

APPENDIX C
SELECTED OREGON ADMINISTRATIVE RULES
AND REVISED STATUTES

[SELECTED] DEFINITIONS

340-041-0006

(5) "Estuarine Waters" means all mixed fresh and oceanic waters in estuaries or bays from the point of oceanic water intrusion inland to a line connecting the outermost points of the headlands or protective jetties.

7) "Marine Waters" means all oceanic, offshore waters outside of estuaries or bays and within the territorial limits of the State of Oregon.

(9) "Pollution" means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or such radioactive or other substance into any waters of the state which either by itself or in connection with any other substance present, will or can reasonably be expected to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life, or the habitat thereof.

(11) "Sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments, or other places together with such groundwater infiltration and surface water as may be present. The admixture with sewage as herein defined of industrial wastes or wastes, as defined in sections (6) and (13) of this rule, shall also be considered "sewage" within the meaning of this division.

14) "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(15) "Low Flow Period" means the flows in a stream resulting from primarily groundwater discharge or baseflows augmented from lakes and storage projects during the driest period of the year. The dry weather period varies across the state according to climate and topography. Wherever the low flow period is indicated in the Water Quality Management Plans, this period has been approximated by the inclusive months. Where applicable in a waste discharge permit, the low flow period may be further defined.

(17) "Nonpoint Sources" refers to diffuse or unconfined sources of pollution where wastes can either enter into -- or be conveyed by the movement of water to -- public waters.

(18) "Loading Capacity (LC)" -- The greatest amount of loading that a water can receive without violating water quality standards.

(19) "Load Allocation (LA)" -- The portion of a receiving water's loading capacity that is attributed either to one of its existing or future Nonpoint sources of pollution or to natural background sources. Load allocations are best estimates of the loading which may range from reasonably accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for predicting loading. Whenever possible, natural and Nonpoint source loads should be distinguished.

(20) "Wasteload Allocation (WLA)" -- The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.

(21) "Total Maximum Daily Load (TMDL)" -- The sum of the individual WLAs for point sources and LAs for Nonpoint sources and background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. If Best Management Practices (BMPs) or other nonpoint source pollution controls make more stringent load allocations practicable, then wasteload allocations can be made less stringent. Thus, the TMDL process provides for nonpoint source control tradeoffs.

30) "Water Quality Limited" can mean one of the following categories:

(a) A receiving stream which does not meet instream water quality standards during the entire year or defined season even after the implementation of standard technology;

(b) A receiving stream which achieves and is expected to continue to achieve instream water quality standard but utilizes higher than standard technology to protect beneficial uses;

(c) A receiving stream for which there is insufficient information to determine if water quality standards are being met with higher than standard treatment technology or where through professional judgment the receiving stream would not be expected to meet water quality standards during the entire year or defined season without higher than standard technology.

(31) "Reserve Capacity" means that portion of a receiving stream's loading capacity which has not been allocated to point sources or nonpoint sources and natural background as waste load allocations or load allocations, respectively. The reserve capacity includes that loading capacity which has been set aside for a safety margin and is otherwise unallocated.

40) "Critical Habitat" means those areas which support rare, threatened or endangered species, or serve as sensitive spawning and rearing areas for aquatic life.

(51) "Cold-Water Aquatic Life" -- The aquatic communities that are physiologically restricted to cold water, composed of one or more species sensitive to reduced oxygen levels. Including but not limited to *Salmonidae* and cold-water invertebrates.

54) "Numeric Temperature Criteria" are measured as the seven-day moving average of the daily maximum temperatures. If there is insufficient data to establish a seven-day average of maximum temperatures, the numeric criteria shall be applied as an instantaneous maximum. The measurements shall be made using a sampling protocol appropriate to indicate impact to the beneficial uses;

(55) "Measurable Temperature Increase" means an increase in stream temperature of more than 0.25°F;

(56) "Anthropogenic", when used to describe "sources" or "warming", means that which results from human activity;

[SELECTED] POLICIES AND GUIDELINES GENERALLY APPLICABLE TO ALL BASINS

340-041-0026

Temperature

340-041-0026(3)(a)

(D) Effective July 1, 1996, in any waterbody identified by DEQ as exceeding the relevant numeric temperature criteria specified for each individual water quality management basin identified in OAR 340-041-0205, OAR-340-041-0245, OAR-340-041-0285, OAR-340-041-0325, OAR-340-041-0365, OAR-340-041-0445, OAR-340-041-0485, OAR-340-041-0525, OAR-340-041-0565, OAR-340-041-0605, OAR-340-041-0645, OAR-340-041-0685, OAR-340-041-0725, OAR-340-041-0765, OAR-340-041-0805, OAR-340-041-0845, OAR-340-041-0885, OAR-340-041-0925, OAR-340-041-0965, and designated as water quality limited under Section 303(d) of the Clean Water Act, the following requirements shall apply to appropriate watersheds or stream segments in accordance with priorities established by DEQ. DEQ may determine that a plan is not necessary for a particular stream segment or segments within a water-quality limited basin based on the contribution of the segment(s) to the temperature problem:

- (i) Anthropogenic sources are required to develop and implement a surface water temperature management plan which describes the best management practices, measures, and/or control technologies which will be used to reverse the warming trend of the basin, watershed, or stream segment identified as water quality limited for temperature;
- (ii) Sources shall continue to maintain and improve, if necessary, the surface water temperature management plan in order to maintain the cooling trend until the numeric criterion is achieved or until DEQ, in consultation with the Designated Management Agencies (DMAs), has determined that all feasible steps have been taken to meet the criterion and that the designated beneficial uses are not being adversely impacted. In this latter situation, the temperature achieved after all feasible steps have been taken will be the temperature criterion for the surface waters covered by the applicable management plan. The determination that all feasible steps have been taken will be based on, but not limited to, a site-specific balance of the following criteria: protection of beneficial uses; appropriateness to local conditions; use of best treatment technologies or management practices or measures; and cost of compliance;
- (iii) Once the numeric criterion is achieved or DEQ has determined that all feasible steps have been taken, sources shall continue to implement the practices or measures described in the surface water temperature management plan in order to continually achieve the temperature criterion;
- (iv) For point sources, the surface water temperature management plan will be part of their National Pollutant Discharge Elimination System Permit (NPDES);
- (v) For nonpoint sources, the surface water temperature management plan will be developed by designated management agencies (DMAs) which will identify the appropriate BMPs or measures;
- (vi) A source (including but not limited to permitted point sources, individual landowners and land managers) in compliance with DEQ or DMA (as appropriate) approved surface water temperature management plan shall not be deemed to be causing or contributing to a violation of the numeric criterion if the surface water temperature exceeds the criterion;

(E) Waters of the state exceeding the temperature criteria will be identified in the Clean Water Act (CWA), Section 303(d) list developed by DEQ according to the schedule required by the Clean Water Act. This list will be prioritized in consultation with the DMAs to identify the order in which those waters will be addressed by DEQ and the DMAs;

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F) In basins determined by DEQ to be exceeding the numeric temperature criteria, and which are required to develop surface water temperature management plans, new or increased discharge

loads from point sources which require an NPDES permit under Section 402 of the Clean Water Act or hydro-power projects which require certification under Section 401 of the Clean Water Act are allowed a 1.0°F total cumulative increase in surface water temperatures as the surface water temperature management plan is being developed and implemented for the water quality limited basin if:

(i) In the best professional judgment of DEQ, the new or increased discharge load, even with the resulting 1.0°F cumulative increase, will not conflict with or impair the ability of a surface water temperature management plan to achieve the numeric temperature criteria; and

(ii) A new or expanding source must demonstrate that it fits within the 1.0°F increase and that its activities will not result in a measurable impact on beneficial uses. This latter showing must be made by demonstrating to DEQ that the temperature change due to its activities will be less than or equal to 0.25°F under a conservative approach or by demonstrating the same to the EQC with appropriate modeling.

(G) Any source may petition DEQ for an exception to paragraph (F) of this subsection, provided:

(i) The discharge will result in less than 1.0°F increase at the edge of the mixing zone, and subparagraph

(ii) (ii) or (iii) of this paragraph applies;

(ii) The source provides the necessary scientific information to describe how the designated beneficial uses would not be adversely impacted; or

(iii) The source demonstrates that:

(I) It is implementing all reasonable management practices;

(II) Its activity will not significantly affect the beneficial uses; and

(III) The environmental cost of treating the parameter to the level necessary to assure full protection would outweigh the risk to the resource.

(H) Any source or DMA may petition the Commission for an exception to paragraph (F) of this subsection, provided:

(i) The source or DMA provides the necessary scientific information to describe how the designated beneficial uses would not be adversely impacted; or

(ii) The source or DMA demonstrates that:

(I) It is implementing all reasonable management practices;

(II) Its activity will not significantly affect the beneficial uses; and

(III) The environmental cost of treating the parameter to the level necessary to assure full protection would outweigh the risk to the resource.

Bacteria

340-041-0026(3)(a)(I)

(I) In waterbodies designated by DEQ as water-quality limited for bacteria, and in accordance with priorities established by DEQ, development and implementation of a bacteria management plan shall be required of those sources that DEQ determines to be contributing to the problem. DEQ may determine that a plan is not necessary for a particular stream segment or segments within a water-quality limited basin based on the contribution of the segment(s) to the problem. The bacteria management plans will identify the technologies, BMPs and/or measures and approaches to be implemented by point and nonpoint sources to limit bacterial contamination. For point sources, their National Pollutant Discharge Elimination System permit is their bacteria management plan. For nonpoint sources, the bacteria management plan will be developed by designated management agencies (DMAs) which will identify the appropriate BMPs or measures and approaches.

Oregon Administrative Rules – North Coast Basin

340-041-0202

Beneficial Water Uses to be Protected

Water quality in the North Coast-Lower Columbia River Basin (see **Figures 1** and **2**) shall be managed to protect the recognized beneficial uses as indicated in **Table 1**.

[ED. NOTE: The Figure(s) and Table referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: [ORS 468](#)

Stats. Implemented: [ORS 468B.048](#)

Hist.: DEQ 128, f. & ef. 1-21-77; DEQ 9-1985, f. & ef. 8-6-85

Table 1. Beneficial uses occurring in the North Coast – Lower Columbia Basin
(OAR 340 – 41 – 202)

<i>Beneficial Use</i>	<i>Occurring</i>	<i>Beneficial Use</i>	<i>Occurring</i>
Public Domestic Water Supply	✓	Salmonid Fish Spawning	✓
Private Domestic Water Supply	✓	Salmonid Fish Rearing	✓
Industrial Water Supply	✓	Resident Fish and Aquatic Life	✓
Irrigation	✓	Anadromous Fish Passage	✓
Livestock Watering	✓	Wildlife and Hunting	✓
Boating	✓	Fishing	✓
Hydro Power		Water Contact Recreation	✓
Aesthetic Quality	✓	Commercial Nav./Transport.	

340-041-0205

Water Quality Standards Not to be Exceeded (To be Adopted Pursuant to [ORS 468.735](#) and Enforceable Pursuant to [ORS 468.720](#), [468.990](#) and [468.992](#))

(1) Notwithstanding the water quality standards contained below, the highest and best practicable treatment and/or control of wastes, activities, and flows shall in every case be provided so as to maintain dissolved oxygen and overall water quality at the highest possible levels and water temperatures, coliform bacteria concentrations, dissolved chemical substances, toxic materials, radioactivity, turbidities, color, odor, and other deleterious factors at the lowest possible levels.

(2) No wastes shall be discharged and no activities shall be conducted which either alone or in combination with other wastes or activities will cause violation of the following standards in the waters of the North Coast -- Lower Columbia River Basin:

b) Temperature: The changes adopted by the Commission on January 11, 1996, become effective July 1, 1996. Until that time, the requirements of this rule that were in effect on January 10, 1996, apply. The method for measuring the numeric temperature criteria specified in this rule is defined in OAR 340-041-0006(54):

(A) To accomplish the goals identified in OAR 340-041-0120(11), unless specifically allowed under a Department-approved surface water temperature management plan as required under OAR 340-041-0026(3)(a)(D), no measurable surface water temperature increase resulting from anthropogenic activities is allowed:

(i) In a basin for which salmonid fish rearing is a designated beneficial use, and in which surface water temperatures exceed 64.0°F (17.8°C);

(ii) In the Columbia River or its associated sloughs and channels from the mouth to river mile 309

when surface water temperatures exceed 68.0°F (20.0°C);

- (iii) In waters and periods of the year determined by DEQ to support native salmonid spawning, egg incubation, and fry emergence from the egg and from the gravels in a basin which exceeds 55.0°F (12.8°C);
- (iv) In waters determined by DEQ to support or to be necessary to maintain the viability of native Oregon bull trout, when surface water temperatures exceed 50.0°F (10.0°C);
- (v) In waters determined by DEQ to be ecologically significant cold-water refugia;
- (vi) In stream segments containing federally listed Threatened and Endangered species if the increase would impair the biological integrity of the Threatened and Endangered population;
- (vii) In Oregon waters when the dissolved oxygen (DO) levels are within 0.5 mg/l or 10 percent saturation of the water column or intergravel DO criterion for a given stream reach or sub-basin;
- (viii) In natural lakes.

(B) An exceedance of the numeric criteria identified in subparagraphs (A)(i) through (iv) of this subsection will not be deemed a temperature standard violation if it occurs when the air temperature during the warmest seven-day period of the year exceeds the 90th percentile of the seven-day average daily maximum air temperature calculated in a yearly series over the historic record. However, during such periods, the anthropogenic sources must still continue to comply with their surface water temperature management plans developed under OAR 340-041-0026(3)(a)(D);

(C) Any source may petition the Commission for an exception to subparagraphs (A)(i) through (viii) of this subsection for discharge above the identified criteria if:

- (i) The source provides the necessary scientific information to describe how the designated beneficial uses would not be adversely impacted; or
- (ii) A source is implementing all reasonable management practices or measures; its activity will not significantly affect the beneficial uses; and the environmental cost of treating the parameter to the level necessary to assure full protection would outweigh the risk to the resource.

(D) Marine and estuarine waters: No significant increase above natural background temperatures shall be allowed, and water temperatures shall not be altered to a degree which creates or can reasonably be expected to create an adverse effect on fish or other aquatic life.

340-041-0205(2)

(e) Bacteria standards:

(A) Numeric Criteria: Organisms of the coliform group commonly associated with fecal sources (MPN or equivalent membrane filtration using a representative number of samples) shall not exceed the criteria described in subparagraphs (i) and (ii) of this paragraph:

- (i) Freshwaters and Estuarine Waters Other than Shellfish Growing Waters:
 - (I) A 30-day log mean of 126 *E. coli* organisms per 100 ml, based on a minimum of five (5) samples;
 - (II) No single sample shall exceed 406 *E. coli* organisms per 100 ml.
- (ii) Marine Waters and Estuarine Shellfish Growing Waters: A fecal coliform median concentration of 14 organisms per 100 milliliters, with not more than ten percent of the samples exceeding 43 organisms per 100 ml.

(B) Raw Sewage Prohibition: No sewage shall be discharged into or in any other manner be allowed to enter the waters of the State unless such sewage has been treated in a manner approved by DEQ or otherwise allowed by these rules;

(C) Animal Waste: Runoff contaminated with domesticated animal wastes shall be minimized and treated to the maximum extent practicable before it is allowed to enter waters of the State;

(D) Effluent Limitations and Water Quality Limited Waterbodies: Effluent limitations to implement the criteria in this rule are found in OAR 340-041-0120(12) through (16). Implementation of the criteria in this rule in water quality limited waterbodies is described in OAR 340-041-0026(3)(a)(I) and OAR 340-041-0120(17).

(f) Bacterial pollution or other conditions deleterious to waters used for domestic purposes, livestock watering, irrigation, bathing, or shellfish propagation, or otherwise injurious to public health shall not be allowed;

Implementation Program Applicable to All Basins

340-041-0120

- (1) No waste treatment and disposal facilities shall be constructed or operated and no wastes shall be discharged to public waters without obtaining a permit from DEQ as required by [ORS 468.740](#).
- (2) Plans for all sewage and industrial waste treatment, control, and disposal facilities shall be submitted to DEQ for review and approval prior to construction as required by [ORS 468.742](#).
- (3) Minimum design criteria for waste treatment and control facilities prescribed under this plan and such other waste treatment and controls as may be necessary to insure compliance with the water quality standards contained in this plan shall be provided in accordance with specific permit conditions for those sources or activities for which permits are required and the following implementation program:
 - (a) For new or expanded waste loads or activities, fully approved treatment or control facilities, or both shall be provided prior to discharge of any wastes from the new or expanded facilities or conduct of the new or expanded activity;
 - (b) For existing waste loads or activities, additional treatment or control facilities necessary to correct specific unacceptable water quality conditions shall be provided in accordance with a specific program and timetable incorporated into the waste discharge permit for the individual discharger or activity. In developing treatment requirements and implementation schedules for existing installations or activities, consideration shall be given to the impact upon the overall environmental quality including air, water, land use, and aesthetics;
 - (c) Wherever minimum design criteria for waste treatment and control facilities set forth in this plan are more stringent than applicable federal standards and treatment levels currently being provided, upgrading to the more stringent requirements will be deferred until it is necessary to expand or otherwise modify or replace the existing treatment facilities. Such deferral will be acknowledged in the permit for the source;
 - (d) Where planning or design or construction of new or modified waste treatment and controls to meet prior applicable state or federal requirements is underway at the time this plan is adopted, such plans, design, or construction may be completed under the requirements in effect when the project was initiated. Timing for upgrading to meet more stringent future requirements will be as provided in section (3) of this rule.
- (4) Confined animal feeding operations shall be regulated pursuant to OAR 340-041-0005 through 340-051-0080 in order to minimize potential adverse effect on water quality.
- (5) Programs for control of pollution from nonpoint sources when developed by DEQ, or by other agencies pursuant to Section 208 of Public Law 92-500 and approved by DEQ, shall as applicable, be incorporated into this plan by amendment via the same process used to adopt the plan unless other procedures are established by law.
- (6) Where minimum requirements of federal law or enforceable regulations are more stringent than specific provisions of this plan, the federal requirements shall prevail.
- (7) Within framework of state-wide priority and available resources, DEQ will monitor water quality within the basin for the purposes of evaluating conformance with the plan and developing information for future additions or updating.
- (8) The EQC recognizes that the potential exists for conflicts between water quality management plans and the land use plans and resource management plans which local governments and other agencies must develop pursuant to law. In the event any such conflicts develop, it is the intent of DEQ to meet with the local government or responsible agency to formulate proposed revisions to one or both so as to resolve the conflict. Revisions will be presented for adoption via the same process used to adopt the plan unless other specific procedures are established by law.
- (9) DEQ shall calculate and include effluent limits specified in pounds per day, which shall be the mass load limits for biochemical oxygen demand or carbonaceous biochemical oxygen demand and total suspended solids in National Pollutant Discharge Elimination System permits issued to all sewage treatment facilities. These limits shall be calculated as follows:
 - (a) Except as noted in paragraph (H) of this subsection, for existing facilities and for facilities receiving engineering plans and specifications approval from DEQ for new treatment facilities or treatment facilities expanding the average dry weather treatment capacity, prior to June 30, 1992:
 - (A) During periods of low stream flows (approximately May 1 through October 31), the monthly

average mass load expressed as pounds per day shall not exceed the applicable monthly concentration effluent limit times the design average dry weather flow expressed in million gallons per day times 8.34 pounds per gallon. The weekly average mass load expressed as pounds per day shall not exceed the monthly average mass load times 1.5. The daily mass load expressed in pounds per day shall not exceed the monthly average mass load times 2.0;

(B) During the period of high stream flows (approximately November 1 through April 30), the monthly average mass load expressed as pounds per day shall not exceed the monthly concentration effluent limit times the design average wet weather flow expressed in million gallons per day times 8.34 pounds per gallon. The weekly average mass load expressed as pounds per day shall not exceed the monthly average mass load times 1.5. The daily mass load expressed in pounds per day shall not exceed the monthly average mass load times 2.0;

(C) On any day that the daily flow to a sewage treatment facility exceeds the lesser hydraulic capacity of the secondary treatment portion of the facility or twice the design average dry weather flow, the daily mass load limit shall not apply. The permittee shall operate the treatment facility at highest and best practicable treatment and control;

(D) The design average wet weather flow used in calculating mass loads shall be approved by DEQ in accordance with prudent engineering practice and shall be based on a facility plan approved by DEQ, engineering plans and specifications approved by DEQ, or an engineering evaluation. The permittee shall submit documentation describing and supporting the design average wet weather flow with the permit application, application for permit renewal, or modification request, or upon request by DEQ. The design average wet weather flow is defined as the average flow between November 1 and April 30 when the sewage treatment facility is projected to be at design capacity for that portion of the year;

(E) Mass loads assigned as described in paragraphs (B) and (C) of this subsection will not be subject to OAR 340-041-0026(3);

(F) Mass loads as described in this rule will be included in permits upon renewal, or upon permit modification request;

(G) Within 180 days after permit renewal or modification, permittees receiving higher mass loads under this rule and having a separate sanitary sewer system shall submit to DEQ for review and approval a proposed program and time schedule for identifying and reducing inflow. The program shall consist of the following:

(i) Identification of all overflow points and verification that sewer system overflows are not occurring up to a 24-hour, five-year storm event or equivalent;

(ii) Monitoring of all pump station overflow points; and

(iii) A program for identifying and removing all inflow sources into the permittees sewer system over which the permittee has legal control; and

(iv) For those permittees not having the necessary legal authority for all portions of the sewer system discharging into the permittee's sewer system or treatment facility, a program and schedule for gaining legal authority to require inflow reduction and a program and schedule for removing inflow sources.

(H) Within one year after DEQ's approval of the program, the permittee shall begin implementation of the program.

(I) Paragraphs (A) through (G) of this subsection shall not apply to the cities of Athena, Elgin, Adair Village, Halsey, Harrisburg, Independence, Carlton and Sweet Home. Mass load limits have been individually assigned to these facilities.

(b) For new sewage treatment facilities or treatment facilities expanding the average dry weather treatment capacity, and receiving engineering plans and specifications approval from DEQ after June 30, 1992, the mass load limits shall be calculated by DEQ based on the proposed treatment facility capabilities and the highest and best practicable treatment to minimize the discharge of pollutants;

(c) Mass load limits as defined in this rule may be replaced by more stringent limits if required by waste load allocations established in accordance with a TMDL for treatment facilities discharging to water quality limited streams, or if required to prevent or eliminate violations of water quality standards;

(d) In the event that the design average wet weather flow or the hydraulic secondary treatment capacity is not known or has not been approved by DEQ at the time of permit issuance, the

permit shall include as interim mass load limits the mass load limits in the previous permit issued to the permittee for the treatment facility. The permit shall also include a requirement that the permittee shall submit to DEQ the design average wet weather flow and hydraulic secondary treatment capacity within 12 months after permit issuance. Upon review and approval of the design flow information, DEQ will modify the permit and include mass load limits as described in subsection (a) of this section;

(e) Each permittee with existing sewage treatment facilities otherwise subject to subsection (a) of this section may choose mass load limits calculated as follows:

(A) The monthly average mass load expressed as pounds per day shall not exceed the applicable monthly concentration effluent limit times the design average dry weather flow expressed in million gallons per day times 8.34 pounds per gallon;

(B) The weekly average mass load expressed as pounds per day shall not exceed the monthly average mass load times 1.5;

(C) The daily mass load expressed in pounds per day shall not exceed the monthly average mass load times 2.0. In the event that existing mass load limits are retained by the permittee, the terms and requirements of subsection (a) of this section shall not apply.

(f) The Commission may grant exceptions to subsection (a) of this section. In allowing increased discharged loads, the Commission shall make the findings specified in OAR 340-041-0026(3) for waste loads, and in addition shall make the following findings:

(A) That mass loads as calculated in subsection (a) of this section cannot be achieved with the existing treatment facilities operated at maximum efficiency at projected design flows; and

(B) That there are no practicable alternatives to achieving the mass loads as calculated in subsection (a) of this section.

(10) Agricultural water quality management plans to reduce agricultural Nonpoint source pollution shall be developed and implemented by the Oregon Department of Agriculture (ODA) through a cooperative agreement with DEQ of Environmental Quality (DEQ) to implement applicable provisions of [ORS 568.900–933](#) and ORS 561.191. If DEQ has reason to believe that agricultural discharges or activities are contributing to water quality problems resulting in water quality standards violations, DEQ shall hold a consultation with the ODA. If water quality impacts are likely from agricultural sources, and DEQ determines that a water quality management plan is necessary, the Director of DEQ shall write a letter to the Director of the ODA requesting that such a management plan be prepared and implemented to reduce pollutant loads and achieve the water quality criteria.

(11) EQC policy on surface water temperature (as regulated in the basin standards found in OAR 340-041-0205, OAR-340-041-0245, OAR-340-041-0285, OAR-340-041-0325, OAR-340-041-0365, OAR-340-041-0445, OAR-340-041-0485, OAR-340-041-0525, OAR-340-041-0565, OAR-340-041-0605, OAR-340-041-0645, OAR-340-041-0685, OAR-340-041-0725, OAR-340-041-0765, OAR-340-041-0805, OAR-340-041-0845, OAR-340-041-0885, OAR-340-041-0925, OAR-340-041-0965:

(a) It is the policy of the Environmental Quality Commission (EQC) to protect aquatic ecosystems from adverse surface water warming caused by anthropogenic activities. The intent of the EQC is to minimize the risk to cold-water aquatic ecosystems from anthropogenic warming of surface waters, to encourage the restoration of critical aquatic habitat, to reverse surface water warming trends, to cool the waters of the State, and to control extremes in temperature fluctuations due to anthropogenic activities:

(A) The first element of this policy is to encourage the proactive development and implementation of best management practices or other measures and available temperature control technologies for nonpoint and point source activities to prevent thermal pollution of surface waters;

(B) The second element of this policy is to require the development and implementation of surface water temperature management plans for those basins exceeding the numeric temperature criteria identified in the basin standards. The surface water temperature management plans will identify the best management practices (BMPs) or measures and approaches to be taken by nonpoint sources, and technologies to be implemented by point sources to limit or eliminate adverse anthropogenic warming of surface waters.

(b) Surface water temperatures in general are warming throughout the State. These water temperatures are influenced by natural physical factors including, but not limited to solar

radiation, stream-side shade, ambient air temperatures, heated water discharges, cold-water discharges, channel morphology, and stream flow. Surface water temperatures may also be affected by anthropogenic activities that discharge heated water, widen streams, or reduce stream shading, flows, and depth. These anthropogenic activities, as well as others, increase water temperatures. Anthropogenic activities may also result in the discharge of cold water that decreases water temperatures and affects biological cycles of aquatic species;

(c) The temperature criteria in the basin standards establish numeric and narrative criteria to protect designated beneficial uses and to initiate actions to control anthropogenic sources that adversely increase or decrease stream temperatures. Natural surface water temperatures at times exceed the numeric criteria due to naturally high ambient air temperatures, naturally heated discharges, naturally low stream flows or other natural conditions. These exceedances are not water quality standards violations when the natural conditions themselves cause water temperatures to exceed the numeric criteria. In these situations, the natural surface water temperatures become the numeric criteria. In surface waters where both natural and anthropogenic factors cause exceedances of the numeric criteria, each anthropogenic source will be responsible for controlling, through implementation of a management plan, only that portion of the temperature increase caused by that anthropogenic source;

(d) The purpose of the numeric criteria in the basin standards is to protect designated beneficial uses; this includes specific life cycle stages during the time periods they are present in a surface water of the state. Surface water temperature measurements taken to determine compliance with the identified criteria will be taken using a sampling protocol appropriate to indicate impact to the beneficial use. The EQC, in establishing these criteria, recognizes that new information is constantly being developed on water temperatures and how water temperatures affect different beneficial uses. Therefore, continued reevaluation of temperature information is needed to refine and revise numeric criteria in the basin standards over time. The EQC also recognizes that the development and implementation of control technologies and best management practices or measures to reduce anthropogenic warming is evolving and the achievement of the numeric criteria will be an iterative process;

(e) Surface water temperature management plans will be required according to OAR 340-041-0026(3)(a)(D) when the relevant numeric temperature criteria are exceeded and the waterbody is designated as water-quality limited under Section 303(d) of the Clean Water Act. The plans will identify those steps, measures, technologies, and/or practices to be implemented by those sources determined by DEQ to be contributing to the problem. The plan may be for an entire basin, a single watershed, a segment of a stream, single or multiple Nonpoint source categories, single or multiple point sources or any combination of these, as deemed appropriate by DEQ, to address the identified temperature problem:

(A) In the case of state and private forest lands, the practices identified in rules adopted pursuant to the State Forest Practices Act (FPA) will constitute the surface water temperature management plan for the activities covered by the act. Consequently, in those basins, watersheds or stream segments exceeding the relevant temperature criterion, and for those activities covered by the Forest Practices Act, the forestry component of the temperature management plan will be the practices required under the FPA. If the mandated practices need to be improved in specific basins, watersheds or stream segments to fully protect identified beneficial uses, DEQs of Forestry and Environmental Quality will follow the process described in [ORS 527.765](#) to establish, implement, and improve practices in order to reduce thermal loads to achieve and maintain the surface water temperature criteria. Federal forest management agencies are required by the federal Clean Water Act to meet or exceed the substantive requirements of the state forestry nonpoint source program. DEQ currently has Memoranda of Understanding with the U.S. Forest Service and Bureau of Land Management to implement this aspect of the Clean Water Act. These memoranda will be used to identify the temperature management plan requirements for federal forest lands;

(B) The temperature management plan for agricultural Nonpoint sources shall be developed and implemented in the manner described in section (10) of this rule;

(C) DEQ will be responsible for determining the appropriate surface water temperature management plan for individual and general NPDES permitted sources. The requirement for a surface water temperature management plan and the content of the plan will be appropriate to

the contribution the permitted source makes to the temperature problem, the technologies and practices available to reduce thermal loads, and the potential for trading or mitigating thermal loads;

(D) In urban areas, DEQ will work with appropriate state, county, municipal, and special district agencies to develop surface water temperature management plans that reduce thermal loads in basins, watersheds, or stream segments associated with the temperature violations so that the surface water temperature criteria are achieved.

(f) The EQC encourages the release of stored water from reservoirs to cool surface water in order to achieve the identified numeric criteria in the basin standards as long as there is no significant adverse impact to downstream designated beneficial uses from the cooler water temperatures. If DEQ determines that a significant adverse impact is resulting from the cold-water release, DEQ shall, at its discretion, require the development of a management plan to address the adverse impact created by the cold-water release;

(g) Maintaining low stream temperatures to the maximum extent practicable in basins where surface water temperatures are below the specific criteria identified in this rule shall be accomplished by implementing technology based permits, best management practices or other measures. Any measurable increase in surface water temperature resulting from anthropogenic activities in these basins shall be in accordance with the antidegradation policy contained in OAR 340-041-0026.

(12) Effluent Limitations for Bacteria: Except as allowed in subsection (c) of this section, upon NPDES permit renewal or issuance, or upon request for a permit modification by the permittee at an earlier date, effluent discharges to freshwaters, and estuarine waters other than shellfish growing waters shall not exceed a monthly log mean of 126 E. coli organisms per 100 ml. No single sample shall exceed 406 E. coli organisms per 100 ml. However, no violation will be found, for an exceedance if the permittee takes at least five consecutive re-samples at four-hour intervals beginning as soon as practicable (preferably within 28 hours) after the original sample was taken and the log mean of the five re-samples is less than or equal to 126 E. coli. The following conditions apply:

(a) If DEQ finds that re-sampling within the timeframe outlined in this section would pose an undue hardship on a treatment facility, a more convenient schedule may be negotiated in the permit, provided that the permittee demonstrates that the sampling delay will result in no increase in the risk to water contact recreation in waters affected by the discharge;

(b) The in-stream criterion for chlorine listed in **Table 20** shall be met at all times outside the assigned mixing zone;

(c) For sewage treatment plants that are authorized to use reclaimed water pursuant to OAR Chapter 340, Division 55, and which also use a storage pond as a means to dechlorinate their effluent prior to discharge to public waters, effluent limitations for bacteria shall, upon request by the permittee, be based upon appropriate total coliform, limits as required by OAR Chapter 340, Division 55: For Level II limitations, no two consecutive samples shall exceed 240 total coliform per 100 ml and for Level III and Level IV limitations, no single sample shall exceeds 23 total coliform per 100 ml. However, no violation will be found for an exceedance under this paragraph if the permittee takes at least five consecutive re-samples at four hour intervals beginning as soon as practicable (preferably within 28 hours) after the original sample(s) were taken; and in the case of Level II effluent, the log mean of the five re-samples is less than or equal to 23 total coliform per 100 ml or, in the case of Level III and IV effluent, if the log mean of the five re-samples is less than or equal to 2.2 total coliform per 100 ml.

(13) Sewer Overflows in Winter: Domestic waste collection and treatment facilities are prohibited from discharging raw sewage to waters of the State during the period of November 1 through May 21, except during a storm event greater than the one-in-five-year, 24-hour duration storm. However, the following exceptions apply:

(a) The Commission may on a case-by-case basis approve a bacteria control management plan to be prepared by the permittee, for a basin or specified geographic area which describes hydrologic conditions under which the numeric bacteria criteria would be waived. These plans will identify the specific hydrologic conditions, identify the public notification and education processes that will be followed to inform the public about an event and the plan, describe the water quality assessment conducted to determine bacteria sources and loads associated with the specified

hydrologic conditions, and describe the bacteria control program that is being implemented in the basin or specified geographic area for the identified sources;

(b) Facilities with separate sanitary and storm sewers existing on January 10, 1996, and which currently experience sanitary sewer overflows due to inflow and infiltration problems, shall submit an acceptable plan to DEQ at the first permit renewal, which describes actions that will be taken to assure compliance with the discharge prohibition by January 1, 2010. Where discharges occur to a receiving stream with sensitive beneficial uses, DEQ may negotiate a more aggressive schedule for discharge elimination;

(c) On a case-by-case basis, the beginning of winter may be defined as October 15 if the permittee so requests and demonstrates to DEQ's satisfaction that the risk to beneficial uses, including water contact recreation, will not be increased due to the date change.

(14) Sewer Overflows in Summer: Domestic waste collection and treatment facilities are prohibited from discharging raw sewage to waters of the State during the period of May 22 through October 31, except during a storm event greater than the one-in-ten-year, 24-hour duration storm. The following exceptions apply:

(a) For facilities with combined sanitary and storm sewers, the Commission may on a case-by-case basis approve a bacteria control management plan such as that described in subsection (13)(a) of this rule;

(b) On a case-by-case basis, the beginning of summer may be defined as June 1 if the permittee so requests and demonstrates to DEQ's satisfaction that the risk to beneficial uses, including water contact recreation, will not be increased due to the date change;

(c) For discharge sources whose permit identifies the beginning of summer as any date from May 22 through May 31: If the permittee demonstrates to DEQ's satisfaction that an exceedance occurred between May 21 and June 1 because of a sewer overflow, and that no increase in risk to beneficial uses, including water contact recreation, occurred because of the exceedance, no violation shall be triggered if the storm associated with the overflow was greater than the one-in-five-year, 24-hour duration storm.

(15) Storm Sewers Systems Subject to Municipal NPDES Storm Water Permits: Best management practices shall be implemented for permitted storm sewers to control bacteria to the maximum extent practicable. In addition, a collection-system evaluation shall be performed prior to permit issuance or renewal so that illicit and cross connections are identified. Such connections shall be removed upon identification. A collection system evaluation is not required where DEQ determines that illicit and cross connections are unlikely to exist.

(16) Storm Sewers Systems Not Subject to Municipal NPDES Storm Water Permits: A collection system evaluation shall be performed of non-permitted storm sewers by January 1, 2005, unless DEQ determines that an evaluation is not necessary because illicit and cross connections are unlikely to exist. Illicit and cross-connections shall be removed upon identification.

(17) Water Quality Limited for Bacteria: In those waterbodies, or segments of waterbodies identified by DEQ as exceeding the relevant numeric criteria for bacteria in the basin standards and designated as water-quality limited under Section 303(d) of the Clean Water Act, the requirements specified in OAR 340-041-0026(3)(a)(I) and in section (10) of this rule shall apply.

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: [ORS 468B.030](#) & [ORS 468B.048](#)

Stats. Implemented: [ORS 468B.048](#)

Hist.: DEQ 128, f. & ef. 1-21-77; DEQ 16-1992, f. & cert. ef. 8-7-92; DEQ 5-1996, f. & cert. ef. 3-7-96; DEQ 11-1997, f. & cert. ef. 6-11-97

OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF AGRICULTURE
CHAPTER 603, DIVISION 95

AGRICULTURAL WATER QUALITY MANAGEMENT PROGRAM

North Coast Basin

603-095-0800

Purpose

(1) These rules have been developed to effectuate a water quality management area plan for the North Coast Basin pursuant to authorities vested in DEQ through [ORS 561.190-561.191](#) and [568.900-568.933](#). Development of this plan is due to a determination by the Environmental Quality Commission to establish Total Maximum Daily Loads (TMDL) and allocate loads to agricultural water pollution sources. This plan also contributes to the state's program to restore and protect coastal waters in response to the federal Coastal Zone Management Act. The area plan is known as the North Coast Basin Agricultural Water Quality Management Area Plan.

(2) The purpose of these rules is to outline requirements for landowners in the North Coast Basin Agricultural Water Quality Management Area for the prevention and control of water pollution from agricultural activities and soil erosion. Compliance with these rules is expected to aid in the achievement of applicable water quality standards in the North Coast Basin.

(a) Failure to comply with any provisions of the North Coast Basin Agricultural Water Quality Management Area Plan:

(A) does not constitute a violation of [OAR 603-090-0000](#) to 603-090-0120, or of [OAR 603-095-0010](#) to OAR 635-095-0860;

(B) is not intended by DEQ to be evidence of a violation of any federal, state, or local law by any person.

(b) Nothing in the North Coast Basin Agricultural Water Quality Management Area Plan shall be:

(A) construed as an effluent limitation or standard under the federal Water Pollution Control Act, [33 USC](#) §§ 1251-1376;

(B) used to interpret any requirement of [OAR 603-095-0800](#) through 603-095-0860.

Statutory Authority: [ORS 561.190-561.191](#) and [ORS 568.909](#)

Stats. Implemented: [ORS 568.900-568.933](#)

603-095-0820

Geographic and Programmatic Scope

(1) The physical boundaries of North Coast Basin subject to these rules are indicated on the map included as [Appendix A](#) of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the North Coast Basin in agricultural use, agricultural and rural lands which are lying idle or on which management has been deferred, and forested lands with agricultural activities, with the exception of public lands managed by federal agencies and activities which are subject to the Oregon Forest Practices Act.

(3) Current productive agricultural use is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are within the purview of these rules.

(4) The provisions and requirements outlined in these rules may be adopted by reference by Designated Management Agencies with appropriate authority and responsibilities in other geographic areas of the North Coast Basin.

(5) For lands in agricultural use within other Designated Management Agencies or state agency jurisdictions, DEQ and the appropriate Local Management Agency shall work with these Designated Management Agencies to assure that provisions of these rules apply, and to assure that duplication of any services provided or fees assessed does not occur.

Statutory Authority: [ORS 568.909](#)
Stats. Implemented: [ORS 568.900-568.933](#)

603-095-0840

Required and Prohibited Conditions

(1) All landowners or operators conducting activities on lands in agricultural use shall be in compliance with the following criteria. A landowner or operator shall be responsible for only those required and prohibited conditions caused by activities conducted on land managed by the landowner or operator. Criteria do not apply to conditions resulting from unusual weather events or other exceptional circumstances that could not have been reasonably anticipated.

(2) Healthy Riparian Streambank Condition. Effective upon rule adoption.

(a) Allow the natural and managed regeneration and growth of riparian vegetation -- trees, shrubs, grasses, and sedges -- along natural waterways (as defined in [OAR 141-085-0010\(27\)](#)) to provide shade to moderate water temperatures and bank stability to maintain erosion near background levels.

(b) The technical criteria to determine compliance with [OAR 603-095-0840\(2\)\(a\)](#) are:

(A) Ongoing renewal of riparian vegetation that depends on natural processes (including processes such as seed fall, seed bank in soil, or sprouting from roots, rhizomes, or dormant crowns) is evident.

(B) Ongoing growth of riparian vegetation that has a high probability of remaining or becoming vigorous and healthy is evident.

(C) Management activities minimize the degradation of established native vegetation while allowing for the presence of nonnative vegetation.

(D) Management activities maintain at least 50% of each year's new growth of woody vegetation -- both trees and shrubs.

(E) Management activities are conducted in a manner so as to maintain streambank integrity through 25-year storm events.

(c) Exemptions:

(A) Levees and dikes are exempt from the Healthy Riparian Streambank Condition [OAR 603-095-0840\(2\)\(a\)](#) and [\(b\)](#), except for areas on the river-side of these structures that are not part of the structures and which can be vegetated without violating U.S. Army Corps of Engineers vegetation standards.

(B) Drainage areas where the only connection to other waterbodies are through pumps shall be exempt from the Healthy Riparian Streambank Condition [OAR 603-095-0840\(2\)\(a\)](#) and [\(b\)](#).

(C) Access to natural waterways for livestock watering and stream crossings are allowed such that livestock use is limited to only the amount of time necessary for watering and crossing the waterway.

(D) Drainage and irrigation ditches managed in compliance with [OAR 603-095-0840\(3\)](#) are exempt from the Healthy Riparian Streambank Condition [OAR 603-095-0840\(2\)\(a\)](#) and [\(b\)](#).

(3) Drainage and irrigation ditches (channels legally constructed). Effective upon rule adoption.

(a) Construction, maintenance, and use of surface drainage ditches shall not result in sediment delivery to waters of the state from soil erosion caused by excessive channel slope, unstable channel cross section, or placement of disposed soils.

(b) Ditch bank vegetation shall be present to stabilize earthen ditch banks.

(c) Technical criteria to determine compliance with [OAR 603-095-0840\(3\)\(a\)](#) and [\(b\)](#) are:

(A) Construction and maintenance of drainage and irrigation ditches utilize ditch slope and ditch cross section that are appropriate to the site.

(B) Disposed soils from construction and maintenance of drainage and irrigation ditches are placed such that sediment delivery to waters of the state from the placement of these soils is consistent with natural background sediment delivery from these sites.

(d) Exemptions:

(A) Bank vegetation damaged and soils exposed during maintenance (as defined in [OAR 141-085-0010\(22\)](#)) and construction, in accordance with Division of State Lands rules. Bank

vegetation must be reestablished as soon as practicable after construction and maintenance are completed. However, sediment delivery to waters of the state shall not result from inappropriate ditch slope and cross section or from placement of disposed soils.

(4) Tide Gates. Effective upon rule adoption.

(a) Tide gates shall open and close as designed.

(5) Erosion and Sediment Control. Effective upon rule adoption.

(a) No cropland erosion in excess of the soil loss tolerance factor (T) for the subject field, as determined by the Revised Universal Soil Loss Equation (RUSLE) for soil loss, will occur.

(A) Exceptions: DEQ shall establish an alternate erosion control standard for croplands which DEQ determines cannot practically or economically achieve the soil loss tolerance factor. Any alternate erosion control standard for croplands established by DEQ shall assure that delivery of sediment to adjacent water sources is reduced to the maximum extent practicable.

(b) Private roads that traverse rural lands or private roads used for agricultural activities shall be constructed and maintained such that road surfaces, fill and associated structures are designed and maintained to limit contributing sediment to waters of the state. All private roads on agricultural lands not subject to the Oregon Forest Practices Act are subject to this regulation.

(A) Exceptions: Roads subject to the Oregon Forest Practices Act.

(c) Agricultural lands shall be managed to prevent and control runoff of sediment to public road drainage systems.

(d) Except for operations governed by the Oregon Forest Practices Act, no activities related to the conversion of woodland to non-woodland agricultural uses that require removal of the majority of woody material from a parcel of land, such that the land no longer meets the definition of woodland, shall be conducted in a manner which results in the placement of soil, the delivery of sediment or the sloughing of soil into waters of the state, the initiation or aggravation of streambank erosion, or the loss of a healthy riparian streambank condition as defined in [OAR 603 095-0840\(2\)](#).

(6) Manure, Nutrients, and Other Waste. Effective upon rule adoption.

(a) No person conducting agricultural land management shall cause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means.

(b) No person conducting agricultural land management shall discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission.

(c) No person shall violate the conditions of any waste discharge permit issued under [ORS 468B.050](#).

(d) Exceptions:

(A) Access to natural waterways for livestock watering and stream crossings are allowed such that livestock use is limited to only the amount of time necessary for watering and crossing the waterway.

Statutory Authority: [ORS 568.909](#)

Stats. Implemented: [ORS 568.900-568.933](#)

603-095-0860

Complaints and Investigations

(1) When DEQ receives notice of an alleged occurrence of agricultural pollution through a written complaint, its own observation, through notification by another agency, or by any other means, DEQ may conduct an investigation. DEQ may, at its discretion, coordinate inspection activities with the appropriate Local Management Agency.

(2) Each notice of an alleged occurrence of agricultural pollution shall be evaluated in accordance with the criteria in [ORS 568.900 to 568.933](#) or any rules adopted thereunder to determine whether an investigation is warranted.

(3) Any person allegedly being damaged or otherwise adversely affected by agricultural pollution or alleging any violation of [ORS 568.900 to 568.933](#) or any rules adopted thereunder may file a complaint with DEQ.

(4) DEQ will evaluate or investigate a complaint filed by a person under section [OAR 603-](#)

[095-0860\(3\)](#) if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:

- (a) The property and waters of the state allegedly being damaged or impacted; and
- (b) The property allegedly being managed under conditions violating criteria described in [ORS 568.900 to 568.933](#) or any rules adopted thereunder.

(5) As used in section [OAR 603-095-0860](#), "person" does not include any local, state or federal agency.

(6) Notwithstanding [OAR 603-095-0860](#), DEQ may investigate at any time any complaint if DEQ determines that the violation alleged in the complaint may present an immediate threat to the public health or safety.

(7) Actions based on investigation findings:

(a) If DEQ determines that a violation of [ORS 568.900 to 568.933](#) or any rules adopted thereunder has occurred and an Approved Voluntary Water Quality Farm Plan exists and the landowner or occupier is making a reasonable effort to comply with the plan:

(A) DEQ shall inform the landowner of the non-compliance with [ORS 568.900 to 568.933](#) or any rules adopted thereunder; and

(B) DEQ may acknowledge the existence of the Approved Voluntary Water Quality Farm Plan and direct the landowner to seek appropriate technical assistance and revise the plan and its implementation in a manner necessary to eliminate the violation.

(b) The landowner may be subject to the enforcement procedures of DEQ outlined in [OARs 603-090-0060 through 603-090-0120](#) if:

(A) DEQ determines that a violation of [ORS 568.900 to 568.933](#) or any rules adopted thereunder has occurred and an Approved Voluntary Water Quality Farm Plan does not exist; or

(B) DEQ determines that a violation of [ORS 568.900 to 568.933](#) or any rules adopted thereunder has occurred and an Approved Voluntary Water Quality Farm Plan exists and the landowner or occupier is not making a reasonable effort to comply with the plan; or

(C) DEQ determines that a landowner or occupier has not revised a plan per [OAR 603-095-0860\(7\)\(a\)\(B\)](#) within the time specified by DEQ.

Statutory Authority: [ORS 568.915, 568.918, and 568.933](#)

Stats. Implemented: [ORS 568.900 - 568.933](#)

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Selected Oregon Revised Statutes

Available on the internet at: <http://landru.leg.state.or.us/ors/468b.html>

468B.005.

[Selected] Definitions for water pollution control laws

(3) "Pollution" or "water pollution" means such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

....

(7) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances which will or may cause pollution or tend to cause pollution of any waters of the state.

(8) "Water" or "the waters of the state" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are

wholly or partially within or bordering the state or within its jurisdiction. [Formerly 449.075 and then 468.700]

468B.015.

Policy

Whereas pollution of the waters of the state constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and whereas the problem of water pollution in this state is closely related to the problem of water pollution in adjoining states, it is hereby declared to be the public policy of the state:

- (1) To conserve the waters of the state;
- (2) To protect, maintain and improve the quality of the waters of the state for public water supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, industrial, municipal, recreational and other legitimate beneficial uses;
- (3) To provide that no waste be discharged into any waters of this state without first receiving the necessary treatment or other corrective action to protect the legitimate beneficial uses of such waters;
- (4) To provide for the prevention, abatement and control of new or existing water pollution; and
- (5) To cooperate with other agencies of the state, agencies of other States and the Federal Government in carrying out these objectives. [Formerly 449.077 and then 468.710]

468B.020

Prevention of pollution.

- (1) Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary to the public policy of the State of Oregon, as set forth in ORS 468B.015.
- (2) In order to carry out the public policy set forth in ORS 468B.015, DEQ shall take such action as is necessary for the prevention of new pollution and the abatement of existing pollution by:
 - (a) Fostering and encouraging the cooperation of the people, industry, cities and counties, in order to prevent, control and reduce pollution of the waters of the state; and
 - (b) Requiring the use of all available and reasonable methods necessary to achieve the purposes of ORS 468B.015 and to conform to the standards of water quality and purity established under ORS 468B.048. [Formerly 449.095 and then 468.715]

468B.025

Prohibited activities.

- (1) Except as provided in ORS 468B.050 or 468B.053, no person shall:
 - (a) Cause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means.
 - (b) Discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission.
- (2) No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050.
- (3) Violation of subsection (1) or (2) of this section is a public nuisance. [Formerly 449.079 and then 468.720; 1997 c.286 s.5]

