continuous	Implemented EEO program statewide.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

<b>DEQ HW Priority C, Goal 3: Evaluate and Streamline Program Activities &amp; EPA Objectives 3.2, 3.3, 5.1</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Target Date</b>	<b>Program Measures</b>
Further develop the Internal Management Directive (IMD) Phase 2.	Review and comment.	September 30, 2017	Created new IMDs. Convert existing policies into IMD template. Centrally locate IMDs and fact sheets for use by the public and agency staff.
Develop and submit authorization revision application.	Review and approve.	December 31, 2016	Coordinate with EPA to review those federal rules subsequently promulgated by EPA and adopted by ODEQ.  Identify and update any programmatic changes to the federally-approved Program Description in preparation for submittal.

# APPENDIX C: WATER QUALITY PROGRAM COMPONENT

## WATER QUALITY PROGRAM

The Water Quality Program's mission is to protect and improve Oregon's water quality. Protecting Oregon's rivers, streams, lakes, estuaries and groundwater quality keeps these waters safe for multiple beneficial uses such as drinking water, fish and aquatic wildlife habitat, recreation and irrigation. This is accomplished by developing and implementing water quality standards and clean water plans, regulating wastewater treatment systems and industrial dischargers, collecting and evaluating water quality data, providing grants and technical assistance to reduce nonpoint pollution sources, and providing loans to communities to prevent or mitigate water pollution. The availability of clean and healthy water is critical to Oregon's environment and economy.

In 2015, DEQ's Water Quality Program completed a two-year strategic planning exercise. This effort focused on evaluating how DEQ's water quality program can best deliver products and services to achieve program and agency objectives, which include operation of programs that deliver timely and quality products and services as well as achieve environmental outcomes. One outcome of this effort was the Water Quality 2035 Vision and Strategy report, published in November 2015. This report includes an overarching program vision as well as vision statements for six sub-program areas, and interim goals to help keep the program on track toward achieving the 2035 vision. The Water Quality Program Management Team also identified key strategic priorities to achieve the interim and long-term goals, and developed five-year work plans for each sub-program.

Several high priorities identified in the strategic plan, including assessment, data management and wastewater permitting, received additional state funding in 2015 to augment DEQ's work in these areas.

- Establishing the foundation necessary to support a comprehensive and functional assessment program. DEQ recently hired a project manager and GIS specialist to support the information management program improvement needs to ensure subsequent processes and infrastructure will enable DEQ to produce timely biennial integrated reports that meet federal requirements and provide water quality information to guide Oregon's efforts and investments in water quality improvement and watershed health.
- Replacing an outdated and inadequate wastewater permitting information management system with a commercial off-the-shelf product. New system will be capable of supporting water quality permitting in the near term and serve as the foundation of an agency-wide permitting system in the future. DEQ is developing the business case in 2016 and will be requesting financial resources in its 2017-19 biennial budget to purchase and configure the system.
- Establishing two new senior permit writer positions to focus on NPDES permits that present particularly challenging or novel issues and to perform permit quality reviews to ensure the quality and completeness of all NPDES permits issued by the program.

Also in 2015, the Oregon Legislature directed DEQ to contract with an outside consultant to do a review of the wastewater permitting program and make recommendations for program improvements. The project plan provides opportunities for EPA as well as other stakeholders to provide input. The review began in March 2016 and the final report and recommendations are due in November 2016.

On April 5, 2016, EPA and DEQ water quality program managers and leadership met in Chehalis, Washington, to discuss how the two agencies can increase program efficiency and outcomes through improved communication/ coordination and being more strategic in how both programs make use of each agency's limited resources to get the priority work done. Much of the discussion involved setting the stage for focused discussions in the future and other follow up. The agencies also agreed to initiate a quarterly

## **APPENDIX C: WATER QUALITY PROGRAM COMPONENT**

check-in, with each agency taking turns for developing the agenda. DEQ will organize the first check-in, targeting the summer months of 2016. A check-in may take one of several forms – a face-to-face meeting or a conference call; a broad ranging agenda or a focused topic; involving the entire management teams or a subset of managers; etc. While each check-in will have its own objectives, the overarching purpose is to ensure the DEQ and EPA water quality program management teams have regularly scheduled opportunities to queue up issues that are cross-program or whole program in nature in a timely manner. This is not intended to supplant the one-on-one communications that most EPA and DEQ sub-program managers have on a frequent basis.

### **Compliance and Enforcement**

Enforcement priorities for water are guided by National Enforcement Goals, National Enforcement Initiatives and the national Clean Water Act Action Plan, as well as DEQ and EPA regional priorities. EPA's overall national enforcement goals focus on civil and criminal enforcement for violations that threaten communities and the environment; greater compliance and protection through use of advanced monitoring and information technologies; and strong EPA/State/Tribal partnerships for working together toward shared environmental goals.

Site inspections, compliance assurance, and enforcement are key elements of DEQ's NPDES program. Compliance inspections for major and non-major sources are scheduled on the watershed permitting cycle. Consistent with EPA's Compliance Monitoring System, offsite evaluations and targeted inspections of other permitted sources are based on likelihood of important environmental outcome and other criteria. Sources with compliance schedules, mutual agreement and orders, or technical assistance needs are also prioritized. Enforcement actions follow guidance directives to focus on the most important violations and violators and to ensure statewide consistency. Striking a balance between permit issuance and compliance assurance commitments is necessary to set realistic program expectations and effectively use NPDES resources.

During this biennial agreement period, DEQ and EPA intend to coordinate more closely on compliance and enforcement priorities, needs, and issues. In addition, EPA and DEQ will work together to develop a plan to implement Phase I of the NPDES eReporting Rule. Increased coordination will include quarterly check-in calls and an annual planning session. The annual planning session will integrate across both permitting and compliance/enforcement aspects of the NPDES program and will include discussion of priorities, performance expectations, updates on issues and activities, inspection and enforcement targets, and opportunities for integrating work between EPA and DEQ.

### **Multipurpose Grant**

During this cycle of the PPA, Oregon DEQ plans to use approximately \$114,000 of funding from an EPA Multipurpose Grant between October 2016 and June 2017 to complete several preparatory components dealing with water quality infrastructure for an Environmental Data Management System Project. EDMS is an agencywide technology project to replace outdated permitting and inspections, compliance and enforcement, invoicing and entity management systems. For the water quality specific work, these components include performing business analysis, process flow documentation, analysis of permitted community and stakeholder requirements, system requirements and scoping documentation, and initiating the vendor selection and contracting process. The analysis and documentation of WQ business processes and stakeholder requirements will clarify where WQ processes and infrastructure fall short as well as outlining the needs of the regulated community and other stakeholders, enabling DEQ to build a strong foundation for constructing system requirements and scoping documentation for an EDMS. With that strong foundation, DEQ will be able to apply quality control measures when initiating/conducting vendor selection and the contracting process, increasing the likelihood of success with the implementation of EDMS.

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### WATER QUALITY PROGRAM WORK PLAN

This workplan includes a description of key water quality program elements and associated environmental outcomes. The following tables number DEQ's and EPA's commitments, with outputs and timeframes. The table indicates whether the outputs are supported by the PPG, and whether there is an associated [Program Activity Measure \(PAM\)](#). PAMs address activities to be implemented by EPA Headquarters, EPA Regional Offices, or by States/Tribes that administer national programs. They are the basis for monitoring progress in implementing programs to accomplish the environmental improvements described in the EPA Strategic Plan.

#### **Element 1: Water Quality Standards and Assessments**

DEQ contact: Jennifer Wigal

EPA contact: Angela Chung and David Croxton

Establishing water quality standards for waters of the United States in Oregon is at the core of DEQ's water quality activities. Standards include beneficial uses of water, such as drinking, aquatic life, recreation, etc., and the water quality criteria designed to protect those uses. The Water Quality Program then acts to protect and restore water quality by implementing those standards, including evaluating whether Oregon's water quality standards are being met through the development of the biennial Integrated Report, which includes the section 303(d) list of impaired waters and the section 305(b) report describing the status of Oregon's surface water quality. The staff who work on these program areas perform the following activities:

- Conduct triennial standards reviews to establish and update scientifically based water quality standards and related policies.
- Develop and maintain internal directives for and provide guidance to regional and headquarters staff on implementation of water quality standards in various water programs.
- Identify waterbodies not meeting water quality standards and develop Integrated Reports.

Staffing levels in the Standards and Assessments subprogram are greater than they have been in recent Performance Partnership Grant cycles. Major efforts within this cycle is focused on successfully completing the recruitment and hiring process to fill positions added in the 2015 Legislative session, specifically with respect to a new approach to developing Integrated Reports.

Environmental Outcome: Adoption and implementation of appropriate water quality standards will contribute to protection of the beneficial uses of Oregon's waterbodies and water quality improvements as measured by water quality monitoring and other environmental data.

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
1.1	Temperature Cold Water Refugia Plan for the Lower 50 miles of the Willamette River. The purpose of the plan is to interpret the narrative CWR criterion and allow for implementation of the criterion through DEQ's CWA authorities.	Assistance and input to DEQ in the development of this plan. Oversight of scope of work and final plan.	- Willamette Plan Scope of Work - Coordination meeting with NOAA and EPA - Willamette CWR Plan	November 3, 2016 By November 30, 2016 November 3, 2018	Partial	
1.2	Conduct a rulemaking process to revise Oregon's copper criteria. Track and comment on EPA's copper criteria promulgation.	Provide early review and input if any concerns arise. Provide technical assistance on copper BLM and on questions related to implementation methods Review and act on Oregon adopted criteria in a timely manner.	New criteria recommended to the EQC for adoption and submitted to EPA.	December 30, 2016	Partial	
1.3	Coordination on EPA federal water quality standard rulemakings for Oregon waters	Provide opportunities for state input on federal rulemakings involving water quality standards for Oregon. EPA has initiated a copper and cadmium criteria federal rulemaking and is planning to initiate an aluminum criteria federal rulemaking to address its 2013 disapproval of certain water quality criteria adopted by Oregon.	Comments on EPA's proposals, including options for developing implementation methods for the rules.	January 16, 2017		
1.4	Conduct a review and prepare for rulemaking to revise relevant water quality regulation(s) as they related to Oregon's temperature water quality standard. Determine how to address natural thermal regimes and variability for	Provide early review and input if any concerns arise.	Project planning and rule development to prepare for future	March 2017	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
	temperature.		standard revision.			
1.5	Address water quality standards-related action needs (e.g., variances, site-specific background pollutant criteria, UAAs and/or SSC) arising from implementation of revised human health criteria or the remaining effective portion of Oregon's temperature standard.	EPA will work with DEQ on any variance requests or other WQS revisions arising from the recent human health criteria revisions.	Variances and other water quality standards revisions.	Ongoing	Partial	
1.6	Describe antidegradation implementation procedures that address the remaining issues raised in EPA's review of Oregon's Antidegradation Implementation guidance document (IMD).	Input on identifying practicable and reasonable implementation procedures necessary to meet minimum requirements of the CWA and federal regulations.	Updates to Antidegradation Implementation IMD in form of addenda.	January 30, 2017	Partial	
1.7	Conduct rulemaking to amend bacteria standards for coastal waters, including adopting the enterococci criteria for coastal recreation, clarifying the application of fecal coliform criteria to shellfish harvesting waters, and documenting these uses.	Review and act on Oregon's adopted criteria in a timely manner.	Revised standards recommended to the EQC for adoption and submitted to EPA.	September 30, 2016	Partial	
1.8	Identify and plan next set of standards work to be completed based on water quality program needs and stakeholder input (triennial review).  Upon completion of this planning process, provide EPA with a list of possible additional water quality standards revisions that could be undertaken subject to resource availability and priorities.	Provide input to DEQ on standards work needs and priorities. Coordinate with the Services on actions requiring ESA consultation.	Standards work plan that identifies needs, priorities and anticipated schedule for standards revisions.	March 30, 2017	Partial	
1.9	Conduct Outstanding Resource Water Rulemaking to designate the NF Smith R. and its tributaries as ORWs and adopt policy to protect the high quality waters.	Early input on proposed ORW rule. Timely action on rule amendment if EPA approval is needed.	Rule amendments recommended to the EQC for adoption and submitted to EPA.	February 2017		

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
1.10	In response to the July 2015 USFWS Biological Opinion, DEQ will revise bull trout use designations and the implementation methods for temperature to better protect suckers in the area downstream of Klamath falls.	Early input and review as rules being drafted.	Revised standards recommended to EQC for adoption and submitted to EPA. Document implementation methods.	June 2018		
1.11	Amend Oregon's rules to clarify the dissolved oxygen standard as it applies to resident trout spawning and cool water species designations.	Early input and review as rules being drafted.	Revised standards recommended to EQC for adoption and submitted to EPA.	April 2018		
1.12	Georeferenced water quality standards for public access, transparency, consistency and to support DEQ's water quality programs, including the development of Oregon's Integrated Report and 303(d) lists	Provide relevant input, if requested, related to other state approaches, implications of structure of data system for compatibility with other EPA systems, such as ATTAINS.	Geospatial database and user interface.	December 2016		
1.13	DEQ will update Oregon's 2012 Integrated Report and 303(d) list websites and databases following EPA's approval and final action. DEQ will communicate the final 2012 303(d) list for agency and public use.	EPA will provide DEQ with approval document and final list of additions to Oregon's 2012 303(d) list. EPA will populate EPA databases (ATTAINS) and compile information for national reports.	Final Oregon 2012 303(d) list	July 29, 2016		
1.14	DEQ will assist EPA to identify relevant data elements and georeferenced Integrated Report information to contribute to EPA's national water quality summaries and performance measure and 303(d) Vision tracking and analysis.	EPA will extract information from Oregon's databases to populate EPA databases (ATTAINS) and compile information for national reports and performance measure tracking and	Oregon approved 2012 Integrated Report and 303(d) list	Ongoing	Partial	

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
		analysis.				
1.15	DEQ will implement its WQ Strategic Plan to improve Oregon’s Integrated Report and 303(d) list and will focus efforts on: Assessment information and data system infrastructure improvements and Assessment process, methods, and procedure improvements DEQ will implement these improvements to prepare assessment information and compile Oregon’s 2018 Integrated Report and 303(d) list.	EPA will provide input on approaches, tools and processes as they are developed by DEQ.	Interim improvement task plans and deliverables.	Ongoing tasks as needed to assemble and call for assessment data in early 2017.		
1.16	DEQ’s 2018 Integrated Report and 303(d) list will be submitted into EPA’s ATTAINS data system. DEQ will continue its participation in ongoing ATTAINS development discussions to identify opportunities to use and build upon EPA’s ATTAINS framework.	EPA will continue to communicate information on the development of ATTAINS and the Water Quality Framework and will notify DEQ of opportunities to provide input and available funding to support Oregon’s data reporting transition EPA will consider DEQ requirements during data system development.	2018 Integrated Report and associated reporting data	Ongoing DEQ work with EPA ATTAINS and Water Quality Framework design team.	Partial	
1.17	DEQ will consider options and data system requirements needed to transition to ATTAINS in planning and designing DEQ’s assessment data system improvements	EPA will provide contractor support to complete preliminary analysis of DEQ’s data systems and provide a “gap analysis” for transition into ATTAINS,	Project plan for DEQ data system improvements and decisions on fundamental design directions	July 2016		

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
1.13	DEQ will review and prioritize assessment process, methods, and procedures improvements. Improvements will be planned and implemented to inform and provide specifications for data system improvements	EPA will assist DEQ to identify and prioritize process and methods improvements. EPA will support technical analysis to develop new assessment protocols.	Project plan for process and methods improvements and implementation of short-term improvements. Decision on scope and scale for next assessment effort. Revised assessment methodology for public comment.	Improvements project plan: July 2016 Progress check- in on scope and scale of next assessment effort – October - November 2016 Draft revised assessment methodology – early 2017	Partial	

### Element 2 : TMDLS - Total Maximum Daily Loads and Water Quality Management Plans

DEQ contact: Gene Foster

EPA contact: David Croxton

The federal Clean Water Act requires that water pollutant budgets, called TMDLs, be developed for waterbodies that do not meet water quality standards. TMDLs describe the maximum amount of pollutants from municipal, industrial, commercial and surface runoff sources, including natural background, which can enter the river or stream without violating water quality standards. These estimates are required for waterbodies that have been identified as in violation of one or more water quality standards at some time, and have been included on one of DEQ's 303d lists of water quality limited waterbodies.

DEQ develops TMDLs on a basin or subbasin scale (generally on a 3<sup>rd</sup> field US Geological Survey Hydrologic Unit Code or smaller). These TMDLs address all sources of pollutants when determining allocations of loading for the pollutants being addressed by the TMDL. These allocations are developed through water quality analysis, statistical analysis, and mathematical modeling. Staff in the program conduct all facets of work in collecting, analyzing and presenting results. Staff will also perform public and stakeholder outreach to ensure input when decisions are being made. The combination of outreach and development provides for the transition from development of loading allocations to implementation in permits and watershed plans.

TMDL Wasteload Allocations are implemented through waste limits in permits for point source discharges, and Load Allocations are implemented as planning targets for other sources and designated management agencies. DEQ staff actively implement TMDLs by:

- Revising industrial and municipal wastewater permits to incorporate revised permit limits.

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

- Working with local communities and the Oregon Department of Agriculture through the Agriculture Water Quality Management Act process to implement the TMDLs effectively on agricultural lands.
- Working with the Oregon Department of Forestry for implementation on state and private forestlands, through the Oregon Forest Practices Act and long range management plans.
- Assisting local governments in developing TMDL Implementation Plans for urban areas.
- Working with the U.S. Forest Service, Bureau of Land Management and other federal agencies on developing water quality restoration plans for lands under their jurisdiction.
- Working with ODA, ODF, and other DMA's on TMDL implementation planning timelines, milestones for pollutant reduction targets and strategies to reduce pollutants, such as sediment, temperature, nutrients and bacteria.

Under most circumstances, TMDL Implementation plans for improved water quality rely on cooperation among landowners and land managers within a river basin. Local watershed councils, Soil and Water Conservation Districts or other organizations will serve as community-based coordination points for these united efforts. Agencies and municipalities with jurisdiction over sources of nonpoint source pollution and sources not covered by permit are required to submit TMDL implementation plans to DEQ. These plans describe actions that will be taken to reduce their contribution to water quality problems.

EPA, with input from the states, developed a new long term vision for assessment, restoration, and protection under the Clean Water Act Section 303(d) Program that was finalized December 5, 2013. The EPA Vision document includes the components: prioritization, assessment, protection, alternatives, engagement, and integration. The states were asked to develop a plan that is consistent with EPA's 303(d) Vision by December 31, 2014, with updates to the Vision reflected in this Element of the PPG.

Environmental Outcome: Development and implementation of TMDLs will contribute to protection of the beneficial uses and meeting water quality standards in Oregon's waterbodies and water quality improvements as measured by water quality data and other environmental data and measures in TMDLs, WQMPs and TMDL implementation plans.

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
2.1	Develop TMDLs and WQMPs in accordance with 303(d) list schedule.	Provide technical assistance, comments, and information on TMDLs; Review and provide decisions on TMDLs.	Issuance of TMDLs for the: - Coquille Basin - MidCoast Basins - Chetco Basin - Sixes Basin Begin Powder/Burnt Basins	December 2016 December 2017 June 2017 June 2017 March	Partial	WQ-8b

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			TMDL Development	2018		
			Upper Deschutes Basin TMDL Development	Ongoing		
			Begin Coos TMDL development	December 2017		
			Issuance of revised TMDLs for the: -Upper Klamath River and Lost River TMDLs (chlorophyll-a, ammonia toxicity, phosphorus, and pH) -Western Hood Temperature TMDL	September 2016		
			Evaluate and develop potential approaches for the remaining category 5 and 3 listings for the Willamette Basin.	September 2016		
				December 2016		
2.2	Implement TMDL Wasteload Allocations in NPDES permits through collaboration with NPDES permit writers.		Pollutant Discharge Limits that will meet WLAs for each permitted discharge.	Ongoing	Partial	
2.3	Implement the Willamette River Basin TMDL. Work with watershed councils, local governments, and other DMAs to develop appropriate management practices and plans for controlling pollutants to the Willamette River. Work with USDA agencies to leverage Farm Bill resources to implement priority best management practices in critical areas.		Completed Implementation plans throughout Willamette Basin that guide management practices, pollutant controls to meet load allocations in TMDLs. Facilitate projects that result in improvements in water quality.	Ongoing	Partial	
2.4	Include robust Reasonable Assurance	Pursue	Completed TMDL, WQMP and	Ongoing	Partial	WQ-10

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
	documentation in the TMDL and WQMP to implement TMDLs for Nonpoint Sources in subbasins where TMDLs/WQMPs have been completed or are being completed. Work with watershed councils, local governments and other DMAs to develop appropriate management practices and plans for controlling pollutants. Work with USDA agencies to leverage Farm Bill resources to implement priority best management practices in critical areas.	participation in review of grant applications for NRCS/Farm Bureau water quality programs such as EQIP. Work with Corps of Engineers on TMDL implementation.	implementation plans that guide management practices, pollutant controls to meet load allocations in TMDLs. Facilitate projects that result in improvements in water quality.			
2.5	Implementation of load allocations or require TMDL implementation plans for all sources assigned load allocations.	Review and provide input to DEQ on implementation plans developed in response to issued TMDL/WQMPs	Implementation plans that meet load allocations or management measures identified in the TMDL/WQMP. Annual reporting by DMAs of TMDL implementation and 5 year review of TMDL implementation by DEQ.	Ongoing	Partial	
2.6	Develop and implement TMDL/WQMP/IP as one of the approaches to address the deficiencies in the CZARA Coastal Nonpoint Control Plan additional management measures for forestry identified by EPA and NOAA (7/28/2015) as described in the Governor's Natural Resource Office letter (2/10/2016). Incorporate New Development guidelines and Onsite Sewage Disposal Systems (OSDS) actions in TMDL/WQMP as described in CZARA management measures.	Review and provide input on source assessment, allocations, reasonable assurance with timelines and milestones, management measures, and adaptive resource management as part of the TMDL, WQMP or IP	Completed TMDL, WQMP, and IP that guide management practices, pollutant controls, timelines and milestones for administrative outputs, and landscape, riparian, and water quality outcome status and trends to meet TMDL allocations.	At issuance of TMDLs	Partial	
2.7	Work with EPA on 303(d) Vision timelines for	Review and	Incorporate the components of	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
	prioritization, assessment, protection, alternatives, engagement, and integration.	provide input to DEQ on TMDL Program planning documents. Assist DEQ on data input for 303(d) Vision commitments.	EPA's 303(d) TMDL Vision into the TMDL Program planning documents.			

### Element 3: Underground Injection Control

DEQ contacts: Ron Doughten

EPA contacts: Evan Osborne

The Underground Injection Control program protects drinking water sources and aquifers by providing oversight on the use of injection systems (dry wells, sumps, large onsite wastewater treatment systems, geothermal, aquifer storage and recovery (ASR), remediation injection, etc.) that discharge to the subsurface and may endanger groundwater quality. Federal regulation requires DEQ to keep an updated inventory of all injection wells and report them to the EPA annually. In Oregon, the majority of injection systems are associated with stormwater discharge, large onsite wastewater, aquifer remediation, and industrial process/wastewater. Injection systems must obtain approval from DEQ to operate under Authorization by Rule, a UIC-WPCF permit, or must be formally closed. DEQ staff review and approve applications of a variety of injection system types, provide technical assistance to private and public injection well owners, and work closely with municipalities in their development of stormwater management plans related to injection systems. As a delegated program under the Safe Drinking Water Act, injection systems are subject to EPA enforcement.

Environmental Outcome: These activities help to ensure that adequate controls are in place so that UICs do not result in water quality standards violations, which will contribute to water quality improvements as measured by water quality monitoring and other environmental data.

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
3.1	Continue administration of UIC program by providing Authorization by Rule site reviews, developing WPCF permits and closures.	EPA will provide enforcement and compliance assistance as requested by and in close coordination with DEQ.	Wells inventoried and registered per year; Authorization by Rule determination process (e.g., requesting additional information, providing clarification on application issues, retrofits) will occur as needed.	Ongoing	Partial	SDW-8, SDW-7b

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			Issue approximately 12 area wide UIC- WPCF Permits a year. Approximately 30 closures approved per year, including an average of 5 motor vehicle waste disposal wells per year or as they are located.			
3.2	Provide technical assistance to consultants, cities, municipalities and other public and private UIC owners.	EPA will provide inspector training opportunities; provide training/outreach to municipalities and other public and private UIC owners, as requested.	Technical assistance will include meetings with municipalities and other private and public UIC owners.	Ongoing	Partial	
3.3	Develop and refine a project plan, with deliverables and timelines, to address EPA identified UIC re-delegation issues. Deliverables may include rule making to address EPA issues.	EPA will review and provide timely comments on the project plan and on proposed rule revisions, if necessary. EPA will facilitate the scheduling of meetings with EPA HQ on technical and legal issues, as necessary.	A project plan identifying tasks, timelines and deliverables.	Initial plan complete. Pending agreement with EPA.	Partial	
3.4	Provide UIC program approval package to EPA for re-delegation from EPA to DEQ for program primacy.	EPA will review program delegation package in a timely manner.	Program approval package submitted to EPA includes and addresses the required program elements addressing program revisions for re-delegation that results in program re-delegation.	Ongoing. Pending agreement with EPA	Partial	
3.5	Prioritize inspection and compliance activities for UICs identified as high-environmental risk, such as auto-drains.	EPA will provide technical assistance to DEQ as needed.	Closure of high-risk auto-drain UICs.	Ongoing.	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### Element 4: Groundwater Program

DEQ contact: Ron Doughten

EPA contact: Eric Winiecki

The Groundwater Quality Protection Act of 1989 provides the framework for comprehensive groundwater management and protection in Oregon. This Act and the federal Safe Drinking Water Act establish the critical elements for enhancing and protecting Oregon's groundwater resource for its many beneficial uses. Over ninety percent of Oregon's available freshwater is stored beneath the earth's surface as groundwater. Approximately 70 percent of Oregon's people depend on groundwater for their daily water needs via private, public and industrial water wells.

Oregon focuses most of its groundwater protection activities in three sensitive groundwater areas called "Groundwater Management Areas"; one is located in the Lower Umatilla Basin, one in Northern Malheur County and another in the Southern Willamette Valley. Protection efforts in these management areas involve the implementation of groundwater action plans where the water quality has been degraded, beneficial uses are seriously impaired, and public health may be at risk in part from nonpoint source groundwater pollution. Oregon also implements a statewide groundwater monitoring program, targeting two geographic areas a year, and provides technical assistance to communities and watershed councils engaged in groundwater pollution prevention efforts.

Environmental Outcome: Groundwater protection efforts will help to prevent the degradation of Oregon's groundwater resources and maintain or improve the quality of groundwater resources, as measured through the various groundwater monitoring efforts DEQ conducts around the state.

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
4.1	Implement the Lower Umatilla Basin Groundwater Management Area Action Plan by focusing on agricultural, residential, commercial, industrial, municipal, and public water supply activities that will prevent and reduce nitrate contamination in groundwater. Enhance engagement with Oregon Department of Agriculture, wastewater permit holders and the recent and ongoing public-private irrigation water development program, targeting reversal of the increasing groundwater nitrate concentration trend in the LUB GWMA.	EPA will provide technical support as needed.	<u>Coordination</u> <ul style="list-style-type: none"> <li>- Meet with local stakeholders, Groundwater Management Committee, and local agencies to coordinate Action Plan activities.</li> <li>- Provide technical support.</li> <li>- Research BMPs and their effectiveness.</li> </ul> <u>Education and Outreach</u> <ul style="list-style-type: none"> <li>- Organize education and outreach efforts to increase awareness of groundwater vulnerability and BMPs, including</li> </ul>	<p>Meet as needed; typically six meetings per year</p> <p>Ongoing Ongoing</p> <p>Annually</p> <p>Ongoing</p> <p>Quarterly</p>	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			participation at “outdoor schools” and farm fairs. - Maintain GWMA website. <u>Monitoring and Data Analysis</u> - Monitor groundwater quality at 32 domestic and irrigation wells to evaluate impacts and effectiveness of Action Plan. - Complete groundwater nitrate trend analysis for entire GWMA (including food processor sites) - Evaluate success of BMP awareness and implementation.	Ongoing. As needed with new data.  Every four years		
4.2	Implement the Northern Malheur County Groundwater Management Area Action Plan by focusing on agricultural, residential, commercial, industrial, municipal and public water supply activities that will prevent and reduce nitrate contamination in groundwater.	EPA will provide technical support as needed.	<u>Coordination</u> - Meet with local stakeholders, Groundwater Management Committee, and local agencies to coordinate Action Plan activities. - Provide technical support. - Research BMPs and their effectiveness. <u>Education and Outreach</u> - Organize education and outreach efforts to increase awareness of groundwater vulnerability	Meet as needed; typically one meeting per year  Ongoing Ongoing  Annually  Quarterly  Ongoing. As needed	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			and BMP. <u>Monitoring and Data Analysis</u> - Monitor groundwater quality at 36 domestic and irrigation wells to evaluate impacts and effectiveness of Action Plan. - Complete groundwater nitrate trend analysis. - Evaluate success of BMP awareness and implementation.	with new data.  Every four years		
4.3	Implement the Southern Willamette Valley Groundwater Management Area Action Plan by focusing on agricultural, residential, commercial, industrial, municipal and public water supply activities that will prevent and reduce nitrate contamination in groundwater. [Note: DEQ's ability to implement this work has been temporarily impacted by a budget shortfall. We hope to be able to fully implement our SWV GWMA work in the 17-19 biennium.]	EPA will provide technical support as needed.	<u>Coordination</u> - Facilitate information sharing and coordinate initiatives of local stakeholders, Groundwater Management Committee, and local agencies with implementation of Action Plan activities. - Provide technical support. - Research BMPs and their effectiveness. <u>Education and Outreach</u> Organize education and outreach efforts to increase awareness of groundwater vulnerability and BMPs, - Maintain GWMA website. <u>Monitoring and Data</u>	Three - four SWV GWMA Committee meetings per year  Ongoing Ongoing  Ongoing outreach/education with local stakeholders  Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			<u>Analysis</u> - Monitor groundwater quality at 25 monitoring wells and 15 domestic wells to evaluate impacts and effectiveness of Action Plan. - Evaluate success of BMP awareness and implementation.	Two - four times per year  Seventy per Biennium  As scheduled		
4.4	Each year, two geographic areas will be identified for groundwater monitoring activities with complete coverage of the state over a ten year cycle. Groundwater monitoring locations and timing will be prioritized to complement the information needed for developing the Basin Assessment reports DEQ uses for planning geographically-targeted water quality protection activities.		<u>Monitoring and Data Collection</u> - Monitoring at approximately 50 wells (combination of domestic wells and monitoring wells) in a geographically targeted area of Oregon outside of the GWMA's. - Nitrates and targeted analytes based on known or suspected risk factors.	Ongoing	No	
4.5	Complete federal and state groundwater reporting requirements.		- Biennial Report to the legislature. - Groundwater component of 305(b) report.	Ongoing  As scheduled	Partial	
4.6	Participate in EPA-sponsored annual groundwater meetings and conferences as workload and resources allow.	EPA will provide timely notice and organization of meetings.	Meetings	As scheduled	Partial	

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### **Element 5: WQ Permitting, Pretreatment and 401 Certifications**

DEQ contact: Ron Doughten , Steve Mrazik

EPA contact: Mike Lidgard

#### Industrial and Domestic Wastewater Permitting

DEQ's wastewater management program regulates and minimizes adverse impacts of pollution on Oregon's waters from point sources of pollution. The term "point source" generally refers to wastewater discharged into water or onto land through a pipe or a discernible channel. These point sources operate under the terms of a federal National Pollutant Discharge Elimination System (NPDES) or state Water Pollution Control Facilities wastewater discharge permit issued by DEQ.

DEQ has had authority for NPDES permit issuance since 1974. As a delegated program, DEQ's NPDES permitting activities are subject to EPA oversight. Effective implementation of the program is required for continued delegation of the water quality program and is essential to the continued receipt of federal program funds. To effectively protect water quality, DEQ must carry out five activities:

- Issue discharge permits that adequately evaluate and limit pollutant discharges to prevent an impact on receiving waters and the beneficial uses of those waters (drinking, swimming, fishing, aquatic habitat, etc.).
- Periodically inspect facilities and review monitoring results.
- Update and maintain EPA's ICIS database with timely and accurate permit and permit related data (DMRs, Compliance Schedules, Inspections, etc.).
- Take prompt and appropriate enforcement actions when violations occur.

DEQ currently manages about 5,600 water quality permits including 3,500 federal NPDES permits and 1,500 state WPCF permits. Achievement of permit program objectives requires targeted and effective implementation of water quality standards following a watershed approach. Program staff requires up-to-date tools and training to consistently develop and issue high quality permits statewide and ensure effective permit implementation. Targeted program implementation is based on source-specific and watershed-specific priorities.

DEQ will focus considerable effort on stormwater program implementation and development during the biennium. It is expected many of the approximately 800 permitted sources will exceed stringent benchmarks of the industrial stormwater general permit. DEQ and its agents will develop and provide guidance and technical assistance to facilitate timely development and implementation of tier two correction plans necessary to ensure compliance with the general NPDES permit and desired environmental outcomes. DEQ will also continue development of a general municipal stormwater permit for small and medium sized (phase two) communities and districts with an emphasis on TMDL implementation.

Wastewater and stormwater program workload continues to expand in scope and DEQ will continue to implement stringent aquatic life and human health criteria as individual NPDES permits are issued or renewed. DEQ will more broadly use permit-specific compliance strategies such as compliance schedule, variances, and water quality trading to achieve water quality goals of individual discharges while complying with NPDES requirements.

#### Pretreatment Program-Ron Doughten

Pretreatment regulations establish responsibilities and standards to control pollutants from industrial users that discharge wastewater to a collection system and

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

publically owned treatment works. Toxic pollutants and other industrial contaminants may pass through or interfere with wastewater treatment processes or may contaminate sewage sludge. The POTW acts as the control authority for these industrial users and monitors the wastewater they discharge to determine whether they are in compliance with the pretreatment standards. DEQ oversees each of the 26 facilities in Oregon with a formal pretreatment program and also provides assistance to smaller facilities that are not required to have a pretreatment program but take additional measures to protect the collection system and treatment works and the environment.

### Biosolids Program– Ron Doughten

Biosolids are wastewater solids that have undergone sufficient treatment to make them safe for land application. These wastewater residuals are desirable fertilizers and soil conditioners. DEQ works with domestic wastewater treatment facilities to assure proper stabilization, application, management, and monitoring of solids on sites used to improve soil tilth and to grow a variety of crops. Biosolids applications are controlled by detailed site authorization letters that together with biosolids management plans, are linked directly to the Water Quality permits of wastewater treatment facilities.

### Wastewater Reuse– Ron Doughten

DEQ staff work with municipal and industrial wastewater facilities to permit the recycling of treated wastewater effluent and provide technical assistance to those facilities engaged in the practice of reuse. Wastewater reuse is a tool in the “tool box” for municipalities and potentially industrial wastewater dischargers as another option for managing their treated wastewater. Having additional “tools” provides these stakeholders with options that may be more economical and/or environmentally sound, and can be an additional source of water for non-drinking water practices. Most wastewater reuse occurs through land application to crops and golf courses, and there is increasing interest to reuse treated effluent for industrial and commercial applications. DEQ works with the Oregon Healthy Authority and Water Resources Department on the permitting of this practice.

### 401 Water Quality Certification–Steve Mrazik

Section 401 of the federal Clean Water Act requires that any federal license or permit to conduct an activity that may result in a discharge to waters of the State receive certification from DEQ that the activity complies with water quality requirements and standards before the activity is allowed. In order to provide a certification, DEQ reviews proposed project applications to dredge, fill, or otherwise alter a waterway or wetland to ensure that the projects will meet water quality program requirements. The federal relicensing of hydroelectric projects also requires a 401 water quality certification from DEQ as a condition of the operating license of the facility.

For dredge and fill projects, DEQ issues approximately 150 individual WQCs per biennia that contain conditions that provide protective measures for water quality and beneficial uses. DEQ provides support for EPA reviews of 401 water quality certification program activities related to proposed dredge and fill projects. Additionally, DEQ provides a great deal of technical assistance throughout the permit process. DEQ also issues programmatic type WQCs that cover groups of activities with protective conditions in an effort to provide a streamlined approach to the regulatory process.

Environmental Outcome: These activities help to ensure that adequate controls are in place so that point source discharges, dredge and fill activities and the recertification of hydroelectric projects do not result in water quality standards violations and will contribute to water quality improvements as measured by water quality monitoring and other environmental data.

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
5.1	<p>Continue to issue and reissue NPDES and permits. There are approximately 1200 individual permittees in Oregon, including 69 NPDES majors and 287 NPDES minors.</p> <p>DEQ will improve the NPDES permit issuance rate during this agreement period in order to reduce the backlog of expired permits. Strive towards EPA's national target to operate a program with less than a 10% backlog rate on a facility basis.</p>	<p>EPA will review DEQ NPDES permits which contain compliance schedules. EPA review of these permits will occur prior to public notice. EPA may also review permits during the public notice process and proposed final permits consistent with the Memorandum of Agreement. EPA's goal is to average one permit review per month during this period.</p> <p>EPA's designee for reviewing draft permits is Karen Burgess.</p>	<p>Develop and implement a permit issuance plan by October 1 of each year that identifies specific NPDES permits intended to be reissued during the upcoming year.</p> <p>Transmit the issuance plan to EPA annually.</p> <p>Develop a plan to improve permit issuance rate and reduce backlog of expired NPDES permits.</p>	<p>October 2016 October 2017</p> <p>Ongoing</p>	Partial	<p>WQ-12 WQ-19a</p>
5.2	Continue to improve permit and permit evaluation report quality through consistent use of templates as well as providing permit-specific technical analysis and justification for permit conditions, including identification of pollutants of concerns, correct RPA, and effluent limits.	Provide technical assistance, review and comment on permit language and justification in permit administrative records.	Twice-yearly updates of permit templates. Standardized procedures for permit quality review.	Ongoing		
5.3	DEQ will continue to improve the consistency of permits, PERs, permit records, and permit program implementation.	Provide technical assistance, review, and comment on draft policies, guidance, and procedures. Assist with training and guidance of NPDES permit writers on	Implementation plan to improve program consistency among headquarters and regional offices. Clear progress on development of a statewide permit manual.	Ongoing		

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
		federal regulations. Participate in annual permit writers training hosted by DEQ.				
5.4	Issue “Priority Permits” as identified jointly with EPA at the start of each federal fiscal year.	EPA will work with DEQ staff on identification and tracking of priority permits.	Issue 80% of the priority permits identified during each federal fiscal year cycle, subject to available resources.	Ongoing		
5.5	Respond and implement corrective action plan to address Category 1 finding in EPA PQR report issued in March 2016.	Technical assistance, review, and comment on the proposed corrective actions.	Corrective action plan and implementation schedule.	September 2016		
5.6	Implement new or revised water quality standards in the NPDES program, as adopted and approved by the Oregon Environmental Quality Commission and EPA.	Technical Assistance; EPA timely review and comment on draft policies and guidance.	Implementation plans for new or revised water quality standards.	Ongoing		
5.7	Develop state-wide permit policies, guidance and tools to make the permits program more consistent, effective and efficient. This includes identifying and developing experts on various permit subjects such as mixing zones and reasonable potential analysis to improve permit quality and consistency.  Respond to recommendations resulting from third party review of the NPDES permit program.	Technical Assistance; EPA timely review and comment on draft policies and guidance; and other program support as needed.  Provide input to third party review of the NPDES permit program through interview process. Provide response to requests by	Revise permit templates and guidance as necessary to reflect program developments. Continue to develop and implement training curriculum.  Establish documented permit quality review procedures for wastewater permits  Respond to	Ongoing  As scheduled  Annually  January 2017	Partial	

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
		consultant on proposed recommendations.	<p>recommendations on NPDES program improvement provided by a third party consultant.</p> <p>Conduct permit writer's workshop.</p> <p>Develop fee rulemakings.</p>	Annually, as needed.		
5.8	Implement State stormwater program, including construction, industrial, and municipal stormwater		<ul style="list-style-type: none"> <li>- Renew one Phase I permit.</li> <li>- Issue and implement general permit for phase two MS4 communities.</li> <li>- Renew industrial stormwater permits, including the 1200COLS; 1200A and 1200Z.</li> <li>- Work with local government agencies to assist DEQ in program implementation, including establishing new interagency agreements</li> </ul>	<p>June 2017</p> <p>September 2016</p> <p>August 2016, July 2017</p> <p>Ongoing</p>	Partial	<p>WQ-13a</p> <p>WQ-13b</p> <p>WQ-13c</p>
5.9	DEQ will implement a program for water reuse activities.	EPA will provide TA; timely program support as needed.	Issue water reuse permits consistent with state requirements.	Ongoing	Partial	
5.10	DEQ will implement a program for biosolids/sewage sludge reuse activities.	EPA will provide TA; timely program support as needed.	- Issue biosolids/sewage sludge reuse permits consistent with state requirements.	Ongoing	Partial	

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
5.11	Implement the Pretreatment Program.	EPA will provide TA; timely program support as needed.	<ul style="list-style-type: none"> <li>- Oversee development of new programs as necessary,</li> <li>- Provide technical assistance and categorical determinations,</li> <li>- Complete 3 audits of pretreatment programs</li> <li>- Complete 2 inspections of significant industrial users with each audit</li> </ul>	Ongoing	Partial	WQ-14a WQ-14b
5.12	DEQ will participate in Government Performance and Results Act reporting.	EPA will provide a list of items to be reported under the NPDES permit program by July 1 of each year along with the due dates for each item.	DEQ will provide information required under the GPRA (resources permitting).	Annually	Partial	PAMs are under GPRA

### Element 6: Compliance Assurance and Enforcement

DEQ contact: Anita Yap  
EPA contact: Jeff Knight

Site inspections, compliance assurance and enforcement are key elements of the NPDES permitting program. DEQ and EPA will collaborate to implement Clean Water Act Action Plan implementation policies in Oregon. DEQ will continue to improve permit compliance reporting and public accountability through improvements in electronic reporting system and automated compliance evaluations. DEQ and EPA will coordinate NPDES permitting, compliance and enforcement activities to efficiently achieve program priorities and desired outcomes.

Compliance inspections for major and non-major (minor) sources are scheduled to facilitate permit issuance on a watershed cycle. Offsite evaluations and targeted inspections of other permitted sources are based on environmental outcomes and other criteria; sources with compliance schedules, mutual agreement and orders, or technical assistance needs are prioritized. Enforcement actions follow guidance directives to ensure statewide consistency.

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
6.1	DEQ will conduct compliance assistance and compliance assurance activities as appropriate (see additional detail below).	TA and support as needed.	<ul style="list-style-type: none"> <li>- TA provided to permittees.</li> <li>- DMRs from individual permittees reviewed.</li> </ul>	Ongoing	Partial	
6.2	DEQ will respond to significant public complaints.	TA and support as needed.	<ul style="list-style-type: none"> <li>- Prompt response to complaints that involve potential significant threats to public health and the environment.</li> <li>- Investigate spills.</li> <li>- Enforcement actions as warranted.</li> </ul>	Ongoing	Partial	
6.3	DEQ will continue its inspection program of major and minor facilities. DEQ will implement the Clean Water Act Compliance Monitoring Strategy (CMS) to ensure adequate inspection coverage.	<p>As resources allow, Region may schedule joint and/or oversight inspections with DEQ.</p> <p>EPA plans to do five Phase II MS4s and a number of industrial stormwater inspections in Oregon.</p>	<ul style="list-style-type: none"> <li>- DEQ will conduct inspections at major facilities every other year. Major facilities that qualify for offsite desk audits will also require on-site comprehensive inspections per CMS once each five year permit cycle.</li> <li>- DEQ will conduct inspections at non-major facilities once every five years.</li> <li>- DEQ will target additional NPDES compliance efforts in targeted watersheds and environmental</li> </ul>	Ongoing	Partial	

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			<p>outcomes or NPDES compliance history.</p> <p>Stormwater:</p> <ul style="list-style-type: none"> <li>- Inspect 10% of industrial stormwater facilities per year.</li> <li>- Inspect 10% of construction sites 5 acres or larger per year</li> <li>- Inspect 5% of construction sites less than 5 acres per year.</li> <li>- Conduct compliance activities on Phase I and Phase II MS4 permittees.</li> </ul> <p>-DEQ will participate in EPA audits of major MS4 programs in Oregon.</p> <p>Pretreatment:</p> <ul style="list-style-type: none"> <li>- DEQ will audit three approved active pretreatment programs each year.</li> <li>- During each audit an oversight inspection will be conducted of up to two Industrial Users to the POTW.</li> <li>- DEQ will conduct Pretreatment Compliance Inspections</li> </ul>			

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			based on annual report results.			
6.4	DEQ will use the NPDES Compliance Monitoring Strategy Plan and End of Year Report provided by EPA. The annual CMS plan for the upcoming federal fiscal year must be submitted to EPA annually by the target date of each year. The CMS End of Year report of the former federal fiscal year must be submitted annually by the target date of each year.	Provide draft NPDES Annual CMS Plan and End of Year Report template.	Alternate CMS plan  Annual CMS plan  Annual CMS EOY report	Annually by August 15  Annually by September 15  Annually by December 15		
6.5	DEQ will pursue timely and appropriate enforcement actions as warranted.	TA and program support as needed.	Formal enforcement actions taken pursuant to state law and rule.	Ongoing	Partial	
6.6	DEQ will on an annual basis report all final formal enforcement actions issued and/or closed in the previous federal fiscal year for all NPDES major and minor facilities		This annual report shall be submitted to EPA by the target date of each year following the federal fiscal year. The report shall be formatted to include Case Name, EPA Class, NPDES Permit Number, Case Number, Action Type, Issued Date, Penalty Assessed, Final Penalty Paid, Compliance Complete Date, and Case Closed Date.	Annually by December 15	Partial	
6.7	DEQ will work with EPA to update EPA/DEQ agreements, as needed.	EPA will work with DEQ to update EPA/DEQ agreements, as needed.	- EPA/DEQ agreements related to NPDES will be reviewed to determine if revisions are needed. Agreements include the 2010 NPDES MOA. EPA will	Annually by October 31 of each year	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			<p>coordinate internally amongst permitting and compliance groups.</p> <ul style="list-style-type: none"> <li>- DEQ will coordinate internally across DEQ regions, as appropriate.</li> <li>- Updated agreements, as needed</li> </ul>			
6.8	DEQ will participate in quarterly planning/coordination calls with EPA-NCU.	EPA-NPDES Compliance Unit will participate in quarterly planning/coordination calls with DEQ.	- Coordination of inspection and enforcement work and improved work-sharing, as needed	Timelines per SRF report	Partial	
6.9	DEQ, including Regions as appropriate, will meet annually with EPA-NPDES Permitting and Compliance Units to discuss priorities, performance expectations, updates on issues and activities, inspection and enforcement targets, and opportunities for integrating work between EPA and DEQ.	EPA will meet annually with DEQ, including Regions as appropriate, to discuss priorities, performance expectations, updates on issues and activities, inspection and enforcement targets, and opportunities for integrating work between DEQ and EPA.	Annual integrated work planning session.	Annually by October 31 of each year	Partial	
6.10	Per EPA-OECA protocol, DEQ will complete the annual review and data verification of DEQ-generated compliance and enforcement data in ECHO from ICIS-NPDES data. DEQ will supplement with state data any gaps in ECHO results of ICIS-NPDES data used for the annual SRF Data Metric Analysis.	EPA will use ECHO data for an annual SRF Data Metric Analysis. EPA will consider state data that supplements gaps in the ECHO data.	Verified Data and assessment of SRF metrics based on verified data.	February of each year for verified data.	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
6.11	EPA performed an SRF review with FFY2014 data in 2015 and will provide a final report in 2016. DEQ participated in the implementation (e.g., file availability, coordination, supplemental state data) of the SRF evaluation.	EPA will provide review and input to assist DEQ in addressing SRF findings.	Outputs per each relevant SRF finding.	Timelines per SRF report	Partial	
6.12	DEQ will develop a plan for implementation of the NPDES eReporting rule.	EPA will provide assistance to DEQ for implementation of the NPDES eReporting rule.	DEQ will develop a plan to implement the eReporting Rule	TBD		
6.13	DEQ will develop a plan for its role in implementation of the NPDES eReporting rule depending on the declared Initial Recipient status.	EPA will provide assistance to DEQ and Oregon permittees for implementation of the NPDES eReporting rule depending on the declared Initial Recipient status.	DEQ will develop a plan to implement Phase 1 and Phase 2 of the eReporting rule depending on its responsibilities for the declared Initial Recipient status of applicable data Groups 2 through 10. DEQ will collaborate with EPA and its agents to implement sharing of Group 1 data for Phase 1. Unless DEQ obtains and implements its own CROMERR-compliant EDMS, DEQ will collaborate but rely on EPA to provide training and technical assistance to permittees using EPA's NetDMR for Group 3 data in Phase 1 and NeT for remaining applicable data Groups in Phase 2.	Submit plan by 12/21/16 to meet start dates for electronic submissions according to 40 CFR 127.		

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### **Element 7: WQ Data Analysis, Management and Monitoring**

DEQ contact: Gene Foster (data analysis), Anita Yap (data management), and Aaron Borisenko (monitoring)

EPA contact: Jeannine Brown (data) and Gretchen Hayslip (monitoring)

Water quality data management is an integral element for the operation of the Water Quality Program. There are a variety of data management systems used by various subprograms in the Water Quality Program including the NPDES, TMDL, NPS, and Monitoring subprograms, as well as the Laboratory Environmental Assessment Division (LEAD). The NPDES data stream is foundational to DEQ's management and EPA's oversight of the Oregon Water Quality program. This performance period will see the Oregon program's continued reporting to ICIS-NPDES.

Water quality monitoring and assessment provides the foundation for effective water quality management as well as the basis for tracking violations. Water quality monitoring programs provide information on the status and trends of water quality in Oregon and identify the causes of impairment. Monitoring is conducted to determine if water quality supports beneficial uses, to understand if standards are being met and to identify new water quality problems. Streams that do not meet water quality standards are placed on the 303(d) list and will have TMDLs developed for them. In order to develop TMDLs, studies must be conducted to determine the sources and loads of pollutants affecting the water body and how those vary over time and space. DEQ is engaged in several other types of monitoring studies, including the following:

- Studies to determine the relationship between water quality, habitat conditions and biological condition.
- Studies to determine threats to human and ecological health from toxic compounds.
- Studies to identify threats to groundwater.

LEAD also collects water samples and analyzes the results to support other DEQ programs that respond to inquiries from the public. In addition, the laboratory certifies environmental laboratories in cooperation with ODA and OHA under the National Laboratory Accreditation Program (NELAP). The Laboratory works with other agencies to monitor Oregon's progress under the Oregon Plan for Salmon and Watersheds and provides equipment and technical support to watershed councils for water quality monitoring.

Water quality monitoring is necessary to understand how well Oregon is protecting the uses of its water. DEQ monitors water quality by collecting water quality samples, and then performing chemical analysis and statistical analysis of the resulting data. The Water Quality Program is responsible for monitoring and assessing Oregon's 52,000 miles of rivers, 400,000 acres of lakes, 56,000 acres of tidal wetlands, 360 miles of coastal ocean and 206 square miles of estuaries, harbors and bays. DEQ augments its water quality data by using monitoring data from a wide variety of sources, including watershed councils and federal agencies. However, all data must first be reviewed to ensure proper quality control protocols were used.

Environmental Outcome: Effective management and analysis of water quality data provides a means for tracking and assessing the effectiveness of water quality protection and improvement efforts, supporting an adaptive management approach that will result in water quality improvements as measured through water quality monitoring and the other environmental data.

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#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
7.1	DEQ will continue to execute sustainable processes to maintain accurate data transfers from State data systems to ICIS.	EPA R10 will support and assist with acquiring funding from EPA HQ.	- Continued complete and timely data transfers to ICIS through batch upload routines and EPA's ICIS interface screens.	As scheduled by EPA	Partial	
7.2	Ambient Monitoring Network -DEQ will continue to monitor approximately 130 ambient water quality station 6 times annually throughout Oregon. These stations provide status and trends data for understanding water quality.	TA; consultation	- Continue entering data into the ELEMENT repository. - The Oregon Water Quality Index (OWQI) will continue to be updated annually. Annual reports will be prepared on water quality trends and indicators. - Data will be used to support the 303(d) assessment process and 305(b) report.	Ongoing	Partial	
7.3	Collect water quality data to support TMDL development.		TMDLs developed on schedule and supported by adequate data.	Ongoing	Partial	
7.4	Statewide statistical survey of lakes		- Field samples collected at an additional 21 lakes and 3 repeat visits (n = 24)			
7.5	Reporting of biological, chemical and habitat data at reference and study locations in Western Oregon, at statewide trends sites and in the Deschutes Basin.		Report /reports summarizing findings	10/2018	Yes	
7.6	Identify business requirements for migrating DEQ water quality, biology and habitat data into WQX		Business requirements for migration of water quality, biology and habitat data into WQX/STORET identifies	6/2018	Partial	
7.7	DEQ will collaborate with EPA, as resources allow, on EPA monitoring projects conducted in Oregon.	EPA will keep DEQ informed about their monitoring activities in Oregon and share data as it becomes available	TBD	As scheduled by EPA	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### Element 8: Management of Nonpoint Sources of Pollution

DEQ contact: Gene Foster

EPA contact: David Croxton

Section 319 of the federal Clean Water Act requires states to have nonpoint source management programs based on assessments of the amounts and origins of NPS pollution in the state. The Coastal Zone Act Reauthorization Amendments required development of additional management measures for NPS within the coastal zone. Nonpoint source pollution comes from numerous diffuse sources such as runoff from roads, forestry operations, on-site disposal, farms and construction sites. This type of pollution is understood to be the largest source of water quality impairment in Oregon, as well as the rest of the United States. Federal grants cover the majority of cost for Oregon's NPS program, which protects and restores both surface water and groundwater. Typically, during a biennium DEQ expects to provide close to \$2 million to local organizations for nonpoint source projects such as public education and watershed restoration. However, DEQ's 2015 319 grant funds were reduced by EPA because EPA and NOAA determined that Oregon had not submitted a fully approvable Coastal Nonpoint Program under the Coastal Zone Act Reauthorization Amendments. The Program was not fully approvable because of gaps in Oregon's program related to forestry to meet or maintain water quality standards and protect beneficial uses. The 2015 319 pass-through funds available in Oregon was reduced from \$712,351 to a total of \$80,851 and DEQ expects a similar level of reduction is possible in future years. DEQ's NPS program continues to fund staff, which performs the following activities:

- Characterization of NPS problems/concerns.
- Monitoring to support and determine effectiveness of BMP programs.
- Best management practices development/implementation.
- Coordination between stakeholders.
- Liaison support staff to other state and federal agencies.
- Restoration activities.
- Development and modeling for NPS TMDLs.
- Development of UAA/SSC as related to NPS activities; and
- Public education.

Another area of work involves supporting ODA in the implementation of the Agriculture Water Quality Management Program and biennial reviews of area plans and rules. Basin coordinators and HQ staff analyze existing water quality data and provide a summary of the analysis to ODA and Local Advisory Committees for biennial reviews. DEQ will compare water quality data to water quality standards and analyze the water quality data for trends. The purpose of DEQ participation is to ensure that updated water quality information is considered during biennial reviews. Basin coordinators and HQ staff will also be involved in the design and application of ODA's effectiveness monitoring of area plans. When ODA is in the planning stages to develop effectiveness monitoring studies to evaluate how well area plans and rules are meeting TMDL load allocations, DEQ will assist in the formulation of the goals and objectives (the questions to be answered) of the monitoring study. The purpose of DEQ's participation is to ensure that the study is focused on outcomes that are directly related to load allocation targets and to ensure that the data collected and the analysis proposed is sufficient to answer these questions.

Environmental Outcome: Active management and control of nonpoint sources of pollution will reduce the amount of nonpoint source pollution getting into Oregon's waterways, resulting in water quality improvements as measured by water quality data and measures in WQMPs and TMDL implementation plans.

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#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
8.1	Distribute 319 grants to fund project proposals to Oregon's priority basins based on TMDL development and implementation, drinking water source areas and GWMA's.	Assist with criteria updates as needed. Target Oregon's priority watersheds for funding. Provide technical support and review of basin plans based on TMDL development and implementation and the 9-Key Elements for watershed based planning.	Solicit and select projects.	May 2017 and May 2018	Yes	
8.2	DEQ develops a waiver from the 50/50 319 grant fund requirement for years 2015 and 2016.	EPA will review and provide input on DEQ's waiver.	DEQ waivers for 319 Grant years 2015 and 2016 submitted to EPA.	August 2016	Yes	
8.3	DEQ develops an approach to begin in 319 Grant year 2017 where DEQ staff time used to implement Watershed Based Plans can be used for leverage exemption from the 50/50 319 Grant Program requirements.	EPA will review and provide input on the DEQ's leveraged exemption approach.	DEQ leveraged exemption approach submitted to EPA for use in 319 Grant year 2017.	December 2016	Yes	
8.4	Prepare an annual report of NPS program accomplishments.	Review and take final action on annual report.	NPS Annual Report.	March 2017 and March 2018	Yes	
8.5	Determine with EPA available NPS Success Stories documenting either water quality progress or full restoration under PAM.	Provide assistance in development of NPS Success Stories.	NPS Success Stories.	September 2016 and September 2017	Yes	SP-12 WQ-10

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#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
8.6	Enter GRTS 319 mandated elements to 319 project tracking data by national deadlines, including load reductions as available.	Provide technical assistance for GRTS-related function.	Data reflecting progress and status of 319 implementation.	February 2017, February 2018 load reduction, other GRTS data (National GRTS reporting deadlines)	Yes	WQ-9a WQ-9b WQ-9c
8.7	Work with EPA to develop an approach for Watershed Based Plans that in part rely on TMDLs and other basin plans for meeting EPA's nine Key Element watershed based planning guidance.	Provide technical support and review of Watershed Based Plans based in part on TMDL development and implementation and the nine Key Elements watershed guidance.	Develop for selected 12 digit HUCs Watershed Based Plans that in part rely on TMDLs and other planning documents.	June 2017	Yes	
8.8	Implement Agency Toxics Reduction Strategy.		Implement a toxics reduction strategy that incorporates air, land and water. This effort includes the Pesticide Stewardship Partnerships, Pesticide Collection Events, and other priority activities.	Ongoing	Partial	
8.9	DEQ works with ODA, ODF and EPA on CZARA Coastal Nonpoint Control Plan.	TA and consultation	Development of an approvable CNPCP	Ongoing	Yes	
8.10	Ag Area Plan & Rule biennial reviews and ODA/DEQ MOA implementation	TA and consultation	Review and comment on ODA's agricultural area rules and plans during their biennial review process.	Ongoing	Partial	

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### **Element 9: Source Water Protection**

DEQ contacts: Gene Foster  
EPA contacts: Susan Eastman

The Safe Drinking Water Act Amendments of 1996 provided resources to states to focus more attention on the source areas for public water systems instead of solely relying upon treatment to achieve clean drinking water. Approximately 75% of Oregon's citizens get their drinking water from public water systems. To address the assessment requirements of the SDWA, the Oregon Health Authority, teamed up with the Department of Environmental Quality. The two agencies have established a Memorandum of Understanding to coordinate their ongoing work.

The two agencies have worked closely since 1998 to share the responsibilities of implementing the program. DEQ's role in that work includes computer database/GIS system maintenance, contamination source inventories, surface water delineations, and susceptibility analyses. DEQ provides technical assistance to public water systems and communities to develop and implement drinking water protection actions. Source water protection is accomplished through the implementation of Clean Water Act (CWA). DEQ works to reduce pollutants in source waters through various point and nonpoint source control programs so that the source waters meet CWA standards.

DEQ's source water protection work is reported to EPA Region 10 in its annual reports. These annual reports are completed in conjunction with the OHA and include an accounting of the total population and public water systems that implement new source water protection strategies every year.

### **Element 10: Clean Water State Revolving Fund Program**

DEQ contacts: Anita Yap  
EPA contacts: Marie Jennings

In 1987 Congress established the CWSRF program to replace the Construction Grants program that provided direct grants to communities to complete sewer infrastructure projects. EPA oversees the CWSRF program and each state and Puerto Rico to implement the program. The program makes low-interest funding available to address water quality. Congress continues to appropriate funds to EPA for the purpose of capitalizing the CWSRF program each year. Each state must contribute a minimum matching amount of 20 percent of its federal grant to the program annually.

DEQ administers the CWSRF program in Oregon and provides low-cost loans and bond purchase agreements for the planning, design and construction of a variety of projects that address water quality improvement and protection. Oregon laws allow the use of these funds to public agencies only including cities, counties, sanitary districts, soil and water conservation districts, irrigation districts, school districts, and various special districts. A majority of the funds are provided to cities that address wastewater treatment needs and thus help to meet the state's water quality standards. These standards are necessary to protect beneficial uses such as recreation, fish habitat, boating, irrigation and drinking water. While continuing to serve traditional municipal wastewater needs, the CWSRF program also provides funding and incentives to address nonpoint source water pollution and is integrating sustainable approaches to water quality improvement and protection. Each type of loan or bond purchase agreement DEQ offers has different financial terms, and is intended to provide communities with choices when financing water quality improvements.

Each year Oregon's program makes approximately \$100 million available statewide for water quality improvements. Oregon's capitalization grant in 2016 will

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

provide approximately \$15 million of the \$200 million available funds. To date, DEQ has provided loans to 186 communities totaling more than \$1.1 billion. In 2014 and 2015, DEQ worked to implement the new requirements in the WRRDA changes to the Clean Water Act. The Environmental Quality Commission adopted amendments to Oregon Administrative Rules in October 2015. These changes included 30 year loan terms, changes to Affordability Criteria and Principle Forgiveness.

Although EPA oversees the CWSRF program, federal regulations allow states broad flexibility in establishing and implementing their revolving funds. EPA works closely with each state in providing technical assistance and oversight to ensure consistency with federal regulations. DEQ and EPA Region 10 maintain a mutual agreement to operate the program in Oregon which stipulates the procedures and expectations of the program. EPA's regional Oregon CWSRF coordinator and DEQ's CWSRF program staff work closely together in support of Oregon's program. EPA evaluates Oregon's financial and program procedures each year through a site visit and annual report. DEQ provides EPA with an intended plan for the state's use of its fund annually, and also provides an annual report to EPA on the program's accomplishments during the state fiscal year. DEQ will report on environmental outcomes by completing an environmental benefits evaluation for each project in EPA's environmental benefits system for the CWSRF.