

**Date:** Nov. 6, 2024

**To:** Environmental Quality Commission

**From:** Leah Feldon, Director

**Subject:** Agenda item I, Informational item: Status Report on Rulemaking for Temperature TMDL Replacement Project: Willamette Subbasins temperature TMDL amendment to add Willamette River Mainstem and Major Tributaries  
November 21-22, 2024, EQC meeting

**Purpose of item** DEQ will provide an overview of the development and rule process for the Temperature TMDL Replacement Projects for the Willamette Mainstem and Major Tributaries temperature TMDL amendment to the Willamette Subbasins temperature TMDL. DEQ will also discuss the progress of the remaining TMDLs in this project.

**Background** DEQ is developing the draft Total Maximum Daily Load and Water Quality Management Plan for the Willamette Mainstem and Major Tributaries temperature TMDL to address temperature impairments. The TMDL and WQMP will be proposed for adoption by Oregon’s Environmental Quality Commission, by reference, into the TMDL regulations at OAR 340-042-0090. EPA is required under the court order for these TMDLs to approve or disapprove the TMDL by Feb. 28, 2025, following EQC rule adoption.

DEQ and EPA are under a court order to update and replace 15 temperature TMDLs to be consistent with the current temperature standards. These TMDLs must be updated because they were based, in part, on the Natural Conditions Criterion, a section of the temperature standard that was subject to litigation and has since been disapproved by EPA. The court order identifies the schedule for EPA approval or disapproval of the replacement TMDL. The Willamette Subbasins temperature TMDL amendment to add the Willamette River Mainstem and Major Tributaries was discussed briefly with the EQC at the Aug. 6, 2024, meeting where the EQC adopted the Willamette Subbasins temperature TMDL. This is the first information item for the Willamette Subbasins temperature TMDL amendment to add the Willamette River Mainstem and Major Tributaries.

**Key issues** DEQ will present information on the Temperature TMDL updates to meet the terms of the court order to update and replace the TMDLs based on the current temperature water quality standard. The presentation to the EQC will summarize the work that has been done to date for all remaining TMDLs and the Willamette Subbasins amendment to include the Willamette Mainstem and Major Tributaries and any relevant issues concerning the TMDLs in this project:

- Work to revise the TMDLs based on updated source and water quality information and associated changes to the TMDL pollutant load allocations;
- Summarize the status of the rulemaking and public processes;
- Review topics discussed during engagement with the community, Designated Management Agencies, and the rule advisory committee, including the draft fiscal and economic impact statement, environmental justice considerations, and racial equity information; and
- Summarize key policy issues being considered as part of the TMDL and WQMP development for the EQC’s awareness.

**Next steps** DEQ will continue to develop the temperature TMDLs and provide any additional information requested by the EQC about these TMDLs.

**EQC involvement** This agenda item does not include a request for EQC action. However, DEQ plans to present proposed rule amendments to the EQC for action at its meeting in Jan. 2025.

**Supporting materials** Rulemaking Advisory Committee membership, meeting summaries and additional information are available on the rulemaking website:  
[Willamette Mainstem and Major Tributaries temperature TMDLs](#)

*Report prepared by Michele Martin  
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