



State of Oregon  
Department of  
Environmental  
Quality



**Oregon Department of Environmental Quality**

**and U.S. EPA Region 10  
Performance Partnership Agreement**

**July 1, 2022, to June 30, 2024**

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

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

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

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

Date: 6/13/22

Signed: Casey Sixkiller  
Casey Sixkiller, Regional Administrator  
U.S. EPA - Region 10

Date: 5/31/2022

Signed: Richard Whitman  
Richard Whitman, Director  
Oregon Department of Environmental Quality

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# PERFORMANCE PARTNERSHIP AGREEMENT

## PURPOSE AND SCOPE

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This Performance Partnership Agreement (PPA) describes how the Oregon Department of Environmental Quality, and the U.S. EPA Region 10 will work together to protect the environment and environmental public health in Oregon during the period from July 1, 2022, through June 30, 2024.

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

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

The PPA appendices contain program-specific work plans for Air Quality, Hazardous Waste, and Water Quality programs describing the joint priority work to be accomplished during the period of this agreement.

This PPA also serves as the work plan for the Performance Partnership Grant. A PPG allows for a number of grants to be combined into one flexible grant package. This reduces administrative burden and enhances efficiency by consolidating several grants into one and allows states the flexibility to direct resources to the highest environmental and public health priorities, while maintaining an agreed upon level of effort to support all programs addressed by the PPA.

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

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

## STRATEGIC PRIORITIES

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EPA and DEQ staff members were guided in these PPA negotiations by their respective program guidance, strategic plans and priorities, and other agreements. DEQ's strategic priorities and EPA's national goals for 2022-2024 share similar objectives that achieve the requirements of CAA, CWA, SDWA and RCRA with limited resources. DEQ and EPA will continue to improve collaboration and integration of strategic planning efforts that have shared objectives, including resources, to achieve the highest overall environmental health benefits for Oregon.

## EPA's Strategic Priorities

The U.S. Environmental Protection Agency (EPA) Strategic Plan for fiscal year (FY) 2022-2026 captures national goals and describes priorities, strategies and expectations

(<https://www.epa.gov/planandbudget/strategicplan>) with an overarching focus on four principles (1) follow the science; (2) follow the law; (3) be transparent; and (4) advance justice and equity. The FY 2022-2026 EPA Strategic Plan emphasizes embedding climate and environmental justice strategic goals in all EPA work. The four cross-agency strategies to achieve the FY2022-2026 strategic goals and objectives are: (1) ensure scientific integrity and science-based decisions; (2) consider the health of children at all life stages and other vulnerable populations; (3) advance EPA's organizational excellence and workforce equity; and (4) strengthen tribal, state, and local partnerships and enhance engagement. These cross-agency strategies sharply refocus EPA in its role of supporting states as the primary implementers of environmental programs. This will be achieved by streamlining programs and processes, reducing duplication of effort, providing greater transparency and listening opportunities, and enabling EPA to focus on its core mission work.

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

The Strategic Plan identifies seven overarching goals and related sub-objectives:

- Goal 1 - Tackle the Climate Crisis.
  - Objective 1.1 – Reduce emissions that cause climate change.
  - Objective 1.2 – Accelerate resilience and adaptation to climate change impacts.
  - Objective 1.3 – Advance international and subnational climate efforts.
- Goal 2 - Take Decisive Action to Advance Environmental Justice and Civil Rights.
  - Objective 2.1 – Promote environmental justice and civil rights at the federal, tribal, state, and local levels.
  - Objective 2.2 – Embed environmental justice and civil rights into EPA's programs, policies, and activities.
  - Objective 2.3 – Strengthen civil rights enforcement in communities with environmental justice concerns.
- Goal 3 - Enforce Environmental Laws and Ensure Compliance.
  - Objective 3.1 – Hold environmental violators and responsible parties accountable.
  - Objective 3.2 – Detect violations and promote compliance.
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- Goal 4 – Ensure Clean and Healthy Air for All Communities.
  - Objective 4.1 – Improve air quality and reduce localized pollution and health impacts.
  - Objective 4.2 – Reduce exposure to radiation and improve indoor air.
- Goal 5 – Ensure Clean and Safe Water for All Communities.
  - Objective 5.1 – Ensure safe drinking water and reliable water infrastructure.
  - Objective 5.2 – Protect and restore waterbodies and watersheds.
- Goal 6 – Safeguard and Revitalize Communities.
  - Objective 6.1 – Clean up and restore land for productive uses and healthy communities.
  - Objective 6.2 – Reduce waste and prevent environmental contamination.
  - Objective 6.3 – Prepare and respond to environmental emergencies.
- Goal 7 – Ensure Safety of Chemicals for People and the Environment.
  - Objective 7.1 – Ensure Chemical and Pesticide Safety.
  - Objective 7.2 – Promote Pollution Prevention.

## Measuring Performance

EPA's senior managers will use EPA's Strategic Plan routinely as a management tool to guide the Agency's path forward, tracking progress, and assessing and addressing risks and challenges that could potentially interfere with EPA's ability to accomplish its goals. The seven strategic goals established in the Plan are supported by strategic objectives and long-term performance goals<sup>1</sup> focused on advancing human health and environmental results over the next four years. These longer-term performance goals are supported by annual measures included in the annual performance plans and budgets that EPA submits to Congress. The strategies and strategic measures in this Plan highlight key areas in which the Agency will make the most dramatic changes over the next five years and are not intended to address all ongoing programs. The annual performance plans and budgets, and supporting annual and operational measures, address a broader range of EPA's work.

The Plan also includes EPA's Agency Priority Goals (APGs), a component of the Administration's performance management framework which supports improvement in near-term outcomes related to the Strategic Plan. More information on the Agency's APGs is available at [Performance.gov](https://www.epa.gov/performance).

## Compliance and Enforcement

Enforcing environmental laws is an integral part of [EPA's Strategic Plan](#) to protect human health and the environment. EPA core enforcement work includes taking civil and criminal enforcement actions to improve compliance with our nation's environmental laws in partnership with states and federally-recognized Indian tribes.

EPA initiates civil enforcement actions to protect human health and the environment by taking legal action to bring polluters into compliance with the law. EPA also investigates and assists in the criminal prosecution of deliberate or egregious violations of environmental laws or regulations and any associated violation of the U.S. criminal code.

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

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

In addition to EPA's core enforcement work, EPA has six [National Compliance Initiatives](#) (<https://www.epa.gov/enforcement/national-compliance-initiatives>) for FY 2022-2024 that focus enforcement and compliance resources on the most serious environmental violations.

One of EPA's top priorities is to strengthen enforcement in communities with environmental justice concerns. EPA enforcement goals to advance environmental justice include increasing the number of inspections in overburdened communities; resolving environmental noncompliance through remedies with tangible benefits for the community; and increasing community engagement and outreach.

EPA is committed to using enforcement to help address the climate crisis. EPA enforcement strives to target inspections of facilities in climate vulnerable areas; reduce greenhouse gas emission through enforcement actions and settlements; and incorporate climate resiliency conditions into enforcement settlements.

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<sup>1</sup> Long-term performance goals are the measurable results the Agency is working to achieve over the life of the Plan and are supported by data quality records (DQRs), which provide details such as methods of measurement and other contextual information such as baselines. DQRs can be found at <https://www.epa.gov/planandbudget/results>.

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

DEQ's mission is to be a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water. The agency's vision is to work collaboratively with all Oregonians for a healthy and sustainable environment. EPA and DEQ partner in a collaborative and shared learning relationship to ensure alignment between EPA's strategic goals and Oregon's state specific goals. Like EPA, DEQ's priorities have a strong focus on climate mitigation, environmental justice, and public health.

DEQ's strategic goals guide the agency's actions to protect human health and the environment.

### **Key goals:**

- Set and implement environmental standards that are protective of all Oregonians and the air, water and land resources that we all depend on.
- Work with all partners to meet environmental standards in ways that are efficient, effective and fair, and that recognize historic burdens that have been placed on environmental justice communities.
- Engage the public, including environmental justice communities, in decision-making concerning Oregon's environment.
- Establish and maintain Oregon as a leader in reducing greenhouse gas emissions to sustainable levels and do this in ways that position Oregon's economy to benefit from a clean energy future.
- Develop and sustain a diverse, outcome-oriented workforce and culture that values and practices equity and inclusion in how we work.
- Provide transparency to the public and regulated communities about environmental conditions in Oregon, and how Oregon DEQ makes decisions and carries out its responsibilities.

### **Reducing Greenhouse Gas Emissions**

Increasing levels of greenhouse gases in our atmosphere are the leading threat to Oregon's public health and the environment. Scientists predict that the scale and frequency of climate change impacts in Oregon will continue to grow throughout this century, damaging our economy, endangering public health, and destroying natural and cultural resources. Oregon has the capability and hence the responsibility to demonstrate specific steps that state governments can take to reduce greenhouse gas emissions and begin to bend the trajectory of climate change back. In 2021, Oregon's Environmental Quality Commission adopted rules establishing Oregon's Climate Protection Program, which sets declining and enforceable limits on GHG emissions from the use of fossil fuels. Additionally, DEQ administers Oregon's low-carbon fuel standard, follows California's clean car standards, enforces the most stringent limits on landfill methane emissions in the nation, oversees incentives for clean vehicles that have helped make Oregon a national leader in EV adoption, and implements a variety of other programs to reduce GHG emissions.

### **Addressing Environmental Justice in Historically Overburdened Communities**

Environmental justice is integral to DEQ's mission to protect the public health of all people and the environment that we depend on. Federal and state mandates guide DEQ's work to integrate environmental justice into its programs. DEQ adopted a policy on environmental justice in 1997 and is embarking on an update of that policy in connection with a significant expansion of how environmental justice will be incorporated into all program areas, including both regulatory and non-regulatory actions, program implementation and policy development (rulemaking, legislative proposals, and internal management directives), and budget development and execution.

Title VI of the Federal 1964 Civil Rights Act and Federal Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), Executive Order



13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), and Executive Order 14008 (Tackling the Climate Crisis at Home and Abroad) enable and authorize EPA's commitment to Civil Rights and Environmental Justice. Additionally, Oregon's Environmental Justice law (Oregon Revised Statutes 182.535-182.550) enacted in 2008, requires state agencies to consider environmental justice when determining whether and how to act, providing greater public participation to all people affected by decisions, and creating an agencywide environmental justice coordinator role to support this work. These requirements were recently strengthened with House Bill 4077 (2022), expanding some elements of Oregon's environmental justice laws and establishing the development of a new, Oregon-specific mapping tool for vulnerable communities.

Appendix D describes Environmental Justice-focused work that DEQ accomplished during the period covered by the 2020-2022 PPA, and the work forecasted for 2022-2024.

### **Improving Water Quality**

Clean water is critical to Oregon's environment, community public health, tribal nations' interests and to our economy. Protecting Oregon's rivers, lakes, streams, territorial sea and groundwater quality keeps the state's waters safe for people, fish and other uses. DEQ works with federal, state, tribal, local and business partners on the overall water quality and ecosystem protection efforts. This includes both innovative and efficient grey and green wastewater infrastructure, and implementation of clean water plans.

### **Improving Air Quality**

Meeting National Ambient Air Quality Standards and reducing exposure to toxic air pollution are key elements of DEQ's work to protect public health. DEQ works closely with communities where air quality health standards are not met, or in danger of not being met, to develop strategies, plans and programs to reduce emissions and ultimately bring those communities into attainment with federal standards. DEQ also works to reduce air toxics from specific sources such as vehicles, diesel engines, woodstoves and industrial and commercial operations. DEQ also works to improve visibility in protected areas by developing and implementing strategies to reduce and prevent pollution from industrial, commercial, motor vehicle and household sources.

### **Improving Land Quality and Managing Materials Responsibly**

DEQ's land quality programs work to reduce solid waste and require cleanup of historic pollution to ensure people are not exposed to unhealthy concentrations of hazardous substances in the air or in the soil. This work also reduces runoff of harmful chemicals to our rivers and streams and protects against contamination of drinking water supplies. DEQ also works proactively with many partners to make our use of materials more sustainable. Oregon is implementing a long-term plan, Materials Management in Oregon: 2050 Vision and Framework for Action that describes a future where Oregonians produce and use materials responsibly, conserving resources, and protecting the environment. To achieve the 2050 Vision, DEQ performs foundational research, develops policies and regulations, engages in collaborations and partnerships, and develops education and information for its partners to use.

### **Tribal Government Relations**

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



DEQ works with federally recognized tribal governments and communicates formally through in-person meetings, correspondence via letters and emails, as well as informally through phone conversations and coordination meetings. DEQ's internal tribal relations activities are focused on improving consultation and communication between agency and tribal leadership and staff, as well as providing training to DEQ employees on tribal government, sovereignty, and issues of interest to tribal nations

DEQ adopted a Tribal Government-to-Government Relations Program in 1996 following Governor Kitzhaber's signing of Executive Order (EO) 96-30. In 2001, the Oregon Legislature approved Senate Bill 770, which codified the executive order.

DEQ implements the directives of SB 770 through our tribal relations policy. The policy reflects DEQ's commitment to strong inter-governmental relations between the agency and tribes. Measures include:

- Maintaining a Tribal Liaison function in the Director's Office
- Providing orientation, periodic training and educational opportunities to staff on tribal sovereignty and related issues
- Institutionalizing the consideration of tribal interests and issues in planning and decision-making activities
- Encouraging day-to-day working relationships between agency staff and tribal environmental staff.
- Providing focused engagement with tribal nations on major policy initiatives.

DEQ's Tribal Liaison meets regularly with tribal nations and participates in tribal-state workgroups focused on natural resource management and protection of tribal cultural resources. DEQ's Tribal Liaison also facilitates leadership-level meetings between tribal and agency officials, provides tribal relations training to DEQ employees and other groups, and advises DEQ managers and staff on opportunities for strengthening relationships with tribal nations.

The US Environmental Protection Agency (EPA) is an important participant in government-to-government relations between DEQ and the tribal governments. The US government has a federal trust responsibility to federally recognized Tribes. EPA directly implements the federal environmental laws EPA administers (e.g. the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act) in Indian country. Tribes may also seek delegated authority from EPA to implement certain federal regulations in Indian Country. Tribes may also have their own environmental laws and programs. In these circumstances, tribal nations and DEQ may co-manage resources in a collaborative fashion. DEQ participates in a partnership with EPA and tribal governments in carrying out their respective responsibilities for protecting and enhancing Oregon's environmental resources.

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

### **Compliance and Enforcement**

DEQ enforces the law and holds violators accountable by taking enforcement actions that may assess civil penalties and impose corrective actions. After identifying violations through self-monitoring reports and compliance inspections DEQ determines the appropriate enforcement response according to its rules and enforcement guidance directives. DEQ's enforcement directives balance agency resources and focus enforcement efforts on the critical environmental compliance issues. Formal enforcement is essential to DEQ's regulatory mission because it deters future violations, promotes fairness, maintains a level playing field for those that do comply, and advances a healthier environmental outcome.

DEQ supplements some of its regulatory programs with clearly defined "technical assistance" and other non-enforcement educational efforts. These efforts help regulated entities – especially small businesses and

communities – to better understand regulatory requirements, find cost-effective ways to comply, and improve environmental performance. These supplemental compliance assurance efforts are guided by statute, rule, and agency directive.

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

#### Primary responsibilities

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

EPA and DEQ agree that **DEQ's primary responsibility** is to administer delegated or authorized federal and state environmental laws on a day-to-day basis. DEQ is the primary agency conducting inspections and initiating enforcement to ensure effective compliance through consistent and predictable enforcement.

DEQ and EPA agree that each will follow their statutory and regulatory directives and federal and state policy and guidance to determine the appropriate enforcement response to violations. DEQ and EPA will use their respective penalty regulations and policy in the assessment of civil penalties, including both gravity based and economic benefit portions of civil penalties.

#### Guiding principles

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

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

8. EPA and DEQ agree that EPA will assess the adequacy and efficacy of the DEQ enforcement program by completing a State Review Framework (SRF) report. The most recent SRF report was finalized and delivered to DEQ on April 1, 2020. DEQ has implemented EPA's recommendations for improvements in a timely manner. Program effectiveness will be determined by application of mutually agreed-upon program assessment principles.

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

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DEQ and EPA share the goals of clean air, clean land, clean water, healthy communities, and compliance with environmental laws. This PPA incorporates EPA's national and regional objectives in ways that fit with Oregon's priorities and objectives. Each agency has unique responsibilities to achieve these objectives, with a common outcome of environmental and public health protection. For example, both agencies take a holistic approach to protecting water quality and quantity, preventing pollution and reducing toxics, and engaging communities and partners in problem-solving strategies to help clean up communities and advance sustainable development. In the 2022-2024 PPA, both EPA and DEQ will share an increased focus on embedding climate and environmental justice strategic goals in all agency work.

EPA's national goals to *Ensure Clean and Healthy Air and Clean and Safe Drinking Water for All Communities, Safeguard and Revitalize Communities, and Ensure Safety of Chemicals for People and the Environment* are overarching themes reflected in the work of both agencies. DEQ's focus on improving water quality, reducing pollution, managing materials responsibly, and integrating climate and environmental justice principles into agency operations provide the foundation to accomplish these goals through innovative and efficient practices with measurable outcomes that support concepts from the Government Performance and Results Act. EPA's priorities of embedding climate and environmental justice strategic goals in all EPA work are included in Oregon DEQ's commitments to ongoing collaboration with EPA and illustrated in greater detail in both the programmatic workplan materials and environmental justice-specific appendix of this agreement. These joint objectives also support EPA's four cross-agency strategies to 1) ensure scientific integrity and science-based decisions; 2) consider the health of children at all life stages and other vulnerable populations; 3) advance EPA's organization excellence and workforce equity; and 4) strengthen tribal, state and local partnerships.

In parallel to EPA's strategies, DEQ's objectives include enhancing interactions and accountability with regulated entities, and the public, through a modernized electronic data management system, better integration of environmental justice and climate justice principles into all regulatory and non-regulatory actions and supporting tribal government relations. Other examples of the agencies' strategic alignment include reducing impacts to frontline communities through programs and regulations that reduce greenhouse gas emissions, address pollution with preventative and upstream approaches, and work across air, land and water media for overall reductions of toxics in the environment.

Where there are funding uncertainties, creative opportunities may be explored such as work sharing in order to maximize the overall environmental benefits. The attached Air Quality, Hazardous Waste, and Water Quality work plans describe how Oregon DEQ and EPA will collectively work together on specific activities to help achieve the environmental goals outlined in this agreement. The work plans will consider EJ communities and climate protection through agency policy and program priorities. Over the next 24 months, DEQ and EPA will work collaboratively on opportunities to advance innovation and cross-program synergies across the Air, Land and Water components of the PPA and PPG. Both agencies will continue to strengthen inter-agency relationships and align and leverage our resources to meet environmental outcomes.

## PERFORMANCE EVALUATION

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

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

## **MODIFYING THE AGREEMENT**

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

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

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

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

# Appendix A: Air Quality Program Component

## AIR QUALITY PROGRAM

The goal of DEQ's Air Quality Program is to ensure Oregon's air is healthy to breathe, to protect important resources such as visibility and ecosystems, and to reduce greenhouse gas emissions that are causing significant adverse changes in our environment and are threatening public health in support of the EPA strategic goals. DEQ uses several measures to determine whether these goals are being met.

Goal 1 of the EPA strategy is focus on the climate crisis. The air division at DEQ is prioritizing climate change and the impacts on overburdened populations. DEQ is committed to reducing greenhouse gases as well as prioritizing environmental justice communities for the reduction of criteria pollutants. These efforts will be accomplished through both programmatic and collaborative work, including quarterly meetings with EPA to inform and improve population-based approaches for improving air quality.

DEQ is implementing a suite of programs to reduce greenhouse gas emissions in Oregon. In the area of greenhouse gas emissions from transportation, DEQ administers Oregon's Clean Fuels Program, which is on track to reduce the carbon intensity of transportation fuels by ten percent by 2025. Later in 2022, DEQ will request approval by its governing body, the Environmental Quality Commission (EQC), of an extension of the Clean Fuels Program through 2035. This program is expected to result in decreases in greenhouse gas emissions from transportation by as much as fifty percent by 2035.

In December of 2021, the EQC adopted rules establishing Oregon's Climate Protection Program (CPP). The CPP rules require reductions of greenhouse gas emissions from transportation fuels and from natural gas and propane of at least 50 percent by 2035 and by 90 percent by 2050. The CPP also regulates greenhouse gas emissions from the largest industrial sources in the state through a best available technology approach. The CPP is now in the implementation stage, with the first compliance period reductions due at the end of 2024.

Last year, the EQC also adopted the California Air Resources Board's (CARB) Advanced Clean Trucks (ACT) rules. Later this year, DEQ will have the opportunity to consider adopting the Advanced Clean Car (ACC-2) rules that CARB is currently developing (expected to adopt in the summer of 2022).

DEQ is administering other programs to reduce greenhouse gas emissions, including an updated "Eco-commute" rule that requires large employers to reduce commute trips, stringent landfill methane rules, and strategic plans around reducing food waste and encouraging reduced energy use in the built environment. DEQ's Clean Vehicle Rebate Program is providing strong financial incentives for consumers to purchase zero emission vehicles, making Oregon a leading state in early EV adoption.

Criteria pollutants remain a priority for DEQ. Into the late 1990's through early 2000's, all Oregonians lived in areas meeting the National Ambient Air Quality Standards for criteria pollutants, which represents a tremendous improvement from a period of routine violations in the 1980s and early 1990s. However, in 2006, based on new health information, EPA tightened the daily standard for fine particles to a level where two Oregon communities - Klamath Falls and Oakridge - were designated nonattainment. In January of 2022, ODEQ submitted to EPA a request to redesignate the Oakridge area to attainment and the associated maintenance plan for both the 2006 PM<sub>2.5</sub> NAAQS and the 1987 PM<sub>10</sub> NAAQS. Both plans project maintenance of their respective standard through 2035. Since the last PPA period DEQ has continued to work with Klamath Falls to implement strategies described in the PM<sub>2.5</sub> attainment plan. Klamath Falls has been meeting the PM<sub>2.5</sub> standard and is preparing to submit a re-designation request and associated maintenance plan in 2022.

Two additional communities - Lakeview and Prineville - were later found to violate the new PM<sub>2.5</sub> standard but have not been formally designated nonattainment by EPA. DEQ, EPA and the community have worked in partnership to develop PM<sub>2.5</sub> reduction plans (PM Advance Plans). DEQ has worked with the community of Lakeview and Prineville to implement the PM Advance Plans, assemble annual updates, and provide training for local staff to improve the accuracy of wood stove advisories to reduce PM<sub>2.5</sub> levels. DEQ

## Appendix A: Air Quality Program Component

continues to support Lakeview and Prineville through grant funding to facilitate community awareness and woodstove advisories. The implementation of the strategies contained in the plans have brought the areas back into compliance with the NAAQS and avoided the need for a formal nonattainment designation. Lakeview and Prineville have maintained PM<sub>2.5</sub> levels below the federal standard as a result of these voluntary plans.

**Overall, DEQ considers the number of nonattainment area designations avoided through early intervention and pollution prevention to be a very important goal and measure.**

In addition, the Portland-metropolitan area continues to take proactive steps to ensure compliance with the daily PM<sub>2.5</sub> standard. DEQ continues to work with Washington and Multnomah Counties to adopt residential wood burning curtailment ordinances and with Washington County to implement a wood stove exchange program.

During this PPA period, DEQ will work with Klamath Falls to develop a PM<sub>2.5</sub> maintenance plan and redesignation request. DEQ will continue to oversee the implementation of the Lakeview and Prineville PM Advance Plans, and will continue working with the cities of Burns, and Portland metropolitan area communities on measures to reduce PM<sub>2.5</sub> levels and prevent violations of the NAAQS. DEQ continues to investigate any area that may be close to the potential revised PM<sub>2.5</sub> NAAQS level. All areas in Oregon are currently designated in attainment except Klamath Falls.

Over the past few years, Portland-Metro area has shown exceedances of the Ozone NAAQS. This ozone trend is partly due to wildfire smoke. Wildfire smoke can be considered an “exceptional event” which is out of DEQ’s control. The trend is of concern, and DEQ has identified the need to take proactive action, similar to our history with PM, to prevent nonattainment. During this PPA period, DEQ will begin work on developing an Ozone Advance Plan for the State. DEQ anticipates the development and implementation of this plan will take several years and control strategies will include statewide and local community-based efforts. DEQ also plans to work with the Washington State Department of Ecology to explore shared approaches to reduce ozone precursors in the Portland Metro area, including Vancouver, Washington.

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

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

DEQ’s goal is to eliminate all unhealthy air days in all communities. The number of days when air was unhealthy for sensitive groups only based on the criteria pollutants went up from 37 days (15 from wildfires) in 2019 to 64 days (57 from wildfires) in 2020. This includes data from 29 cities or airsheds across the State. Oregon’s number of days when air was unhealthy for all groups or worse in an airshed based on the criteria pollutants went up from 9 days (8 from wildfires) in 2019 to 243 days (243 from wildfires) in 2020. High levels of fine particulate matter in the winter months and wildfires during the summer are primary factors contributing to days of unhealthy air. Communities across Oregon were impacted from wildfires in 2020 and 2021, leading to unusually high concentrations of fine particulate matter. DEQ’s most recent annual air quality data report is also available on our website:

<https://oraqi.deq.state.or.us/Pages/files/2019%20Oregon%20Air%20Quality%20Monitoring%20Annual%20Report.pdf>.

## **Appendix A: Air Quality Program Component**

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

Another of DEQ's key performance measures shows trends in select "bellwether" air toxics in both representative large and small communities (Portland and LaGrande). DEQ's monitoring for these pollutants reflects "regional scale" or "metropolitan scale" influences from a broad range of emission sources as they impact the community. Using current peer-reviewed toxicological research, DEQ has established ambient air toxics goals (i.e., ambient benchmark concentrations<sup>2</sup>) for a variety of airborne toxic chemicals. These represent levels of long-term goals for ambient air. DEQ's key performance measure goal is to reduce monitored levels of five representative toxics: benzene, acetaldehyde, formaldehyde, arsenic, and cadmium down to no more than one measurement above the ambient benchmark concentration for each pollutant per year. The three-year rolling average is typically used to track long-term air pollution trends.

Overall, DEQ sees improving trends in these bellwether regional-scale air toxics, and others, in communities across Oregon, largely due to the introduction and maintenance of cleaner motor vehicles. This suggests some good news overall for air toxics and public health risk reductions. However, more work is needed to measure and reduce all types of air toxics. During the 2017 Legislative Session DEQ received a \$2.5 million appropriation to establish and operate six full-spectrum air toxics monitoring sites. DEQ has since established eight air toxics trends sites and two rotating sites statewide. Additionally, smaller communities will be addressed through annual rotating air toxics stations: DEQ has set up and is operational in Corvallis and in set up stage in Albany.

In addition to the new air toxics monitoring resources, the 2017 Legislature authorized resources for DEQ to expand the state's network of particulate monitors. DEQ used low-cost sensor technology to develop its own trademark SensOR box, which DEQ deployed at 30 sites statewide. The 2021 Legislature also recently approved resources for an additional 20 SensOR locations. DEQ is co-locating SensORs with Federal Reference Method (FRM) equipment to establish correlations and document the accuracy of the new equipment, which are linked to the Air Quality Index. This expanded capacity will allow for a more comprehensive and real-time understanding of particulate trends across the state.

Together, these initiatives place Oregon at the forefront of subnational efforts to combat climate change. Along with California, Washington, and British Columbia, these west coast states and provinces are setting a strong example for the U.S. and Canada on how our nations can meet global commitments to limit climate change and avoid the very worst effects that are already beginning to manifest across the globe.

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

DEQ and EPA work together to develop the Performance Partnership Agreement Air Quality Program Work Plan. The objective is to come up with a plan that targets Oregon's most important air quality issues within the constraint of limited resources. Through this partnership agreement, both agencies agree to support each other's efforts in the following important work. The Air Division at DEQ embodies Goal 4 of the EPAs' strategic plan to ensure clean and healthy air for all communities.

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

EPA and DEQ recognize the importance of consistent and open communication and sharing information of mutual interest during the development of a SIP. DEQ and EPA established the SIP Lean MOA outlining key expectations for communication, SIP planning and coordination, and expectations regarding the SIP lean process, particularly early engagement. Both agencies check in frequently.

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



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**Fine particulate, PM<sub>2.5</sub>:** As noted earlier, communities around Oregon still violate or are at risk of violating the daily fine particulate matter standard. Klamath Falls is officially designated as a fine particulate nonattainment area. DEQ worked with EPA and the local community to develop an attainment plan, which was adopted by the Environmental Quality Commission and submitted to EPA for approval in late 2012. Through implementing control measures, Klamath Falls has reduced PM<sub>2.5</sub> levels and attained compliance with the NAAQS. DEQ has begun work with Klamath Falls to develop and submit a maintenance plan.

A \$1.8 million Targeted Airshed Grant was awarded by EPA to DEQ in partnership with Klamath County Public Health and community partners. The grant supports ongoing efforts to improve air quality and protect community health in Klamath Falls. Funds will be used for woodstove change-outs, home weatherization and fund a study of household heating and woodstove use by the Oregon Institute of Technology.

During the 2017 Legislative Session DEQ received an appropriation to set up and operate thirty new particulate monitoring sites statewide as a supplement to the existing PM<sub>2.5</sub> network. DEQ developed low-cost PM sensors to complete this work.

While not yet designated as nonattainment areas, Lakeview and Prineville have historically violated the fine particulate standard in recent years. Both communities participate in the PM Advance program and DEQ will continue to work with these communities to closely track air quality trends and implement measures to reduce wood smoke. Recently DEQ has focused on ensuring local communities have access to the meteorology training and resources necessary to operate effective advisory programs. Several other Oregon communities, including Eugene-Springfield, Hillsboro, Burns and Medford are potentially at risk of exceeding and/or violating fine particulate standards. DEQ is actively working with these communities on prevention measures to reduce pollution, ensure compliance and avoid the need for a nonattainment designation. EPA is reconsidering the PM and ozone standards and, if they are changed, DEQ and EPA will work together to designate appropriate areas.

In 2017 and 2018, DEQ partnered with the Oregon Department of Forestry (ODF) to staff Oregon's Smoke Management Review Committee to develop updates to Oregon's Smoke Management Plan. ORS 477.552 notes that the Smoke Management Plan, which is administered by ODF is designed to achieve two goals; "to improve the management of prescribed burning as a forest management and protection practice; and to minimize emissions from prescribed burning consistent with the air quality objectives of the federal Clean Air Act..." Changes to the plan were approved by the Environmental Quality Commission and State Forestry Board in the fall of 2018. EPA approved of the changes in May 2021. DEQ continues to be a partner agency in the implementation of the Oregon's Smoke Management plan and sits on the wildfire response committee and prescribed fire team along with the ODF, and OHA for the prevention and response to fires in Oregon.

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

- As required by House Bill 3068 (2015) DEQ convened a 15-member wood smoke work group to inform the study and provide recommendations for legislation or budget requests. The study group met from mid-2015 through the summer of 2016. DEQ developed a report and recommendations based on the workgroup deliberations and presented the report to the legislature in the fall of 2016. In 2017 the Oregon Legislature appropriated \$250,000 in one-time money to DEQ to support local efforts. The agency used the appropriation to award grants to eight local communities; City of Oakridge, City of Pendleton, Washington County, Harney County, Klamath Falls Public Health Department, City of LaGrande, Lane Regional Air Protection Agency and the City of Prineville.

DEQ used the 2020-2022 PPA period to support the implementation of the funded projects and anticipates using the success stories to advocate for additional and ongoing funding.

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- DEQ continues to implement the Heat Smart program statewide. This program includes general public education on clean woodstove use, prohibitions on the sale of noncertified woodstoves and residential scale wood-fired boilers in Oregon, as well as provisions authorized by the 2009 Oregon legislature requiring removal of old, noncertified woodstoves from homes when they are sold.
- DEQ has completed a statewide woodstove survey assessment to determine the current utilization of woodstoves throughout Oregon, including in non-attainment areas.
- DEQ's nonattainment planning and PM<sub>2.5</sub>/air toxics prevention work in all our "at risk" communities (e.g., Washington County/Hillsboro, Multnomah County, Prineville, and Burns. Medford, Oakridge, Klamath Falls and Lakeview) focus primarily on the reduction of woodstove smoke. This work reflects partnerships between DEQ and the local communities to fund and implement public education and outreach programs, episodic curtailment during air stagnation events, and stove replacement grants as they become available.

The 2019 Oregon Legislature appropriated \$500,000 to DEQ for disbursement to local communities for woodstove smoke reduction projects. DEQ awarded Klamath County with \$300,000 to change-out woodstoves with electric heat pumps in the Klamath Falls area. DEQ also awarded \$25,000 to Lakeview, Prineville, Pendleton, Multnomah County, Harney County, La Grande and LRAPA for the implementation of smaller scale emissions reduction projects.

**Carbon Monoxide and PM<sub>10</sub>:** All areas of Oregon follow the federal PM<sub>10</sub> and carbon monoxide National Ambient Air Quality Standards. Oregon is in attainment status for all areas except Klamath Falls and Oakridge. DEQ will prepare the re-designation request for Klamath Falls throughout the 2022-2024 PPA. DEQ continues to collaborate with Lane Regional Air Protection Agency. LRAPA submitted a redesignation request and associated maintenance plan for Oakridge to EPA in January of 2022.

**Ozone:** On October 1, 2015, EPA strengthened the NAAQS for ground-level ozone to 70 parts per billion (ppb) from 75 ppb to protect public health. At the time of designation all communities in Oregon met the new ozone standard. Preliminary data shows that the Portland-Metro area is under the Ozone NAAQS at 65 ppb for 2019-2021. Other metro areas within Oregon show increasing or flatlined ozone trends. During this next performance period, DEQ will work with stakeholders within Oregon to explore statewide and local control options through the Ozone Advance planning model to proactively reduce ozone and ozone precursors. DEQ will also continue to work with EPA and Washington Department of Ecology to explore issues of interstate ozone transport in the Hermiston area.

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

**Nitrogen dioxide, NO<sub>2</sub>:** In 2010, EPA revised the NO<sub>2</sub> standard, setting the one-hour NO<sub>2</sub> standard at 100 parts per billion. All areas of Oregon are designated attainment or unclassifiable for NO<sub>2</sub>. DEQ has worked to implement new NO<sub>2</sub> ambient monitoring requirements. DEQ also requires 1-hour NO<sub>2</sub> modeling for major modifications and new major sources. Not surprisingly, data show that NO<sub>2</sub> levels near a major roadway are higher than what would be typically found farther away in a neighborhood; but data throughout most of Oregon show levels are far below the national ambient air quality health standard. DEQ will continue to implement monitoring requirements and track ambient concentrations.

**Sulfur dioxide, SO<sub>2</sub>:** All areas of Oregon are in compliance with the federal SO<sub>2</sub> NAAQS.

### Priority 2: Air Toxics

DEQ's air toxics program continues to evolve. During the last PPA period DEQ continued implementing the new Cleaner Air Oregon rules with priority existing facilities. In addition, DEQ required that all new facilities seeking air quality permits complete an air toxics risk assessment as part of the permitting process (exceptions exist for small businesses).

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In November of 2021, Oregon's Environmental Quality Commission adopted rules that integrate and update DEQ's air toxics programs. These updates affected both the Cleaner Air Oregon program (addressing permitted stationary sources) and DEQ's Oregon Air Toxics program (which address area sources of air toxics with a geographic approach). These rules integrate lists of toxic air contaminant standards and strengthen the process by which these standards are updated to consider new science and research. Notably, the rules update the role of DEQ's Air Toxics Science Advisory Committee (ATSAC) so that it will now advise DEQ and OHA during the periodic update of these standards. The next update will begin in early 2022.

The November 2021 adopted rule updates also made changes to DEQ's Cleaner Air Oregon program rules in Division 245. These changes, based on lessons learned, streamline, and improve implementation, and close potential gaps in the protectiveness of health risk assessments.

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

### Priority 3: Reduce Greenhouse Gas Emissions

DEQ has several important initiatives underway to work on state and federal greenhouse gas reporting and reduction strategies. These include:

**Clean Vehicles:** In 2006, the Environmental Quality Commission adopted California's emissions standards for light-duty vehicles sold in Oregon to reduce greenhouse gas emissions from new vehicles and increase the availability of zero emission vehicles. DEQ began implementation of the Oregon Low Emission Vehicle Program in January 2008. The EQC adopted the Advanced Clean Trucks rule in November 2021 to support the advanced electrification of the medium and heavy-duty vehicle sector. Among other programs for this purpose, DEQ also administers the state's Clean Vehicle rebate program. To support the states zero emission vehicle program goals, DEQ is engaged with other state agencies to further accelerate zero emission vehicle adoption.

**Regulation of Landfill Methane Emissions:** The Oregon Department of Environmental Quality conducted the Landfill Gas Emissions Reduction 2021 Rulemaking to address the effects of climate change and in partial response to Governor Kate Brown's Executive Order 20-04. The Executive Order directs the Environmental Quality Commission and DEQ to take actions necessary to reduce methane gas emissions from landfills.

The adopted rules:

- Align Oregon's landfill gas emission rules with the most stringent requirements of adjacent states and federal government
- Define regulatory applicability and program requirements
- Reduce methane emissions from landfills

The EQC adopted these rules in October of 2021.

**Greenhouse Gas Reporting:** In October 2008 and again in 2010, the commission adopted greenhouse gas reporting rules that require permitted sources, fuel distributors and electricity providers to complete annual reporting. The program now covers over 90 percent of the greenhouse gas emissions in Oregon, as well as emissions from out-of-state electricity generation. The program was amended by EQC in 2019 to establish

## Appendix A: Air Quality Program Component

requirements for third-party verification of large emitters. Third-party verification will begin for 2021 emissions reported in 2022.

**Clean Fuels:** The Clean Fuels Program requires reductions in the lifecycle greenhouse gas emissions from transportation fuels supplied in Oregon. The program took effect in 2016, and by 2025 will require a 10% overall reduction in transportation fuels. In 2021, EQC adopted rules to improve how the program incentivizes electricity as a low-carbon fuel. Late in 2021, DEQ began a rulemaking that is expected to propose new rules for the EQC to consider in late 2022 that will significantly expand the program past 10% and 2025.

**Climate Protection Program:** In 2020 and 2021, DEQ developed rules to establish enforceable and declining limits on greenhouse gas emissions from fossil fuels used in transportation, residential, commercial, and industrial applications. The 2020 legislature approved funding for this work. The program will begin in January 2022.

### Priority 4: Visibility

Oregon's regional haze plan was adopted by the Environmental Quality Commission in June 2009 and the agency submitted a five-year progress report in 2017. DEQ has requested 30 facilities within Oregon to complete a Four Factor Analysis of controls and will review the potential for additional controls to be implemented for other source sectors. The EQC will review the next 10-year plan in early February of 2022. DEQ will be submitting this revised SIP to EPA for the Regional Haze Update in the spring of 2022.

### Priority 5: Enforcement

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

### Future Opportunities

DEQ has compiled a list of future projects for consideration should additional federal funds become available. Regarding environmental justice and equity, DEQ would like to build community capacity through engagement and educational materials, create a cumulative impact assessment tool, and provide additional community monitoring. For pollution assessment, DEQ would like to create a technology clearing house database for determinations, an ozone precursor inventory, and a consumer product VOC emission inventory. In addition, the DEQ laboratory would like to upgrade current meteorology equipment and add new monitors for increased meteorological monitoring.

### Evaluation Process

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

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

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

## **Appendix A: Air Quality Program Component**

## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

# 2022-2024 PPA: Oregon DEQ Air Quality Program Work Plan

<b>Objective 1: Limit public exposure to criteria pollutants by consistently meeting and exceeding NAAQS standards throughout the state.</b> <b>Outcome Measures:</b> <ul style="list-style-type: none"> <li>Monitoring demonstrates continuous improvement in air quality as measured by a decline in the number of days when air quality is considered unhealthy for sensitive groups or unhealthy for all groups, as recorded by the Air Quality Index.</li> <li>All communities within DEQ's jurisdiction have been redesignated from nonattainment to attainment with a National Ambient Air Quality Standard (NAAQS).</li> <li>DEQ will establish Advance Plans that include proactive actions needed to avoid nonattainment for communities at risk of violating NAAQS standards.</li> <li>DEQ intends to use part of the remaining funds from the 2020-2022 grant cycle to support the integration and evaluation of PM2.5 FEM upgrades into the monitoring network. These upgrades were funded for seven FRM-only sites via the American Rescue Plan direct award to DEQ.</li> </ul>		<b>Updates &amp; Milestones</b> <b>(Month/Year of Report)</b>
<b>Core Work</b>	<b>PM Advance Plans</b> <ul style="list-style-type: none"> <li>DEQ will continue to reduce PM emissions, restore healthy air quality, and avoid nonattainment by working with the City of Prineville to implement the community's PM Advance plan. (Michael Orman) (Gina Bonifacino/Claudia Vaupel)</li> <li>DEQ will continue to reduce emissions, restore healthy air quality, and avoid nonattainment by working with the City of Lakeview to implement the community's PM Advance plan. (Michael Orman) (Gina Bonifacino/Claudia Vaupel)</li> <li>As part of the Ozone Advance Plan, DEQ will work with Washington Department of Ecology and EPA to evaluate the potential for regional standards on the VOC content of consumer products, such as architectural coatings and consumer paints. DEQ will also follow a multi-pollutant approach with any</li> </ul>	



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	<p>new standards. (Michael Orman) (Gina Bonifacino/Karl Pepple)</p> <p>Smoke Management</p> <ul style="list-style-type: none"><li>• DEQ continues to support Prineville, Klamath County, Lakeview, Burns, Jackson County, and Josephine County in the implementation of their community-based wood smoke reduction programs. (Michael Orman) (Gina Bonifacino/Christi Duboiski)</li><li>• DEQ will complete a qualitative analysis of the emission reductions from implementation activities which will inform next steps and be shared with regional partners. Specific implementation activities include providing suggestions for alternatives to burning and emission reduction techniques to be included in the application process and database updates. (Michael Orman) (Gina Bonifacino/Christi Duboiski)</li><li>• DEQ will work with Oregon Department of Forestry, local elected officials, US Forest Service, EPA, and others on smoke management program policy, implementation, and communications. DEQ will periodically meet with USFS and ODF to review burn objectives and smoke intrusions. (Michael Orman) (Debra Suzuki/Erin McTigue/Gina Bonifacino)<ul style="list-style-type: none"><li>o DEQ will participate in the annual multi-agency team dedicated to air quality wildfire response. This includes DEQ, Oregon Health Division, US Forest Service, Oregon Dept. of Forestry, local county health agencies and others. (Michael Orman) (Debra Suzuki/Erin McTigue)</li></ul></li></ul> <p>State Implementation Plan</p> <ul style="list-style-type: none"><li>• DEQ will continue to implement all strategies contained in the PM<sub>10</sub>, carbon monoxide and ozone maintenance area plans, as well as plans for PM<sub>2.5</sub> nonattainment areas including financial support for local woodstove curtailment programs. DEQ will engage with community leaders as needed to</li></ul>	
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	<p>discuss the latest information on PM<sub>2.5</sub> compliance levels, smoke management, or other air issues. DEQ will discuss with EPA any on-going monitoring needs and priorities in these nonattainment areas as part of our 2020 statewide monitoring strategy. (Michael Orman) (Gina Bonifacino/Christi Duboiski/Debra Suzuki)</p> <ul style="list-style-type: none"> <li>• DEQ will continue to notify EPA of exceedance events in a timely manner consistent with EPA's Exceptional Events rule and will identify any data to be flagged. (Michael Orman) (Gina Bonifacino/Claudia Vaupel)</li> <li>• DEQ and EPA will communicate monthly to discuss the status and prioritization of submitted plans and the projected schedule for future submittals. (Michael Orman) (Gina Bonifacino, Christi Duboiski) <ul style="list-style-type: none"> <li>o DEQ will develop draft SIP Development schedules for each SIP submittal approximately six months before EPA review is needed. The purpose is to facilitate communication between DEQ and EPA on key milestone dates and to identify potential issues. (Michael Orman) (Gina Bonifacino/Christi Duboiski)</li> <li>o DEQ will continue to coordinate and collaborate during the development of SIPs under the CAA per the joint EPA, DEQ and LRAPA MOA. (Hillarie Sales) (Gina Bonifacino/Christi Duboiski)</li> </ul> </li> <li>• DEQ will continue to evaluate necessary rule changes for vehicle inspection and Stage-II vapor recovery that are part of the Portland and Medford ozone maintenance plan. (Michael Skorupka) (Gina Bonifacino/Christi Duboiski)</li> </ul> <p>Metrics and Data</p> <ul style="list-style-type: none"> <li>• DEQ will work to review the released versions of the 2017 National Emissions Inventory in partnership with EPA and adjust data as needed. The data is used to plan air</li> </ul>	
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	<p>quality protection measures. (Jeffrey Stocum) (Kelly McFadden/Geoffrey Glass)</p> <ul style="list-style-type: none"> <li>• DEQ will report to EPA criteria pollutant emissions for Oregon's point sources by December 31, 2020 and 2021. (Jeffrey Stocum) (Kelly McFadden/Geoffrey Glass)</li> <li>• DEQ will continue to fulfill Air Emissions Reporting Rule requirements for the 2020 NEI, including submitting nonpoint tools categories data, point source data, and reviewing and submitting on-road/non-road MOVES input data files. (Jeffrey Stocum) (Kelly McFadden/Geoffrey Glass)</li> </ul> <p>Monitoring</p> <ul style="list-style-type: none"> <li>• DEQ will operate and maintain the monitoring network plan according to 40 CFR Part 58 requirements and EPA approved quality assurance plans. DEQ will propose any modifications to State or Local Air Monitoring Stations (SLAMS) for regional approval in their annual network plan or other written communication. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li> <li>• DEQ and EPA will meet quarterly to discuss monitoring issues that have planning implications for population-based decisions, enhanced communication and overall understanding of Oregon's monitoring network. (Tom Roick/Michael Orman)(Debra Suzuki/Sarah Waldo/Will Wallace)</li> <li>• DEQ will participate in national and regional monitoring quality assurance activities including NPAP for the gaseous criteria pollutants and PEP for PM<sub>2.5</sub> and PM coarse. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li> <li>• DEQ will maintain Quality Assurance Project Plans and Standard Operating Procedures for each pollutant it monitors for reporting to EPA. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li> <li>• DEQ will operate a PM<sub>2.5</sub> monitoring and sampling network in the Willamette Valley during the summer field burning season. Sites</li> </ul>	
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	<p>in the network include Portland Spangler Road, Salem, Lyons, Silverton, Mill City and Detroit. The network provides near real-time data to DEQ and the Oregon Department of Agriculture on smoke impacts and weather conditions. Any changes to the network will be made through annual statewide monitoring plan updates. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</p> <ul style="list-style-type: none"><li>• DEQ will operate the nephelometer network for particulate monitoring in cooperation with the US Forest Service and BLM. The objective is to measure smoke impacts in areas likely to be impacted by prescribed fire. Sites include Baker City, Enterprise, John Day, Sisters, Cave Junction, Shady Cove, Roseburg, Burns, Grants Pass, Klamath Falls, and Lakeview. Any changes to the network will be made through annual statewide monitoring plan updates. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li><li>• DEQ will operate a field burning smoke nephelometer to measure particulate in Jefferson County from June through September and operate a field burning smoke nephelometer to measure particulate in Union County during the summer. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li><li>• DEQ will add a second ozone monitor to the Salem Core Based Statistical Area to meet EPA population-based criteria for the number of monitors. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li><li>• DEQ will submit nephelometer data converted to PM<sub>2.5</sub> values and ozone values to AIRNow for all nephelometer and ozone sites. Hourly average data is submitted to AIRNow every hour. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</li><li>• DEQ will report criteria pollutant ambient air quality data to EPA's Air Quality data system quarterly, submitted within 90 days of the end of the quarter, as required by 40 CFR Part 58. DEQ will certify the 2021 SLAMS monitoring data by May 1, 2022. DEQ will ensure that the metadata for each site and</li></ul>	
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	<p>monitor in AQS is up-to-date and meets the requirements of EPA regulations, guidelines, and policy memos. DEQ will ensure that AQS metadata is consistent with information provided in the DEQ annual monitoring network plan. (Tom Roick) (Debra Suzuki/Sarah Waldo/Will Wallace)</p>	
	Biannual Core Work Updates	
	<p>1. During the next PPA cycle, DEQ will undertake an Ozone Advance planning effort to identify and implement proactive efforts for reducing ozone precursors. DEQ will use information from the 2018 Portland-Medford multi pollutant assessment and DEQ's 2016 Hermiston ozone monitoring in the effort.</p> <p>DEQ: Michael Orman EPA: Gina Bonifacino, Karl Pepple</p>	
	<p>2. DEQ staff will continue to work with Klamath Falls to implement the approved PM<sub>2.5</sub> attainment plan and ensure continued compliance. DEQ will continue the development of the maintenance plan and will submit this along with a redesignation request by December 2022.</p> <p>DEQ: Michael Orman EPA: Gina Bonifacino, Christi Duboiski</p>	
	<p>3. In 2022, DEQ staff will continue work on the 10-year update for the Medford PM<sub>10</sub> maintenance plan. DEQ anticipates submitting a plan to EPA in 2022.</p> <p>DEQ: Michael Orman EPA: Gina Bonifacino, Christi Duboiski</p>	
	<p>4. DEQ will evaluate necessary rule changes for Stage II vapor recovery as a part of the Portland and Medford ozone maintenance plan.</p> <p>DEQ: Michael Orman EPA: Gina Bonifacino, Christi Duboiski</p>	

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	<p>5. DEQ will evaluate necessary rule changes for vehicle inspection.</p> <p>DEQ: Mike Skorupka EPA: Gina Bonifacino, Christi Duboiski</p>	
	<p>6. DEQ will monitor for gaseous criteria pollutants at the NCORE site in SE Portland and the near-roadway NO<sub>2</sub> site in Tualatin. DEQ will also set up the NCORE site as a Photochemical Assessment Monitoring Station (PAMS) to evaluate ozone precursors, including a new shelter, NO<sub>y</sub> and true NO<sub>2</sub> analyzers, and other equipment to meet EPA's schedule for 2021 startup.</p> <p>DEQ: Tom Roick EPA: Debra Suzuki, Sarah Waldo, Will Wallace</p>	
<p><b>Objective 2: Reduce greenhouse gas emissions</b> Outcome Measures:</p> <ul style="list-style-type: none"> <li>• By 2035, achieve greenhouse gas emission levels that are 40% below 1990 levels.</li> <li>• By 2050, achieve greenhouse gas emission levels that are 90% below 1990 levels.</li> </ul>		<p><b>Updates &amp; Milestones September 2021</b></p>
<b>Core Work</b>	<p>GHG Emissions</p> <ul style="list-style-type: none"> <li>• DEQ will implement the Climate Protection Program (CPP) in order to reduce greenhouse gas emissions in Oregon from the use of transportation fuels and natural gas and propane. The CPP includes the BAER element for large industrial sources. (Colin McConnaha, Nicole Singh) (Gina Bonifacino/Karl Pepple)</li> <li>• DEQ will continue to implement the Oregon Clean Fuels Program by working with affected parties, market participants and interested stakeholders. DEQ will also continue to make continuous improvements to the program by updating the reporting tools, conducting rulemaking, and collaborating with local, state, regional, national, and international partners. (Colin McConnaha) (Gina Bonifacino/Karl Pepple)</li> <li>• DEQ will continue to monitor and participate in collective efforts to characterize and reduce greenhouse gas emissions, including participation with groups such as the Pacific Coast Collaborative, and the Oregon Global</li> </ul>	

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	<p>Warming Commission and several of its subcommittees (Michael Orman) (Gina Bonifacino/Karl Pepple)</p> <ul style="list-style-type: none"> <li>• DEQ will continue to implement Oregon's greenhouse gas (GHG) reporting program. Implementation work during this PPA period will include (Colin McConnaha) (Gina Bonifacino/Karl Pepple): <ul style="list-style-type: none"> <li>o Assisting sources with GHG reporting;</li> <li>o Maintaining an Oregon GHG database to track emissions for permitted facilities;</li> <li>o Reviewing annual reports from Oregon industrial sources emitting over 2500 metric tons of CO<sub>2</sub> equivalent, electricity suppliers and fuel distributors; and</li> <li>o Developing the statewide GHG inventory for 2019 in 2020 and the 2020 inventory in 2021.</li> <li>o Moving the online reporting process into the new environmental data management system</li> </ul> </li> <li>• DEQ will work to develop proposed programs to limit greenhouse gas emissions from large stationary sources, transportation fuels, and other fuel use in Oregon. (Colin McConnaha) (Gina Bonifacino/Karl Pepple)</li> </ul> <p>Low Emission Vehicles/Zero Emission Vehicles</p> <ul style="list-style-type: none"> <li>• DEQ will work with Oregon Department of Transportation and other states that have opted into the California Clean Cars Program to implement a Memorandum of Agreement (MOA) between the states on electric vehicles. The MOA provides the basis for a multi-state work plan to support infrastructure and other actions needed to grow the use of zero emission vehicles in each state (Michael Orman) (Gina Bonifacino/Karl Pepple)</li> <li>• Work with the EQC to maintain identicality with California low emission vehicle standards, participate in a multi-agency workgroup to improve the public awareness</li> </ul>	
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## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<p>of and access to information resources related to electric vehicles, and provide school districts and transit authorities information about options for electrifying their fleets (Michael Orman) (Gina Bonifacino/Karl Pepple)</p> <ul style="list-style-type: none"> <li>• DEQ will continue to implement the Oregon Low Emission Vehicle Program, including providing technical assistance to automobile dealers and conducting compliance verification. (Michael Orman) (Gina Bonifacino/Karl Pepple)</li> <li>• DEQ will continue to implement EPA's Tailoring Rule – Step 1 within Oregon's New Source Review (NSR) /Prevention of Significant Deterioration (PSD) program for greenhouse gases by reviewing greenhouse gas emissions of facilities that trigger NSR/PSD for a criteria pollutant. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</li> <li>•</li> </ul>	
	Frequently Updated Core Work Objectives	
	<p>1. DEQ will participate in the development and implementation of projects identified in the Sustainable Transportation Strategy. The STS is a collaborative effort between the Oregon Department of Transportation, Oregon Department of Energy, the Department of Land Conservation and Development, and DEQ, focused on reducing criteria, air toxics, and greenhouse gas emissions from the transportation sector. Planning will occur in 2020 on potential projects and project development and implementation will span over the next several years.</p> <p>DEQ: Michael Orman EPA: Gina Bonifacino, Karl Pepple</p>	
	<p>2. DEQ will provide on-going assistance to local, state, and federal agencies on transportation issues, travel modeling consultation, mobile emission estimates and conformity regulations/analysis.</p> <p>DEQ: Michael Orman EPA: Gina Bonifacino, Karl Pepple</p>	



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<p><b>Objective 3: Protect human health and the environment through ongoing Air Quality improvement strategies.</b></p> <p>Outcome Measures:</p> <ul style="list-style-type: none"> <li>Monitoring demonstrates continuous improvement in air quality as measured by a decline in the number of days when air quality is considered unhealthy for sensitive groups or unhealthy for all groups, as recorded by the Air Quality Index.</li> <li>The National Emissions Inventory results will show a decrease in emissions over time.</li> </ul>	<p><b>Updates &amp; Milestones September 2021</b></p>
<p><b>Core work</b></p>	<p>NESHAP</p> <ul style="list-style-type: none"> <li>DEQ will periodically submit a National Emission Standards for Hazardous Air Pollutant delegation request to EPA every two years. The request will generally be for all NESHAPs adopted by EPA and in the CFR published by July 1 of the previous year. (AQ Operations Manager) (Kelly McFadden/Geoffrey Glass) <ul style="list-style-type: none"> <li>DEQ will continue to implement the area source NESHAPs program by issuing permits or registrations, performing periodic inspections, and performing outreach and technical assistance to help area sources comply with regulations. (AQ Operations Manager) (Kelly McFadden/Geoffrey Glass)</li> </ul> </li> </ul> <p>ACDP Permitting and New Source Review</p> <ul style="list-style-type: none"> <li>DEQ will issue permits that contain limits that are necessary to address source-specific air quality impacts. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty) <ul style="list-style-type: none"> <li>DEQ continues to issue permits that contain limits that are necessary to address source-specific air quality impacts for major sources. DEQ has begun assessing source-specific air quality impacts of toxic air contaminants under the Cleaner Air Oregon program and is developing a process to address source-specific air quality impacts of non-major</li> </ul> </li> </ul>

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	<p>sources. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</p> <ul style="list-style-type: none"> <li>o DEQ has begun assessing and completing risk assessments at all larger newly permitted stationary source as part of the state's Cleaner Air Oregon program. Smaller stationary sources (facilities under General and Basic permits) are largely exempt from requirements at this time. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</li> <li>• DEQ will implement the major NSR air permitting programs as specified in the SIP and state regulations. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</li> <li>• DEQ will continue to submit major New Source Review/Prevention of Significant Deterioration information to EPA upon receipt/completion including applicability determinations, applications, application completeness/incompleteness letters, updated application information, draft permits (including technical analyses) and final permits (including responses to comments). (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</li> <li>• DEQ will send to EPA (via email to Kelly McFadden) a quarterly update on the status of all known/expected PSD permit actions. DEQ will post all final permits to the web within 10 days after issuance. (AQ Operations Manager)</li> <li>• DEQ will communicate with the EPA on modeling at the initiation of any major NSR permit project. DEQ will submit modeling protocols for major source projects to EPA within 7 days of receipt. DEQ will use the EPA approved models and methodologies, in accordance with 40 CFR Part 51 Appendix W, for air quality analysis for commercial and industrial source permits or seek the EPA approval of alternative models or methods when applicable. (AQ Operations Manager/Jeffrey Stocum) (Kelly McFadden/Jay McAlpine)</li> </ul>	
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	<ul style="list-style-type: none"> <li>• DEQ will communicate and work with the EPA to satisfy any and all consultation and modeling approvals required under 40 CFR Part 51 Appendix W, for both minor and major NSR permit projects. (AQ Operations Manager) (Kelly McFadden/Jay McAlpine)</li> <li>• DEQ will conduct Best Available Control Technology evaluations in a manner consistent with EPA's top-down, five-step procedure and will enter RACT/BACT/LAER determinations into the clearinghouse database within 30 days of permit issuance. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</li> </ul> <p>Vehicle Inspection Program</p> <ul style="list-style-type: none"> <li>• DEQ will operate the Vehicle Inspection Program in the Portland and Medford areas. This includes Clean Air Stations, self-service, remote OBD ("DEQ Too"), fleets and dealership testing. (Michael Skorupka) (Gina Bonifacino/Karl Pepple)</li> <li>• DEQ will submit annual and biennial Vehicle Inspection Program reports in compliance with Title 40, Chapter 1, Part 51, Subpart S, Sec. 51.366 of the Clean Air Act by July of each year. It will contain statistical analysis from data collected from January through December of the previous year. (Michael Skorupka) (Gina Bonifacino/Karl Pepple)</li> </ul> <p>Miscellaneous</p> <ul style="list-style-type: none"> <li>• DEQ will continue to run the Small Business Assistance Program. DEQ will provide training and technical assistance to small businesses to help them reduce air emissions and comply with air quality rules. DEQ will also provide assistance to smaller businesses to assist them with completing triennial inventories of air toxics emissions and performing health-based risk assessment for new businesses that require them. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)</li> <li>• DEQ will engage with Oregon Department of Agriculture, elected officials and the public as needed regarding field burning issues.</li> </ul>	
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## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<p>(Michael Orman) (Debra Suzuki/Erin McTigue)</p> <ul style="list-style-type: none"><li>• DEQ will operate the Employee Commute Options program in the Portland Air Quality Maintenance Area. Activities include provide assistance to affected employers, review compliance status, document and respond to violations, conduct outreach and education, maintain rules, and improve the database. (AQ Operations Manager) (Gina Bonifacino/Karl Pepple)</li><li>• DEQ will operate the tanker certification program by providing assistance to gasoline transporters, issuing tanker certifications, and maintaining the database. (Regional Managers/NWR) (Gina Bonifacino/Karl Pepple)</li><li>• DEQ will implement the Air Pollution Advisory program. In the summer, DEQ will forecast daily and issue ozone pollution advisories in Portland, Salem, and Medford. The rest of the year, DEQ will forecast daily and issue PM<sub>2.5</sub> pollution advisories statewide. (Tom Roick) (Debra Suzuki/Nicole Briggs)</li></ul> <p>Metrics and Reporting</p> <ul style="list-style-type: none"><li>• DEQ will continue to implement the Title V permitting program as specified in the approved Part 70 program and in state regulations. DEQ will electronically (through EPS or email) submit Title V-related information to EPA within 7 days of availability: applicability determinations, Title V permit applications (if not submitted by source directly to EPA), updated permit application information, application incompleteness and completeness determinations, draft permits (including the public notice and statements of basis), proposed permits (including statements of basis and responses to comments) and final permits (including statements of basis). Inform all commenters of the date the proposed permit was submitted to EPA. DEQ will submit semi-annual Title V Operating Permit System (TOPS) reports consistent</li></ul>	
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	with the EPA's deadline. DEQ will post all final permits to the web within 10 days after issuance. (AQ Operations Manager) (Kelly McFadden/Doug Hardesty)	
	Frequently Updated Core Work Objectives	
	<p>1. DEQ will implement the open burning program including complaint management (database, tracking); investigations; inspections; compliance determination and enforcement; issuance of permits for construction, demolition, and land clearing where applicable; outreach and education to the public, cities, counties, and fire departments. DEQ staff will conduct site visits at high priority burning events and those requiring enforcement actions.</p> <p>DEQ: Michael Orman, Regional Managers EPA: Katie McClintock</p>	
<p><b>Objective 4: Limit public exposure to toxic air pollution.</b> Outcome Measures:</p> <ul style="list-style-type: none"> <li>The National Emission Inventory results will show a decrease in emissions over time.</li> <li>Diesel emissions in Oregon will decrease over time.</li> <li>Oregon will implement state level air toxics permitting in alignment with the Title V permitting program.</li> <li>DEQ intends to use part of the remaining funds from the 2020-2022 grant cycle to support Air Quality Monitoring functions for NATTS and PAMS.</li> </ul> <p>DEQ is committed to working with the EPA and will continue to communicate project status of diesel emissions work and Title V air toxics permitting.</p>		<p><b>Updates &amp; Milestones</b> <b>September 2021</b></p>
<b>Core Work</b>	<p>Diesel Emissions</p> <ul style="list-style-type: none"> <li>DEQ will administer the EPA Community-Scale Air Toxics Ambient Monitoring grant, which will focus on researching diesel related sources of air toxics. (Tom Roick) (Debra Suzuki/Karl Pepple)</li> </ul> <p>Air Toxics</p> <ul style="list-style-type: none"> <li>DEQ will review and Quality Assure EPA's 2017 National Air Toxics Assessment release and communicate those findings to Oregon residents. (Jeffrey Stocum) (Kelly McFadden/Geoffrey Glass)</li> </ul>	

## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<ul style="list-style-type: none"> <li>• DEQ will evaluate air toxics emission submittals from 360+ permitted facilities and use submitted production data for 1000+ smaller permitted facilities to calculate estimated emissions for those sources. (Jeffrey Stocum) (Kelly McFadden/Geoffrey Glass)</li> <li>• During the PPA period, DEQ will measure ambient air toxics concentrations at existing air toxics monitoring sites. DEQ will make results and conclusions of DEQ air toxics monitoring projects publicly available and discuss them with community leaders. (Tom Roick) (Kelly McFadden/Geoffrey Glass/Will Wallace)</li> <li>• DEQ will continue to participate in the NATTS laboratory Proficiency Testing (PT) Program. (Tom Roick) (Will Wallace)</li> <li>• DEQ will provide EPA with air toxics data quarterly, submitted within 120 days of the end of the quarter. (Tom Roick) (Kelly McFadden/Geoffrey Glass/Will Wallace)</li> </ul> <p>National Emissions Inventory</p> <ul style="list-style-type: none"> <li>• DEQ will report to EPA toxics pollutant emissions for Oregon's point sources by December 31 of 2020 and 2021. DEQ will continue to report county level air toxics emission inventory data to EPA as requested as a partner to support the 2020 National Emissions Inventory submittal process. (Jeffrey Stocum) (Kelly McFadden/Geoffrey Glass)</li> </ul> <p>NESHAP</p> <ul style="list-style-type: none"> <li>• DEQ will periodically submit a National Emission Standards for Hazardous Air Pollutant delegation request to EPA. The request will generally be for all NESHAPs adopted by EPA and in the CFR published July 1 of the previous year. (AQ Operations Manager – repeated in Objective 3) (Kelly McFadden/Geoffrey Glass)</li> <li>• DEQ will continue to implement National Emission Standards for Hazardous Air Pollutants rules by incorporating them into air permits, providing technical assistance,</li> </ul>	
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## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<p>conducting inspections, evaluating compliance, and taking enforcement actions when appropriate. (AQ Operations Manager) (Kelly McFadden/Katie McClintock)</p> <ul style="list-style-type: none"> <li>• DEQ and EPA will maximize information sharing and explore innovative implementation options for area source NESHAPs. (AQ Operations Manager – repeated in Objective 1) (Kelly McFadden/Geoffrey Glass)</li> </ul>	
	Frequently Updated Core Work Objectives	
	<ol style="list-style-type: none"> <li>1. DEQ will implement the Heat Smart program, including program improvements, database improvements, customer assistance, compliance assistance, education, and outreach. DEQ will incorporate the recently updated New Source Performance Standards requirements into rule. (Michael Orman) (Gina Bonifacino/Christi Duboiski)</li> </ol>	
<b>Objective 5: Improve visibility in federal Class I areas.</b> Outcome Measures: <ul style="list-style-type: none"> <li>• No worsening of visibility on the clearest days in Crater Lake National Park and Oregon’s wilderness areas.</li> <li>• Improved visibility on days with degraded air quality in Crater Lake National Park and Oregon’s wilderness areas.</li> </ul>		<b>Updates &amp; Milestones September 2021</b> DEQ would like to include corrected outcome measures and more information about the areas of visibility to show that all 12 facilities affecting these areas are following through for the next cycle.
<b>Core Work</b>	Regional Haze <ul style="list-style-type: none"> <li>• DEQ will track Columbia River Gorge air quality through periodic regional haze updates via ORS 468 &amp; 468A. DEQ remains available to meet as needed with EPA, federal land managers and tribal nations to discuss Gorge air quality issues. (Michael Orman) (Gina Bonifacino/Jeff Hunt)</li> <li>• By Fall 2020 the Western Regional Air Partnership (WRAP), which is supported by DEQ, will produce the 2028 visibility impact assessment. (Jeffrey Stocum/Michael Orman) (Gina Bonifacino/Jeff Hunt)</li> <li>• DEQ will support the WESTAR/WRAP regional haze 2020-2021 work plan with funding, in-kind assistance and participation on the Regional Haze Planning Workgroup and relevant sub-workgroups, WRAP Board,</li> </ul>	



## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<p>and WESTAR Council to facilitate the preparation of emissions and modeling data needed for the 2021 Regional Haze submittal. (Jeffrey Stocum) (Gina Bonifacino/Jeff Hunt)</p> <ul style="list-style-type: none"> <li>• DEQ will continue to operate the existing visibility monitoring network at Crater Lake, and Mt. Hood. (Tom Roick) (Gina Bonifacino/Jeff Hunt/Sarah Waldo/Will Wallace)</li> </ul>	
<p><b>Objective 6: Maintain an effective compliance and assurance program that contributes to prevention and reduction of pollution, protection of public health, and meets the national goals set forth in the Clean Air Act Stationary Source Compliance Monitoring Strategy.</b></p> <p>Outcome Measures:</p> <ul style="list-style-type: none"> <li>• Issues discovered during the State Review Framework process are addressed.</li> <li>• Violations are addressed in accordance with the Timely and Appropriate Enforcement Responses to High Priority Violations.</li> <li>• Meet with the EPA to discuss HPVs/FRVs</li> </ul>		<p><b>Updates &amp; Milestones</b> <b>September 2021</b></p>
<b>Core Work</b>	<p><b>Metrics and Reporting</b></p> <ul style="list-style-type: none"> <li>• DEQ will take steps to address areas for improvement or that need attention relating to the permit backlog identified in the most recent State Review Framework. (AQ Operations Manager) (Katie McClintock/Kelly McFadden) <ul style="list-style-type: none"> <li>o DEQ AQ division implemented the statewide backlog reduction plan, with a goal to reduce the backlog to 10% by the end of fiscal year 2025 (9/30/2025).</li> </ul> </li> <li>• DEQ and EPA will continue to hold compliance meetings and compliance update conference calls. Discussion topics for the meetings include: <ul style="list-style-type: none"> <li>work share opportunities; roles and responsibilities; national, regional, and state priorities;</li> <li>trends in data; changes in national guidance;</li> <li>changes in DEQ compliance and enforcement guidance;</li> <li>joint compliance and enforcement activities and planned inspection activities (i.e.,</li> </ul> </li> </ul>	

## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<p>mentoring, oversight, joint). (AQ Operations Manager/Kieran O'Donnell) (Katie McClintock)</p> <ul style="list-style-type: none"> <li>o DEQ and EPA will have quarterly conference calls to discuss High Priority Violations, as well as policy and strategy issues.</li> </ul> <ul style="list-style-type: none"> <li>• ICIS-Air Entries (AQ Operations Manager) (Katie McClintock) <ul style="list-style-type: none"> <li>o DEQ will utilize the OpenNode for monthly reporting of compliance evaluations, compliance certifications, and stack tests. If necessary, DEQ will upload to ICIS-Air.</li> <li>o DEQ will provide data to ICIS-Air in a timely fashion, completing the annual input by the required timeframe.</li> <li>o DEQ will continue to enter sources subject to New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants and the applicable subparts into ICIS-Air.</li> </ul> </li> <li>• DEQ will conduct annual FFY data verification of compliance and enforcement data captured in ECHO and correct data in AFS, if needed. This will be done according to the schedule provided by EPA in anticipation of EPA's annual Data Metric Analysis and EPA's annual release of data to the public through ECHO. (AQ Operations Manager) (Katie McClintock)</li> </ul> <p>High Priority Violations and Federally Reportable Violations</p> <ul style="list-style-type: none"> <li>• DEQ will resolve violations detected at major sources and SM80s in accordance with the EPA "Timely and Appropriate Enforcement Response to High Priority Violations." (AQ Operations Manager/Kieran O'Donnell) (Katie McClintock)</li> <li>• DEQ will report the Federally Reportable Violations for CAA Stationary Sources and the Minimum Data Requirements (MDR's)</li> </ul>	
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## APPENDIX A: AIR QUALITY PROGRAM COMPONENT

	<p>for CAA Stationary Source Compliance. (AQ Operations Manager) (Katie McClintock)</p> <p>Miscellaneous</p> <ul style="list-style-type: none"><li>• DEQ will work with EPA each year to ensure that compliance and enforcement data (annual data set) is accurate in anticipation of the annual public compliance and enforcement data release through EPA's website, Enforcement and Compliance History Online. (AQ Operations Manager) (Katie McClintock)</li><li>• DEQ will continue to participate in the implementation (e.g., file availability, coordination) of the State Review Framework review every three years. (AQ Operations Manager) (Katie McClintock)</li><li>• DEQ's Air Quality program staff will continue to inspect air permitted gasoline dispensing facilities (GDF) required to have stage II controls. DEQ Tanks program staff will inspect air permitted GDFs not required to have stage II controls while performing their tank inspections. (DEQ Regional Managers) (Katie McClintock)</li></ul>	
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# APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

## Hazardous Waste Program

The Oregon Department of Environmental Quality is authorized by EPA to administer the Resource Conservation and Recovery Act (RCRA) in Oregon, including the activities addressed in this agreement. The activities are funded in part through EPA's consolidated "Performance Partnership" grant (PPG). The Performance Partnership Agreement (PPA), together with work plans set forth the goals, sub-goals, objectives, programs, activities, deliverables, and measures of progress to address the full range of cooperative federal-state environmental programs under DEQ's jurisdiction. The PPG is key for implementing the Agreement, and the work plans document commitments as agreed by DEQ and EPA. EPA Order 5700.7 directs program offices to ensure work plans contain well-defined outputs and outcomes, specifically:

- The work plan components to be funded under the grant.
- The work plan commitments for each work plan component and a time frame for their accomplishment.
- A performance evaluation process and reporting schedule in accordance with 40 CFR 35.115.
- The roles and responsibilities of the recipient and EPA in carrying out the work plan commitments.

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

- DEQ's priorities to use initiatives to ensure safe management and reduction of hazardous waste and toxic chemicals, and to continuously improve and innovate to achieve greater efficiencies and environmental gains; and
- EPA's FY 2022-2026 Strategic Plan Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights; Goal 3: Enforce Environmental Law and Ensure Compliance; Goal 6: Safeguard and Revitalize Communities and Goal 7: Ensure Safety of Chemicals for People and the Environment

DEQ and EPA modified and signed the most recent Memorandum of Agreement on November 30, 2017, to ensure consistency with State program modifications in connection with the annual State grant work program or PPA. Modifications to the MOA appendices will be made this PPA cycle to ensure consistency amongst all Region 10 States.

In 2013, the Hazardous Waste program adopted a strategic plan with a vision of leading Oregon to protect human health and the environment by reducing the generation and ensuring the safe management of hazardous waste and toxic chemicals. The Hazardous Waste program updated the strategic plan July 2021, and will achieve its vision in four ways:

1. Continuously improving the program by engaging staff in developing innovative solutions to accomplish program priorities; measuring performance and outcomes; and celebrating staff accomplishments in achieving core work and program priorities;
2. Engaging diversity, equity and inclusion along with environmental justice in program work;
3. Collaborating across media on statewide, regional and national initiatives; and
4. Increasing reduction of hazardous waste and toxic chemicals while increasing safe management of wastes.

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

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

# APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

## Priority 1: Hazardous Waste Initiatives

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

DEQ received several EPA-awarded Pollution Prevention (P2) Grants. The recent grant supports DEQ's agency-wide Integrated Toxics Reduction Strategy and Oregon's 2050 Vision and Framework for Action. These efforts help reduce or prevent the toxic chemicals being used in, and wastes generated by, Oregon manufacturing processes. DEQ's Toxics priorities include reducing toxic chemicals and waste; improving industry processes to prevent pollution at the source; and enabling industry leaders to implement green chemistry innovation. Through a cross-media approach, DEQ will link toxics reduction challenges with real world, practical solutions. The grant directly supports pollution prevention and green chemistry projects that include research, collaboration and training of businesses and educators to find and promote safer chemical alternatives.

The funding also supports the Oregon Sustainability Applied Experience, an award-winning, statewide pollution prevention internship program. DEQ collaborates with many state agencies, non-profits, associations, universities, businesses and others to achieve this work, and will work on other initiatives as time allows.

## Priority 2: Safe Management and Reduction of Hazardous Waste and Toxics

DEQ achieves this priority in many ways, but primarily through its permitting and inspections of hazardous waste facilities:

### Compliance Inspections

The program focuses compliance inspection efforts primarily on large quantity generators, small quantity generators, treatment storage and disposal facilities (TSDFs), high priority complaints, and non-notifiers. DEQ also intends to inspect HW transporters and used oil processors periodically to verify compliance with state and federal regulations.

As part of this commitment, DEQ will inspect a minimum of 20 percent of large quantity generators per year with a goal of inspecting 100 percent of the large quantity generator universe, including the pharmaceutical reverse distributor (RD) universe, every five years, per EPA RCRA Core Program requirements. When determining the inspections, DEQ will select sites from: 1) the most recent state annual generator report data available, which in alternate years is the same data used for the national Biennial Report of hazardous waste generation and management; and 2) the most current large quantity generators as shown in DEQ's Your DEQ Online reporting system. The proposed inspections are outlined in the work plan that follows this narrative.

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

- Violation where there is actual exposure or substantial likelihood of exposure to people or the environment from hazardous waste;
- Violation through flagrant or willful action;
- Violation by a chronic or recalcitrant violator; or
- Violation that constituted a substantial deviation from a permit, order, or environmental regulation.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

DEQ's Office of Compliance and Enforcement staff also review the SNC checklist later in the process when determining compliance with orders so facilities where one of the factors becomes applicable at a later stage of the case will receive a SNC designation as appropriate.

### Technical Assistance

DEQ will continue to provide hazardous waste compliance technical assistance to businesses and organizations in Oregon. This work will involve site visits, educational workshops, and supporting initiatives of the Hazardous Waste Technical Assistance Program, as provided in DEQ's [Internal Management Directive: Using Immunity from Enforcement in the Hazardous Waste Technical Assistance Program](#). This work will continue to focus on program priorities, including the priority projects highlighted in the Hazardous Waste Initiatives section. DEQ also provides non-compliance technical assistance as mentioned above under the EPA P2 grant.

### Permitted Facilities

According to the *Statutory /Program-specific Activities* section in the FY2020-2021 [Office of Enforcement and Compliance Assurance \(OECA\) National Program Manager \(NPM\) Guidance](#) (June 7, 2019, Section 2.e. p. 23), RCRA requires minimum inspection frequencies for treatment, storage, and disposal facilities (TSDF) - annually for TSDFs operated by state/local governments, and biennially for non-governmental TSDFs. The inspections required under these RCRA commitments are on-site Compliance Evaluation Inspections (CEIs). In order to meet the TSDF inspection requirement, a CEI and a Financial Record Review (FRR) of the facility's financial assurance documentation must be completed in the same federal fiscal year.

The [RCRA core program Compliance Monitoring Strategy](#) (CMS) allows states to conduct Focused Compliance Inspections (FCIs) in lieu of CEIs at TSDFs if the states have written approval from their Region and the TSDF meets the established requirements as identified in the CMS Appendix.

DEQ and EPA's specific permitting activities are outlined in the work plan that follows this narrative. The strategic objective for permitting activities is to, "prevent releases and safely manage hazardous waste by updating approved controls by renewing permits and other actions at Treatment, Storage and Disposal Facilities." As described in the 2017 Memorandum of Agreement, DEQ will give EPA the opportunity to comment on new permits, permit renewals, and permit modifications: a) before completeness determination. b) prior to public notice; and c) during public notice within 30 days from receipt by EPA office or as otherwise negotiated. The state will consider EPA comments made on permit applications, permit modification requests, and draft permits.

### Corrective Action Activities

Under DEQ's One Cleanup Program, most components of corrective action are managed under the cleanup program as tracked and reported to EPA by the Hazardous Waste Program. DEQ and EPA's specific corrective action activities are outlined in the work plan that follows this narrative. Both agencies will update the corrective action program agreements as per the Joint Agreements section.

### RCRAInfo

DEQ regularly translates all compliance, monitoring and enforcement (CM&E) data through the Virtual Exchange Services into RCRAInfo from the new Your DEQ Online enterprise data management system. The data translates automatically every 30 days to ensure generators' compliance is current. In the event of EPA software updates, coordination will continue between EPA and state to ensure translations remain current. DEQ transitioned to the new Your DEQ Online enterprise environmental data system in October 2021 without translation interruption. DEQ will continue to work closely with EPA throughout translation process to supply EPA with the required information.

## Priority 3. Hazardous Waste Improvement and Innovations



## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

### Rules and Authorization

DEQ's last major adoption of federal rules in 2021 covered most rules promulgated through July 30, 2020. DEQ completed statutory changes in 2021 that included non-federal regulations for hazardous waste disposal fee increases. In addition, DEQ submitted a draft authorization revision application for those federal regulations the state adopted in 2015 and 2017 in coordination with EPA. DEQ identified and updated the programmatic changes to the federally-approved Program Description in preparation for the authorization revision application submittal which became effective on April 11<sup>th</sup>, 2022.

### Joint Agreements on Agency Communication and Coordination

DEQ and EPA have established agreements on information sharing, communication, and reporting. During the term of this agreement, the agencies will begin a review of these agreements, and either reaffirm, update or delete them as appropriate. DEQ and EPA will update the appendices of the *DEQ/EPA Memorandum of Agreement* dated November 30, 2017, during the term of this PPA.

The agencies will continue to hold quarterly meetings to share progress, plan work efforts, and resolve issues. Disputes will be elevated through the lines of communication described in the 2011 EPA/DEQ Hazardous Waste Program *Issue Resolution Process*.

By June 30, 2023, DEQ and EPA will check on progress and negotiate any shifts in resources to reflect priority activities for the following year. The agencies agree to modify the work plan based on shifts in priority work or the addition of new work such as EPA's enforcement priorities, and to accommodate changes to the Hazardous Waste Program budget that may occur. The agreement accomplishments are summarized in the quarterly reports shared throughout the duration of this agreement.

### Future Opportunities

Global demand for materials and products is increasing rapidly, bringing significant impacts to Oregon residents, businesses, communities, and the environment. Oregon law cites the need to conserve resources and acknowledges limits in the environment's ability to absorb the impacts of increasing consumption. Oregon is recognized as a leader in conserving resources through recycling and proper management of wastes. Yet this focus on managing discards has limited potential to address the full impacts of materials and the challenges they present for Oregonians and the environment. The Hazardous Waste Program will work to guide state policy and programs to achieve the best environmental results through future projects, such as:

- Grant fund projects for technical assistance, training, outreach, education, regulatory integration, data collection, and research for emerging contaminants.
- Pursue innovative responses and statewide policy for environmental justice through development and implementation of data analysis and geographic information systems.

The agreement incorporates by reference the following specific agreements:

RCRA Data Management Agreement – 12/15/2011 with 2021 Addendum for Your DEQ Online (YDO) database change

DEQ/EPA Memorandum of Agreement – 11/30/2017

Corrective Action Communication Strategy – 10/2000 Issue Resolution Process – 5/5/2011

### EJ and Hazardous Waste

During the time frame of this agreement, the agencies will explore entry points into Environmental Justice and Equity through RCRA hazardous waste inspections and enforcement which can include use of the EPA EJ Toolkit and consideration of potential for SEPs, when authorized and allowed, in communities with EJ concerns during RCRA hazardous waste enforcement actions.



## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

### HAZARDOUS WASTE PROGRAM WORK PLAN

#### EPA Strategic Plan Goal 1: Tackle the Climate Crisis, Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights, 3: Enforce Environmental Laws and Ensure Compliance

Total DEQ FTE for this component: 5.5. Resources budgeted biennially: \$1,836,413 (includes EPA \$1,377,310 plus State \$459,103). Please refer to attached PPG budget narrative for additional detail about FTE and resources.

Note: The PPA is based on the state fiscal year from July 1-June 30. Program measures are based on the federal fiscal year of Oct 1-Sept 30.

#### DEQ HW Priority 1, Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights & Goal 7.: Ensure Safety of Chemicals for People and the Environment

DEQ HW Activities	EPA Activities	Timeframe	Program Measures
RCRA Grant (STAG Funding).	Financial assistance to help implement environmental programs	Continuous	Direct EPA grant funds to priority environmental problems or program needs.
Implement the DEQ Toxics Reduction Strategy.	Coordinate pollution prevention efforts on toxics reduction	Continuous	Integrate Strategy into program project priorities, and consider the Strategy when planning new projects.

#### DEQ HW Priority 2, Goal 3: Enforce Environmental Laws and Ensure Compliance & EPA Objective 3.1: Hold Environmental Violators and Responsible Parties Accountable

DEQ HW Activities	EPA Activities	Timeframe	Program Measures
Conduct large quantity generator inspections per national guidance and other inspections to address priority areas and take necessary enforcement actions.	Conduct LQG inspections per national guidance and other inspections to address priority areas and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	DEQ will inspect 20 percent of the LQG universe, and the pharmaceutical reverse distributor (RD) universe, based on 2021 BRS data in each year of the PPA. Both agencies will coordinate what inspections EPA will conduct by September 30 of each year. Report compliance data to EPA by October 14 (translating 1 week ahead) of each year and complete RCRAInfo data verification process.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

<b>DEQ HW Priority 2, Goal 3: Enforce Environmental Laws and Ensure Compliance; EPA Objective 3.1: Hold Environmental Violators and Responsible Parties Accountable; &amp; EPA Objective 3.2: Detect Violations and Promote Compliance</b>			
<b>DEQ HW Activities</b>	<b>EPA Activities</b>	<b>Timeframe</b>	<b>Program Measures</b>
Conduct treatment, storage and disposal facility inspections per national guidance and other inspections to address priority areas and take necessary enforcement actions.	Conduct TSDF inspections per OECA National Program Manager Guidance ( <a href="http://www2.epa.gov/planandbudget/national-program-manager-guidance">http://www2.epa.gov/planandbudget/national-program-manager-guidance</a> ). Other inspections to address priority areas and take necessary enforcement actions will be coordinated with DEQ.	Continuous	Inspect 50% of operating TSDF annually. Inspect federal facilities annually. Coordinate which inspections EPA will conduct by September 30 of each year, consistent with Annual Commitment System targets. Complete financial record reviews in conjunction with non-federal facility CEIs. Report to EPA by October 14 of each year and complete RCRAInfo data verification process.
Inspect small quantity generators.	Inspect SQGs to address priority areas and issues and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	Measure total SQGs inspected, and percentage inspected using 2021 SQG universe. Coordinate which inspections EPA will conduct by September 30 of each year.
Inspect very small quantity generators.	Inspect VSQGs to address priority areas and issues and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	Inspect VSQGs, including those that may be non- notifiers. Coordinate which inspections EPA will conduct by September 30 of each year.
Inspect non-notifiers.	Inspect non-notifiers to address priority areas and issues and take necessary enforcement actions. Coordinate specific sites and dates with DEQ.	Continuous	Inspect non-notifiers when identified. Coordinate which inspections EPA will conduct by September 30 of each year.
Inspect high priority complaints.  Complaint response may include a desk investigation to clarify the issues and improve the efficiency of site visits.	Provide technical assistance as appropriate, if requested.	Continuous	Total number of hazardous waste complaints, total number of site visits due to hazardous waste complaints and percentage of site visits due to a hazardous waste complaint.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

Ensure SNC designations are made appropriately, and data is updated according to the SNC policy.	Discuss SNC designations.	Quarterly	Track and review total number of active and inactive SNCs, including those with a repeat SNC designation.
Complete data verification and agreed upon improvements for the State Review Framework 4 process.	Oregon Round 4 SRF reviews resulted in specific agreed upon improvements of the state RCRA enforcement program, following Round 4 Headquarters guidance issued in December 2019	Implement agreed on improvements before Oregon Round 5 SRF reviews begin.	OECA NPM measure SRF 01. Oregon will continue to monitor and implement agreed upon improvements from previous SRFs.

### DEQ HW Priority 2, Goal 3: Enforce Environmental Laws and Ensure Compliance & EPA Objective 3.1: Hold Environmental Violators and Responsible Parties Accountable

DEQ HW Activities	EPA Activities	Timeframe	Program Measures
	and available on the ECHO SRF page ( <a href="http://www.echo.epa.gov">www.echo.epa.gov</a> , login required).		

### DEQ HW Priority 2, Goal 3: Enforce Environmental Laws and Ensure Compliance & EPA Objective 3.2: Detect Violations and Promote Compliance

DEQ HW Activities	EPA Activities	Timeframe	Program Measures
Evaluate all financial assurance submittals made to DEQ each year.	Follow-up to non-compliance in consultation with DEQ, note financial assurance is included with TSD inspections.	Annually when facilities submit assurances.	Compliance determinations and appropriate enforcement.
Lockheed Martin – Issue permit modifications and develop a renewal permit.	Review permit revisions and submit comments on the draft permit and five-year CERCLA review following the detailed RCRA/CERCLA plan.	Sept 30, 2022 (FY22 Permit Renewal GPRA commitment. Per EPA, a target, as may not meet timeline)	Prevent releases at hazardous waste management facilities with updated controls.
Tektronix – Clean up complete (900) and develop and issue a permit modification.	If interested, timely review of draft Class 2 or 3 permit modification.	TBD	Prevent releases at hazardous waste management facilities with updated controls.
Permapost – Develop and issue permit renewal.	Provide technical assistance, if requested.	Final Remedy Constructed FY22 GPRA by Sept 30, 2022	Prevent releases at hazardous waste management facilities with updated permit controls.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

Umatilla Chemical Storage Depot Determine if facility can be certified as clean closed and corrective action is complete with controls. Evaluate effectiveness and sustainability of institutional controls and modify as necessary to ensure protectiveness and enforceability. If satisfactory, then modify permit to remove hazardous waste management units (HWMUs) and solid waste management units (SWMUs).	Timely review and comment on permit modifications including effectiveness and enforceability of controls.	TBD for closing permitted units and removal from the permit.  TBD Corrective Action Closure under CERCLA	Prevent releases at hazardous waste management facilities with updated controls.
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### DEQ HW Priority 2, Goal 3: Enforce Environmental Laws and Ensure Compliance & EPA Objective 3.2: Detect Violations and Promote Compliance

DEQ HW Activities	EPA Activities	Timeframe	Program Measures
Chemical Waste Management of the Northwest – Develop and issue a permit modification and continue work on renewal of permit.	Timely review and comments on permit modifications. Discuss key changes in permit conditions with DEQ. Timely review of draft permit conditions.	Permit renewal April 2023 <i>(Per EPA, a target, but not held to this.)</i>	Prevent releases at hazardous waste management facilities with updated permit controls.

### DEQ HW Priority 2, Goal 6: Safeguard and Revitalize Communities & EPA Objective 6.1: Clean Up and Restore Land for Productive Uses and Healthy Communities

DEQ HW Activities	EPA Activities	Timeframe	Program Measures
Univar Portland (VWR) – Technical coordination as needed.	EPA-lead to oversee facility construction of the modified remedy.	TBD due to EPA staffing workload	Increase the number of RCRA facilities where the site is ready for anticipated use CA800.
Evraz – Evaluate cleanup complete criteria.	Provide technical assistance, if requested.	TBD	New GPRA Measure: Number of RCRA facilities with corrective action performance standards attained and the site is ready for anticipated use. RCRAInfo: CA800, CA900, CA999.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

Boeing of Portland – Evaluate cleanup complete criteria and ready for anticipated use.	Provide technical assistance for Ready for Anticipated Use, if requested.	TBD	New GPRA Measure: Number of RCRA facilities with corrective action performance standards attained and the site is ready for anticipated use. RCRAInfo: CA800, CA900 and CA999.
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### DEQ HW Priority 3, Goal 3: Enforce Environmental Laws and Ensure Compliance & EPA Objectives 3.2 Detect Violations and Promote Compliance

DEQ HW Activities	EPA Activities	Target Date	Program Measures
RCRAInfo data analysis and update.	Provide data analysis technical assistance, if requested.	Continuous	Prevent releases at hazardous waste management facilities with updated controls.
Use the National Virtual Exchange Services (VES) to translate data to RCRAInfo.	Ensure VES technical assistance is available to execute this project.	Continuous	Secure Internet- and standards-based way to support electronic data reporting, sharing, and integrating regulatory environmental data.
Translate Your DEQ Online data into RCRAInfo and enter directly any core data not available in YDO.	Provide technical assistance, if requested, as the agency transitions to a new database late 2021.	Monthly	All EPA measures are pulled from RCRAInfo.

### DEQ HW Priority 3, Goal 3: Enforce Environmental Laws and Ensure Compliance & EPA Objectives 3.2: Detect Violations and Promote Compliance

DEQ HW Activities	EPA Activities	Target Date	Program Measures
Review 2 joint agreements on agency communication and coordination.	Continue to review and collaborate with DEQ on joint agency communication and coordination agreements.	TBD: MOA Appendix Updates and June 2022: Performance Partnership Agreement	All agreements reaffirmed, updated or deleted, with the exception of the MOA which can be modified, but never deleted.
Expedited Enforcement Offers (EEOs) Program.	Cross-reference to the authorized program description.	Continuous	Implemented EEO program statewide.

## APPENDIX B: HAZARDOUS WASTE PROGRAM COMPONENT

Develop and submit the two rulemakings 2021 and 2022 for one authorization revision application.	Review and approve.	Spring 2022	Coordinate with EPA to review those federal rules subsequently promulgated by EPA and adopted by DEQ.
e-Manifest communication to promote regulated community understanding and registry upon implementation. Participation in EPA's regional workgroup.	Develop, implement and manage new e-manifest system, with continuous user and stakeholder engagement.	Continuous	e-Manifest communication to promote regulated community understanding and registry upon implementation. Participation in EPA's regional workgroup.

# APPENDIX C: WATER QUALITY PROGRAM COMPONENT

## WATER QUALITY PROGRAM

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

### 2020-2022 Accomplishments

During the 2020-2022 PPA/PPG term, DEQ's Water Quality Program made significant advances in several areas, including, but not limited to, the following:

**Data management:** DEQ has made significant progress toward upgrading and streamlining the way we accept, process and share information at DEQ. This is an important and exciting upgrade to the way DEQ does business now, from internal processes, interactions with permittees and agents and with the public. DEQ's new Environmental Data Management System, being referred to as 'Your DEQ Online', will provide an easy and intuitive online system for connecting to DEQ. Our goals for 'Your DEQ Online' are to meet state and federal electronic reporting standards; to make DEQ's services more accessible to our stakeholders and the public; to save applicants time and resources on application submissions; to streamline DEQ processes and reduce the ongoing costs of collecting and maintaining data; to provide faster turnaround time for issuing licenses/certifications/permits; and to improve transparency and management of publicly available data and information. Stormwater and UIC permits and section 401 water quality certifications are the first program areas being brought into the system beginning in late 2021. As DEQ further develops and implement these changes over the next two years, DEQ anticipates some delays in service could occur as program staff conduct testing of the system, perform quality assurance reviews of migrated and compiled data in the system, and support deployment of and initial use of the system by permittees. In addition, these changes may impact the timeframes of some of the DEQ commitments in the 2022-2024 PPA in program areas actively engaged in development and implementation of the new system.

**Assessments:** DEQ has made significant progress on improving processes necessary to support a comprehensive and functional assessment program that meets federal requirements, informs DEQ's water quality programs and provides essential data and information to the public. DEQ submitted its 2018/2020 Integrated Report on time to the EPA for approval in April 2020 and obtained the EPA's full approval on November 12, 2020. In order to meet the Clean Water Act's biennial deadlines, DEQ started the 2022 Integrated Report process in early 2020 as it was completing the 2020 Report. DEQ released its draft 2022 Integrated Report for public comment in January 2022 and plans to submit the 2022 Integrated Report to the EPA in April 2022. DEQ initiated the 2024 Integrated Report process in early 2022 by conducting a prioritization of assessment methodology updates.

**Water Quality Standards:** DEQ made significant progress implementing the Triennial Review Workplan for 2018-2020. DEQ developed a mercury multiple discharge variance and updated the variance authorization rule to conform to federal regulations. Both rules were adopted by the Environmental Quality Commission in January 2020. DEQ evaluated new national recommended criteria for four toxics substances and selenium. As a result, DEQ included updating the aquatic life toxics criteria as a high priority in the 2021-2024 Triennial Review workplan. The Willamette River Cold Water Refuge study was drafted with input from an expert science panel and DEQ submitted the report to the National Marine Fisheries Service (NMFS) and EPA in March 2020. In addition, DEQ completed a rulemaking to designate Crater and Waldo Lakes as Outstanding State Resource Waters (OSRW) in January 2021. In July 2021, DEQ completed the development of clear procedures to apply the federal water chemistry-based aluminum criteria for Oregon. DEQ conducted a Triennial Review process from January through July 2021 and submitted the Triennial Review Report and Workplan for 2021 – 2024 to the EPA. DEQ started to work



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

on the high priority water quality projects identified in the Workplan from 2021 – 2024 including conduct a rulemaking to update certain subcategories of Oregon’s aquatic life use designations based on new scientific information. DEQ is conducting Rule Advisory Committee meetings for the aquatic life use designation update project. DEQ has developed project plans for both aquatic life toxics criteria update project and procedures to apply the narrative toxics criterion.

**Permitting:** Based on the 2016 program audit conducted by an outside consultant, DEQ continues to implement many of the recommendations including continuous process improvements. Further, the program has refined an internal QA process and updated the individual permit and fact sheet template. The one-year and five-year permit development list (five-year lists have been developed for individual permits and general permits) has been developed. DEQ will continue to engage EPA and external partners and stakeholders during the 2022-2024 PPA/PPG term to enlist their assistance in further refining the permitting program. EPA conducted a Permit Quality Review (PQR) of the NPDES program in 2020 and the report is being finalized by EPA. The NPDES PQR is an evaluation of a select set of NPDES permits to determine whether permits are developed in a manner consistent with applicable requirements established in the CWA and NPDES regulations. Through this review mechanism, EPA promotes national consistency, and identifies successes in implementation of the NPDES program as well as opportunities for improvement in the development of NPDES permits.

### **Compliance and Enforcement**

Compliance assurance and enforcement are key elements of DEQ’s NPDES program. EPA and DEQ collaborate on compliance and enforcement activities and coordinate with permitting to maximize the limited NPDES resources especially while facing important decisions on priorities for needed program improvements.

Compliance inspections and audits are conducted according to EPA’s NPDES Compliance Inspection Manual and targeted in accordance with EPA’s Compliance Monitoring Strategy as specified in the PPA. DEQ also performs compliance inspections while responding to complaints warranting site visits and other permitted sources based on likelihood of important environmental outcome and other criteria. Sources with compliance schedules, mutual agreement and orders, or technical assistance needs are also prioritized.

Enforcement priorities for water are guided by National Enforcement Goals, National Compliance Initiatives, and the national Clean Water Act Action Plan, as well as other DEQ and EPA priorities. EPA’s overall national enforcement goals focus on civil and criminal enforcement for violations that threaten communities and the environment; greater compliance and protection through use of advanced monitoring and information technologies; and strong EPA/State/Tribal partnerships for working together toward shared environmental goals. DEQ’s enforcement guidance directives focus the agency’s enforcement resources on the most important violations and ensure statewide consistency. DEQ’s formal enforcement actions require corrective actions and assess civil penalties according to Division 12 of the Oregon Administrative Rules. The formal enforcement actions deter future violations, promote fairness, and generate beneficial environmental outcomes.

EPA implemented a National Compliance Initiative in 2019 with states to improve Significant Non-Compliance Rates (SNC) for NPDES permitted facilities nationwide with a goal to reduce the national SNC rate to 10.1% by end of federal fiscal year 2022 (September 30, 2022). EPA continues to coordinate closely with DEQ to design and implement this initiative to reduce levels of SNC in Oregon. EPA and DEQ meet at least quarterly to discuss facilities in SNC.

### **Water Quality Program Joint Priorities for 2022-2024**

DEQ and EPA worked together to develop these 2022-2024 Performance Partnership Agreement Water Quality Program Work Plan. These shared objectives target Oregon’s most important water quality issues within the constraint of limited resources and in support of EPA’s 2022-2026 Strategic goals including Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights; Goal 3: Enforce Environmental Laws and Ensure Compliance; and Goal 5: Ensure Clean and Safe Water for All Communities. Through this partnership agreement, in addition to the core work areas highlighted below, both agencies have agreed to support each other’s efforts in the following important cross-cutting areas of work.

Performance Partnership Agreement 2022-2024

# APPENDIX C: WATER QUALITY PROGRAM COMPONENT

## **Funding Opportunities to Enhance Water Quality Outcomes and Infrastructure**

The Bipartisan Infrastructure Law represents a monumental, once-in-a-generation, investment in water-related projects. DEQ and EPA coordination on implementation of supplemental CWSRF funding represents an opportunity to address shared goals of supporting underserved communities and climate resilience while achieving water quality improvements. The agencies will also work together to identify and coordinate on other funding opportunities with the objective of funding areas of greatest need, avoiding overlap, leveraging various funding streams, and identifying opportunities for efficiency and partnership.

## **Advancing Water Quality Strategies to Address Nutrients**

DEQ and EPA will evaluate opportunities to leverage state 604(b) funding increases associated with federal Bipartisan Infrastructure Law monies to make program progress related to nutrient strategies within the water quality program. The desired outcome is the development of a nutrient strategy that identifies priority actions. This strategy should include actions that assist the TMDL and permitting programs on implementation, including consideration of nutrient trading within the strategy's scope.

## **Enhanced Community Engagement**

Consistent with commitments described in Appendix D, Environment Justice Actions, DEQ will pursue activities and partnerships to advance environmental justice and civil rights, including enhancing community engagement and partnerships throughout the water quality programs various processes and actions.

## **Future Opportunities**

In the event that additional state or federal funds become available, DEQ - in coordination with EPA - has identified various project areas for potential future work emphasis. Projects include: dedicated efforts to develop priority actions that support a comprehensive nutrient management strategy; developing improved understanding of hydrology within certain Groundwater Management Areas in order to better identify areas of concern and factors contributing to groundwater contamination; and addressing environmental justice and equity objectives by building community capacity for engagement and outreach, which could be enhanced with grant or other funding to support community representative participation in program advisory forums.

## **Evaluation Process**

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

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

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

# APPENDIX C: WATER QUALITY PROGRAM COMPONENT

## WATER QUALITY PROGRAM WORK PLAN

This workplan includes a description of key water quality program elements and associated environmental outcomes. The following tables number DEQ's and EPA's commitments, with outputs and timeframes. The table indicates whether the outputs are supported by the PPG, and whether there is an associated Program Activity Measure (PAM). PAMs address activities to be implemented by EPA Headquarters, EPA Regional Offices, or by States/Tribes that administer national programs. They are the basis for monitoring progress in implementing programs to accomplish the environmental improvements described in the EPA's [FFY 2022-2026 strategic plan](#).

The EPA National Water Program Guidance also provides overarching national goals, priorities, and performance measures aimed at making significant progress toward protecting human health and improving water quality. This national program guidance is augmented by the National Program Manager Guidance for enforcement activities in all media. Both documents are relevant for the implementation of CWA programs delegated to the State of Oregon and are available at [www2.epa.gov/planandbudget](http://www2.epa.gov/planandbudget).

Over the next 2 years, EPA will work with states, tribes, territories, and local communities to better safeguard human health; maintain, restore, and improve water quality; and make US water systems sustainable and secure, supporting new technology and innovation wherever possible. EPA Region 10 strives to integrate state and regional priorities with EPA's national strategic planning objectives.

### Element 1: Water Quality Standards and Assessments

DEQ contact: Connie Dou

EPA contact: Hanh Shaw

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

- Conduct triennial standards reviews to establish and update scientifically based water quality standards and related policies.
- Develop and maintain procedures and guidance to regional and headquarters staff on the application of water quality standards in various water programs.
- Identify waterbodies not meeting water quality standards and develop biennial Integrated Reports.

Staffing levels in the Standards and Assessments subprogram remains the same since the previous Performance Partnership Grant cycle. The total FTE within the water quality standards program is 4.8 FTE. The total FTE within the water quality assessment program remains approximately 3 FTE.

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

Environmental Outcome: Adoption and implementation of appropriate water quality standards will contribute to protection of the beneficial uses of Oregon's waterbodies and water quality improvements as measured by water quality monitoring and other environmental data. In addition, standards work will assist DEQ's efforts to improve the timeliness of our NPDES permit renewals and the completion of approvable TMDLs.

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
1.1	Conduct rulemaking to update Oregon's aquatic life toxics criteria including 1) acrolein, 2) carbaryl, 3) diazinon, 4) nonylphenol, 5) selenium,	Provide timely guidance, review and action. Assist DEQ in meeting federal requirements.  Keep DEQ informed on the ESA consultation process.  Work with Oregon on implementation procedures.	Rule amendments proposed to the EQC for adoption and submitted to EPA.  Implementation Procedure Document.	Summer or Fall 2023	Partial	
1.2	Conduct a rulemaking to update certain subcategories of Oregon's aquatic life use designations based on historical and updated data, including clarifying application of resident trout spawning-related standards. In response to the 2015 USFWS Biological Opinion, DEQ will revise bull trout use designations.	Early input and review as rules are drafted.  Timely guidance, review and action. Assist DEQ in meeting federal requirements.	Revised standards including maps identifying where/when recommended to EQC for adoption and submitted to EPA.	Propose to EQC Jan. 2023 for adoption, submit to EPA Feb. 2023	Partial	
1.3	Adopt variance(s) for temperature and other pollutants if supporting data and documentation is provided and the conclusions meet state and federal requirements.	Provide timely guidance review and action. Assist DEQ in meeting federal requirements, as needed.	Project planning and variance development as requested.	Ongoing through June 2024	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
1.4	Update Oregon's biocriteria assessment methodology and procedure for freshwater including updating reference screening protocols, updating the PREDATOR model with more current data and reference information, explore the option of a multimetric index, model individual metrics for possible supporting lines of evidence.	Provide technical assistance as needed.	Procedures document and assessment methodology.	December 2023	Partial	
1.5	Review and update Oregon's procedures to apply the narrative toxics criterion. Consider other methods and other published benchmarks.	Provide technical assistance as needed.	Procedures document and assessment methodology.	June 2024	Partial	
1.6	Amend Oregon's definition rule to clarify the definitions for cool and cold-water aquatic life.	Early input and review as rules are drafted.  Timely guidance and review. Assist DEQ in meeting federal requirements.	Revised standards recommended to EQC for adoption and submitted to EPA.	Propose to EQC Jan. 2023 for adoption, submit to EPA Feb. 2023	Partial	
1.7	Conduct rulemaking to align the pH criteria for the Crooked River and Trout Creek basins with pH criteria for streams in Eastern Oregon based on similar characteristics with the watersheds in Eastern regions to be consistent with pH criteria for streams in Eastern Oregon based on similar characteristics of the watersheds.	Timely review and action.	Revised standards recommended to EQC for adoption and submitted to EPA.	Propose to EQC Nov. 2022 for adoption, submit to EPA Dec. 2022	Partial	
1.8	Convene scientific technical workgroup to develop assessment methodology for ocean acidification and marine dissolved oxygen including peer review process	Guidance, technical assistance and use of a professional meeting facilitator	Assessment methodology method for ocean acidification and marine dissolved oxygen	Winter 2023	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

1.9	Revise and update assessment methodologies for submittal of 2024 Integrated Report	Input from EPA regarding applicable federal requirements and priorities.	2024 Assessment Methodology	Spring 2023	Partial	
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## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
1.10	Hold data call for 2024 Integrated Report	Input regarding relevant sources of data	Compilation of data for 2024 IR	First Quarter 2023	Partial	
1.11	Completion of DEQ's 2024 Integrated Report and submit to EPA	Timely input and action on 2024 Integrated Report	Final approved 2024 Integrated Report	April 2024	Partial	
1.12	DEQ's 2024 Integrated Report and 303(d) list will be submitted into EPA's ATTAINS data system.	EPA will continue to communicate information about ATTAINS and the Water Quality Framework and will provide technical assistance as DEQ prepares to load data into ATTAINS.	2024 Integrated Report and associated reporting data.	Ongoing DEQ work with EPA ATTAINS and Water Quality Framework design team.  Final submittal by April 2024	Partial	



## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

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

DEQ contact: Gene Foster

EPA contact: Cyndi Grafe

The federal Clean Water Act requires that water pollutant budgets, called TMDLs, be developed for waterbodies included on DEQ's 303(d) list of water quality limited waterbodies (Category 5 in the Integrated Report). TMDLs describe the maximum amount of pollutants from municipal, industrial, commercial and surface runoff sources, including natural background, which can enter the river or stream without exceeding water quality standards, and (by extension) what reductions need to occur from current levels of pollution in order for water quality standards to be met. These allocations are required for waterbodies that have been identified as exceeding one or more water quality standards.

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

TMDL Wasteload Allocations are implemented through NPDES and WPCF permits for point source discharges, and Load Allocations are implemented through DEQ's Water Quality Management Plan and individual TMDL Implementation Plans for nonpoint sources, by designated management agencies and other responsible entities. DEQ implements TMDLs by:

- Revising industrial and municipal wastewater permits to incorporate wasteload allocations into revised permits.
- Working with the U.S. Department of Agriculture, USDA Natural Resources Conservation Service (NRCS), the Oregon Department of Agriculture (ODA), and local organizations to develop and carry out plans to implement the TMDL load allocations on agricultural lands. This work includes but is not limited to regulatory measures under Oregon's Agricultural Water Quality Management Program.
- Working with the Oregon Department of Forestry (ODF) to develop and carry out plans to implement the TMDL load allocations on state and private forestlands. This work includes, but is not limited to, regulatory measures under the Oregon Forest Practices Act, and can also include other long range management plans.
- Assisting local governments in developing TMDL Implementation Plans for urban areas.
- Working with the U.S. Forest Service, Bureau of Land Management and other federal agencies on developing water quality restoration plans and updating Forest Plans and Rangeland Management Plans for lands under their jurisdiction.
- Working with all Designated Management Agencies (DMA's) and other responsible entities on TMDL implementation planning; timelines; milestones for pollutant reduction targets and strategies to reduce pollutants such as sediment, temperature, nutrients and bacteria; which may include developing surrogate measures that make it possible to monitor progress in achieving load allocations.
- Working with EPA on nutrient allocations when phosphorous or nitrogen are identified in a TMDL as the pollutant causing or contributing to the impairment.

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

EPA, with input from the states, is updating the long-term vision for assessment, restoration and protection under the Clean Water Act Section 303(d) Program (most recently finalized in 2013).

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

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
2.1	Develop TMDLs and WQMPs in accordance with 303(d) list schedule.  Provide IPs, and review and comment on EPA-developed temperature TMDLs.	Provide technical assistance, comments, and information on TMDLs;  Review and provide decisions on TMDLs.  EPA will provide technical support for the development of the Snake River - Hells Canyon mercury TMDL (In progress)  EPA will provide technical support for DEQ's development and establishing the WQMP for EPA's established Columbia River temperature TMDL	DEQ Issuance of TMDLs for the:  - Coquille Subbasin: bacteria; DO, pH, and temperature  - Upper Yaquina: DO, Bacteria  - Powder Burnt Subbasins: bacteria  - WQMP development and issuance for EPA's Columbia River temperature TMDL	2Q 2023    1Q 2023   1Q 2023  In progress	Partial	WQ-8b

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

		(In progress)	<p>- Temperature TMDLs that were part of the TMDL litigation: Begin technical analysis per the project plan and charter</p> <p>Issuance of the temperature TMDLs for the Willamette and Sandy Subbasins, project areas per the court ordered schedule</p>			
2.2	Include robust Reasonable Assurance documentation in the TMDL and WQMP to implement issued TMDLs, including (where appropriate) adoption of surrogate measures.		Complete and assure implementation of implementation plans for issued TMDLs that guide management practices, and pollutant controls to meet load allocations in TMDLs. Facilitate projects that result in improvements in water quality.	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
2.3	<p>Provide framework for ensuring implementation of TMDLs for Nonpoint Sources in subbasins where TMDLs/WQMPs have been completed or are being completed, including load allocations where applicable.</p> <p>Work with watershed councils, local governments and other DMAs to develop appropriate management practices and plans for controlling pollutants.</p> <p>Work with USDA agencies to leverage Farm Bill resources to implement priority best management practices in critical areas.</p> <p>Work with watershed councils, local governments, and other DMAs to develop implementation plans that contain appropriate management practices and milestones for meeting TMDL allocations.</p> <p>Work with USDA agencies to leverage Farm Bill and OWEB resources to implement priority best management practices in critical areas.</p>	<p>Pursue participation in review of grant applications for NRCS/Farm Services Agency water quality programs such as EQIP.</p> <p>Work with DEQ to engage the Corps of Engineers on TMDL implementation.</p> <p>Review and provide input to DEQ on implementation plans developed in response to issued TMDL/WQMPs</p>	<p>Completed TMDL, WQMP and implementation plans that guide management practices, pollutant controls to meet load allocations in TMDLs. Facilitate projects that result in improvements in water quality.</p> <p>Implementation plans that meet load allocations or management measures identified in the TMDL/WQMP.</p> <p>Implementation reporting by DMAs as required in the TMDL/WQMP and 5- year review of TMDL implementation by DEQ. WQ Status &amp; Trend tool as one method for evaluating DMA implementation.</p>	Ongoing	Partial	WQ-10
2.3a	<p>DEQ receives, reviews, and takes action on TMDL implementation plans.</p>		<p>2.3a DMAs or responsible persons have submitted TMDL implementation plans to DEQ and DEQ receives, reviews, and takes action on TMDL implementation plans within 12 months of receipt.</p>			

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
	<p>2.3b DEQ has reviewed for sufficiency, commented on, or taken other appropriate action on submitted TMDL implementation plan annual reports.</p> <p>2.3c DEQ formally notifies each DMA or responsible persons of the TMDL and WQMP requirements and follows up with appropriate action (e.g., technical assistance, warning letter, or enforcement notice).</p> <p>2.3d Work with watershed councils, local governments, DMAs and USDA agencies to leverage Farm Bill funds, and OWEB to implement appropriate management strategies to reduce pollutant loading and meet TMDL allocations.</p>		<p>2.3b DMAs or responsible persons have submitted TMDL implementation plans annual reports to DEQ and DEQ takes action on them.</p> <p>2.3c DEQ has notified DMAs or responsible persons of the TMDL and WQMP requirement or implemented any appropriate actions.</p> <p>2.3d Using available information DEQ summarizes in the nonpoint source annual report the count or amount of management strategies that have been completed in each subbasin in Oregon.</p>			

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2.4	<p>2.4a Develop and implement TMDL/WQMP/IP as one of the approaches to address the deficiencies in the Coastal Zone Act Reauthorization Amendment (CZARA) Coastal Nonpoint Control Plan additional management measures for forestry identified by EPA and NOAA (7/28/2015; 7/16/2018).</p> <p>2.4b DEQ will provide input, as needed, to EPA/NOAA team updating and evaluating interim management measures under CZARA.</p>	<p>Review and provide input on source assessment, allocations, reasonable assurance with timelines and milestones, management measures, and adaptive resource management as part of the TMDL, WQMP or IP</p> <p>EPA/NOAA will update and evaluate interim management measures, as needed.</p>	<p>Completed TMDL, WQMP, and IP that guide management practices, pollutant controls, timelines and milestones for administrative outputs, and landscape, riparian, and water quality outcomes to achieve TMDL allocations and water quality standards.</p> <p>Completed evaluation of interim management measures under CZARA.</p>	<p>At issuance of TMDLs</p> <p>2022-2024</p>	<p>Partial</p>	
2.5	<p>Work with EPA on 303(d) Vision timelines for prioritization, assessment, protection, alternatives, engagement and integration.</p>	<p>Review and provide input to DEQ on TMDL Program planning documents. Assist DEQ on data input for 303(d) Vision commitments.</p>	<p>Incorporate the components of EPA's 303(d) TMDL Vision into the TMDL Program planning documents.</p>	<p>Ongoing</p>	<p>Partial</p>	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### Element 3: Underground Injection Control

DEQ contacts: Christine Svetkovich

EPA contacts: Karen Burgess and Ryan Gross

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

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

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#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
3.1	Continue administration of UIC program by providing Authorization by Rule site reviews, developing and issuing PCF permits, assigning coverage to permit applicants under the WPCF general permit, and closures.	EPA will provide enforcement and compliance assistance as requested by and in close coordination with DEQ. EPA may provide input on WPCF permit conditions related to consistency with minimum federal requirements and ongoing SPA revisions in section 3.3.	Wells inventoried and registered per year; Authorization by Rule determination process (e.g., requesting additional information, providing clarification on application issues, retrofits) will occur as needed.  Issue area wide UIC- WPCF permits as appropriate.	Ongoing	Partial	SDW-8, SDW-7b
3.2	Provide technical assistance to consultants, cities, municipalities and other public and private UIC owners.	EPA will provide inspector training opportunities; provide training/outreach to municipalities and other public and private UIC owners, as requested.	Technical assistance will include meetings with municipalities and other private and public UIC owners.	Ongoing	Partial	



## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
3.3	Develop and refine a project plan, with deliverables and timelines, to address EPA identified UIC re-delegation issues. Deliverables may include rulemaking to address EPA issues which will commence after all identified issues are worked through and the rulemaking plan is approved by DEQ's Director.	EPA will review and provide timely comments on the project plan and on proposed rule revisions, if necessary. EPA will facilitate the scheduling of meetings with EPA HQ on technical and legal issues, as necessary.	A project plan identifying tasks, timelines and deliverables.	Initial plan complete. Pending agreement with EPA. Update plan milestones for 2022-24 PPA cycle.	Partial	
3.4	Provide UIC program approval package to EPA for redelegation from EPA to DEQ for program primacy.	EPA will review program delegation package in a timely manner.	Program approval package submitted to EPA includes and addresses the required program elements addressing program revisions for redelegation that results in program redelegation.	Ongoing. Pending agreement with EPA and timing to work through issues and rulemaking. The rulemaking will likely span PPA cycles once it commences.	Partial	
3.5	Prioritize inspection and compliance activities for UICs identified as high-environmental risk.	EPA will provide technical assistance to DEQ as needed.	Follow identified compliance and enforcement procedures for all inspections and conduct a minimum of 10 inspections per year.	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
3.6	Respond to complaints associated with discharges to UIC's in Oregon		Follow identified compliance and enforcement procedures associated with complaints regarding unauthorized discharges into UICs throughout Oregon.	Ongoing	Partial	
3.7	Implementation of "Your DEQ Online," an electronic online system that will manage all aspects of DEQ's UIC program including applications, renewals, tracking, reporting, electronic payments and more.		Development and implementation of "Your DEQ Online" for all 46,000 plus UIC's registered in Oregon.	Ongoing	Partial	
3.8	As UIC resources are available, support development of Class VI wells in Oregon by providing technical assistance to Class VI project proponents if requested and consider Class VI primacy.	Support development of Class VI wells in Oregon by evaluating permit applications and assisting state primacy application development.	Technical assistance to Class VI permit applicants.	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### Element 4: Groundwater Program

DEQ contact: David Anderson and Aaron Borisenko

EPA contact: Karen Burgess and Mat Martinson

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

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

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

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

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
	nitrate concentration trend in the LUB GWMA.		<u>Education and Outreach</u> <ul style="list-style-type: none"> <li>- Organize education and outreach efforts to increase awareness of groundwater vulnerability and BMPs, including participation at “outdoor schools” and farm fairs.</li> <li>- Maintain GWMA website.</li> </ul> <u>Monitoring and Data Analysis</u> <ul style="list-style-type: none"> <li>- Monitor groundwater quality at 33 domestic and irrigation wells quarterly to evaluate impacts and effectiveness of Action Plan.</li> <li>- Complete groundwater nitrate trend analysis for entire GWMA (including food processor sites)</li> <li>- Evaluate success of BMP awareness and implementation.</li> </ul>	<p>Annually</p> <p>Ongoing</p> <p>Quarterly monitoring. As needed with new data.</p> <p>Every four years</p>		
4.2	Implement the Northern Malheur County Groundwater Management Area Action Plan by focusing on agricultural, residential, commercial, industrial, municipal and public water supply activities that will prevent and reduce nitrate contamination in groundwater.	EPA will provide technical support as needed.	<u>Coordination</u> <ul style="list-style-type: none"> <li>- Meet with local stakeholders, Groundwater Management Committee, and local agencies to coordinate Action Plan activities.</li> </ul>	Meet as needed; typically, onemeeting per year	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			<ul style="list-style-type: none"> <li>- Provide technical support.</li> <li>- Research BMPs and their effectiveness.</li> </ul> <u>Education and Outreach</u> <ul style="list-style-type: none"> <li>- Organize education and outreach efforts to increase awareness of groundwater vulnerability and BMP.</li> </ul> <u>Monitoring and Data Analysis</u> <ul style="list-style-type: none"> <li>- Monitor groundwater quality at 36 domestic and irrigation wells once annually to evaluate impacts and effectiveness of Action Plan.</li> <li>- Complete groundwater nitrate trend analysis.</li> <li>- Evaluate success of BMP awareness and implementation.</li> </ul>	<p>Ongoing</p> <p>Ongoing</p> <p>Annually</p> <p>Annual monitoring.</p> <p>Every four years</p>		
4.3	Implement the Southern Willamette Valley Groundwater Management Area Action Plan by focusing on agricultural, residential, commercial, industrial, municipal and public water supply activities that will prevent and reduce nitrate contamination in groundwater.	EPA will provide technical support as needed.	<u>Coordination</u> <ul style="list-style-type: none"> <li>- Facilitate information sharing and coordinate initiatives of local stakeholders, Groundwater Management Committee, and local agencies with implementation of Action Plan activities.</li> <li>- Provide technical support.</li> </ul>	<p>Two SWV GWMA Committee meetings per year</p> <p>Ongoing</p>	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			<ul style="list-style-type: none"> <li>- Research BMPs and their effectiveness.</li> </ul> <u>Education and Outreach</u> <ul style="list-style-type: none"> <li>Organize education and outreach efforts to increase awareness of groundwater vulnerability and BMPs,</li> </ul> <ul style="list-style-type: none"> <li>- Maintain GWMA website.</li> </ul> <u>Monitoring and Data Analysis</u> <ul style="list-style-type: none"> <li>- Monitor groundwater quality at 27 locations to evaluate impacts and effectiveness of Action Plan.</li> <li>- Evaluate success of BMP awareness and implementation.</li> </ul>	<p>Ongoing</p> <p>Ongoing outreach/education with local stakeholders</p> <p>Ongoing</p> <p>One - four times per year</p> <p>Seventy per biennium</p> <p>As scheduled</p>		
4.4	Each year, one geographic area will be identified for groundwater monitoring activities with complete coverage of the state over time. Groundwater monitoring locations and timing will be prioritized to complement other internal and external monitoring objectives.		<u>Monitoring and Data Collection</u> <ul style="list-style-type: none"> <li>- Monitoring at approximately 50 wells (combination of domestic wells and monitoring wells) in a geographically targeted area of Oregon outside of the GWMA's.</li> <li>- Nitrates, arsenic and targeted analytes based on known or suspected risk factors.</li> </ul>	Ongoing	No	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
4.5	Complete federal and state groundwater reporting requirements.		<ul style="list-style-type: none"> <li>- Biennial Report to the legislature.</li> <li>- Groundwater component of 305(b) report.</li> </ul>	<p>Ongoing</p> <p>As scheduled</p>	Partial	
4.6	Participate in EPA-sponsored annual groundwater meetings and conferences as workload and resources allow.	EPA will provide timely notice and organization of meetings.	Meetings	As scheduled	Partial	



## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

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

DEQ contact: Geoff Rabinowitz, Christine Svetkovich, Steve Mrazik

EPA contact: Susan Poulsom

#### Industrial and Domestic Wastewater Permitting (Geoff Rabinowitz) and Stormwater Permitting (Christine Svetkovich)

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

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

- Issue discharge permits that adequately evaluate and limit pollutant discharges to meet water quality standards or approved variances.
- Periodically inspect facilities and review regular monitoring results.
- Update and maintain EPA's ICIS database with timely and accurate permit and permit related data (DMRs, Compliance Schedules, Inspections, etc.).
- Take prompt and appropriate enforcement actions when violations occur.

DEQ administers over 4,500 water quality permits, approximately 65% of which are NPDES individual and general permits, and 35% of which are WPCF permits designed to protect groundwater resources. Achievement of permit program objectives requires targeted and effective implementation and integration of water quality standards, TMDLs, and state-led programs for non-surface water discharges. Program staff requires up-to-date tools and training to consistently develop and issue high quality permits statewide and ensure effective permit implementation. Targeted program implementation is based on source-specific and watershed-specific priorities.

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

#### Pretreatment Program-Geoff Rabinowitz

Pretreatment regulations establish responsibilities and standards to control pollutants from industrial users that discharge wastewater to a collection system and publicly owned treatment works. Toxic pollutants and other contaminants may pass through or interfere with wastewater treatment processes or may contaminate sewage sludge. The POTW acts as the control authority for these sources and monitors the wastewater they discharge to determine whether they are in compliance with pretreatment standards and requirements. DEQ oversees each of the 25 facilities in Oregon with a formal pretreatment program and also provides assistance to smaller facilities that are not required to have a pretreatment program but take additional measures to protect the collection system and treatment works and the environment.

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### Biosolids Program– Geoff Rabinowitz

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

### Water Reuse– Geoff Rabinowitz

DEQ staff work with municipal and industrial wastewater facilities to permit the recycling of treated wastewater effluent and provide technical assistance to those facilities engaged in the practice of reuse. Water reuse is an alternative for municipalities and industrial wastewater dischargers for managing their treated wastewater. Water reuse provides these entities with options that may be more economical and/or environmentally sound than surface water discharge, and that can be an additional source of non-potable water. Most water reuse occurs through land application to crops and golf courses, and there is increasing interest to reuse treated effluent for industrial and commercial applications. DEQ works with the Oregon Health Authority and Water Resources Department on the permitting of this practice.

### 401 Water Quality Certification–Steve Mrazik

Section 401 of the federal Clean Water Act requires that any federal license or permit to conduct an activity that may result in a discharge to waters of the U.S. receive certification from DEQ that the activity complies with state water quality requirements and standards before the activity is allowed. In order to provide a certification, DEQ reviews project applications that may result in such a discharge to ensure that the activity that would be authorized also will meet state water quality requirements. The federal licensing of hydroelectric projects and dredge and fill permitting are among the programs that typically requires a 401-water quality certification from DEQ as a condition of the license or permit.

For dredge and fill projects, DEQ issues approximately 150 individual WQCs per biennia that contain conditions that provide protective measures for water quality and beneficial uses. DEQ also issues programmatic WQCs that cover groups of activities with protective conditions to provide a streamlined approach to the regulatory process.

Environmental Outcome: These activities help to ensure that adequate controls are in place so that point source discharges, dredge and fill activities and the recertification of hydroelectric projects do not result in water quality standards violations and will contribute to water quality improvements as required by TMDLs and other aspects of DEQ's work to implement the Clean Water Act.

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
5.1	<p>Continue to issue and reissue NPDES and permits. There are approximately 562 individual permittees in Oregon, including 73 NPDES majors (incl. MS4 stormwater), 243 NPDES minors, and 242 WPCF.</p> <p>DEQ will continue to improve the NPDES permit issuance rate during this agreement period in order to reduce the backlog of expired permits and move towards EPA's national target for NPDES programs of no more than 10% of permits that are administratively extended.</p> <p>DEQ is in the process of migrating its non-stormwater NPDES permitting process to Your DEQ Online (YDO) which is a web-based portal for permit processing, communication and fee submittal. It is anticipated that this substantial process upgrade will be complete by the first half of 2023.</p>	<p>EPA will review DEQ NPDES permits which contain compliance schedules. EPA review of these permits will occur prior to public notice.</p> <p>EPA may also review permits during the public notice process and proposed final permits consistent with the Memorandum of Agreement. EPA's goal is to screen all Oregon permits and determine whether a review of the permit and fact sheet is warranted. The decision to conduct a review is based on permit conditions including major/minor designation and whether significant or unique permit conditions are addressed by the permit. EPA will continue to coordinate with DEQ on permit review selection and frequency.</p> <p>EPA's oversight coordinator for permit oversight are Bilin Basu and James Earl.</p>	<p>Develop and issue a permit issuance plan by October 1 of each year that identifies specific NPDES permits intended to be reissued during the upcoming year.</p> <p>Transmit the issuance plan to EPA annually.</p> <p>Implement the plan to improve permit issuance rate and reduce backlog of administratively extended NPDES permits. Expected backlog will be below 50% by October 1, 2024</p>	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
5.2	Continue to improve permit and fact sheet quality through consistent use of templates as well as providing permit-specific technical analysis and justification for permit conditions, including identification of pollutants of concerns, correct RPA, and effluent limits.	Provide technical assistance, review and comment on permit language and justification in permit administrative records.	Update permit templates, as necessary. Standardized procedures for permit quality review.	Ongoing		
5.3	DEQ will continue to improve the consistency of permits, fact sheets, permit records through improved data acquisition, management and analyses	Provide technical assistance, review, and comment on draft policies, guidance, and procedures.  Assist with training and guidance of NPDES permit writers on federal regulations. Participate in at least one permit writers training.	Clear progress on development of key program improvement efforts including clarity on permit development process, updates to policies, IMDs, and procedures.	Ongoing		
5.4	Develop procedures, where needed, to ensure implementation of new/revised water quality standards.	Technical Assistance; EPA timely review and comment on draft policies and guidance.	Implementation plans for new or revised water quality standards.	Ongoing		

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
5.5	<p>Continue to implement state-wide permit policies, guidance and tools to make the permits program more consistent, effective and efficient. This includes identifying and developing back-up experts on various permit subjects such as mixing zones and reasonable potential analysis to improve permit quality and consistency.</p> <p>Continue to respond to recommendations resulting from the 2016 third party review of the NPDES permit program.</p>	Technical Assistance; EPA timely review and comment on draft policies and guidance; and other program support as needed.	<p>Revise permit templates and guidance as necessary to reflect program developments. Continue to develop and implement training curriculum.</p> <p>Conduct permit writer's workshops.</p> <p>Develop fee rulemakings.</p>	<p>Ongoing</p> <p>As scheduled</p> <p>Ongoing</p> <p>At least annually and as needed.</p>	Partial	
5.6	Implement State stormwater program, including construction, industrial, and municipal stormwater	EPA will support use of EPA Contractor, PG Environmental, to assist with stormwater permit development.	<ul style="list-style-type: none"> <li>- Renew at least one Phase I permit.</li> <li>- Implement general MS4, construction and industrial stormwater permits for phase two MS4 communities.</li> <li>- Renew the 1200-C construction stormwater general permit</li> <li>- Renew the 1200-Z industrial stormwater general permit</li> <li>- Renew the 1200-A industrial stormwater permits.</li> </ul>	<p>June 2021</p> <p>Ongoing</p> <p>December 2020</p> <p>March 2021</p> <p>June 20224</p>	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			<ul style="list-style-type: none"> <li>- Renew the 1200-CA permit for public entities that conduct construction activities.</li> <li>- Work with local government agencies to assist DEQ in program implementation.</li> </ul>	<p>September 2022</p> <p>Ongoing</p>		
5.7	DEQ will implement a program for water reuse activities.	EPA will provide TA timely program support as needed.	Issue water reuse permits consistent with state requirements.	Ongoing	Partial	
5.8	DEQ will implement a program for biosolids/sewage sludge reuse activities.	EPA will provide TA; timely program support as needed.	Issue biosolids/sewage sludge reuse permits consistent with state requirements.	Ongoing	Partial	
5.9	Implement the Pretreatment Program.	EPA will provide TA; timely program support as needed.	<ul style="list-style-type: none"> <li>- Oversee development of new programs as necessary</li> <li>- Provide technical assistance and categorical determinations</li> <li>- Compliance metrics of program audits and inspections, IU inspections, and annual report reviews are given in element 6.3.</li> </ul>	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

### Element 6: Compliance Assurance and Enforcement and Data Management

DEQ contact: Lynn Barlow and Kieran O'Donnell

EPA contact: Jeff Kenknight/Michele Jencius

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

Compliance is assured primarily by targeted facility inspections and monthly Discharge Monitoring Report (DMR) reviews in between inspections. Until DEQ develops its own compliance inspection procedures for NPDES permits, DEQ will continue to follow the current EPA NPDES Compliance Inspection Manual see <https://www.epa.gov/compliance/compliance-inspection-manual-national-pollutant-discharge-elimination-system>). DEQ also responds to complaints and performs technical assistance when warranted. EPA's Compliance Monitoring Strategy (CMS) policy specifies the minimum inspection targets and occurrence frequency. CMS policy requires annual inspection planning and end-of-year inspection performance reporting via EPA's CMS form.

Enforcement is a deterrent to noncompliance and the means for correcting violations. DEQ issues enforcement responses of varying severity in accordance with the Enforcement Guidance for Field Staff. This guidance document is an internal management directive (IMD) that helps DEQ achieve a consistent and fair statewide enforcement program. The Enforcement Guidance for Field Staff may be found at <https://www.oregon.gov/deq/Filtered%20Library/enforcementpol.pdf>.

DEQ's enforcement response varies, according to the Enforcement Guidance for Field Staff, depending on the classification of the violation and the permittee's past enforcement history. According to the guidance, for select stormwater violations, DEQ may issue an Expedited Enforcement Offer (EEO). The EEO offers to settle the violations for a reduced penalty. However, the EEO is not an agency order and is therefore not appealable or negotiable. If the Respondent does not accept the EEO, DEQ will initiate formal enforcement using its normal process. DEQ's formal enforcement actions assess civil penalties and require corrective actions to achieve compliance. Finally, according to Appendix A of the Enforcement Guidance for Field Staff, (IMD on Water Quality Mutual Agreement and Orders), DEQ may offer to resolve ongoing and anticipated future violations in exchange for a set of enforceable commitments through an upfront Mutual Agreement and Final Order (MAO). MAOs may also include civil penalties, stipulated penalties, corrective action schedules, and interim limits. All MAOs will have a final, date certain, termination date. Upon request by EPA, an annual enforcement report with issued and closed formal enforcement action cases is prepared to assess enforcement performance.

DEQ will work with EPA to implement EPA's new National Compliance Initiatives, including the Significant Non-Compliance rate reduction goal. In federal fiscal year 2019, EPA introduced the new [National Compliance Initiatives](#) (NCIs), including the priority of keeping industrial pollutants out of the nation's waters by the Significant Non-Compliance (SNC) NCI.

EPA evaluates the NPDES program by the State Review Framework (SRF) process with the annual SRF data verification metrics from the Integrated Compliance Information System for NPDES permits (ICIS-NPDES) and a review of state databases and files every four years. DEQ will collaborate with EPA on making recommended improvements to the NPDES program based on findings and recommendations of the SRF report.



## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
6.1	DEQ will conduct compliance assistance and compliance assurance activities as appropriate (see additional detail below).	TA and support as needed.	<ul style="list-style-type: none"> <li>- TA provided to permittees.</li> <li>- DMRs from individual permittees reviewed.</li> </ul>	Ongoing	Partial	
6.2	<p>DEQ will respond to significant public complaints.</p> <p>Note: DEQ often performs a compliance inspection for complaints warranting a site visit.</p>	TA and support as needed.	<ul style="list-style-type: none"> <li>- Prompt response to complaints that involve potential significant threats to public health and the environment.</li> <li>- Investigate spills.</li> <li>- Enforcement actions as warranted.</li> </ul>	Ongoing	Partial	
6.3	<p>DEQ will continue its inspection program of major and minor facilities. DEQ will implement the Clean Water Act Compliance Monitoring Strategy (CMS) to ensure adequate inspection coverage, as resources allow.</p> <p>Notes:</p> <p>(1) Until DEQ agents are integrated into reporting through Your DEQ Online or YDO (formerly EDMS), DEQ will not consider DEQ agent administered permits for CMS targeting (i.e., construction and</p>	<p>As resources allow, Region may schedule joint and/or oversight inspections with DEQ.</p> <p>EPA may plan to do a number of industrial stormwater inspections in Oregon.</p>	<ul style="list-style-type: none"> <li>- DEQ will conduct inspections at major facilities every other year. Major facilities that qualify for offsite desk audits via Alternate CMS plan will also require on-site comprehensive inspections per CMS once each five-year permit cycle.</li> </ul>	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
	<p>industrial stormwater general permits, individual and general CAFO permits, etc.).</p> <p>(2) On the CMS report form, EPA's CMS national goal specifies "Traditional non-major" that are minor individual permits. DEQ does not plan inspections at industrial general permits other than stormwater, CAFO (agent only), Pesticide, and Vessel (no DEQ permit) general permits as given on the CMS form.</p> <p>(3) EPA's CMS national goal is "inspect as needed," so DEQ will at least respond to credible complaints against any of the registrants with NPDES 2300A general permit for pesticides.</p> <p>(4) DEQ may perform sanitary sewer inspections as part of a POTW/sewage treatment plant inspection. Per CMS national goal, DEQ targets at least 5% of the sanitary sewer system universe annually or more frequently to evaluate recurring Sanitary Sewer Overflows (or Combined Sewer Overflows).</p>		<ul style="list-style-type: none"> <li>- DEQ will conduct inspections at non-major facilities once every five years.</li> <li>- DEQ will target additional NPDES compliance efforts in targeted watersheds and environmental outcomes or NPDES compliance history.</li> </ul> <p>Stormwater:</p> <ul style="list-style-type: none"> <li>- Inspect at least 10% of industrial stormwater facilities per year.</li> <li>- Inspect at least 10% of construction sites 5 acres or larger per year</li> <li>- Inspect at least 5% of construction sites less than 5 acres per year.</li> <li>- Conduct compliance activities (review all annual reports and conduct at minimum five inspections per year) for Phase I permittees and Phase II MS4 permit registrants.</li> </ul>			

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			Pretreatment: - DEQ will audit three approved active pretreatment programs each year. - During each audit an oversight inspection will be conducted of at least two Industrial Users to the POTW. - DEQ will conduct a minimum of one Pretreatment Compliance Inspection based on annual report results per year (conduct a PCI IF the annual reports show a need for a follow up inspection. If there are no issues found in the annual reports then no inspections will be needed).			
6.4	DEQ will use the NPDES Compliance Monitoring Strategy Plan and End of Year Report provided by EPA. The annual CMS plan for the upcoming federal fiscal year must be submitted to EPA annually by the target date of each year. The CMS End of Year report of the former federal fiscal year must be submitted annually by the target date of each year.	Provide draft NPDES Annual CMS Plan and End of Year Report template.	Alternate CMS plan  Annual CMS plan  Annual CMS EOY report	Annually by August 15  Annually by September 15  Annually by December 15		
6.5	DEQ will pursue timely and appropriate enforcement actions as warranted.	TA and program support as needed.	Formal enforcement actions taken pursuant to state law and rule.	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
6.6	DEQ will, upon request, send to EPA all final formal enforcement actions issued and/or closed in the previous federal fiscal year for all NPDES major and minor facilities.		This annual report shall be submitted to EPA by the target date of each year following the federal fiscal year. The report shall be formatted to include Case Name, EPA Class, NPDES Permit Number, Case Number, Action Type, Issued Date, Penalty Assessed, Final Penalty Paid, Compliance Complete Date, and Case Closed Date.	Upon Request	Partial	
6.7	DEQ will work with EPA to update EPA/DEQ agreements, as needed.	EPA will work with DEQ to update EPA/DEQ agreements, as needed.	EPA/DEQ agreements related to NPDES will be reviewed to determine if revisions are needed. Agreements include the 2010 NPDES MOA. EPA will coordinate internally amongst permitting and compliance groups. DEQ will coordinate internally across DEQ regions, as appropriate. Updated agreements, as needed	Annually by October 31 of each year	Partial	
6.8	DEQ will participate in quarterly planning/coordination calls with EPA-SWES.	EPA-Surface Water Enforcement Section will participate in quarterly planning/ coordination calls with DEQ.	Coordination of inspection and enforcement work and improved work-sharing, as needed	Timelines per SRF report	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
6.9	DEQ will meet annually with EPA-NPDES Permitting and Enforcement Sections to discuss priorities, performance expectations, updates on issues and activities, inspection and enforcement targets, and opportunities for integrating work between EPA and DEQ.	EPA will meet annually with DEQ to discuss priorities, performance expectations, updates on issues and activities, inspection and enforcement targets, and opportunities for integrating work between DEQ and EPA.	Annual integrated work planning session.	Annually by October 31 of each year	Partial	
6.10	Per EPA-OECA protocol, DEQ will complete the annual review and data verification of DEQ-generated compliance and enforcement data in ECHO from ICIS-NPDES data. DEQ will supplement with state data any gaps in ECHO results of ICIS-NPDES data used for the annual SRF Data Metric Analysis.	EPA will use ECHO data for an annual SRF Data Metric Analysis. EPA will consider state data that supplements gaps in the ECHO data.	Verified Data and assessment of SRF metrics based on verified data.	February of each year for verified data.	Partial	
6.11	DEQ will work with EPA to implement the EPA National Compliance Initiatives, including the Significant Non-Compliance rate reduction goal.	EPA collaborates with states on routine national webinars, teleconferences, and symposiums to implement this policy to develop measures to reduce SNC. EPA plans to provide training and tools to reduce SNC to or below the 10.1% nationwide goal by 2022. Region 10 to conduct quarterly calls with DEQ on SNC reduction in Oregon.	Work with EPA to implement this policy with measures as developed.	NCI SNC rate reduction goal implementation October 2018 through September 2022.	Partial	
6.12	DEQ will implement the NPDES Electronic Reporting rule (eRule) depending on the declared Initial Recipient status.	EPA will provide assistance to DEQ and Oregon permittees for implementation of eRule.	DEQ will continue to have individual permittees use EPA's NetDMR, but DEQ's general permit registrants will submit DMRs to Your DEQ Online	DEQ will implement the eRule in collaboration with EPA on		

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Timeframe	Supported by PPG?	EPA PAM
			for Group 3 data in Phase 1 and applicable data groups in Phase 2. DEQ will collaborate with EPA and its agents to implement sharing of Group 1 data for Phase 1 and reports for Groups 2 through 10 using Your DEQ Online.	an agreed schedule.		
6.13	DEQ will continue to execute sustainable processes to maintain accurate data transfers from State data systems to ICIS.	EPA R10 will support and assist with acquiring funding from EPA HQ.	Continued complete and timely data transfers to ICIS through manual entry and batch upload routines and EPA's ICIS interface screens.	As scheduled by EPA	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

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

DEQ contact: Aaron Borisenko

EPA contact: Lisa Kusnierz (Regional Monitoring Coordinator), Cyndi Grafe (Watersheds Section, Hanh Shaw (Standards and Assessment Section), and Ashley Zanolli (106 Coordinator)

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

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

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

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

In addition, water quality data management is an integral element for the operation of the Water Quality Program. There are a variety of data management systems used by various subprograms in the Water Quality Program including the NPDES, TMDL, NPS, and Monitoring subprograms, as well as the (LEAD).

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



## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
7.1	Ambient Monitoring Network -DEQ will continue to monitor approximately 130 ambient water quality station 6 times annually throughout Oregon. These stations provide status and trends data for understanding water quality.	TA; consultation	<ul style="list-style-type: none"> <li>- Continue entering data into the AWQMS repository.</li> <li>- The Oregon Water Quality Index (OWQI) will continue to be updated annually. Annual reports will be prepared on water quality trends and indicators.</li> <li>- Data will be used to support the 303(d) assessment process and 305(b) report.</li> </ul>	Ongoing	Partial	
7.2	Collect water quality data to support TMDL development and to interpret implementation effectiveness.	Technical assistance support	TMDLs developed on schedule and supported by adequate data. Data to interpret TMDL implementation effectiveness available where needed.	Ongoing	Partial	
7.3	Establish and document updated thresholds for chemical, habitat and biological stressor metrics statewide using newly selected reference sites.	Technical assistance support	<ul style="list-style-type: none"> <li>-Calculated in-stream metrics for habitat/chemistry at all biomonitoring stations where data exists.</li> <li>- Revised thresholds for chemical and habitat stressors and biological metrics statewide</li> <li>-Documented process for establishing thresholds for stressors</li> </ul>	10/1/24	Yes	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
7.4	Improve biocriteria assessment methodology for integrated report using updated RIVPACs model, Biological Condition Gradient (BCG), and Index of Biological Integrity (IBI).	TA; consultation	Scientifically defensible models for assessing impairment. Assessment methodology peer reviewed and finalized.	1/2023	Yes	
7.5	Develop a consistent process to identify the most likely cause(s) of biological impairments, ensure the process is integrated into routine work flows within the Water Quality Program, and identifies resource needs.	TA; consultation	Establish DEQ team to develop consensus on methodology for biocriteria stressor identification.	10/1/23	Partial	
7.6	Migrate historic “habitat metrics” into AWQMS and work with EPA to migrate new habitat metrics into WQX	TA; consultation	Publicly accessible EPA habitat metrics for use in assessments.	4/1/23	Partial	
7.7	Collect and ship samples to EPA Manchester lab for Microbial Source Tracking analysis (MST) at Cannon Beach Oregon	MST analysis of samples	Refined understanding of bacterial sources contributing to beach advisories along Cannon Beach.	10/1/22	In-kind	
7.8	Development of a published temperature stressor model for macroinvertebrates.	TA; consultation	Peer reviewed journal article on macroinvertebrate temperatures stressor model.	4/1/2023	In-kind	
7.9	DEQ will collaborate with EPA, as resources allow, on EPA monitoring projects conducted in Oregon.	EPA will keep DEQ informed about their monitoring activities in Oregon and share data as it becomes available	TBD	As scheduled by EPA	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

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

DEQ contact: Gene Foster

EPA contact: Cyndi Grafe

Section 319 of the federal Clean Water Act requires states to have nonpoint source management programs based on assessments of the amounts and origins of NPS pollution in the state. The Coastal Zone Act Reauthorization Amendments require development of additional management measures for NPS within the coastal zone.

Nonpoint source pollution comes from numerous diffuse sources such as runoff from roads, urban areas, forestry operations, on-site disposal, farms and construction sites. This type of pollution is understood to be the largest source of water quality impairment in Oregon, as well as the rest of the United States. Historically, DEQ was able to provide close to \$1 million in 319 grant funds per year to local organizations for nonpoint source projects such as public education and watershed restoration. However, since 2015 DEQ's 319 grant funds have been reduced by EPA because EPA and NOAA determined that Oregon had not submitted a fully approvable Coastal Nonpoint Program under the Coastal Zone Act Reauthorization Amendments. The 2017 319 grant was reduced by \$515,600 and DEQ expects a similar level of reduction is possible in future years. DEQ's NPS program continues to fund the following activities:

- Characterization of NPS problems/concerns.
- Assessment to support and determine effectiveness of BMP's and DMA NPS programs.
- Coordination between DEQ and NPS stakeholders.
- Liaison staff to work with other state and federal agencies.
- Restoration activities.
- Development and modeling for NPS aspects of TMDLs; and
- Public education on NPS pollution.

Other areas of work include working with the Oregon Department of Agriculture (ODA) in the implementation of the Agriculture Water Quality Management Program, with biennial reviews of ODA's area plans and rules, and ongoing work with the Oregon Department of Forestry (ODF) concerning the sufficiency of that agency's programs to meet water quality standards and TMDLs. Basin coordinators and HQ staff analyze existing water quality data and provide a summary of the analysis to ODA and Local Advisory Committees for biennial reviews. DEQ compares water quality data to water quality standards and TMDL allocations and analyzes the water quality data for trends. The purpose of DEQ participation is to ensure that updated water quality information is considered during biennial reviews and potential rule revisions. Basin coordinators and HQ staff will also be involved in the design and application of ODA's and ODF's effectiveness monitoring of water quality improvement measures. When ODA and ODF are in the planning stages to develop effectiveness monitoring studies to evaluate how well plans and rules are meeting TMDL load allocations, DEQ will assist in the formulation of the goals and objectives (the questions to be answered) of the monitoring study. The purpose of DEQ's participation is to ensure that the studies are focused on outcomes that are directly related to water quality standards and TMDL load allocation targets and to ensure that the data collected and the analysis proposed is sufficient to answer these questions.

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

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
8.1	Distribute 319 funds as pass-through grants (sub-grants) to implement priority watershed-based plans or alternative plans.	Target Oregon's priority watersheds for funding. Provide technical support and review of 9-Key element watershed based plans and alternative plans.	Solicit and select projects.	May 2022 and May 2023	Yes	
8.2	DEQ implements an approach where 319 grant funded DEQ NPS staff time is used to implement TMDLs, WQMPs, IPs that have been determined to be Watershed Based Plans.	EPA will provide technical support and review of 9-Key element watershed based plans and alternative plans.	DEQ tracks and reports the number of 319 grant funded staff time devoted to tasks that are eligible for funding using EPA Section 319(h) watershed project funds and implements a watershed based plan or alternative plan.	2022-2024	Yes	
8.3	Complete an annual nonpoint source report that describes the progress in implementing the State's nonpoint source management program plan.	Review and take final action on annual report	NPS Annual Report.	May 2023 and May 2024	Yes	
8.4	Revise 5 Year non-point source program plan	Review and approve DEQ's revised 5 year NPS Plan.	Five year NPS Plan	April 2022	Yes	
8.5	Determine with EPA available NPS Success Stories documenting either water quality progress or full restoration under PAM.	Provide assistance in development of NPS Success Stories.	NPS Success Stories.	September 2022 and September 2023	Yes	SP-12 WQ-10

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
8.6	Enter GRTS 319 mandated elements to 319 project tracking data by national deadlines, including load reductions as available.	Provide technical assistance for GRTS-related function.	Data reflecting progress and status of 319 implementation for appropriate projects are in GRTS.	February 2023, February 2024 load reduction, other GRTS data (National GRTS reporting deadlines	Yes	WQ-9a WQ-9b WQ-9c
8.7	Implement an approach to ensure a watershed-based plan or acceptable alternative plan, as presented in EPA's 319 grant guidelines, has been completed in a geographical area prior to funding on-the-ground projects with Section 319 dollars. The approach will in part rely on TMDLs, WQMP, TMDL implementation plans, and other plans.	EPA will review, with assistance from DEQ, the Watershed Based Plans and take action on proposed alternative plans as presented in EPA's 319 grant guidelines.	Watershed Basin Plan or alternative plan checklists for specific watershed areas and pollutants describing how TMDLs, WQMPS, and other planning documents meet the required elements described in EPA's 319 grant guidelines.	February 2023 and February 2024	Yes	
8.8	Implement relevant aspects of the Agency Toxics Reduction Strategy.		Implement a toxics reduction strategy that incorporates air, land and water. This effort includes the Pesticide Stewardship Partnerships, Pesticide Collection Events, and other priority activities.	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

#	DEQ Commitment	EPA Commitment	Outputs	Target Date	Supported by PPG?	EPA PAM
8.10	DEQ reviews ODA's area plan and rules and advises ODA of any changes or additions necessary to achieve water quality standards and meet TMDL agricultural load allocations.	TA and consultation	DEQ has submitted to ODA written comments and recommendation of any changes or additions to area plans and rules during the biennial review process.	Ongoing	Partial	

## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

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

DEQ contacts: Gene Foster

EPA contacts: Karen Burgess and Michelle Tucker

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

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

DEQ's source water protection work is reported to EPA Region 10 in OHA's annual reports. These annual reports are completed in conjunction with the OHA and include an accounting of the total population and public water systems that implement new source water protection strategies every year. Source Water Protection activities that address non-point sources of pollution are included in the NPS Plan and reported annually in DEQ's NPS report to EPA.



## APPENDIX C: WATER QUALITY PROGRAM COMPONENT

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

DEQ contacts: Lynn Barlow

EPA contacts: Karen Burgess and David Carcia

CWSRF program established in 1987 provides low interest-rate loans to water quality infrastructure projects such as upgrading sanitary sewers. Over the years, the program also started funding more non-point sources projects (e.g. stream restoration) and estuary projects in designated estuaries (e.g. Tillamook). The programs are run by the states and Puerto Rico. Congress funds all CWSRF programs through the EPA capitalization grants, which require 20 percent matching funds. Because state SRF's receive substantial annual loan repayments, even more water quality projects can be funded. Oregon's SRF program awarded \$66 million for loans (SFY19), of which the capitalization grant and match funds represented approximately \$21 million. The program was designed to grow in this manner as more projects were completed and loans repaid, more funds are available for other communities in need. Oregon SRF provides below-market rate loans and bond purchase agreements with a variety of terms, offering communities more financing choices to plan, design and construct water quality improvement and protection projects. Through 2019, DEQ has provided loans to 191 communities totaling more than \$1.33 billion.

Eligible Oregon SRF loan recipients include cities, counties, sanitary districts, soil and water conservation districts, irrigation districts, school districts, and various special districts. As of July 2019, a new law (Senate Bill 884) allows Oregon to lend to non-profit Community Development Financing Institutions (CDFIs), certified by the US Department of Treasury, for the specific purpose of funding repairs to individual homeowner septic systems. The national CWSRF program has allowed this eligibility for several years and now Oregon can fund these borrowers. DEQ still needs to conduct its administrative rulemaking after which they can start funding CDFI to address septic system repair and replacements in 2021.

DEQ distributes SRF loan awards across the state and aims to fund a variety of projects from small communities to larger municipalities. Since many of the small community projects tend to be lower cost, a majority of the SRF funds tend to be provided to larger municipalities to address wastewater treatment needs, which helps DEQ meet wastewater discharge permitting and surface water quality obligations. These water quality standards are required under the Clean Water Act to protect beneficial uses such as recreation, fish habitat, boating, irrigation and drinking water. While continuing to serve traditional municipal wastewater needs, the CWSRF program also provides funding and incentives to address nonpoint water pollution and is integrating sustainable approaches to water quality improvement and protection.

EPA oversees the state-implemented CWSRF program and provides technical assistance to ensure overall CWSRF program consistency with federal regulations, while acknowledging the uniqueness of each state's program needs. EPA accounts for the requirements of the Clean Water Act, federal regulations and the EPA CWSRF program guidance whenever considering requests for flexibility, depending on their specific circumstances. DEQ and EPA Region 10 maintain an Operating Agreement that stipulates the practices, procedures and expectations that remain the same from year to year. While SRF implementation is delegated to the state, EPA will coordinate with DEQ SRF as practicable in support of Oregon's program. For example, DEQ provides EPA with an SRF intended use plan (IUP) up to three times per year, and also provides an annual report to EPA on the financial and programmatic accomplishments during the state fiscal year. DEQ reports on environmental outcomes in EPA's environmental benefits system (aka CBR) for the CWSRF. DEQ also reports aggregate financial data into the EPA's National Information Management System (NIMS). These reports inform the EPA's annual review of the state SRF program.

# **APPENDIX D: ENVIRONMENTAL JUSTICE**

## **APPENDIX D: ENVIRONMENTAL JUSTICE ENVIRONMENTAL JUSTICE ACTIONS: 2020-2022**

In 2020-22, Oregon DEQ continued many of its established environmental justice activities and partnerships, and begin other, new, activities to further the progress of environmental justice in Oregon. The items below are tasks accomplished during the period covered by the 2020-2022 EPA/Oregon DEQ Performance Partnership Agreement, and those that remain ongoing.

### **Accountability**

- Quarterly updates, by oral or written summary, and annual written reports to the Oregon Environmental Justice Task Force (ongoing)
- As directed by Governor Brown's Executive Order 20-04 related to climate change and greenhouse gas emissions reduction, provided an interim report to the Governor's Office in May 2020 on DEQ's plan to implement the Order, including plans to meaningfully engage communities and individuals disproportionately impacted by climate change.

### **Partnerships**

- Collaborated and engaged with EPA Region 10 and the states of Washington, Idaho and Alaska through a monthly conference call for EJ issues (ongoing)
- Participated on EPA's Western States Environmental Justice quarterly meetings (ongoing)
- Collaborated through regular communication and information-sharing with other Oregon state agencies working with communities and individuals encountering environmental justice issues (ongoing)
- Partnered with other state agencies and their respective boards or commissions to fulfill the environmental justice and equity directives of Executive Order 20-04 (ongoing)

### **Training**

- Provided individual and group trainings on EJSCREEN to all staff, typically at section or division meetings or in 1:1 sessions, on an as-requested basis (ongoing)
- Provided in-depth environmental justice and EJSCREEN trainings, in-person and by webinar, made available to all staff at least once per year (ongoing)
- Developed a 30-minute Introduction to Environmental Justice training available to all new Oregon DEQ employees as part of the agency's New Employee Orientation protocol.

### **Improvements to language access**

- Worked with the Oregon Department of Administrative Services and DEQ Procurement staff to finalize state price agreements for written translation and interpretation service contracts, which are available for all state agencies to access for these services.

### **Incorporate EJ into agency activities, other than monitoring and permitting**

- Inclusion of EJ considerations and expertise in designing the policy development process for work to reduce greenhouse gas emissions in Oregon.

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- Established and implemented the use of EJ criteria as part of the agency process for prioritizing the backlog of cleanup sites in the Northwest Region Underground Storage Tanks Program
- Incorporated EJ-specific provisions and elements of Executive Order 20-04 into the Clean Fuels Program, including enhancements to the fleet electrification credit-generating process.
- Strengthened food waste prevention and recovery goals as outlined in Executive Order 20-04, and began development of revised community-based engagement and programs to accomplish these goals.
- Included an EJ prioritization methodology in the development of the 2018-2028 Oregon Regional Haze Plan and Program.
- Established the Oregon Clean Vehicle Rebate Program and the Charge Ahead Rebate specifically designed to provide additional rebates to low- and moderate-income people in Oregon who lease or purchase an electric vehicle.
  - o This program was also expanded, with greater rebate amounts available to low- and moderate-income people through the Charge Ahead Program on Jan. 1, 2022, following legislative action in the 2021 Oregon Legislative Session.
- Established a staff-led Environmental Justice Workgroup for information sharing, technical review and policy coordination across agency programs.

### **Incorporate EJ into agency monitoring and permitting decisions**

- Implemented the Cleaner Air Oregon Program's prioritization process, guiding what facilities are brought into the new regulatory program's assessment process, and tracking how the EJ factors influence overall facility prioritization.
- Implemented the Oregon Climate Protection Program, a sector-based cap-and-reduce-style program for greenhouse gas emissions, per Executive Order 20-04.
- Implemented new regulations for methane emission reductions at landfills, per Executive Order 20-04.

## ENVIRONMENTAL JUSTICE ACTIONS: 2022-2024

Oregon DEQ, along with the U.S. Environmental Protection Agency, is committed to taking decisive action to advance environmental justice and civil rights within the state of Oregon.<sup>3</sup> In 2022-24, Oregon DEQ will continue many of its established activities and partnerships for environmental justice and begin other, new activities to further the progress of environmental justice in Oregon. Oregon DEQ will fulfill the tasks and objectives outlined in this document in alignment with federal and state objectives to reduce, or eliminate, disproportionate impacts<sup>4</sup> from environmental policy decisions in Oregon, and to ensure that

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<sup>3</sup> In alignment with Goal 2 of EPA 2022-26 Strategic plan

<https://www.epa.gov/system/files/documents/2021-10/fy-2022-2026-epa-draft-strategic-plan.pdf>

<sup>4</sup> In alignment with the recommendations of the White House Environmental Justice Advisory Committee's 2021 Revisions to Federal Executive Order 12898,

[https://www.epa.gov/sites/default/files/2021-05/documents/whejac\\_interim\\_final\\_recommendations\\_0.pdf](https://www.epa.gov/sites/default/files/2021-05/documents/whejac_interim_final_recommendations_0.pdf)

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all people have meaningful opportunities for engagement in Oregon DEQ's environmental policy decisions that affect where they live, work, learn, practice spirituality and play<sup>5</sup>.

Relevant laws, policy directives and frameworks upon which Oregon DEQ bases its environmental justice work are outlined below; however, the table is not a comprehensive documentation of state and federal legal authorities. Oregon DEQ acknowledges that new federal or state-specific laws and policy directives may supersede or be used in addition to the named documents over the course of this 2022-24 Performance Partnership Agreement. Oregon DEQ recognizes that the commitments made in this appendix are the start of our commitment to environmental justice and civil rights. Oregon DEQ will ensure environmental justice is a consideration in all practical applications and that these efforts are coordinated, collaborative, and in support of equitable outcomes for all of Oregon's residents.

Federal laws, documents and frameworks	Oregon-specific laws, documents and frameworks
Executive Order 12898 (1994) and revisions (2021)	Oregon Environmental Justice Laws (ORS 182.538-550)
U.S. Civil Rights Act, Title VI (1968, and revisions since)	Executive Order 20-04 (2020)
Justice40 (2021)	State of Oregon 10 Strategies for Equity in State Government (2021)
EPA 2022-26 Strategic Plan, Goal 2 (2021 draft)	2021 Oregon Legislation: Senate Joint Resolution 15; House Bill 2165; House Bill 2167
	2022: Oregon Legislation: House Bill 4077
	Oregon DEQ Strategic Plan (pending, 2021)

### **Enhance community partnerships and engagement**

- Establish best practices and procedures for community engagement when a facility, project or site has been determined to be an area of environmental justice concern based on local data and information, EPA's Environmental Justice Screening Tool (EJSCREEN) and/or the Climate and Economic Justice Screening Tool (CEJST) analysis
  - o Ensure that houseless populations, migrant/temporary agricultural and forestry workers and people incarcerated or otherwise institutionalized are specifically considered in this analysis, as they are often not included in the demographic data used by EJSCREEN, CEJST and other government tools
- Ensure that public comment opportunities provide a meaningful opportunity for community engagement and demonstrable methods by which a community or individual has equitable access to the process and outcome of agency decision-making practices
  - o Ensure that all public documents meet or exceed the State of Oregon requirements and best practices for plain language
  - o Ensure that Oregon DEQ staff are aware of and accessing translation/interpretation services in accordance with Oregon DEQ's Limited English Proficiency and language access plans

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<sup>5</sup> In alignment with the definitions of environmental justice established by the State of Oregon's Environmental Justice Task Force:

[https://www.oregon.gov/gov/policy/environment/environmental\\_justice/Pages/default.aspx](https://www.oregon.gov/gov/policy/environment/environmental_justice/Pages/default.aspx)

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- o Ensure that methods and venues of notice provided for opportunities to comment are issued in languages and formats accessible to those most potentially affected by the proposed changes or decisions
  - o Look for ways to provide opportunities for capacity building to communities with EJ concerns to support their ability to meaningfully engage and provide comments and feedback
- Whenever practicable, establish state-community partnerships for the development and implementation of site-specific projects, including but not limited to grant-funded research and project opportunities

### **Multi-jurisdictional collaboration**

- Continued participation on a monthly call/work session with representatives of EPA Region 10, Washington, Idaho and Alaska environmental regulatory agencies and invited guests
- Continued participation in the monthly Environmental Council of States' Environmental Justice Workgroup, comprised of representatives of state environmental regulatory agencies
- Continued participation in the Western States' Environmental Justice call, convened by EPA
- Continued collaboration with other state agencies and their respective boards or commissions to fulfill the environmental justice and equity directives of Oregon Executive Order 20-04
- Continued collaboration, including regular communication and data/toolkit sharing, with other Oregon state agencies working with communities and individuals encountering environmental justice issues

### **Training for Oregon DEQ staff**

- Provide a 30-minute Introduction to Environmental Justice training to all new Oregon DEQ employees as part of the agency's New Employee Orientation protocol
- Make available introductory EJ training and tool-specific training on-demand to all staff through the agency's online training system
  - o EJSCREEN and the Climate and Economic Justice Screening Tool (2021 beta version) are the intended tools for this training; however, Oregon DEQ may integrate additional tools, developed at the state or federal level, as they become available
- Make available training in cultural competency and understanding implicit bias for all DEQ employees, on-demand through the agency's online training system
- Provide individual and group trainings on specific mapping tools and general environmental justice topics to all staff, typically at section or division meetings or in 1:1 sessions, on an as-requested basis

### **Programmatic integration of environmental justice**

- Continued quarterly updates, verbal and written, and annual written reports to the Oregon Environmental Justice Task Force regarding Oregon DEQ's implementation of Oregon EJ statutes and policy direction
  - o A copy of this annual report will also be provided directly to EPA's Region 10 Environmental Justice Coordinator

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- Establish and implement EJ analysis and criteria as part of the Oregon DEQ process for policy development, including rulemaking and standards revisions
- Develop best practices and procedural guidance for Oregon DEQ staff for directing Supplemental Environmental Project funds to communities with environmental justice concerns or otherwise facing disproportionate environmental harms and pollution burdens
- Coordinate activities and opportunities for cross-training by Oregon DEQ's Environmental Justice Coordinator and members of the internal Oregon DEQ Diversity, Equity and Inclusion Council.
- Establish and implement guidelines for diversifying DEQ's advisory committees and workgroups, including, but not limited to, participants representing environmental justice issues and community-based organizations
  - o Guidelines may include revisions to requirements for participation to ensure equitable access for all people, assessment and updates to methods and venues of recruitment for committee members, research and establishment of best practices and procedures for compensation when a member is not otherwise paid for their involvement with the committee, and other actions to ensure Oregon DEQ's committees and workgroups better reflect the communities which bear disproportionate environmental burdens
- Implement the DEQ-specific directives of Oregon Executive Order 20-04 related to landfill methane emissions reduction, expansion of the Oregon Clean Fuels Program, establishment of a cap-and-reduce program for climate protection and additional directives to all state agencies

### **Develop a comprehensive Title VI compliance program**

- Consistent with the requirements of Title VI of the U.S. Civil Rights Act, Goal 2 of the 2022-26 EPA Strategic Plan and the EPA Title VI toolkit<sup>6</sup>, Oregon DEQ will develop a comprehensive Title VI program
  - o Identify an ombudsperson or other point of contact for Title VI complaints
  - o Establish and maintain an external webpage for Title VI information, including process documents and procedural information on how any person can make a Title VI complaint
  - o Conduct a program review to ensure that all Oregon DEQ programs are fulfilling their Title VI obligations for non-discrimination in decision-making, awarding grants, permit review/actions and policy implementation
  - o Utilize EPA's External Civil Rights Compliance Office Compliance Toolkit and the Procedural Safeguards Checklist for Recipients – Federal Non-Discrimination Obligations and Best Practices<sup>7</sup> form to help guide Oregon DEQ's Title VI program

### **Improve language access plans and processes**

- Consistent with the requirements of Title VI of the U.S. Civil Rights Act and related federal guidance, finalize an Oregon DEQ Limited English Proficiency implementation plan with

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<sup>6</sup> As available online: [https://www.epa.gov/sites/default/files/2020-02/documents/toolkit\\_ecrco\\_chapter\\_1-letter-fags\\_2017.01.18.pdf](https://www.epa.gov/sites/default/files/2020-02/documents/toolkit_ecrco_chapter_1-letter-fags_2017.01.18.pdf)

<sup>7</sup> As available online: [https://www.epa.gov/sites/default/files/2020-02/documents/procedural\\_safeguards\\_checklist\\_for\\_recipients\\_2020.01.pdf](https://www.epa.gov/sites/default/files/2020-02/documents/procedural_safeguards_checklist_for_recipients_2020.01.pdf)  
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measurable outcomes to address the identified needs of LEP populations and provide guidance for agency staff

- o This implementation plan will include training for Oregon DEQ staff on LEP requirements and associated policies, procedures and best practices
- Develop and implement procedures for the procurement of written translation, verbal interpretation and ASL interpretation services
  - o Provide guidance to Oregon DEQ staff on when translation or interpretation services must be procured and best practices for offering services beyond legal requirements
  - o Provide guidance to Oregon DEQ staff on the procurement process steps for required or discretionary translation or interpretation services
- Update Oregon DEQ's website, fact sheets and other relevant public documents to include standardized statements, in multiple languages, on how to access agency information in non-English languages

### **Future opportunities**

- Develop an Oregon-specific environmental justice mapping tool: In collaboration with other state agencies, government partners and community-based organizations, and under the direction of the Oregon Environmental Justice Council, DEQ will participate in the development of a technical mapping tool, similar to EPA's EJSCREEN, for Oregon-specific environmental justice data collection and tracking
  - o Development of this new tool will be led by the Oregon Environmental Justice Council, and is expected to be complete by July 1, 2024
  - o Once developed, DEQ and other Oregon natural resource agencies will use of this mapping tool in EJ-specific data analysis to inform policy development, improve community outreach and engagement, and assist in grantmaking and other funding programs
  - o While the Oregon-specific mapping tool is being developed, Oregon DEQ will utilize EPA's EJSCREEN and the Council on Environmental Quality's CEJST to conduct analyses and help determine locations and potential impacts to communities with environmental justice concerns
- In the 2023 Oregon Legislative Session, request Oregon Legislative authorization and funding for at least one new, permanent, full-time position to serve as the Oregon DEQ Environmental Justice Coordinator.
  - o This new position would serve as the primary contact for all staff and external parties on issues of environmental justice and Title VI compliance for the agency
  - o Any additional EJ-focused position requests would be in addition to the coordinator role
- Seek dedicated federal funding, through standard federal grant processes and EJ-specific opportunities, to provide additional staff resources, funding for community-based engagement and project work centered on environmental justice issues and communities with EJ concerns.
  - o Oregon DEQ may participate in grant proposals as the primary agency, or in partnership with other State of Oregon agencies or governmental entities working in communities across the state.

Oregon DEQ will undertake these, and other, EJ-related activities to the extent that resources, including staff, are available.



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