

Date: May 18, 2023
To: Environmental Quality Commission
From: Leah Feldon, Director
Subject: Item I: Status of Powder River Basin Bacteria TMDL Rulemaking (Informational)
May 18-19, 2023, EQC meeting

Purpose of item DEQ will provide an overview of the Powder River Basin bacteria Total Maximum Daily Load development and status of rulemaking process.

Background This TMDL was included in DEQ's proposed list and schedule for 2023 and 2024 TMDLs to be proposed as rules presented to the EQC in May 2022. Over the past several months DEQ has been developing and conducting a rulemaking process for the Powder River Basin TMDL for adoption by the commission as a rule. DEQ conducted two Rule Advisory Committee meetings. DEQ has also been working with several designated management agencies during development of this TMDL. The Powder River Basin project follows closely behind the Upper Yaquina project, which DEQ presented to the commission in March 2023 as the first TMDL proposed for adoption as a rule.

Key Issues DEQ will present information regarding:

- The Powder River Basin land uses, bacteria water quality impairments and TMDL development
- Status of the rulemaking and public processes
- Discussion topics to date during engagement with the community, agricultural local advisory committees, designated management agencies, and the rule advisory committee
- Policy considerations

The [Powder River Basin TMDL 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 Powder River Basin bacteria TMDL 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 of the public process and propose rule adoption of the Powder River Basin bacteria TMDL to the commission for consideration in September or November 2023.