

Total Maximum Daily Load 2022 Rulemaking Informational item

Water Quality Program

Item D

July 22, 2021

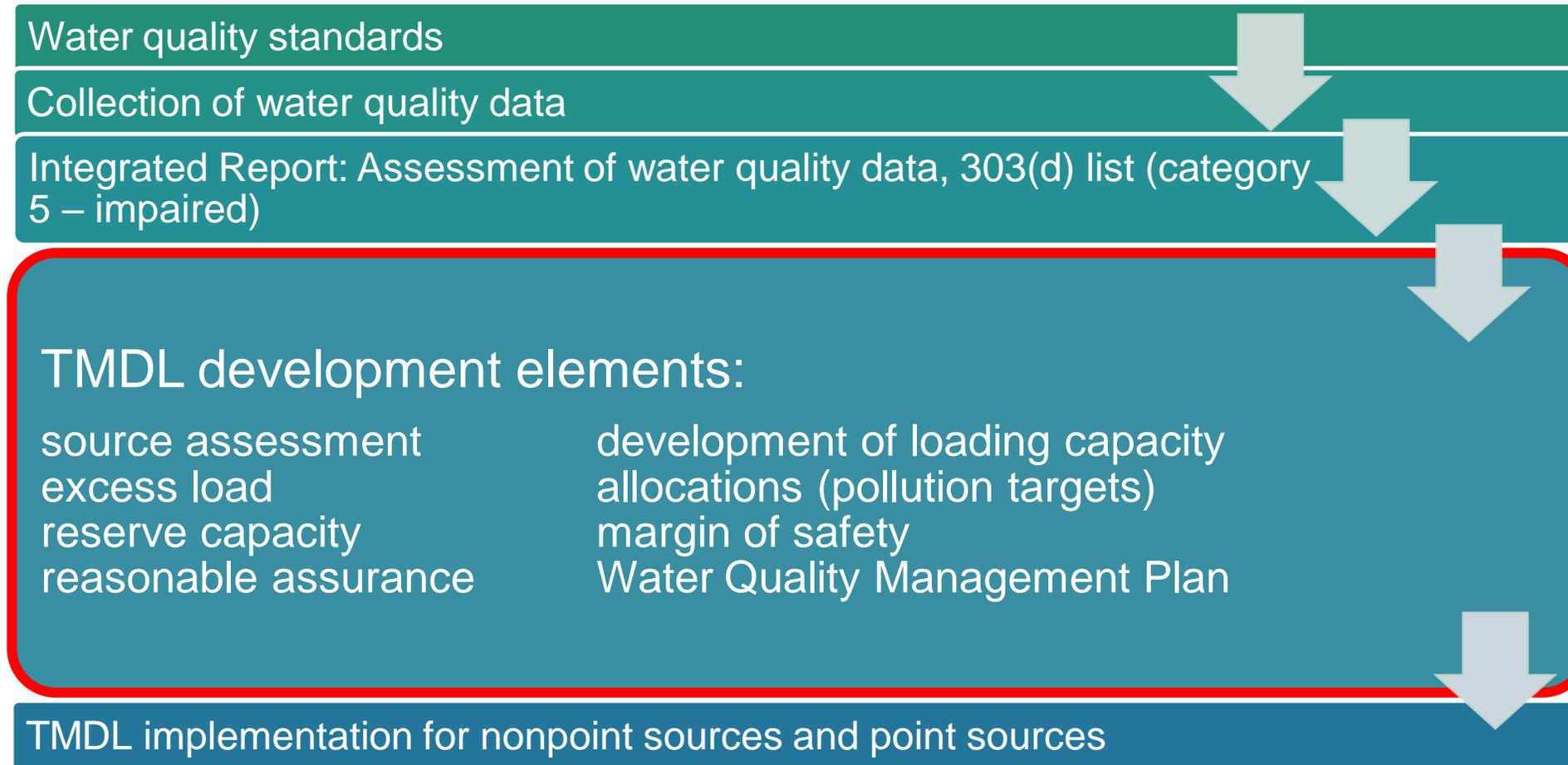
Oregon Environmental Quality Commission meeting

Total Maximum Daily Loads (TMDLs)

TMDLs are science-based clean water plans used for cleaning up polluted water to meet water quality standards.

TMDLs are developed for each water body on the state polluted waters list known as the 303(d) list; the Clean Water Act section for listing impaired and threatened waters.

Clean Water Act: TMDL framework



TMDL elements

Water quality standards

Collection of water quality data

Integrated Report: Assessment of water quality data, 303(d) list (category 5 – impaired)

TMDL development elements:

source assessment

excess load

reserve capacity

reasonable assurance

development of loading capacity
allocations (pollution targets)

margin of safety

Water Quality Management Plan

TMDL implementation for nonpoint sources and point sources

Division 42 TMDL proposed rule changes

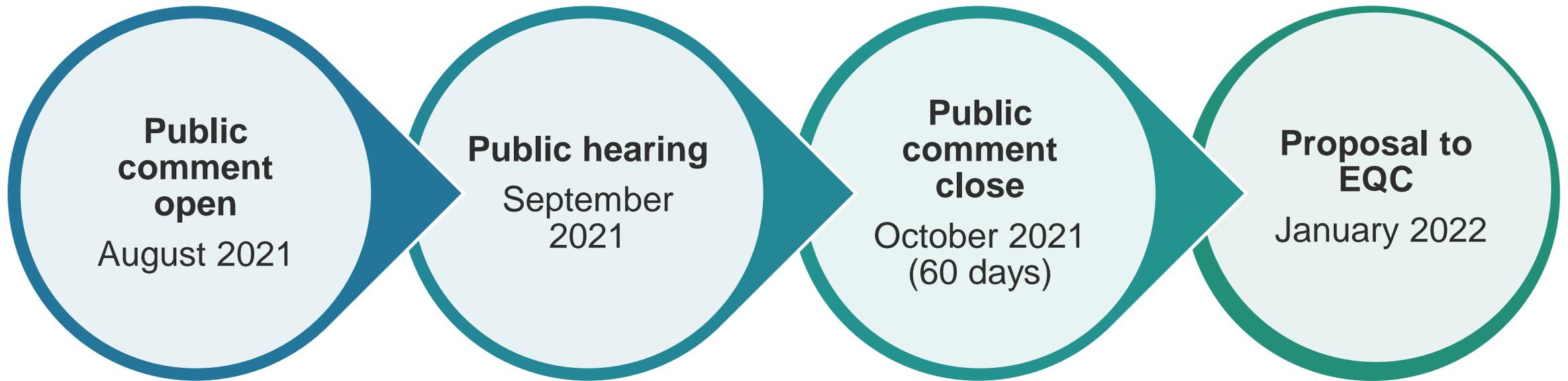
Reasons for this rulemaking:

- Predictable and transparent administrative procedures associated with rulemakings
- Policy considerations will result in those issues being considered by the EQC, DEQ's policy-making body
- Align the administrative rules with the statute to allow TMDLs by rule and order.

Division 42 TMDL proposed rule changes

1. Add rule language acknowledging EQC can adopt TMDL by rule in addition to the Director issuance of TMDL by order
2. Add companion rule language addressing circumstance when EPA establishes a TMDL for Oregon waters to specify that the EQC can issue a Water Quality Management Plan by rule to implement EPA's TMDL in addition to Director's authority to issue the WQMP by order
3. Additional proposed changes to rule language for clarity or to reflect current federal requirements established by case law
 - a. Adding "daily load" to the TMDL definition
 - b. Updating the definition for reasonable assurance
 - c. Adding language to reasonable assurances of implementation from the federal interpretation
 - d. Adding a definition to clarify the term responsible person

Division 42 TMDL rulemaking schedule



Rulemaking website: <https://www.oregon.gov/deq/Regulations/rulemaking/Pages/tmdl2022.aspx>

Questions?



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Website: <https://www.oregon.gov/deq/Regulations/rulemaking/Pages/tmdl2022.aspx>