

TMDLs by Rule: Process and Schedule

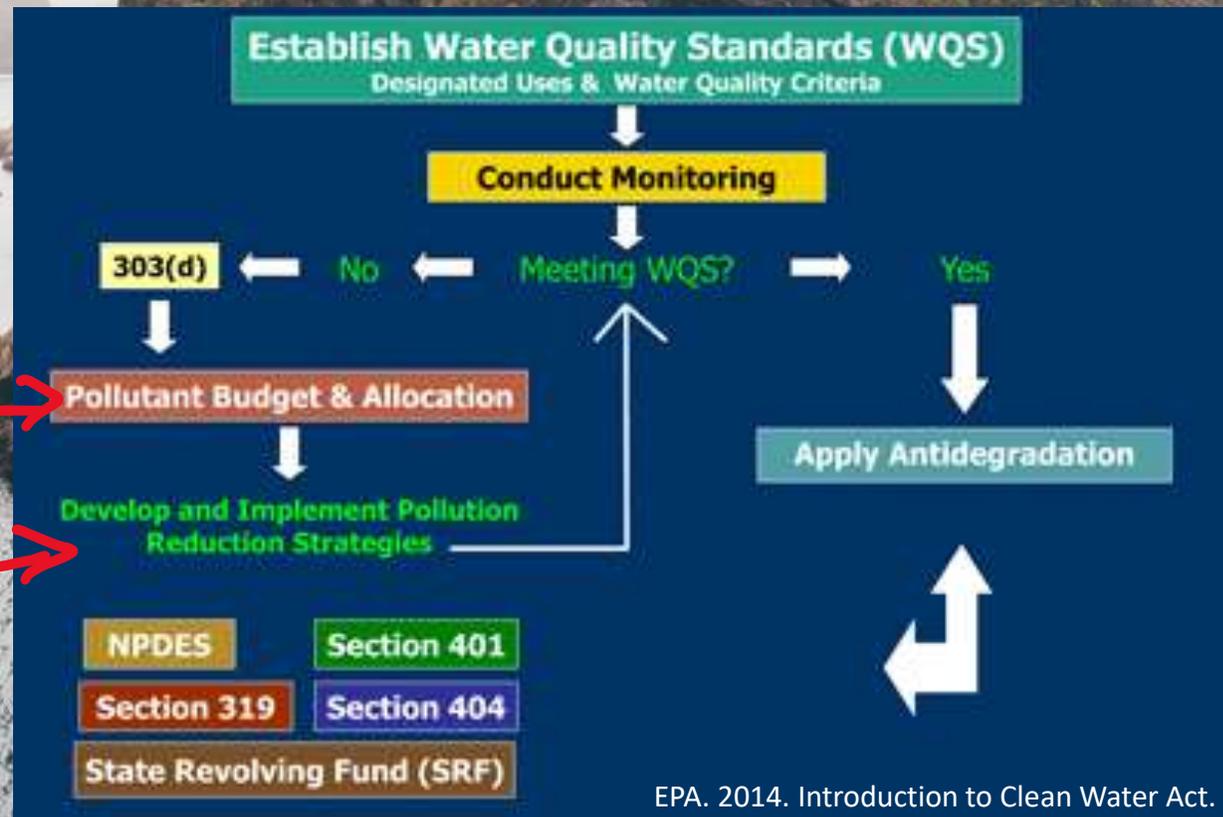
Jennifer Wigal, Water Quality Administrator
and
Gene Foster, Watershed Section Manager
April 6, 2022

Presentation Outline

- TMDLs – Elements of the process – what's in rule and what's not
- Commission interactions – Process for proposing TMDLs by rule and information to be provided prior to request for commission action
- Proposed Schedule – When the commission gets information and requests for action 2022 through 2024

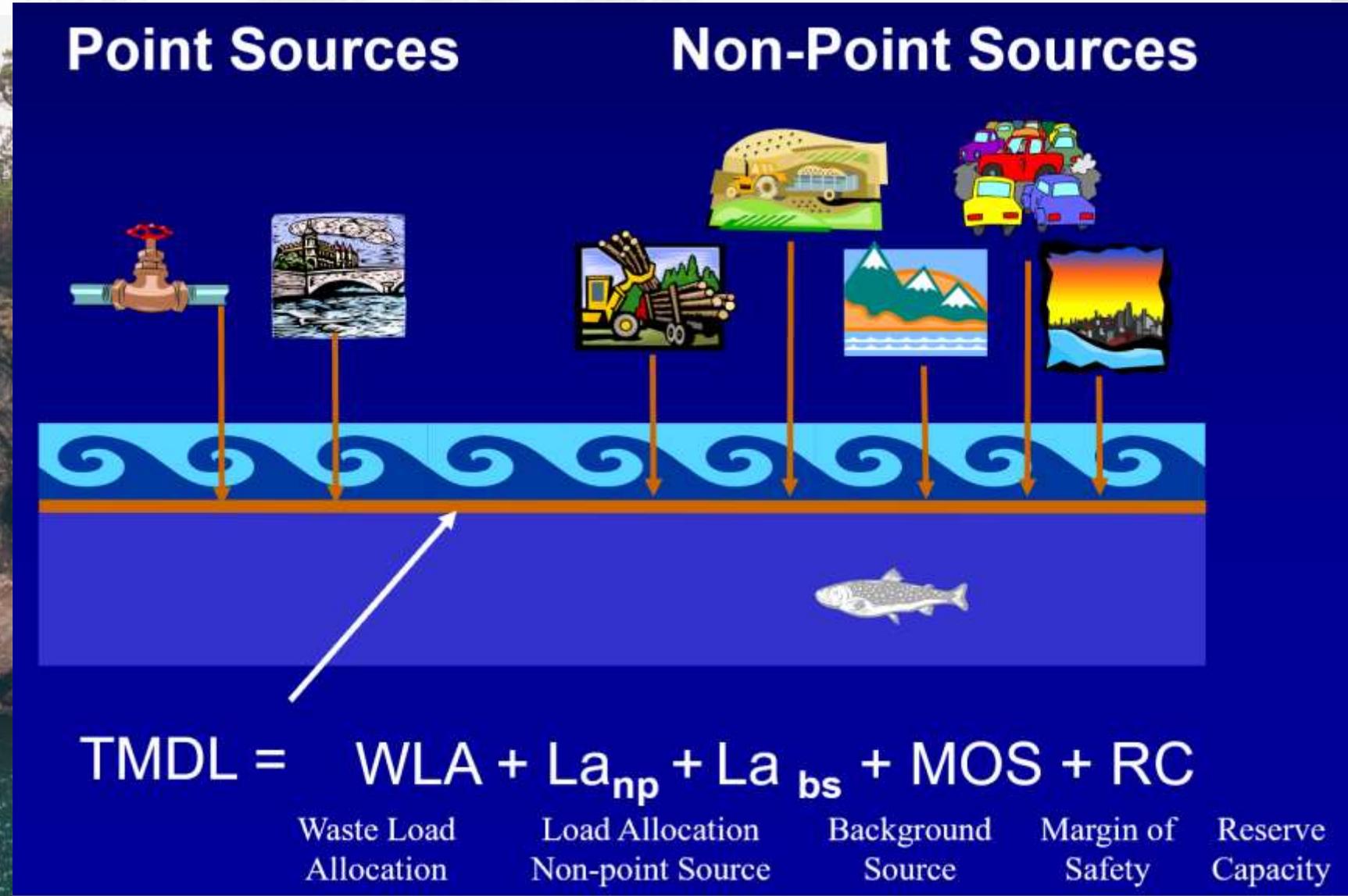
Total Maximum Daily Loads General Process

- Clean Water Act requires biennial listing of impaired waters
 - DEQ's 2022 Integrated Report = 303(d) impairments and 305(b) assessments
 - When listed as Category 5, Total Maximum Daily Loads (or alternatives) must be developed



Total Maximum Daily Loads General Process

- Data, Modeling and Analysis
- Local input
- Designated Management Agencies and other partners



TMDL Development

Standardized documents

- Quality Assurance Project Plan – plan for data assessment and collection, modeling and analyses and accepted by EPA
- TMDL Report – Contains all the TMDL legal requirements for adoption by EQC into rule or issued as an order and acted on by EPA
- Water Quality Management Plan – the implementation framework for DMAs and other responsible persons on management measures and timelines, adopted by EQC into rule or issued as an order, and supports reasonable assurance determination
- TMDL Technical and Policy Support Document – analytical details and policy considerations in support of TMDL elements including the WQMP and referred to during TMDL review by EPA, EQC, DEQ and the public

DEQ Biennial TMDL Prioritization Process

Timing	Action
Nov – Dec 2021	Using prioritization criteria DEQ identifies TMDL development priorities, solicits input from EPA and partners (ODF, ODA, OHA...)
Dec 2021 – Jan 2022	Publish TMDL priorities and schedule in Integrated Report for <u>public comment</u>
Mar – Apr 2022	Consider public comment and integrate any priorities determined through EPA Performance Partnership Agreement renewal
Apr 2022	TMDL Priorities <u>submitted to EPA</u> as a required element of the Integrated Report
Repeat every two years - beginning in Nov 2023 and Nov 2025, etc.	

Criteria: TMDL Prioritization and Issuance Path

- **Severity of impacts to water quality and water uses:**
 - Multiple or significant impairments
 - Public health uses impaired (e.g. drinking water, fish consumption, contact recreation)
 - Scale of point and nonpoint source discharges and pace of achieving controls
- **TMDL litigation or court-ordered deadlines**
- **Large geographic areas or large number of stakeholders and affected public**
- **Public input and stakeholder engagement/motivation for implementation within subbasin**
- **DEQ resources (e.g. availability of WQ analyst or Basin Coordinator time)**
- **Cross-program and cross-agency priorities/funding**

Annual EQC Interaction on TMDLs by Rule

May 2022 – DEQ to propose the list/schedule for 2023

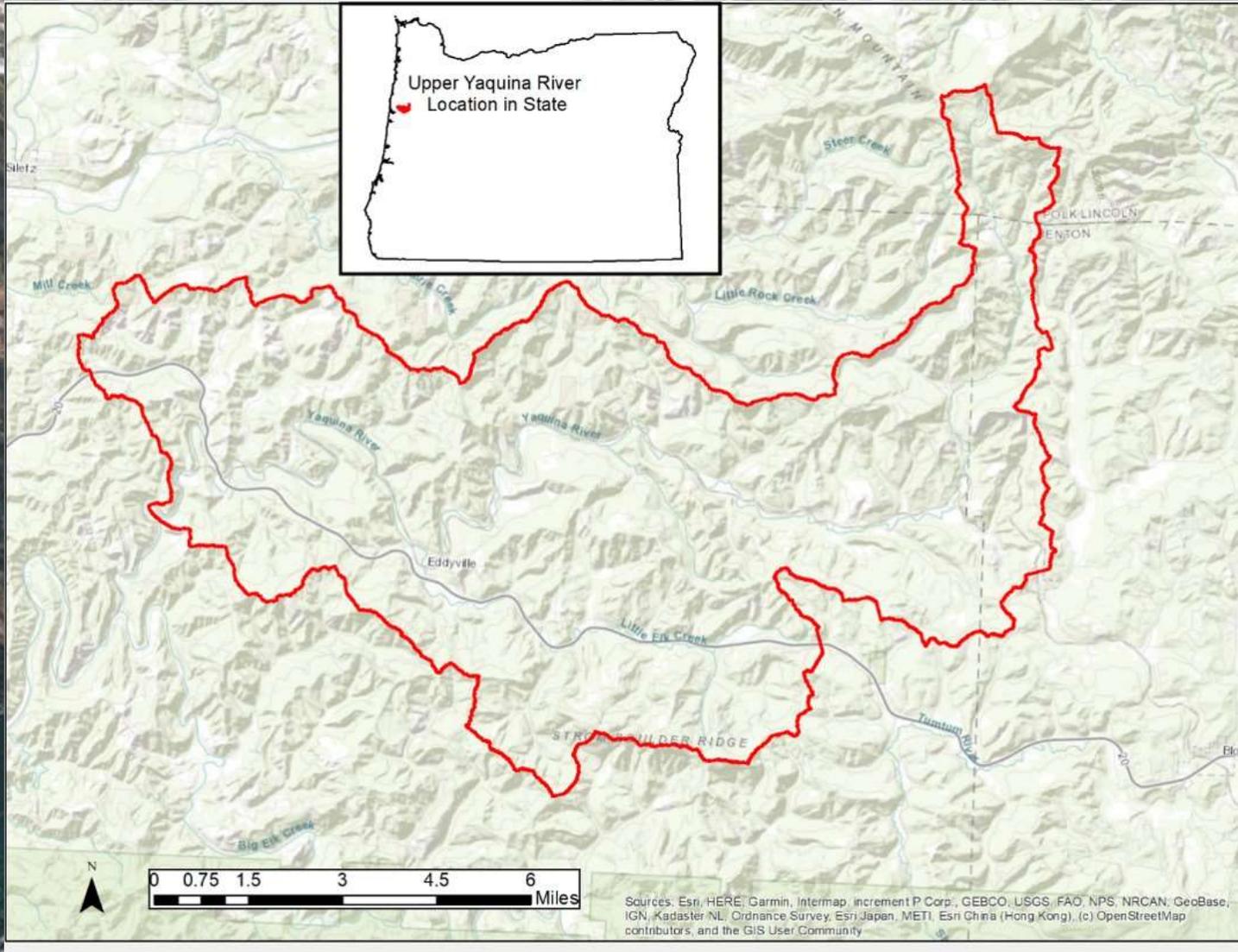
Each November – Include TMDLs by rule on Agency-wide Rulemaking list for the coming year

EQC TMDL Information Sessions

One to three informational items covering:

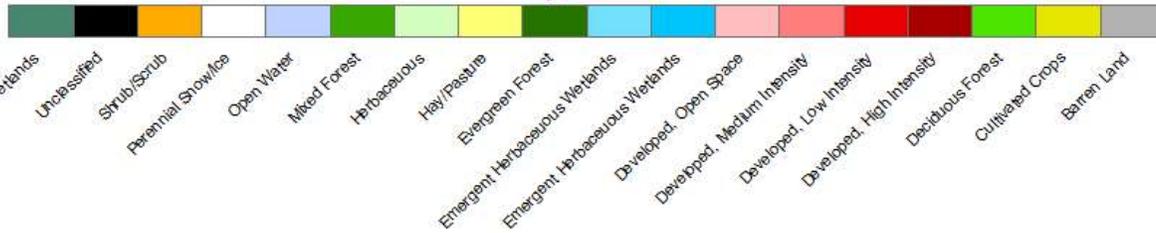
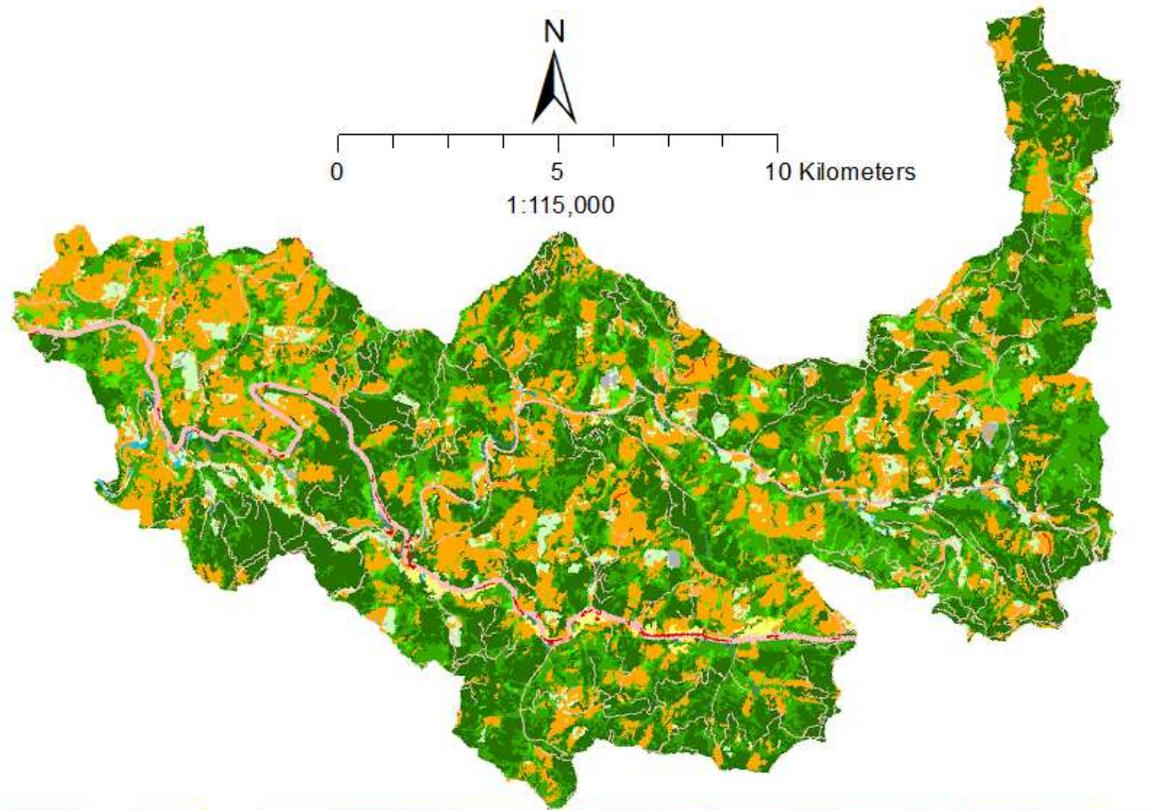
- Watershed setting, land uses, impairments, context
- Overview of DEQ's analytical process and consideration of local input
 - Modeling, source assessment, allocations and implementation
- Issues and resolutions from public process and rule advisory committee

Example Watershed



HUC12 Coe	Subwatershed Name
171002040101	Young Creek-Yaquina River
171002040102	Bales Creek-Yaquina River
171002040103	Little Elk Creek
171002040104	Simpson Creek-Yaquina River

Example Land Use



Land use

- 86% forest
- 8% agriculture, roads, residential in lowland areas along streams

No point sources aside from highway stormwater permitted under NPDES MS4

Example Analysis Path

DATA

- Stream flows
- Pollutant monitoring
- Remote sensing
- Literature values

ANALYSES

- Modeling
- Load duration curves
- Regression analysis
- Source assessment
- Consideration of uncertainties

OUTPUTS

- Loading capacities
- Excess loads
- Timelines to attain criteria

ASSIGNMENTS

- Allocations
- Surrogate measures
- Management strategies

Explanation of policy decision points

- Information available for source identification and relative contribution estimates
- Relevant factors considered in allocation distribution
- Evaluation of sufficiency of existing pollutant controls and programs
- How input from stakeholders, rules advisory committee, tribes and the public was considered

2022 Integrated Report TMDL High Priorities

Project	Pollutant(s)
Willamette Basin (Lower, Middle, Southern +Clackamas)	Temperature
Sandy Subbasin	
Coquille Subbasin	Bacteria, DO, pH, Temperature
Powder Basin	Bacteria
Upper Yaquina Watershed	Bacteria, DO

2022 Integrated Report TMDL Medium Priorities

Project	Pollutant(s)
John Day River Basin	Temperature
Lower Grande Ronde, Imnaha, Wallowa Subbasins	
Malheur River Subbasin	
Middle Columbia-Hood Subbasin	
North Umpqua Subbasin	
South Umpqua and Umpqua Subbasins	
Walla Walla Subbasin	
Willamette Main Stem & Tribs	
Willow Creek Subbasin	
Lower Deschutes, Crooked, Beaver - So Fk, Trout Subbasins	Bacteria, DO, HABs, pH, Phosphorus, Temperature
Powder Basin	DO, pH, Phosphorus
Rogue River Basin	Biocriteria, Chlorophyll-a, DO, HABs, pH, Phosphorus, Temperature
Schooner Creek	Turbidity
Siletz River Subbasin	
Snake River - Hells Canyon	Mercury, Temperature
Upper Deschutes, Little Deschutes Subbasins	Chlorophyll-a, DO, HABS, pH, Temperature

Proposed Schedule: TMDLs by Rule 2022-2024

- May 2022: DEQ proposes schedule for TMDLs by rule for 2023
- July-Nov. 2022: Informational presentations on TMDLs in development
- November 2022: DEQ's Director shares 2023 Agency-wide Rulemaking Schedule
- Feb.-Nov. 2023: Information presentations on TMDLs in development and requests for EQC adoption of TMDLs by rule
- November 2023: DEQ's Director shares 2024 Agency-wide Rulemaking Schedule

Questions?

