

Sept. 8, 2025

# **Response to Comments on the Draft Assessment Methodology for Oregon's 2026 Integrated Report**

For Development of the Water Quality Status  
Report and List of Impaired Waters



This document was prepared by  
Oregon Department of Environmental Quality  
[Water Quality Assessment Program](#)  
700 NE Multnomah Street, Portland Oregon, 97232

Contact: Lesley Merrick

Phone: 971-323-7228

Or

Contact: Travis Pritchard

Phone: 503-887-4346



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800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

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# Executive summary

The federal Clean Water Act requires Oregon to report on the quality of its surface waters every two years. Oregon surface waters are assessed to determine if they contain pollutants at levels that exceed water quality standards meant to protect beneficial uses, such as fish and wildlife, drinking water and recreation. The result of these analyses and conclusions is called the “Integrated Report” because it combines the requirements of Clean Water Act section 305(b) to develop a status report and the section 303(d) requirement to develop a list of waterways impaired by pollution.



U.S. Environmental Protection Agency regulations require states to describe the methodology, data and information used to identify and list segments of water bodies that are considered “water quality limited” -- or impaired -- and require cleanup plans known as Total Maximum Daily Loads, or TMDLs. This Assessment Methodology contains the “decision rules” DEQ will use to compare data and information to existing water quality standards for the development of Oregon’s 2026 Integrated Report.

For the 2026 Integrated Report, DEQ is proposing a significant revision to the assessment methodology for freshwater biocriteria. DEQ assembled a scientific peer review panel to review the updated freshwater biocriteria assessment methodology due to its scientific complexity. Supporting information for these can be found on the [Assessment Methodology Updates](#) website.

To meet the submission deadline identified in the Clean Water Act and comply with statutory requirements under ORS 468B.039, DEQ posted the Draft Assessment Methodology for Oregon’s 2026 Integrated Report for public comment March 25, 2025, and accepted comments on the methodologies through May 27, 2025. This document provides DEQ’s response to comments received for the full draft Assessment Methodology of inland, estuarine and marine waters.



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# Introduction

This document addresses comments and questions received regarding the Draft Assessment Methodology for Oregon’s 2026 Integrated Report. The methodology updates for this assessment cycle include: a major revision to the freshwater biocriteria methodology and minor revisions to the methodology for assessing harmful algal blooms. DEQ assembled a scientific peer review panel to review the updated freshwater biocriteria assessment methodology due to its scientific complexity. After considering the peer review panel’s input, DEQ posted the Draft Assessment Methodology for Oregon’s 2026 Integrated Report for public comment on March 25, 2025, and accepted comments on the methodologies through May 27, 2025. All comments received during the public comment periods have been reviewed by DEQ and addressed in this document. Comments that required modifications to the report are noted. DEQ received five unique comments from one entity. DEQ will make clarifications to the 2026 draft Assessment Methodology and reporting based on the comments received.

**Table 1. Commentors on the draft Assessment Methodology for Oregon's 2024 Integrated Report**

Commenter #	Commenter	Acronym
1	Clean Water Services	CWS

## Comments from: Clean Water Services

### Description: Importance of data over commentary

**Comment:** The primary purpose of the public comment period is to review and identify potential errors in the draft listings. If those errors are due to incomplete or misleading datasets, the most appropriate and effective correction is to allow submission of better, more comprehensive data from monitored results. Data, not commentary, is the most objective way to determine the appropriateness of listings. While public comments are valuable, they do not carry the same evidentiary weight as results from water quality measurements.

### Description: Limitations of the current Call for Data

**Comment:** CWS makes every effort to submit complete and accurate datasets during the Call for Data period. However, CWS staff members do not know what other entities will submit, making it difficult to anticipate which assessments may require further review and clarification. Without the ability to respond with data during the public comment period, the process

devolves into a debate of words rather than a scientific evaluation based on measured observations.

### **Description: Case Study: Tualatin watershed copper listing**

**Comment:** This issue is particularly problematic in the assessment of watershed units. For example, in the Tualatin watershed, a neighboring jurisdiction submitted limited data from the upper, outer reaches of the watershed showing copper exceedances. CWS had data from the mainstem of the same watershed unit indicating that the exceedances were diluted downstream. However, because the CWS data were submitted during public comment and not during the Call for Data, they were not considered. As a result, the entire watershed was listed based on a partial dataset. This misrepresents actual conditions and undermines the credibility of the listing process.

Allowing complete datasets that represent the entire watershed, not just limited portions, would lead to more accurate assessments. This is particularly relevant for listings involving copper BLM and aluminum, where input data are essential to accurate criteria calculation. CWS would like the opportunity to complete the datasets that will impact the instantaneous water quality criteria.

**Response:** DEQ agrees that data is the most objective way to make decisions on waterbody status and appreciates CWS's engagement both during the Call for Data and the public comment periods for DEQ's Integrated Report. CWS's input via both data submitted and comments helps DEQ produce a quality report. DEQ makes a concerted effort to provide ample opportunity for data submission during the Call for Data, which in the past three cycles has been open for over 60 days.

To meet federal submittal deadlines, DEQ's Assessment Methodology identifies a specific Call for Data window and states that data submitted after the deadline stated in the call will not be considered for the current assessment and listing cycle but can be resubmitted for the next assessment and listing cycle – see page 15 in the 2024 Assessment Methodology. DEQ encourages and requests all available water quality data that meets the submission requirements be submitted during the Call for Data. This is consistent with the process outlined and implemented since the 2020 Integrated Report's Assessment Methodology. Utilizing all available data first, then assessing data consistent with the applicable methodology helps to ensure a robust and objective view of whether a waterbody is impaired. Accepting data further into the assessment process could jeopardize the objective process DEQ has implemented.

Additionally, allowing for new data to be submitted during the comment period on the draft Integrated Report would lead to a continuous cycle of re-assessment and review that would inhibit timely submittal to the EPA each reporting cycle.

DEQ will continue to work with CWS to ensure the most complete and accurate data are included in the assessment and may allow for limited supporting data to be accepted during the comment period on the draft Integrated Report if the data are relevant to ensuring a robust and objective evaluation of impairment and are provided in proper DEQ templates.

DEQ recognizes that, in limited cases, important data may not have been submitted during the Call for Data period. These situations will be reviewed individually. However, accepting data after the submission window should be limited to exceptional cases where it is necessary to ensure the objectivity and timely completion of the Integrated Report.

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## **Description: Challenges with the listing/delisting process**

**Comment:** Understandably, delisting is significantly more difficult than listing, by design. Therefore, it is crucial to ensure that listings are based on complete and representative data from the outset. The current draft Water Quality Assessment Methodology includes a vague “overwhelming evidence” clause (p. 27) that could allow listings without a clearly defined method. In the previous Integrated Report, for example, an organization successfully submitted data to support a “trash” listing. The DEQ website lists future Assessment Methodology updates where methodologies have not been established for listing or delisting narrative toxics, aquatic weeds, excessive algae delisting, nutrients, TMDL attainment, and sediment. Without methodologies, these parameters are all vulnerable to the “weight of evidence” approach. If there is no ability to present evidence during the public comment period, the public has no effective way to provide evidence in response to DEQ’s decisions on these types of draft listings during the public process. Once a listing occurs, the burden of proof required to delist in the next Assessment cycle is higher. Additionally, the methodology may not be established.

**Response:** DEQ appreciates the comment. As stated in the Assessment Methodology for Oregon’s 2024 Integrated Report (page 36), the concept of Overwhelming Evidence states that credible and compelling information indicating waters are not attaining applicable water quality standards can be used to determine impairment with multiple lines of evidence based on a specific rationale. The use of this section of the assessment methodology is rare and should only be applied when the data or information being evaluated overwhelmingly links the pollutant to an affected beneficial use. However, DEQ anticipates that it would be rare to have additional data that would meaningfully contradict submitted data and information.

DEQ encourages and requests all available water quality data that meets the submission requirements be submitted during the Call for Data. The draft Integrated Report is subject to public comment, and DEQ does make changes to the draft based on comments received. In the 2024 Integrated Report, DEQ made 196 changes to assessment unit parameter pairs based on the comments received, including 76 delisting. If an Assessment Unit was listed as impaired by mistake in the draft Integrated Report, DEQ will correct the listing status before finalizing the Integrated Report and submitting to EPA. An example of this is documented in [Changes made in response to public comments](#) spreadsheet.

Delistings of 303(d) listings based on the application of the overwhelming evidence methodology will be evaluated on a case by case basis.

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## **Description: Proposed path forward**

**Comment:** CWS urges DEQ to allow submission of additional data during the public comment period for the specific purpose of addressing draft listings. To maintain process integrity, this data could be limited in scope – applicable only to those listings included in the draft report and only during the comment window. This would strike a balance between a structured process and scientific rigor.

In summary, Clean Water Services requests that public participation be meaningful by having the opportunity to submit relevant data during the public comment period. This would help ensure more accurate, complete, and science-based listing decisions.

**Response:** DEQ appreciates CWS commitment to submitting data for use in the Integrated Report and recommendations for improvement. Allowing for new data to be submitted during the comment period on the draft Integrated Report would lead to a continuous cycle of re-assessment and review that would inhibit timely submittal to the U.S. Environmental Protection Agency each reporting cycle.

DEQ requests all available water quality data that meets the submission requirements be submitted during the Call for Data. DEQ will continue to work with CWS to correct errors that occur in data assembly as was done in for the 2024 Integrated Report when missing publicly available data was identified CWS and verified by DEQ.



# Appendix A: Original comment letter received

Comments on Draft Assessment Methodology  
for the 2026 Integrated Report  
Clean Water Services  
Page 1 of 3



May 27, 2025

Submitted by email to: [integratedreport@deq.oregon.gov](mailto:integratedreport@deq.oregon.gov)

**Subject: Clean Water Services comments on DEQ's proposed Draft Assessment Methodology for the 2026 Integrated Report**

Clean Water Services (CWS) appreciates the opportunity to comment on the draft Water Assessment Methodology that will be used for the 2026 Integrated Report. Clean Water Services is a water resources management utility that combines science and nature to clean water and return it to the Tualatin River so it can be used again. CWS works in partnership with others to safeguard the river's health and vitality, ensure the economic success of the region, and protect public health for more than 600,000 residents and businesses in urban Washington County, Oregon.

CWS respectfully requests that the public be allowed to submit additional, clarifying, and relevant data during the public comment period for draft listings in the Integrated Report, recognizing that meaningful public participation is fundamental to both sound environmental policy and the principles of democratic governance. The current process, which limits public input after review of the draft Integrated Report and 303(d) list to oral and written comments without allowing for data submittals, is problematic for several reasons.

## **1. Importance of Data Over Commentary**

The primary purpose of the public comment period is to review and identify potential errors in the draft listings. If those errors are due to incomplete or misleading datasets, the most appropriate and effective correction is to allow submission of better, more comprehensive data from monitored results. Data, not commentary, is the most objective way to determine the appropriateness of listings. While public comments are valuable, they do not carry the same evidentiary weight as results from water quality measurements.

## **2. Limitations of the Current Call for Data**

CWS makes every effort to submit complete and accurate datasets during the Call for Data period. However, CWS staff members do not know what other entities will submit, making it difficult to anticipate which assessments may require further review and clarification. Without the ability to respond with data during the public comment period, the process

devolves into a debate of words rather than a scientific evaluation based on measured observations.

### **3. Case Study: Tualatin Watershed Copper Listing**

This issue is particularly problematic in the assessment of watershed units. For example, in the Tualatin watershed, a neighboring jurisdiction submitted limited data from the upper, outer reaches of the watershed showing copper exceedances. CWS had data from the mainstem of the same watershed unit indicating that the exceedances were diluted downstream. However, because the CWS data were submitted during public comment and not during the Call for Data, they were not considered. As a result, the entire watershed was listed based on a partial dataset. This misrepresents actual conditions and undermines the credibility of the listing process.

Allowing complete datasets that represent the entire watershed, not just limited portions, would lead to more accurate assessments. This is particularly relevant for listings involving copper BLM and aluminum, where input data are essential to accurate criteria calculation. CWS would like the opportunity to complete the datasets that will impact the instantaneous water quality criteria.

### **4. Challenges with the Listing/Delisting Process**

Understandably, delisting is significantly more difficult than listing, by design. Therefore, it is crucial to ensure that listings are based on complete and representative data from the outset. The current draft Water Quality Assessment Methodology includes a vague “overwhelming evidence” clause (p. 27) that could allow listings without a clearly defined method. In the previous Integrated Report, for example, an organization successfully submitted data to support a “trash” listing. The DEQ website lists future Assessment Methodology updates where methodologies have not been established for listing or delisting narrative toxics, aquatic weeds, excessive algae delisting, nutrients, TMDL attainment, and sediment. Without methodologies, these parameters are all vulnerable to the “weight of evidence” approach. If there is no ability to present evidence during the public comment period, the public has no effective way to provide evidence in response to DEQ’s decisions on these types of draft listings during the public process. Once a listing occurs, the burden of proof required to delist in the next Assessment cycle is higher. Additionally, the methodology may not be established.

#### **5. Proposed Path Forward**

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In summary, Clean Water Services requests that public participation be meaningful by having the opportunity to submit relevant data during the public comment period. This would help ensure more accurate, complete, and science-based listing decisions.