Water Quality Trading in Oregon: Legal Considerations

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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


• Oregon Statute: “The Willamette Watershed Improvement Act” (2001)
Rulemaking Objectives

• Clarify State Authority
• Transparency
• Accountability
• Consistency
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