



State of Oregon
Department of
Environmental
Quality

Water Quality Trading in Oregon: Legal Considerations

Courtney Brown

DEQ – Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

503-229-6839

brown.courtney@deq.state.or.us



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Water Quality Trading Authority: Rooted in State law

- TMDLs:
 - Issued as Department Orders
 - Authorize trading as a compliance option
 - EPA approved
- EPA Water Quality Trading Policy (2003)
- Oregon Statute: “The Willamette Watershed Improvement Act” (2001)

Rulemaking Objectives

- Clarify State Authority
- Transparency
- Accountability
- Consistency



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What do the draft rules do?

- Establish Eligibility
- Establish Common Definitions
- Specify Required Elements of a Trade
- Sideboards & Prohibitions
- “Marry” TMDLs, NPDES, non-point source requirements



Rulemaking process

Link to draft rules and comment page can be found at:

<http://www.oregon.gov/deq/RulesandRegulations/Pages/2015/wqtrade.aspx>

- Comment period closes: September 25th
- Presented to state Commission for adoption in December 2015; rules become “final” shortly after adoption