



Oregon Department of Environmental Quality

# 2024 Water Quality Standards Triennial Review

## Draft Water Quality Standards Project Workplan

### Summary

The Oregon Department of Environmental Quality is preparing the 2024 Water Quality Standard Triennial Review. The triennial review resulted in the report and workplan below, which outlines standards development, revision and interpretation projects that DEQ plans to begin or complete between January 2025 and December 2027. DEQ invites the public to comment on a draft list of priority water quality standards projects through inter-agency coordination and collaboration. **All comments must be received by 5 p.m., Dec. 6, 2024.** See the Public Notice for how to submit public comments.

### Background

The federal Clean Water Act requires states to review water quality standards and hold a public hearing at least every three years. This process is called the Water Quality Standards Triennial Review. DEQ reviews water quality standards for several reasons, such as the need to incorporate new scientific information to improve use protection, to comply with federal regulations or to clarify procedures to implement existing standards. Reviews and revisions fall into categories like:

- To update and revise criteria or other water quality standard rules to incorporate new scientific information or U.S. Environmental Protection Agency recommendations.
- To clarify existing water quality standard rules to make them clearer.
- To develop internal implementation procedures to apply narrative standards to use the latest scientific methods and improve consistency.

DEQ considers the environmental, human health, environmental justice benefits that would result from a project, as well as whether the project would improve the efficiency and effectiveness of DEQ's water quality programs, such as permitting and pollution reduction, when prioritizing potential projects. DEQ also considers urgency, such as external requirements from court orders, legislative directives, and federal agency decisions. Finally, DEQ considers internal and external comments to prioritize projects and the workplan. More information about Oregon's water quality standards and the triennial review may be found on the [Water Quality Standards web page](#).

### Prioritization Criteria

DEQ evaluates multiple factors when assigning priorities to potential water quality standards projects to be considered during the triennial review. Public comments are highly considered in project prioritization. Overall prioritization of projects is based on value, urgency, and level of effort. Each of these elements is assigned a rating of high, medium, or low. If there are risks to project success, they are described in the table. Environmental justice is evaluated with a scale of "yes," "no," "unknown," or "potentially," as methods to evaluate environmental justice are still developing.

## Prioritization Category Elements (High-Medium-Low Ranking):

### Value

- Administrative value: improved efficiency, clarity and/or consistency in implementing a water quality standard.
- Ecological value: increased water quality benefit or protection based on best available science. Includes new information on toxicity or other impacts to species or human health, or new information about sensitive species or where they occur on the landscape.

### Urgency

- External requirements with inflexible deadlines, such as court orders, EPA disapproval actions, reasonable and prudent alternatives from Biological Opinions.
- Water quality program work, such as issuing permits or completing Total Maximum Daily Loads, is being impeded due to a standards issue that could be resolved or corrected.
- Dedicated funding has been allocated.
- Legislative directive or budget note.
- Work is currently in progress and on a schedule.

### Level of effort (staff resource required)

- Guidance or precedence is available.
- Scope of the project.
- Research or data collection is needed.
- Whether the change will require multiple federal approvals, such as EPA, National Marine Fisheries Service, and U.S. Fish and Wildlife Service.
- Anticipated number of interested parties.

### Additional prioritization elements

- Risk to project success (described)
  - Level of likely controversy or public opposition.
  - Lack of data and information.
  - Large or unknown resource commitment needed.
  - Difficulty of EPA approval and Endangered Species Act consultation.
- Environmental justice (yes/no/unknown/potentially)
  - The project would address an issue that disproportionately impacting a particular group of people in Oregon due to their race, income, level, age or other factors.

## Draft Workplan Priority Projects

Summaries of high priority water quality standards projects are found in Tables 1, 2, and 3. High priority projects are those considered the highest priority for the DEQ Water Quality Standards Program to initiate or complete during the next three years. However, it is important to note that DEQ will not be able to complete all the high priority projects during this timeframe with the staff resources available.

Table 4 is a combined list of all proposed projects, displayed from high priority to low priority. The table includes the problem addressed for each project, the project scope, the outcome, and the reasoning for the priority. While they may identify important water quality issues, DEQ considered the high priority projects to be most important to initiate in the near term. The additional work can be considered again during the next triennial review.

Table 1- In Progress High Priority Projects

In Progress High Priority Projects	Description
Toxics - narrative criterion	Review and update internal procedures to implement the narrative toxics criterion (i.e. IMD).
Algae - Nuisance algal growth (see also numeric nutrient criteria below)	Consistent implementation of nuisance algal growth narrative criterion, chlorophyll-a action value, and pH and DO criteria to address nuisance algal growth or eutrophication problems.
Biocriteria	Assist and provide input to a cross-program team in updating assessment procedures to apply and implement the narrative biocriteria and identify stressors contributing to biological impairment.
Antidegradation Implementation Policy - Planned to begin early 2025	Revise antidegradation implementation procedures.

Table 2- Potential Project

Potential Project*	Description
Revisions to Three Basin Rule Based on the petition	If it is directed by the EQC, conduct a rulemaking to revise the Three Basin Rule in response to Marion County's rulemaking petition.

\*This may become a project depending on the Environmental Quality Commission's decision.

Table 3- Proposed High Priority Projects

High Priority Projects	Description
Sedimentation	Suspended and bedded sediment: Build on current knowledge and practice to develop methodologies and procedures for implementing narrative criterion.
Designated uses - resident trout spawning inventory	Create a web map and/or GIS layer to inventory waters where DEQ applies dissolved oxygen spawning criteria for resident trout and for tracking of future determinations of resident trout spawning habitat.
Designated use - canals for water reuse (Bend, Clean Water Services, Klamath Falls, South Suburban Sanitary District)	Review and correct designated uses to specific constructed canals that receive treated wastewater to allow for municipal water reuse.
Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria	Review instances where temperatures cannot attain biologically based numeric criteria and if necessary, revise the temperature standard to establish site-specific alternatives that fully protect the designated use.
Outstanding Resource Water Designation for Illinois River	ORW designation for Illinois River.
Outstanding Resource Water Designation for Rough and Ready Creek	ORW designation for Rough and Ready Creek.

High Priority Projects	Description
Outstanding Resource Water Designation for Steamboat Creek	ORW designation for Steamboat Creek.
Temperature: Site-specific interpretation of cool water species narrative for Malheur River basin.	Develop protective temperature target for sensitive native cool-water species present in the waters designated for "Cool Water Aquatic Life" in the Malheur River basin.

## Next Steps

Please consider these questions as you prepare comments:

- Do you agree with DEQ’s proposed priority water quality standards projects and their respective rankings?
- Do you agree with how DEQ has defined the prioritization criteria?
- Do you agree with how DEQ has assessed each project’s prioritization criteria element?
- Are there potential water quality standards-related projects (either new/revised standards, or implementation of existing standards) that are not reflected in this list of projects?
- If recommending a new project or raising a project’s priority ranking, why is this issue important to you?
- What project(s) should DEQ move to a lower priority in its place?

The Public Notice for this workplan includes details on how to provide input. It also provides details on the informational webinar on Oct. 22, 2024 and the public hearing on Nov. 14, 2024. **All comments must be received by 5 p.m., Dec. 6, 2024.** Following the public comment period, DEQ may revise the workplan and publish a final workplan in early 2025. DEQ will present the final workplan to the Environmental Quality Commission once it is published.

**Table 4. Draft 2024 Triennial Review Water Quality Standards Priority Projects**

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue?	DEQ Reasoning for Priority
<b>Projects in progress</b>											
Toxics - narrative criterion	High - In Progress	OAR 340-041-0033	Review and update internal procedures to implement the narrative toxics criterion.	There may be an opportunity to better protect beneficial uses from toxic substances for which DEQ has no numeric criteria. Consider use of published Aquatic Life Benchmark values and other EPA guidance values or screening values. Consider chemicals on Oregon's Priority Persistent Pollutants list and pollutants of emerging concern. Additionally, evaluate how Whole Effluent Toxicity testing is working for NPDES permitting and other programs.	Ability to regulate toxic pollutants of concern that have no numeric criteria. Consider use of Toxics Units to evaluate whole effluent toxicity tests. Develop narrative translators for implementing narrative criteria in assessment and permits where needed.	Procedures document or internal management directive	High	Medium	Medium	Potentially	Project in process; identified as priority during 2020 triennial review.
Algae - Nuisance algal growth (see also numeric nutrient criteria below)	High - In Progress	OAR 340-041-0007, OAR 340-041-0019, OAR 340-041-0021, OAR 340-041-0016	Consistent implementation of nuisance algal growth narrative criterion, chlorophyll-a action value, and pH and dissolved oxygen criteria to address nuisance algal growth or eutrophication problems.	DEQ has no implementation procedure guidance for assessing against the narrative nuisance algal growth criterion, nor how to address impairments in NPDES permits or 401 Hydropower certifications. TMDLs address pollutants causing DO, pH or chlorophyll-a exceedances. TMDLs for nuisance algal growth are not currently a high priority, nor are development of numeric nutrient criteria. Implementation guidelines may be needed to inform reductions in nutrient loading prior to the completion of a TMDL in some locations.	Develop narrative translators for implementing narrative criteria in assessment and permits. Targeted control of nutrient pollution where it is degrading water quality.	Implementation procedures document	Medium	Medium	Medium	No	Project in process; identified as priority during 2020 triennial review.
Biocriteria - Assessment methodology update	High - In Progress	OAR 340-041-0011	Assist a cross-program team in updating assessment procedures to apply and implement the narrative biocriteria and identify stressors contributing to biological impairment.	To better understand where impacts to beneficial uses are occurring and develop methods for the stressor identification process.	Assist in cross-program efforts to develop procedures that more fully implement biocriteria and biological assessment methods in our programs.	Assessment methodologies, water quality standards guidance on Water Quality Program team to identify candidate stressors.	High	Low	Medium	Potentially	Project in process; identified as priority during 2020 triennial review.
Antidegradation Implementation Policy - Planned to begin early 2025	High - In Progress	OAR 340-041-0004	Revise antidegradation implementation procedures.	Oregon's antidegradation implementation procedures were developed in 2001. Since that time, DEQ has revised the policy. Current procedures include citations to the old rule and more recent clarifications are addenda to the IMD, rather than incorporated into the document. The addenda are memos prepared in response to specific issues outlined by EPA in a 2013 review of IMD. Permittees and permitting staff rely on IMD to interpret current policy, which occasionally leads to incorrect outcomes.	Clear implementation procedures.	Revised implementation procedures document	Medium	Medium	Medium	No	Identified as priority during 2020 triennial review. Needed to ensure consistent application of antidegradation rule in NPDES permits.

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue?	DEQ Reasoning for Priority
Revisions to Three Basin Rule	Pending EQC decision	OAR 340-041-0350	Conduct a rulemaking to revise the Three Basin Rule in response to Marion County's rulemaking petition.	Marion County submitted a rulemaking petition to DEQ to amend the Three Basin Rule, in relation to a proposed wastewater treatment plant along the North Santiam River.	Revisions to the Three Basin Rule	Revise Rule	N/A	N/A	N/A	N/A	DEQ is not including a priority rating for this project, pending an EQC decision. If the EQC directs DEQ to take action on the Three Basin Rule, this project may become a high priority and may delay one or more of the current high priority projects.
<b>High priority projects</b>											
Sedimentation	High	OAR 340-041-0007 (11)	Suspended and bedded sediment. Build on current knowledge and practice to develop methodologies and procedures for implementing narrative criterion.	Excessive sedimentation is one of the most pervasive pollutants nationally and statewide, but DEQ has no implementation procedures document describing how to apply this narrative criterion. As a result, there has been limited and inconsistent implementation. This is an important feature of salmonid spawning habitats, including endangered or threatened species. It is an important element of a properly functioning stream and floodplain. The importance is heightened by recent wildfires, which will likely lead to increased inputs of sediment.	Improved ability to prevent or remedy the impacts of sediment on threatened and endangered salmon and steelhead and other native biota and to protect healthy functioning streams.	Sediment narrative criteria implementation procedure.	High	Medium	Medium	No	This would provide high ecological value. It has been a need that has gone unaddressed for a long time with frequent stakeholder interest. There are EPA-approved methodologies that could be used as a starting point; DEQ has the data to develop site-specific reference-based benchmarks of impairment according to DEQ lab staff. As a result, we changed level of effort from high to medium for this project.
Designated Uses - Resident trout spawning inventory	High	OAR 340-041-0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Create a web map and/or GIS layer to inventory waters where DEQ applies dissolved oxygen spawning criteria for resident trout and for tracking of future determinations of resident trout spawning habitat.	DEQ created a commitment in finalizing the Aquatic Life Use Updates rule to create an inventory of resident trout spawning areas in order to incorporate new information closing data gaps about resident trout spawning use. It would be beneficial to fulfill this commitment in a timely manner while contacts with Oregon Department of Fish and Wildlife staff needed to assist the project are still fresh.	Capture where resident trout spawning is currently designated as well as where it has been determined DEQ does and does <b>not</b> need to apply criteria to protect resident trout spawning. Work with ODFW to identify data that can resolve data gaps identified during the Fish Use Update rulemaking.	Web page, web map, and/or GIS database with ability to update. Eventual update of designated uses with newly identified resident trout spawning habitat.	Medium	High	Low	No	DEQ created an obligation to complete this work as part of the 2023 Aquatic Life Use rulemaking. It is a priority in DEQ's funding agreement with EPA.
Designated use - canals for water reuse (Bend, Clean Water Services, Klamath Falls, South Suburban Sanitary District)	High	OAR 340-041-0130 (Deschutes); -0180 (Klamath); -0271 (Rogue); -0340 (Willamette)	Review and correct designated uses to specific constructed canals that receive treated wastewater to allow for municipal water reuse.	Uses are not accurate and may pose regulatory barriers to water reuse, particularly for aquatic life use subcategories pertaining to temperature, as well as other uses.	Revised use designations where appropriate, which clarify where criteria do/do not apply and adoption of criteria specific to revised uses, as necessary.	Beneficial use designation revisions. Rule amendment to update beneficial use tables by basin.	High	High	High	No	The Oregon Legislature has directed DEQ to evaluate barriers to water reuse. Designated uses as applied to these specific canals may limit the potential for using recycled water to enhance municipal water reuse. There is uncertainty whether the uses designated for these canals are accurate or attainable.

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue?	DEQ Reasoning for Priority
Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria	High	OAR 340-041-0028	Review instances where temperatures cannot attain biologically based numeric criteria and if necessary, revise the temperature standard to establish site-specific alternatives that fully protect the designated use.	As DEQ completes temperature TMDL replacement projects, it is clear that in many waters, temperatures cannot naturally attain the currently assigned biologically based numeric criteria. This poses compliance issues for NPDES permit holders who may not be able to feasibly comply with the standard.	Revisions to the temperature standard that fully protect designated uses, are scientifically credible and can be implemented efficiently. May include performance-based methods, site-specific criteria, variances, or other options.	Revise rule, develop site-specific criteria, grant variances, or other options.	High	High	High	Yes - disadvantaged communities not able to meet permit limits.	Permit compliance issues are urgent. Project may rely on TMDL replacement projects to better understand difference between system potential temperature and biologically based numeric criteria.
Outstanding Resource Water designation for Illinois River	High	OAR 340-041-0004; -0275	ORW designation for Illinois River	DEQ received ORW nomination from Klamath-Siskiyou Wildlands Center. ORW nomination would protect water quality for valuable habitat. Potential threats from mining and marijuana farming.	ORW designation with rules protecting outstanding water quality values.	Revise rule	Medium-High	Medium	Medium	Potentially	Need for protection of these waters because of habitat value and potential threats. May combine with ORW designation for Rough and Ready Creek.
Outstanding Resource Water designation for Rough and Ready Creek	High	OAR 340-041-0004; -0326	ORW designation for Rough and Ready Creek	DEQ received ORW nomination from Kalmiopsis Audubon Society. Nomination not yet complete. ORW nomination would protect water quality for valuable habitat. Potential threats from mining and marijuana farming.	ORW designation with rules protecting outstanding water quality values.	Revise rule	Medium-High	Medium	Medium	Potentially	Need for protection of these waters because of habitat value and potential threats. May combine with ORW designation for Illinois River.
Outstanding Resource Water designation for Steamboat Creek	High	OAR 340-041-0004; -0326	ORW designation for Steamboat Creek	DEQ received ORW nomination from Trout Unlimited, Pacific Rivers, and American Rivers. ORW nomination would protect water quality for valuable steelhead habitat.	ORW designation with rules protecting outstanding water quality values.	Revise rule	Medium	Low	Medium	Potentially	Need protection of these waters because of habitat value.
Temperature: Site-specific interpretation of Cool Water Species narrative for Malheur River basin.	High	OAR 340-041-0028	Develop protective temperature target for sensitive native cool-water species present in the waters designated for "Cool Water Aquatic Life" in the Malheur River basin.	A temperature target for the Cool Water Aquatic Life use is needed for completion of the Malheur River TMDL to meet the court-appointed deadline.	Numeric temperature target with supporting analysis and justification.	Section of TMDL Technical Support Document; Water Quality Standards Program memorandum.	High	High	Low	Unknown	Standards support is needed for completion of the Malheur TMDL within the court-appointed deadline.
<b>Medium priority projects</b>											
Algae - Harmful algal blooms. (See also Nuisance Algal Growth Narrative Procedures, in progress)	Medium	OAR 340-041-0007	Procedures to implement the narrative algal growth criterion for HABs, or revisions to the criterion, to better address harmful algae blooms.	There is an increasing incidence of harmful algae blooms in the state that impact recreation and human health. EPA has released recommendations for cyanotoxins for recreational uses and in drinking water. While DEQ lists waters as impaired using public health advisories for recreation and drinking water under our current narrative criteria, implementing corrective measures, such as TMDL's to determine the causes and control of nutrient discharges, are not currently in development.	Clear procedures for implementing the nuisance algal growth criterion, or revisions to the criterion, to address harmful algae blooms.	Procedure and/or Rulemaking to adopt new criteria	Medium	Medium	Medium-High	Yes	DEQ is implementing a statewide HABS strategy in collaboration with EPA, U.S. Geological Survey, and Oregon Health Authority to identify and issue advisories for HABS outbreaks. Advisories are used to make impairment listings on the 303(d) list.  DEQ is also developing procedures to implement the narrative algal growth criterion which may include considerations for HABS.

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Temperature - seasonal cold water subcategory	Medium	OAR 340-041-0028	Consider a "seasonal cold water" aquatic life use subcategory and criteria to replace or supplement "migration corridor" use in the temperature rule.	There is confusion about how the migration corridor use is defined because the definition includes some rearing use outside of peak summer temperatures. Revisions to human use allowance may assist in determining wasteload allocations.	Statewide or site-specific revisions to the temperature standard that protect uses, are scientifically credible, and can be implemented efficiently.	Rule modification	High	Low	High	No	This is a lower priority than addressing larger issues with the temperature standard; however, it could get incorporated into higher priority project if DEQ decides to revise the standard.
Drinking water	Medium		Review whether additional water quality criteria are needed to protect drinking water use, such as turbidity, TDS or toxics criteria.	There are toxic pollutants for which DEQ does not have ambient water quality criteria that could impact drinking source waters. Current turbidity and TDS criteria were not developed based on drinking water protection.	Gap analysis and identify whether additional criteria or criteria revisions are needed to protect drinking water source waters.	Report	Medium	medium	low	Yes	Could be of high value in limited locations. There is no immediate external driver. May be heightened urgency due to wildfires. Some work has been done on turbidity as part of 2010 assessment.
Wetlands	Medium		Wetlands criteria development or guidance on application of existing criteria	The lack of wetland specific criteria or guidance regarding the application of current criteria to wetlands makes it more difficult for the water quality certification program to protect wetlands.	Improved ability to protect wetlands water quality, identify whether wetland specific criteria are needed.	Analysis of need for wetland specific criteria; guidance	Medium	Medium	High	Unknown	EPA's recommended wetland criteria are narrative, which may not meet objective of added clarity for the program. This could require a high level of effort.
Designated Use - public water supply, constructed waterways, other	Medium	OAR 340-041-0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Use designation review and corrections. Correct designated uses for constructed waterways, irrigation canals and drainage ditches. (i.e. fish uses, fishing, boating, water supply, contact recreation). Review uses for estuarine waters, the Columbia Slough, alkaline lakes, Portland Harbor, Bear Creek, and others as needed.	Some waters have legacy use designations from the basin approach that do not reflect existing uses and may not be appropriate or attainable. Uses are not accurate and may pose barriers to water reuse and lead to inappropriate assessments.	Revised use designations where appropriate, which clarify where criteria do/do not apply.	Beneficial use designation revisions. Use Attainability Analysis and rule amendment to update beneficial use tables by basin.	Medium	Medium	High	No	The value would primarily benefit the assessment program. Permitted discharges to these waters are rare, so it may be best to focus on dischargers wishing to do water reuse, as described in a separate project in this table. UAAs will be required and can be resource intensive. DEQ is not aware of any pending actions that would make this an urgent need statewide.
Rule clean up: Treatment criteria, TMDL provisions, Water Quality Limited Waters Rule.	Medium	OAR 340-041-0061	Review OAR 340-041-0061 to clarify purpose and consider moving parts of this rule to Div. 45. Move TMDL related provisions to the TMDL rule division. Move WQ limited waters rule.	Certain provisions in WQ Standards rules should not be in WQ standards. For example, the water quality limited waters rule pertains to water quality assessment and listings, not water quality standards. Placement in the water quality standards rules creates confusion. Lack of clear language in -0061 has led to variation in the development for mass limits. Inconsistent or unclear language has led to confusion, variation and extensive permit delays due to public comments.	Rules that are not water quality standards are moved to a more appropriate location within OAR 340, or withdrawn if redundant or unneeded.	Review or revised rule.	Medium	Low	Low	No	While this project would require medium effort, its value for environmental protection would likely be low. There is low urgency associated with this project.



Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue?	DEQ Reasoning for Priority
pH	Medium	OAR 340-041-0021; -0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Revise the pH criteria for the Crooked River, Columbia R. and some coastal basins.	Some pH criteria do not reflect the expected range of natural conditions (i.e. geology, rainfall, buffering capacity, etc.) of normal variability in pH.	Criteria that are protective of uses in the waterbody and are reflective of basin conditions.	Rule - site-specific pH criteria.	Medium	Low	Low	No	Once DEQ receives more information through current efforts, correcting these criteria could be packaged with another rulemaking with relatively low effort. DEQ does not currently have sufficient information to determine baseline conditions for pH in these waterbodies.
Toxics - human health criteria	Medium	OAR 340-041-0033	Do a thorough review of EPA human health criteria to determine whether Oregon is addressing HHC for which EPA has criteria.	The last HHC update in Oregon was performed in 2011, and there have potentially been other human health criteria recommendations that EPA has released since that time.	Review detailing the discrepancies between EPA recommended HHC and Oregon HHC	Report	High	Medium	Medium	Yes	This project has potentially high value for understanding how our state criteria compare with EPA's HHC and would require a medium amount of effort.
Designated Uses - intermittent and ephemeral waterbodies	Medium	OAR 340-041-0101; -0121; -0130; -0140; -0151; -0160; -0170; -0180; -0190; -0201; -0220; -0230; -0250; -0260; -0271; -0286; -0300; -0310; -0320; -0330; -0340	Water-body specific beneficial use designations. Identify intermittent/ephemeral streams in standards layers and appropriate beneficial use designations.	Higher-resolution hydrography and wider sampling has provided data/assessments in smaller tributaries and headwaters than in the past. Interested parties argue that the basin-wide beneficial uses do not make sense when applied to intermittent and ephemeral streams. Potentially applying criteria that are too strict to these waters.	DEQ could designate appropriate beneficial uses to these waterbodies. DEQ would know what streams are not covered under new Waters of the US rule, and therefore not subject to EPA approval of state actions.	Clarification to OAR-340-041-0101 to -0345 tables and/or maps.	High	Medium	High	No	Clarification of the beneficial causes that occur and need to be protected in intermittent and ephemeral waters would aid DEQ's programs in applying the necessary criteria accurately to these waters. However, the data and information needs for identifying beneficial uses are significant and may not be readily available. Additionally, the administrative requirements to develop Use Attainability Analyses for any updates would require significant resources to accomplish. The vast majority of waters where DEQ issues permits are in perennial rivers and streams where there is high confidence about the accuracy of currently designated uses.

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue?	DEQ Reasoning for Priority
Toxics - Per- and Polyfluoroalkyl Substances (PFOA/PFOS)	Medium	OAR 340-041-0033	Consider adopting statewide criteria for PFOA/PFOS	Opportunity to address emerging contaminant issue.	Statewide criteria for PFOA/PFOS or guidance to implement benchmarks for PFAS with impacts to beneficial uses.	Rulemaking and change to toxic substances table.	High	Medium	High	Unknown	<p>EPA has released freshwater aquatic life criteria and drinking water standards for PFOA/PFOS. Little to no information is available regarding emissions, fate and transport of PFAS in Oregon with which to evaluate new criteria and implementation options. It would be beneficial for DEQ to postpone adopting any new criteria until EPA finalizes national implementation guidance, and the new criteria have undergone Endangered Species Act consultation.</p> <p>DEQ is currently developing a Statewide PFAS Strategy. OHA is adopting PFAS drinking water criteria into state rule. OHA also issues health advisories that DEQ uses to identify impaired waters for the Integrated Report based on the current assessment methodology.</p>
Aquatic Life Toxics Criteria - 6PPD-quinone	Medium	OAR 340-041-0033; OAR 340-041-8033	Develop aquatic life criteria for 6PPD-quinone based on EPA's Acute Aquatic Life Screening Values for Freshwater.	6PPD-quinone is toxic to aquatic life, especially Coho salmon, and potentially widespread in stormwater.	New toxic criteria	Rule - New criteria.	Low	Medium	High	Unknown	<p>Little to no information is available regarding emissions, fate and transport of 6PPD-quinone in Oregon to evaluate new criteria and implementation options. DEQ will evaluate the potential to use the 6PPD-quinone screening values in toxics narrative implementation (see toxics narrative implementation guidance project, above).</p>
<b>Low priority projects</b>											

Topic	Overall Priority	State Rule Affected	Issue or Revision Needed	Problem Statement	Outcome/Result	Deliverable	Value	Urgency	Level of Effort	EJ Issue?	DEQ Reasoning for Priority
Use Attainability Analysis procedures	Low		Develop clear and efficient procedures for completing use attainability analysis. Review and update DEQ's procedures for conducting a UAA.	DEQ would benefit from procedures to ensure the process is clear, efficient and meets federal requirements. This could build on the work on the variance implementation procedure.	Working with EPA, develop clear and efficient procedures for both DEQ and EPA to improve the use of this tool where it is appropriate.	Procedures/Implementation procedure	Medium	Low	Medium	No	UAAs and site-specific criteria can be adopted if needed without a procedures document. Because to date these have been rare, a procedures document has less value than it would for procedures applied more frequently. On the contrary, clear efficient procedures may make these tools more usable where they are appropriate and could lead to efficiencies on other projects, such as examining uses in canals and intermittent and ephemeral streams.
Outstanding Resource Water designation for Metolius River	Low	OAR 340-041-0004; -0130	ORW designation (Tier 2.5 Level) for Metolius River	DEQ received ORW nomination from Friends of the Metolius/NEDC. Designation would protect water quality for valuable bull trout habitat and temperature while allowing some flexibility for current land use.	Tier 2.5-type designation with rules protecting outstanding water quality values but allowing some flexibility for existing land use.	Revise Rule	Medium	Medium-Low	High	Yes	Risks to project success are too great, especially if CTWS has concerns. Also concerns from residents.
Natural Conditions Criteria	Low		Method to efficiently address situations where criteria are not attainable due to natural conditions.	Oregon's general "natural conditions" criterion was disapproved. DEQ needs to be able to address situations where natural conditions for various parameters exceed numeric criterion. This could include temperature, or temperature may be addressed in separate project. (See project: Temperature - Address site-specific instances where natural conditions exceed biologically based numeric criteria, above)	An efficient and scientifically appropriate method to assess naturally occurring pollutants and establish appropriate water quality objectives. This will allow the state to target pollution control and restoration resources to areas with the potential for improvement.	Rule - Site specific criteria or new natural conditions provision. Or variances - waterbody, MDV or individual.	Medium	Low	Low	No	Not a situation that seems to be impacting our programs frequently. Site specific criteria could be an alternative. May benefit from a delay to observe the outcome of Washington Ecology's performance-based natural conditions rulemaking effort.
Turbidity - implementation (see Turbidity - criteria below)	Low	OAR 340-041-0036	Turbidity - implementation procedures; staff training	DEQ has no procedures to apply the existing criterion.	Improved ability to use turbidity criterion for CWA programs	IMD	Medium	Low	Medium	No	Low urgency, DEQ is not aware of actions being impeded by this problem and there are no external deadlines.
Toxics - human health variances	Low	OAR 340-041-0033, -0059	Site specific criterion or variance for permittees that cannot attain the arsenic criterion. Variances to address other unattainable numeric toxics criteria.	Some permitted facilities may not be able to meet limits due to natural background levels of arsenic and the high cost to remove it through treatment. Variances or site-specific criteria may be needed. There may be a need for other metals or toxics criteria that are unattainable. for naturally occurring, variable pollutants, such as temperature, dissolved oxygen and nutrients	Allow permits to be issued that contain permit requirements that can ultimately be achieved and pollutant reduction requirements.	Rule - UAA and Site-Specific Criterion or Variances	Low	Low	Medium	Potentially	The need is unclear. To date no variances or SSC have been requested.

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Outstanding Resource Waters	Low	OAR 340-041-0004	Develop screening criteria and a list of nominated waters for ORW designation. The current approach is to adopt a site-specific standard for each ORW rulemaking. The new approach would be to adopt ORW rule with the same protection.	The process to add ORWs could be clarified to make future ORW designations more efficient. DEQ developed a nomination process and fact sheet to allow outside parties the opportunity to suggest waters for ORW designation; this project would potentially result in DEQ identifying waters for designation outside of the nomination process.	Clear screening criteria and process outline to standardize the ORW process. New waters can be easily added to the ORW waters list.	Rule or IMD - ORW designation and protection policy	Low	Low	Medium	Potentially	This project would address an ongoing need for DEQ to nominate ORWs under its antidegradation policy. DEQ initiated an external ORW nomination process and is relying on that process to identify waters that are important to protect under its ORW policy. Therefore, it is not urgent relative to other projects.
Three Basin Rule - evaluate need for revisions or clarifications (see also Three Basin Petition, above)	Low	OAR 340-041-0350	Amendments or clarifications to the three-basin rule may need to be evaluated regarding the conditions under which DEQ will issue permits, require stormwater controls, provide 401 certifications, or others.	Language of the three basin rule many need to be wholistically examined for clarity and suitability for meeting the original policy goals of the rule.	Recommendations on rule interpretation memos or rule amendment options to clarify the rule language.	Proposal for rule interpretation memo or rule amendments to be considered.	Medium	Uncertain	Low to Medium	No	Evaluate whether clarifications need to be addressed through rule revision, or if an interpretation memo would suffice. An interpretation memo would be a lower effort and could result in a higher priority ranking for this project.  The scope of this project may change if the EQC directs DEQ to revise the Three Basin Rule in response to the petition (see Three Basin Petition Project, above).
Numeric Nutrient Criteria – for priority waterbodies (see also Nuisance Algal Growth Narrative Procedures, in progress)	Low		Adopt numeric nutrient criteria for priority waterbodies. (See above for the option to develop procedures to apply the nutrient and algal growth narrative criteria and the Chlorophyll-a, DO and pH criteria as an alternative.)	Waterbodies are being impacted or are vulnerable to impact from nutrients. Consider adopting site specific numeric nutrient criteria for priority waterbodies. EPA has developed procedures for developing numeric nutrient criteria for lakes under 304a. Unclear if procedures trigger requirements for states to adopt criteria.	Evaluate the value of numeric nutrient criteria for lakes or other sensitive waters. The value may be limited as DEQ does not permit discharges to lakes, or if we can manage nutrients adequately with existing narrative and numeric criteria.	Rule - Criteria - New	Low	Low	High	Unknown	DEQ is reviewing the potential need for site-specific numeric nutrient criteria and will make a recommendation as part of the nutrient narrative procedures project (see above). DEQ addresses nutrient pollution through other standards that more closely measure the potential impact to beneficial uses (dissolved oxygen, pH, chlorophyll a, narrative criteria for algal growth and biological criteria. Nutrients can be addressed on a waterbody basis through existing criteria and TMDLs. Lakes tend to be the most vulnerable to nutrient pollution, but DEQ does not permit NPDES discharges to lakes.

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Ocean acidification - Marine pH standard	Low	OAR 340-041-0021	Revise marine pH criteria or adopt additional criteria to protect aquatic life from ocean acidification.	Current marine pH criteria may not capture all biologically relevant impacts to aquatic life from ocean acidification.	Criteria that can be used to assess coastal water conditions for ocean acidification.	Rule - Criteria - New rule interpretation memo, assessment methodology	Low	Low	Medium	Unknown	For 2024 IR, WQA staff in collaboration with a technical workgroup developed an assessment methodology for Ocean Acidification (OA) using the narrative biocriteria water quality standards. OA can be assessed using current narrative criteria and other appropriate scientific information. Current science is not adequate to develop numeric criteria for ocean acidification. Limited ability for regulatory enforcement actions within Oregon to offset global-scale drivers of ocean acidification.
Pathogens	Low	OAR 340-041-0009	DEQ is not aware of a need for additional pathogen criteria to protect recreation or shellfish consumption uses. EPA has not published recommended criteria.	Concern that bacteria criteria are not sufficient to protect human health from viral pathogens when recreating in waters of the state or consuming shellfish.	New criteria for waterborne pathogens, including viruses.	Rule - Criteria - New	Low	Low	High	Unknown	EPA has not yet published criteria for viral pathogens. There is not yet a measurement method. DEQ is not aware of an issue with illness that is not addressed using the current bacteria criteria.
Total Dissolved Solids	Low	OAR 340-041-0032	Review and update the total dissolved solids criteria.	How to apply the criteria is not clear. The relationship of the criteria to use protection and the variability of the criteria among basins need review. The criteria vary by basin without a known reason for the differences.	Implementation procedures regarding these "guide values," or update criteria based on new science.	Procedures or Rule - Modification	Medium	Low	Medium	Unknown	DEQ is not aware of an urgent need to address this issue.
Turbidity - criteria (see implementation above)	Low	OAR 340-041-0036	Revise turbidity criteria to ensure protection of beneficial uses (fish and wildlife and drinking water) and to resolve issue of application of the criteria at low levels.	Current criteria are difficult to measure and implement in permitting, TMDL and assessment. DEQ has implementation procedures for turbidity in 401. Criteria are not connected to beneficial use impacts. The criteria are difficult to implement and overly conservative at low turbidity levels, i.e. less than 5 NTUs.	Criteria that reflect literature on impacts of turbidity on designated uses; improved ability to use turbidity criterion for CWA programs	Rule - Modification - Criteria	Medium	Low	High	Unknown	DEQ initiated efforts to revise the standard in 2009 - 2011, but the rulemaking was not completed. Lack of urgency from many DEQ staff and external interested parties.
Waters of the State	Low		Clarify what waters are waters of the state in light of recent case law (ephemeral v. intermittent, hydrologic connection v. off channel, etc.). Clarify what waters are WOTUS.	There may not be sufficient clarity about how to delineate waters of the state and waters of the US. With finer scale hydrography layers, it is becoming an issue. Identify WOTUS. Clarify the role of EPA versus DEQ in waters of the state that are not WOTUS.	Clarity about which waters are regulated under the federal Clean Water Act and how Oregon implements the CWA and state regulations.	Rule - Designation/Definition - guidance	Low	Low	Medium	Unknown	Oregon's definition of Waters of the State (WOTS) is broadly inclusive, so there may not be much value to this, other than to understand where the state does not need EPA oversight and approval over our actions. This likely requires a high level of effort and would require site specific information and case by case analyses.

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Rule clean up: all water quality standards Division 41	Low	OAR 340-041	A thorough review of all the water quality standards in Division 41 for inconsistencies.	Inconsistencies in water quality standards Division 41 rules may be confusing, outdated, or ambiguous.	A review of water quality standards Division 41 rules and subsequent rulemaking to make adjustments.	Rulemaking to clean up existing water quality standards rules	Low	Low	Medium	Unknown	While this project would require medium effort, its value would likely be low. There is low urgency associated with this project as well.
Dissolved Oxygen - freshwater use revisions	Low	OAR 340-041-0016	New approaches to aquatic life use categories, such as tiered uses, “biological gradient” or a dual response approach where the parameter (i.e. temperature, sediment or nutrient) may be considered together with biological data for applying numeric dissolved oxygen criteria.	Opportunity to re-align DO and temperature fish uses for clarity for the public and for implementation. More accurately reflect needs of aquatic communities and natural thermal potential of waterbodies relative to places and times the protective criteria are applied.	Re-conceptualize aquatic life fish use sub-categories for dissolved oxygen. Affecting geographic extent and application of DO criteria.	Revisions to dissolved oxygen rule OAR-340-041-016.	Medium	Low	High	Unknown	Reclassification of fish & aquatic life beneficial uses for dissolved oxygen, temperature, or both would be resource intensive to develop and to adopt because of the need for extensive Use Attainability Analyses. Additionally, EPA approval of the 2023 rule updates to Oregon’s fish & aquatic life use designations are still pending.
Dissolved Oxygen - Marine criteria revisions	Low	OAR 340-041-0016	Revise dissolved oxygen criteria for marine waters. Evaluate implementation procedures for measuring deviation from baseline, or numeric dissolved oxygen criteria for marine waters to address ocean hypoxia.	The current narrative marine dissolved oxygen standard is difficult to interpret and apply. Replacing the current narrative standard with a numerical standard.	New marine criteria for dissolved oxygen or clear narrative implementation procedures.	Rule - New Criteria; Narrative interpretation and implementation procedures.	Low	Low	High	Unknown	Adopting numeric marine dissolved oxygen criteria would require the state to develop numeric criteria, which is complex and may lack the necessary data. EPA only has nationally recommended numeric marine criteria specific to a region on the east coast of the U.S. Ocean hypoxia is currently being addressed through assessment of the narrative and this may be sufficient to identify threats to fish and aquatic life. Given that many of the factors affecting ocean hypoxia are global in scale, there is limited environmental benefit from controls within the ability of DEQ to implement.

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Selenium - evaluate implementation procedure options	Low	OAR 340-041-0033; OAR 340-041-8033	Evaluate procedures to implement nationally recommended selenium criteria.	In its 2024 funding agreement, EPA requested DEQ include an evaluation of selenium aquatic life criteria and its implementation procedures in the draft Triennial Review workplan.  Oregon would work with EPA to develop acceptable selenium implementation methods before initiating any rulemaking.	Implementation procedures or implementation policy options for latest nationally recommended selenium criteria.	Draft implementation procedures.	Low	Low	High	Unknown	DEQ recently evaluated whether to adopt the most recent nationally recommended selenium criteria as part of the 2024 Aquatic Life Toxics Criteria Rulemaking and concluded that detailed implementation procedures are needed for successful adoption of the new criteria. DEQ is awaiting the completion of EPA's national implementation guidance for selenium criteria and the outcome of federal promulgation of selenium criteria for California to inform any procedures. Oregon has existing water quality criteria for selenium and data on ambient selenium show low concentrations in Oregon waters.
Nuisance phytoplankton growth - estuarine waters	Low	OAR 340-041-0019	Develop a chlorophyll-a action value or other indicators of excessive plant or phytoplankton growth for estuarine waters. Because this is an action value, not a criterion, it does not need to be adopted by rule. It could be included in procedures to apply the narrative algal growth criterion.	The current chlorophyll-a guidance value is based on freshwater conditions.	New chlorophyll-a action value or other indicator of excessive plant or phytoplankton growth in estuarine waters.	New benchmark or criterion.	Low	Low	Medium	No	EPA suggested that DEQ consider these action values for estuaries in the 2021 Triennial Review. Other comments received in the 2021 Triennial Review did not recommend DEQ spend time and resources on the development of a chlorophyll-a action value for estuaries ahead of other water quality standards work.