

State of Oregon  
Department of Environmental Quality Memorandum

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**Date:** March 7, 2023  
**To:** Environmental Quality Commission  
**From:** Leah Feldon, Director  
**Subject:** Item C: Status of Upper Yaquina River Watershed Bacteria and Dissolved Oxygen TMDLs Rulemaking (informational)  
March 17, 2023, EQC meeting

**Purpose of item** DEQ will provide an overview of the Upper Yaquina River Watershed bacteria and dissolved oxygen Total Maximum Daily Loads development and status of rulemaking process.

**Background** At the May 19-20, 2022, meeting, the commission concurred with DEQ's proposed list and schedule for 2023 and 2024 TMDLs to be proposed as rules, which included the Upper Yaquina River Watershed bacteria and dissolved oxygen TMDLs. Over the past several months DEQ has been developing and conducting a rulemaking process for the Upper Yaquina TMDLs for adoption by the commission as a rule. DEQ conducted two Rule Advisory Committee meetings and is planning a third in March 2023. DEQ has also been working with several designated management agencies during development of this TMDL. While the rulemaking process is underway for several TMDL projects, the Upper Yaquina project is anticipated to be the first proposed for adoption as a rule.

**Key Issues** DEQ will present information regarding:

- The Upper Yaquina River Watershed land uses, bacteria and dissolved oxygen water quality impairments and TMDL development
- Status of the rulemaking and public processes
- Discussion topics to date during engagement with the community, local and technical advisory groups, designated management agencies; rule advisory committee; and tribes
- Policy considerations anticipated for commission deliberation

[DEQ's Upper Yaquina Rulemaking website](#) provides summaries of the Rule Advisory Committee meetings and materials and will be updated as the rulemaking process progresses.

**Next steps**

DEQ will continue to develop the Upper Yaquina TMDLs and provide any additional information requested by the commission about this TMDL. DEQ will use the commission's input during discussions with the community and when completing the advisory committee and public processes.

**EQC involvement**

There is no request for commission action as part of this agenda item. DEQ plans to share outcomes from completion of the public process and propose rule adoption of the Upper Yaquina TMDLs to the commission in September 2023.

Report compiled by Alex Liverman  
*Water Quality Program*