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**Date:** Sept. 20, 2019

**To:** Environmental Quality Commission

**From:** Richard Whitman, Director

**Subject:** Agenda item G, Informational item: Update on Revised Willamette Mercury TMDL  
Sept. 26-27, 2019, EQC meeting

**Why this is important** DEQ will inform the commission about public comment and next steps on the Willamette Basin Mercury TMDL in preparation for TMDL issuance in November 2019.

**Prior EQC involvement** In November 2018, January 2019, and July 2019, DEQ updated the commission on its efforts to date to revise the Willamette Basin Mercury TMDL and coordination on associated permitting and variance development.

**Background** DEQ is revising the 2006 Willamette Basin Mercury TMDL at this time due to a U.S. District Court ruling in April 2017 requiring EPA and DEQ to revise the TMDL within two years. That ruling was amended to require that this TMDL be revised by Nov. 30, 2019.

DEQ opened public comment on the draft Willamette Basin Mercury TMDL July 3, 2019. DEQ held a public hearing Aug. 7, 2019, in Eugene and Portland. Sixty-three attendees were present for an informational presentation, question and answer session, and public hearing. Eighteen participants provided oral comments. DEQ closed the comment period Sept. 6, 2019, after a brief extension.

In addition, DEQ held two informational public meetings, one on July 15, 2019, for permittees under the 700-PM placer mining general permit, and one on July 17, 2019, for water conveyance entities. Two additional informational meetings were held with water conveyance entities, one on July 17, 2019 and another on Sept. 11, 2019. The Oregon Farm Bureau as well as Soil and Water Conservation Districts were also invited to these meetings.

The draft TMDL includes an expanded section describing the agency's bases for determining that implementation of the TMDL will reasonably assure compliance with the applicable water quality standard. An assessment and monitoring strategy is included in the TMDL.

DEQ is relying on this strategy for tracking and reporting on:

- TMDL implementation plan submittals, reviews and approvals
- Implementation of management actions by the Designated Management Agencies, responsible persons and permittees
- Specific and quantifiable compliance points for allocations
- Reporting, annually and at other increments, from Designated Management Agencies, responsible persons and permittees
- Five-year reviews of implementation and evaluation of the TMDL and Water Quality Management Plan

DEQ continues to meet with Designated Management Agencies and responsible persons to discuss implementation strategies and goals. DEQ will continue to work with DMAs to update and develop implementation plans, as well as identify measurable objectives to assess progress in implementing the TMDL.

For more background on the Willamette Basin Mercury TMDL, please refer to the July 2019 EQC information item and presentation, available online at as Item D of that meeting agenda: <https://www.oregon.gov/deq/about-us/eqc/Pages/20190718.aspx>

**Public  
comment**

DEQ will present a summary of public comments received, including key themes from the comments, the two public meetings held in July, and next steps prior to the court deadline for issuance of the TMDL in November 2019.

**EQC  
involvement**

There is no EQC action associated with this agency decision.

DEQ is developing a multiple discharger variance for use by NPDES permittees in the Willamette Basin. DEQ intends to bring a rule proposal on the multiple discharge variance for commission action at the January 2020 EQC meeting.

**Supporting  
materials**

- A. Draft for public comment, Revised Willamette Basin Mercury TMDL: <https://www.oregon.gov/deq/wq/Documents/tmdlWillHgD.pdf>
- B. Link to public notice: <https://www.oregon.gov/deq/get-involved/documents/WBHgTMDLpn.pdf>

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