

TMDLs by Rule 2022-2024

Proposed List and Schedule

Jennifer Wigal, DEQ Water Quality Administrator
and

Gene Foster, DEQ Watershed Management Section Manager

Item D (Discussion/concurrence)

May 19, 2022, EQC Meeting

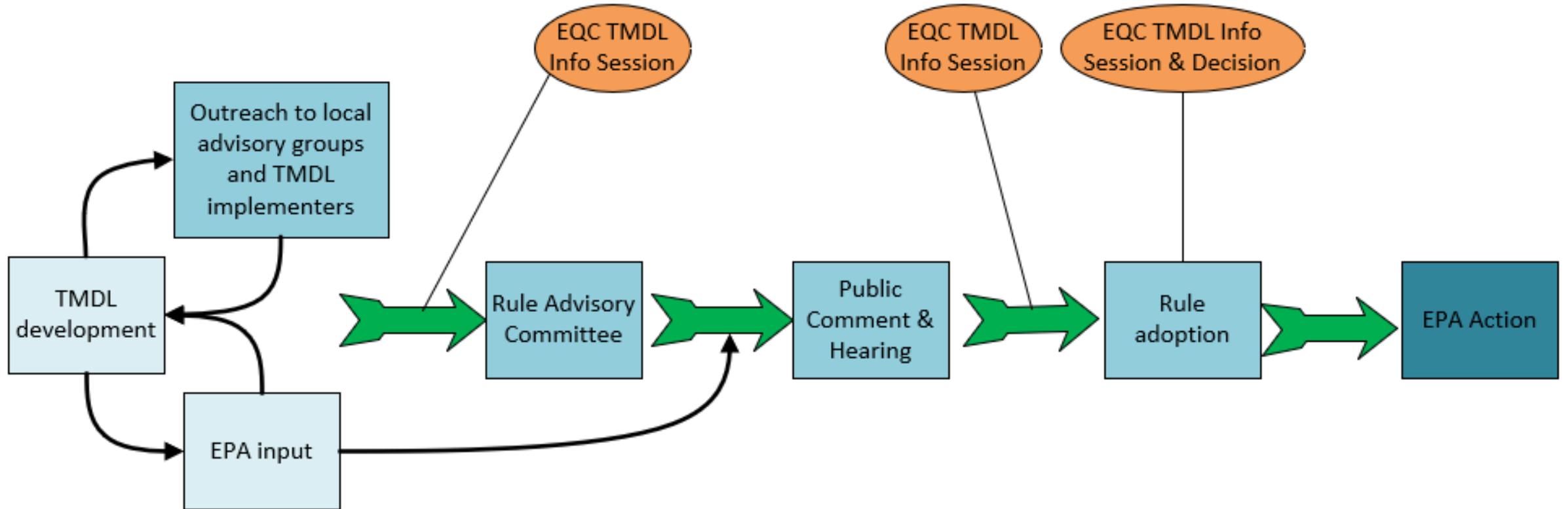
Presentation Outline

- Criteria for prioritizing TMDLs and deciding issuance by order or rule
- Commission interactions through TMDL rulemaking path
- Specific TMDLs proposed by rule and reasoning
- Full schedule of TMDL information presentations and rule adoption for 2022-2024

Criteria: TMDL Prioritization & 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**

EQC interactions in TMDL rulemaking process



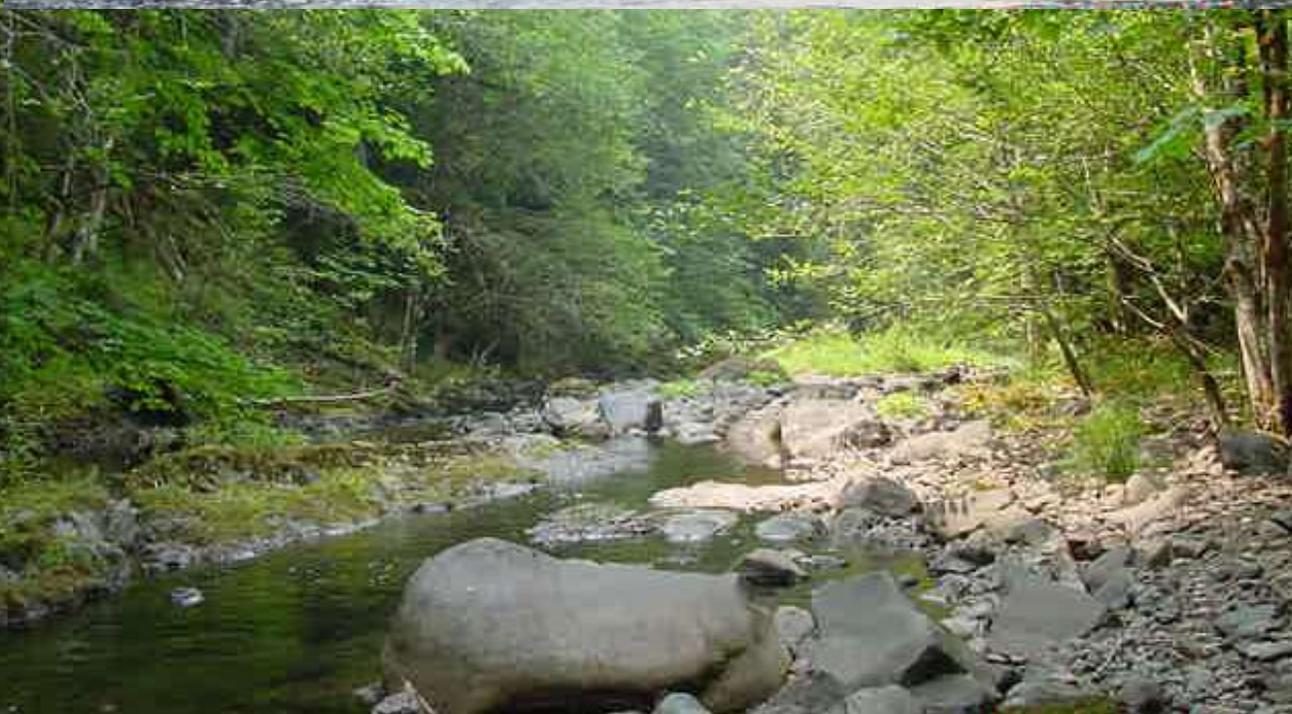
Temperature Replacement TMDLs by Rule

Willamette Basin (Lower, Middle, Upper + Clackamas) – Phase 1: due Jan 2024

Willamette Basin (Mainstem and major tributaries below dams) – Phase 2: due Feb 2025

Sandy River Subbasin – due Jan 2024

North and South Umpqua Subbasins – due Feb 2025



Temperature Replacement TMDLs by Rule

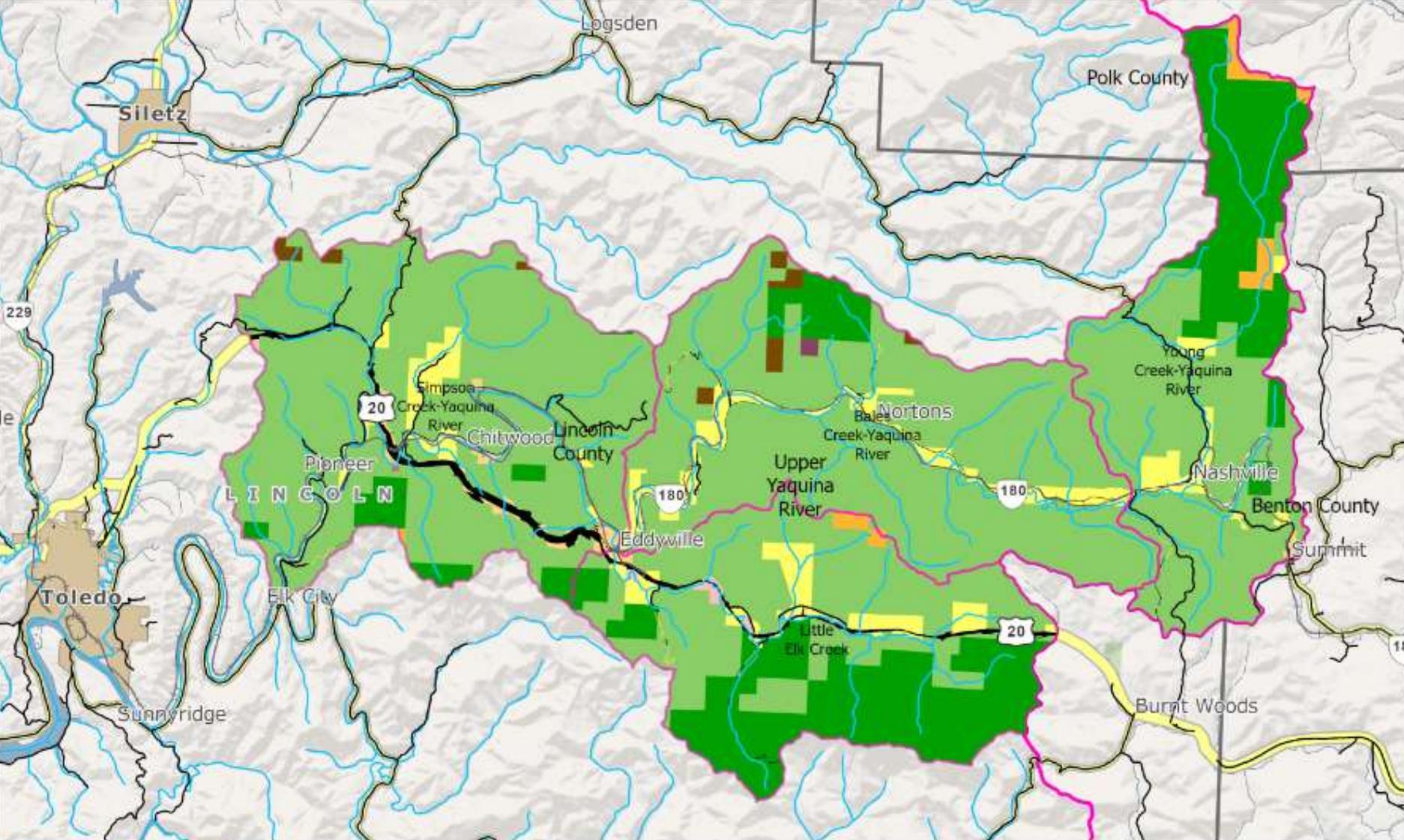
- Temperature impacts continue to be important in the state
- Across large geographic areas
- Pace and scale of nonpoint source controls needs improvement
- Large number of stakeholders with diverse interests affected
- Tribal and stakeholder engagement is high
- Court-ordered deadlines served by transparent and structured rulemaking process

Other High Priority TMDLs by Rule

- **Upper Yaquina River Watershed** – Bacteria and Dissolved Oxygen
- **Powder River Basin** – Bacteria
- **Coquille River Subbasin** – Bacteria, Dissolved Oxygen and Temperature
(Chlorophyll a and pH also addressed by Dissolved Oxygen)

Upper Yaquina River Watershed

- railroads_2013
 - Lincoln Co_Rds
 - Benton_Rd_2020
- ## Upper Yaquina_HUC12
- Upper Yaquina_HUC12
 - NHD_plus-flowline
 - County
 - NA - Tribal
 - Oregon Department of Agriculture
 - Oregon Department of Forestry - Private
 - Oregon Department of Forestry - Public
 - Oregon Department of Transportation
 - Railroad
 - Road
 - State of Oregon
 - TBD - Water
 - U.S. Bureau of Land Management
 - U.S. Government
 - <all other values>
 - OR_County
 - citylimits_2012

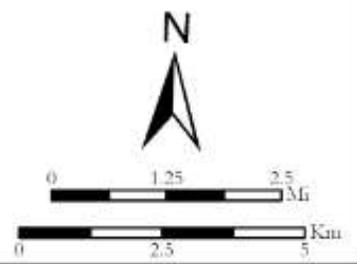


Upper Yaquina River watershed MidCoast Basin, Oregon

Oregon Department of Transportation, Oregon Department of Transportation, Geographic Information Services Unit, National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

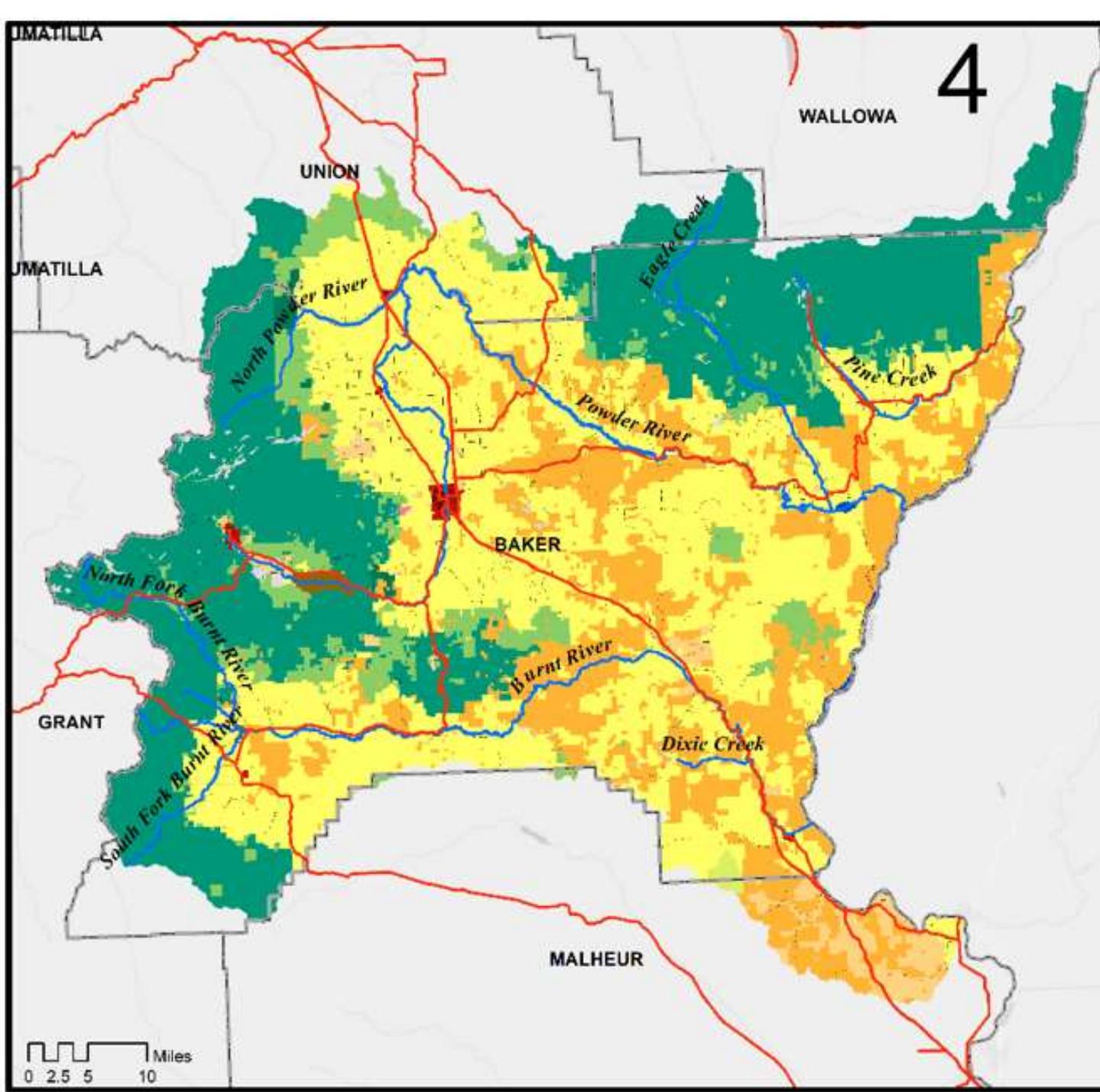
Oregon DEQ,
April 2022

Coordinate System: NAD 1983 HARN Oregon Statewide Lambert Feet Intl



Yaquina TMDLs by Rule

- Project addresses significant and multiple impairments
- Impacts to public health and the environment
- Significant contributions from agriculture-related nonpoint sources (no point sources beyond ODOT highway stormwater)
- Tribes and stakeholders are highly engaged



Legend

-  Streams
-  Railroads
-  Highways
-  County Boundary

Designated Management Agency

-  City
-  County
-  Department of Agriculture
-  Department of Fish and Wildlife
-  Department of Forestry - Private
-  Department of Geology and Mineral Industries
-  Department of State Lands
-  Department of Transportation
-  Railroad
-  Parks and Recreation Department
-  Road
-  State of Oregon
-  Water
-  U.S. Bureau of Land Management
-  U.S. Bureau of Reclamation
-  U.S. Forest Service

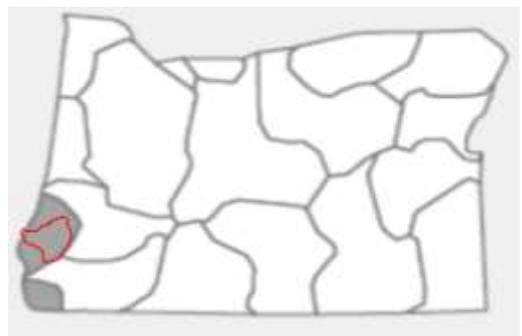
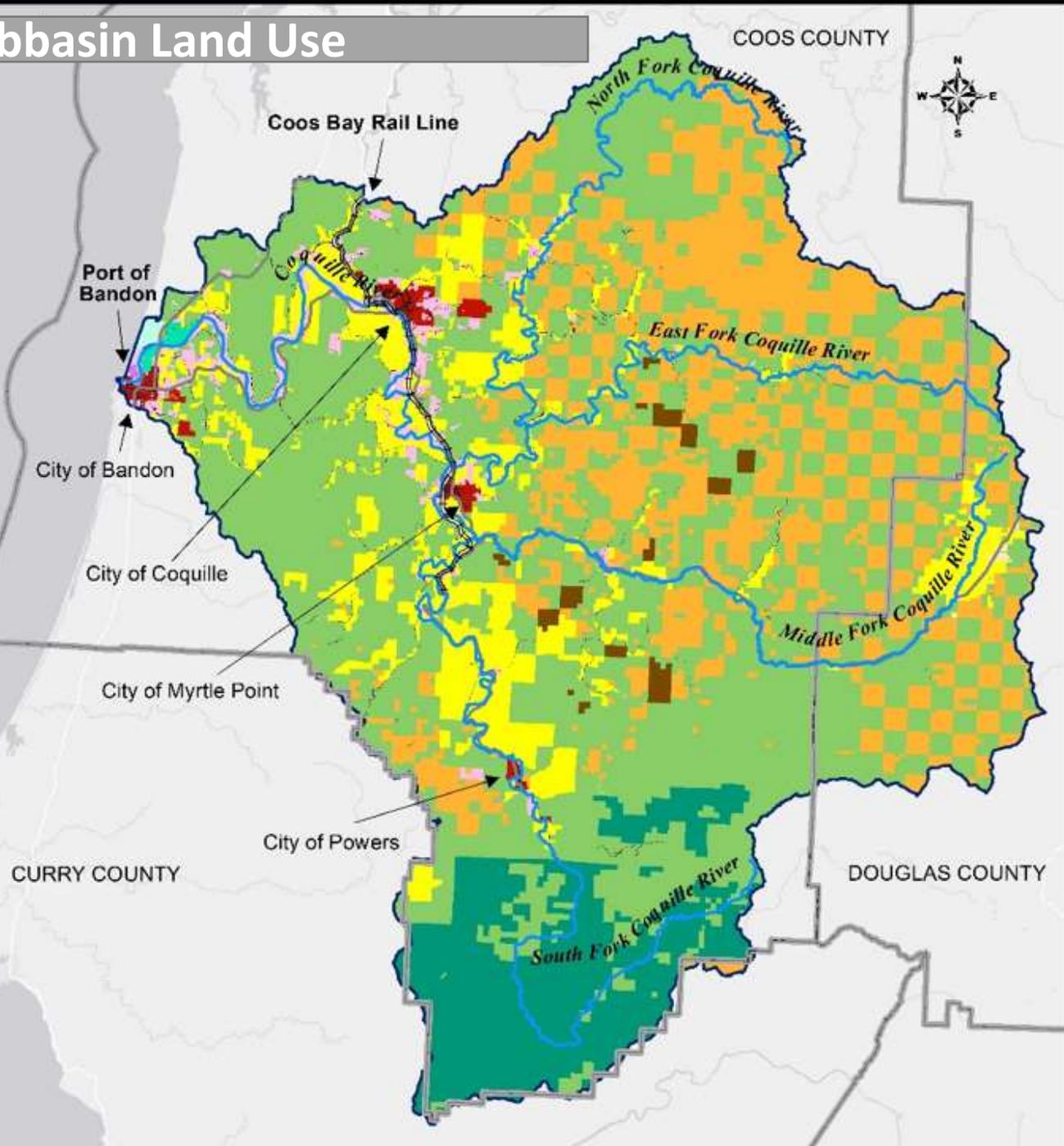
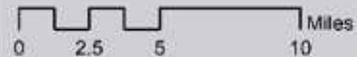
Powder TMDL by Rule

- Project addresses significant impairments
- Impacts to public health and the environment
- Spans large geographic area
- Significant contributions from agriculture-related nonpoint sources (few point sources)
- Stakeholders and Nez Perce Tribe are highly engaged

Coquille Subbasin Land Use

Legend

- Coos Bay Rail Line
- County Boundary
- Coquille Subbasin
- Designated Management Agency**
- City
- County
- Tribal Trust Lands (non-DMA)
- Oregon Department of Agriculture
- Oregon Department of Fish and Wildlife
- Oregon Department of Forestry - Private
- Oregon Department of State Lands
- Oregon Department of Transportation
- Oregon Parks and Recreation Department
- Port
- Railroad
- Road
- U.S. Bureau of Land Management
- U.S. Fish and Wildlife Service
- U.S. Forest Service



Coquille TMDLs by Rule

- Projects address significant and multiple impairments
- Impacts to public health and the environment
- Spans large geographic area
- Affects many, diverse stakeholders
- Significant contributions from agriculture and forestry-related nonpoint sources
(permitted wastewater treatment plants and industry discharges contribute to impairments)
- Tribes and stakeholders are highly engaged

Proposed List and Schedule 2022-2023

EQC Meeting Date	Item	Schedule
Sep 22-23, 2022	EQC Informational Item	Powder Basin and Upper Yaquina Watershed Bacteria TMDLs briefings on technical work, local outreach and rule advisory committee input
Nov 17-18, 2022	EQC Informational Item	Upper Yaquina Watershed DO TMDL briefings on technical work, local outreach and rule advisory committee input
	Director's Report	Agency-wide rulemaking schedule for 2023 (including TMDLs by rule)
Feb 2023	EQC Decision	Upper Yaquina Bacteria & DO TMDLs & Powder Bacteria TMDL briefings on EPA and public process input and proposal for adoption by rule
Mar 2023	EQC Informational Item	Coquille Subbasin Bacteria, DO, Temperature, pH TMDLs briefing on technical work, local outreach and rule advisory committee input
May 2023	EQC Informational Item & Decision	Coquille Subbasin Bacteria, DO, Temperature, pH TMDLs briefing on EPA and public process input and proposal for adoption by rule
July 2023	EQC Informational Item	Willamette Basin (+Clackamas) and Sandy Subbasin Temperature TMDL Replacements briefings on technical work and rule advisory committee process
Sep 2023	EQC Informational Item	Willamette Basin (+Clackamas) and Sandy Subbasin Temperature TMDL Replacements briefings on EPA input and public process
Nov 2023	EQC Informational Item & Decision	Willamette (+Clackamas) and Sandy Temperature TMDL proposal for adoption by rule <i>[EPA action court deadline Jan 2024]</i>
	Director's Report	Agency-wide rulemaking schedule for 2024 (including TMDLs by rule)

Proposed List and Schedule 2024

EQC Meeting Date	Item	Schedule
Feb 2024		
Mar 2024		
May 2024		
July 2024	EQC Informational Item	Willamette mainstem/tribs, No and So Umpqua Temperature TMDL Replacements briefings on technical work and rule advisory committee process
Sep 2024	EQC Informational Item	Willamette mainstem/tribs, No and So Umpqua Temperature TMDLs briefings on EPA input and public process
Nov 2024	EQC Informational Item & Decision	Willamette mainstem/tribs, No and So Umpqua Temperature TMDLs proposal for adoption by rule <i>[EPA action court deadline Feb 2025]</i>
	Director's Report	Agency-wide rulemaking schedule for 2025 (including TMDLs by rule)

EQC interactions in TMDL rulemaking process

