

Meeting Summary

Temperature Total Maximum Daily Load Replacement: Willamette Mainstem and Major Tributaries



Rule advisory committee meeting #3, July 30, 2024, virtual meeting (Zoom)

The video recording of this meeting is available from DEQ upon request. Email Willamette.MainStem@DEQ.oregon.gov with your request for the video.

List of attendees

Rule advisory committee members:

Mike Brown	Bureau of Land Management
Kristin Preston	City of Albany on behalf of League of Oregon Cities
Raj Kapur for Jerry Linder	Oregon Association of Clean Water Agencies
Sharla Moffett	Oregon Business and Industry
Olivia Jasper	Oregon Department of Agriculture
Adam Coble	Oregon Department of Forestry
Tyler Ernst	Oregon Forest and Industries Council
Alyssa Mucken	Oregon Water Resources Department
Briana Weatherly	Portland General Electric
Kathryn Tackley	U.S. Army Corps of Engineers
Lindsey Hutchinson for Travis Williams	Willamette Riverkeeper
Jackie White	Northwest Pulp and Paper Association

Members absent: Branden Pursinger, Association of Oregon Counties; Becky Anthony, Oregon Department of Fish and Wildlife; and Laruen Poor, Oregon Farm Bureau.

DEQ staff

Jim Bloom, Brian Creutzburg, Grace Goldridge-Middaugh, Steve Mrazik, Priscilla Woolverton, and Trina Mayberry

Agenda

Time	Topic
9:30 a.m.	Welcome, Introduction, & Meeting Agenda
9:45 a.m.	Draft Total Maximum Daily Load, changes from RAC 2
11 a.m.	Break
11:05 a.m.	Draft Fiscal and Economic Impact Statement
11:20 a.m.	Wrap-up, Next steps
11:30 a.m.	Adjourn

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Brian Creutzburg, (DEQ): Brian started the meeting with introductions and the roll call of rule advisory committee members. He reviewed logistics and ground rules for the meeting and discussed meeting materials that were posted on the website two weeks in advance of the meeting. Brian continued with the project history and schedule. The meeting was opened for questions and there were no questions.

Jim Bloom, (DEQ): Jim delivered an overview of a TMDL, how TMDLs are developed, and how a TMDL fits into the Clean Water Act framework. Jim reviewed the project area for the Willamette Mainstem and Major Tributaries and four categories of TMDL development, simplified for this presentation. Jim reviewed the TMDL source assessment calculation used to identify and inform the TMDL loading capacity calculation including nonpoint sources, background sources, point sources, and other TMDL elements. He continued with reviewing sources of heat in the project area, a description of the surrogate measures, and example allocations. Jim explained that the project area for the first Willamette Basin TMDL in this temperature replacement project is the Willamette Subbasins. The Willamette Subbasins was adopted by the Environmental Quality Commission on Aug. 6, 2024. The Willamette Subbasins and the Willamette Mainstem and Major Tributaries (that is the subject of today's committee meetings) exclude the Willamette Tualatin and Yamhill Subbasins, and therefore the combined Willamette TMDLs in this court ordered project (Willamette Subbasins and Willamette Mainstem and Major Tributaries) will be called the *Willamette Subbasins* instead of the Willamette Basin, because of the exclusions of these two subbasins.

Jim explained how current maximum thermal loads were estimated, explained how proposed wasteload allocations were derived from current max thermal loads, described modeling performed to evaluate maximum cumulative effects of proposed wasteload allocations, described attainment scenario cumulative effects modeling, and discussed the effects that wasteload allocations have on available reserve capacity. Detailed examples of how wasteload allocations were derived were provided for three facilities: a major facility, a minor facility, and a very small facility.

Jim explained the scope of this project also applies to streams that are meeting water quality standards if they are upstream of an impaired water body. This is to ensure that upstream activities are protective of downstream water quality. Jim provided an agenda of meeting discussion topics on presentation slide 11 that includes reviewing what has changed since the last committee meeting such as revisions and updates shown on slide 12 of the presentation.

Jim commented on presentation slides 13 and 14 that there have been a few minor changes since the documents for this meeting were published online. Presentation slide 20 was presented at the meeting after DEQ received questions to elaborate about the calculations for the seven-day averages for wasteload allocation compared to daily values for excess thermal loads. Additionally, Jim provided several examples of the cumulative effects analysis and the Human Use Allowance assignments.

Kristen Preston (City of Albany): What is the point of maximum impact attributed to other industrial discharges after point source ATI?

Jim Bloom (DEQ): Presentation slide 25 - this is a case where DEQ has the delta T increases downstream and it is due to all the point sources that enter upstream, the phenomenon of rivers that warm downstream with a delta Ts greater than or equal to the river temperature criterion that applies. That is why it looks somewhat strange. It's the way we process the data.

Kristen Preston (City of Albany): Is the result the nature of the way the river moves?

Jim Bloom (DEQ): There are times when the delta T is greater than what is shown and that is when the criteria is being met, so we make sure the excess thermal is based on the increase in temperature above the criterion. We try to take that into account when adding a discharge; it can change the time of travel because you have more flow. We evaluate by taking out the effluent and then put it back in so that we have a pure thermal load being modeled. Jim will provide more information about this topic in the TMDL documentation.

Raj Kapur (representative for ACWA): Does the allocation approach with 0 (zero) allocation for riparian areas provide a framework for water quality trading?

Brian Creutzburg (DEQ): The Water Quality Management Plan does not include a water quality trading framework, which is a designation that's specified in the water quality trading rules. There is a portion of the Water Quality Management Plan that specifies that water quality trading is allowed providing the provisions of Oregon Administrative Rules 042-39 are met.

An additional question from a non-committee member was asked by a representative from the City of McMinnville regarding how the Yamhill Basin is considered in this TMDL.

Grace Goldridge-Middaugh (DEQ): The City of McMinnville is added as a designated management agency in the draft Water Quality Management Plan, but the city is not required to submit an implementation plan.

Jim Bloom (DEQ): Jim continued with presentation slide 28 showing Human Use Allowance assignments. He reminded the audience that DEQ is still working through some of the numbers and there could be slight changes made during the public notice period. Presentation slides 29 through 31 provide attainment scenario modeling.

Raj Kapur (representative for ACWA): The analyses resulted in significant reduction in a wasteload allocations compared with 2006. What are the 2006 allocations?

Jim Bloom (DEQ): Ryan Michie at DEQ worked on those allocations and is not at this meeting.

Raj Kapur (representative for ACWA): Data is key to the assessment. I'm guessing you have limitations to the data you have. What does it mean with rule adoption of the TMDL and how do you adjust the TMDL with new data without having to reopen the TMDL?

Jim Bloom (DEQ): This court ordered process is not ideal. Normally we would have more time to do modeling and analyses using an iterative process, but because of the court order timeframe we have keep moving and publish the documents for public notice and comments. We can make changes from public comments. This is the third rule advisory committee meeting when we only scheduled this TMDL for two meetings, and we are trying to do as much as possible as time allows.

Raj Kapur (representative for ACWA): I do realize that the DEQ is under a short timeline. Considering the implications of the TMDL, I'm wondering if there are things DEQ has thought about to build in flexibility to not have to reopen the TMDL down the road.

Steve Mrazik (DEQ): We had a call for data at the start of this project and there is the public comment period coming up and we hope folks will submit comments. I hear what you are saying in terms of the data we are using the balance across the basin including ensuring that we have reserve capacity.

Meeting break

Brian Creutzburg (DEQ): Brian discussed the fiscal impact statement and specifically asked the committee to respond to questions on presentation slide 33. No comments were made.

Brian covered the next steps that included an explanation of why DEQ cannot accept comments about this meeting due to the schedule. Public notice will start a day or two after the Aug. 6, 2024, Environmental Quality Commission meeting for adoption of the Willamette Subbasins temperature replacement TMDL. Reminder that the Willamette Mainstem and Major Tributaries will be an amendment of the Willamette Subbasins TMDL.

Meeting adjourned at 10:30 a.m.

Translation or other formats

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