



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Salem Office

4026 Fairview Industrial Dr SE

Salem, OR 97302

(503) 378-8240

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TTY 711

May 5, 2025

Tom Stahl, Deputy Administrator Inland Fish  
Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302-1142

**CERTIFIED MAIL NO. 7019 0700 0000 2743 9975**  
**RETURN RECEIPT REQUESTED**


**RE: Major modification to NPDES permit no. 101914**  
File no. 64490  
EPA no. OR0027642  
Facility: ODFW – Leaburg Hatchery, 90700 Fish Hatchery Rd., Leaburg  
Lane County

DEQ has modified the Oregon Department of Fish and Wildlife's National Pollutant Discharge Elimination System permit no. 101914. This modification incorporates the wasteload allocation for temperature from the 2024 TMDLs for the Willamette Subbasin and additional housekeeping changes. Incorporating the wasteload allocation was considered major and subject to public notice as detailed in OAR 340-045-0055(2)(b). DEQ received comments during the public notice period. No changes were made in response to comments. Please see DEQ's response to comments memorandum.

Pursuant to OAR 340-045-055(4), this modification will become effective May 6, 2025, unless the city requests a hearing within 20 days. A request for a hearing must be made to the DEQ director in writing and state the grounds for the request. Any hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR 340-011. If a hearing is requested, the existing permit continues in effect until a final order is issued.

If you have any questions, please contact Brenda Kuiken at 503-893-0924 or [brenda.kuiken@deq.oregon.gov](mailto:brenda.kuiken@deq.oregon.gov). I may also be reached at 503-378-5081.

Sincerely,

  
[Ranei Nomura \(May 5, 2025 18:26 PDT\)](#)

Ranei Nomura  
Water Quality Manager  
Western Region

W/Enc: corrected permit, fact sheet, and response to comments  
ec: NPDES Permit Issuance Source E-File, Water Quality, DEQ  
Brenda Kuiken, Western Region, DEQ  
WQ Data Crew, DEQ  
ORMS

## Modification No. 4



# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

Oregon Department of Environmental Quality  
Western Region – Salem Office  
4026 Fairview Industrial Dr. SE  
Salem, OR 97302  
Telephone: 503-378-8240

Issued pursuant to ORS 468B.050 and the federal Clean Water Act.

### ISSUED TO:

Oregon Department of  
Fish and Wildlife  
  
4034 Fairview Industrial  
Drive SE  
Salem, OR 97302

### SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Pass-through and treated discharges from aquatic animal production. Off-site discharge of water associated with fish release.	001	44.135509 / -122.610462
	002	44.134779 / -122.609959
	003	44.134071 / -122.609441

### FACILITY LOCATION:

Leaburg Fish Hatchery  
90700 Fish Hatchery Road  
Leaburg, OR 97489  
County: Lane  
EPA Permit Type: Minor

### RECEIVING STREAM INFORMATION:

WRD Basin: Willamette  
USGS Sub-Basin: McKenzie  
Receiving Stream name: McKenzie River  
NHD Reach Code: 17090004000099, 31.6%  
LLID: 1230673441173, RM 33.7

Major modification (#4) in response to request received 1/13/2025. DEQ issues this permit based on the land use findings in the permit record.

Ranei Nomura

Ranei Nomura (May 5, 2025 18:22 PDT)

Ranei Nomura, Water Quality Manager  
Western Region

May 5, 2025

Issuance Date

May 6, 2025

Effective Date

### PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to: 1) operate a wastewater collection, treatment, control and disposal system; and 2) discharge treated wastewater to waters of the state only from the authorized discharge point or points in Schedule A in conformance with the requirements, limits, and conditions set forth in this permit.

Unless specifically authorized by this permit, by another NPDES or Water Pollution Control Facility permit, or by Oregon statute or administrative rule, any other direct or indirect discharge of pollutants to waters of the state is prohibited.

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## Changes in Schedule A: Wast Discharge Limits

Deletions from modification #4 indicated in green strikeout and additions from modification #4 indicated with green underline.

Modification #3 deletions in red strikeout and additions indicated in red text underline.

### 1. Permit Limits

Unless DEQ otherwise approves in writing, the maximum yearly biomass production permitted for this facility is 285,000 pounds (129,545 kilograms).

During the term of this permit, the permittee must comply with the limits in the following tables.

**Table A1: Permit Limits**

a. **Outfalls 001 and 002 - Fish Rearing Pens and the Hatchery Building**

Parameter	Monthly Average	Daily Maximum (Normal Operations)
Total Suspended Solids (TSS) <sup>a,c</sup>	5 mg/L	10 mg/L
Settleable Solids (SS) <sup>b,c</sup>	0.1 ml/L	--
<del>Excess Thermal Load (ETL); (April 1—October 31)</del> <sup>d</sup>	<u>million kcal/day</u>	<u>No heat (0 kcal/day), Max. 7-day rolling Avg.</u>
<del>Flow</del> <sup>e</sup>	<u>0 cfs</u>	<u>No discharge during April 1—October 31</u>
pH <sup>ed</sup>	Limit between a daily minimum of 6.0 and a daily maximum of 9.0 SU	
Notes:		
<p>a. The permittee may subtract the TSS concentration of the water supply source from the TSS concentration in the discharge to determine compliance with TSS permit limits.</p> <p>b. The permittee may subtract the SS concentration of the water supply source from the SS concentration in the discharge to determine compliance with SS permit limits.</p> <p>c. Facility personnel must collect water samples from both Outfalls 001 and 002 and composite them into one sample for Total Suspended Solids and Settleable Solids.</p> <p>d. Facility personnel must take individual measurements of <u>formaldehyde, flow, temperature, and pH.</u></p> <p>e. <del>Calculate the daily Excess Thermal Load discharged based on the equation in Table B2, note e.</del></p> <p>f. <del>Flow limit is removed when facility can meet excess thermal load limit for dry season (April 1—October 31).</del></p>		

**b. Outfall 003 - Pollution Abatement/Settling Ponds**

Parameter	Cleaning Daily Maximum
Total Suspended Solids (TSS) <sup>a</sup>	15 mg/L
Settleable Solids (SS) <sup>b</sup>	0.2 ml/L
pH <sup>e</sup>	Limit between a daily minimum of 6.0 and a daily maximum of 9.0 SU
Notes:	
a. The permittee may subtract the TSS concentration of the water supply source from the TSS concentration in the discharge to determine compliance with TSS permit limits.	
b. The permittee may subtract the SS concentration of the water supply source from the SS concentration in the discharge to determine compliance with SS permit limits.	

**c. Outfalls 001, 002, and 003**

Parameter	Limitation
<del>Aggregate Excess Thermal Load (million kcal/day, see notes a and b), (Apr. 1—Oct. 31)</del>	<del>0 (zero) as a 7-day rolling average</del>
<del>Flow (cfs, see note c.)</del>	<del>No discharge during April 1—October 31</del>
<u>Aggregate Excess Thermal Load (Apr. 1 to June 15)</u> <u>(See notes a, b, and c.)</u>	<u>Option A:</u> <u>458.861 million kcal/day (as a 7-day rolling average)</u>
	<u>Option B:</u> <u><math>0.074 \times (Q_E + Q_R) \times 2.446</math> million kcal/day (as a 7-day rolling average)</u>
	<u>Option C:</u> <u>Minimum Duties Excess Thermal Load of 0.0 million kcal/day (as a 7-day rolling average)</u>
<u>Aggregate Excess Thermal Load (June 16 to Aug. 31)</u> <u>(See notes a, b, and c.)</u>	<u>Option A:</u> <u>46.274 million kcal/day (as a 7-day rolling average)</u>
	<u>Option B:</u> <u><math>0.012 \times (Q_E + Q_R) \times 2.446</math> million kcal/day (as a 7-day rolling average)</u>
	<u>Option C:</u> <u>Minimum Duties Excess Thermal Load of 0.0 million kcal/day (as a 7-day rolling average)</u>

Parameter	Limitation
<u>Aggregate Excess Thermal Load</u> (Sep. 1 to Nov. 15) (See notes a, b, and c.)	<u>Option A:</u> <u>108.671 million kcal/day (as a 7-day rolling average)</u> <hr/> <u>Option B:</u> <u><math>0.026 \times (Q_E + Q_R) \times 2.446</math> million kcal/day (as a 7-day rolling average)</u> <hr/> <u>Option C:</u> <u>Minimum Duties Excess Thermal Load of 0.0 million kcal/day (as a 7-day rolling average)</u>
<p>Notes:</p> <p>a. The Aggregate ETL discharged is the combined 7-day rolling average ETL discharged from each outfall (sum of the ETLs discharged from Outfall 001, Outfall 002, and Outfall 003).</p> <p>b. <u>The permittee must select either Option A or Option B as the applicable 7-day rolling average Excess Thermal Load Limit (ETLL). If the permittee selects Option B, the permittee must calculate the daily ETLL using the above equation. Using these daily ETLLs, the permittee must then calculate the 7-day rolling average ETLL for each day Option B limit is selected.</u>  <u><math>Q_E</math> = Daily average effluent flow (cfs)</u>  <u><math>Q_R</math> = Daily average river flow, upstream from the outfall (cfs) (USGS Flow Gage 14162500. If data from this gage becomes unavailable, the permittee must receive approval from DEQ to use another gage or other method for determining stream flow.)</u>  <u>When using Option B to calculate the ETLL and the <math>Q_R</math> is less than the 7Q10 value for the time period listed below, the corresponding 7Q10 value below must be used as a substitution for actual river flow in the equation listed above.</u>  <u>Apr. 1 – June 15: 2,442 cfs</u>  <u>July 16- Aug. 31: 1,537 cfs</u>  <u>Sept. 1 – Nov. 15: 1,630 cfs</u></p> <p>c. <u>The permittee may select Option C, the minimum duties provision, on days when <math>T_{E\_WLA} &lt; T_i</math>, where:</u>  <u><math>T_{E\_WLA}</math> = Daily maximum effluent temperature (°C) allowed under the wasteload allocation.</u>  <u><math>T_i</math> = The daily maximum influent temperature (°C) measured at the facility intake.</u>  <u>When the minimum duties provision applies, there may be no increase in temperature above the intake temperature (<math>T_i</math>) and the assigned portion of the HUA is zero (<math>\Delta T = 0.0</math>).</u></p> <p><del>d. The permittee must calculate Excess Thermal Load as note e of Table B2 directs.</del></p> <p><del>e. Flow limit is removed when facility can meet excess thermal load limit for dry season (April 1 – October 31).</del></p>	

## Changes in Schedule B: Minimum Monitoring and Reporting Requirements

Deletions from modification #4 indicated in green strikeout and additions from modification #4 indicated with green underline.

Modification #2 deletions in red strikeout and additions indicated in red text.

### 3. Monitoring and Reporting Requirements

The permittee must monitor influent at or upstream of the intake, and report results according to Table B1 and Table B2.

a. Outfalls 001 and 002 (Fish Rearing Pens and the Hatchery Building)

Facility personnel must collect water samples from the stream channels at both Outfalls 001 and 002 and composite them into one sample for Total Suspended Solids and Settleable Solids. Facility personnel must take individual measurements of formaldehyde, flow, temperature, and pH.

**Table B2: Outfalls 001 and 002 Monitoring Requirements (Normal Operations)**

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Total Suspended Solids (00530) (See notes <del>f</del> and <del>gf, g</del> and <del>i.</del> )	mg/L	Year-round	Weekly	<del>Grab</del> /24-hour Composite (See note c & note j)	1. Monthly Average 2. Daily Maximum
Settleable Solids (00545) (See notes <del>f</del> and <del>gf, g</del> and <del>i.</del> )	ml/L	Year-round	Monthly	<del>Grab</del> /24-hour Composite (See note c & note j)	Monthly Average
Flow (50050) (See notes <del>fm</del> and <del>g</del> )	cfs	Year-round	Daily	Measurement	1. Monthly Average 2. Monthly Maximum
Temperature (00010) (See notes <del>f, g</del> and <del>h</del> ) (See note d.)	°C	<del>Year-round</del> Apr 1 – <del>Oct 31</del> <u>Nov 15</u>	Daily	Continuous (See note <del>d</del> <u>i</u> )	1. Daily Maximum 2. Maximum 7-day Average (See note d.)
		<del>Nov 1</del> <u>Nov 16</u> – Mar 31	Weekly	Grab or Continuous (See note <del>d</del> .)	

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Excess Thermal Load (51405) (See notes d, and e, f, g and h)	million kcal/day	Apr 1– <del>Oct 31</del> Nov 15	Daily	Calculation	Maximum 7-day Rolling Average
<u>Excess Thermal Load Limit (if using limit Option B) (See notes d, k, and m.)</u>	<u>Million kcal/day</u>	<u>Apr 1– Nov 15</u>	<u>Daily</u>	<u>Calculation (see Table A1.c , also see note k.)</u>	<u>Maximum 7-day Rolling Average</u>
<u>Excess Thermal Load (when using Option C - Minimum Duties provision) (See notes d, l, and m.)</u>	<u>Million kcal/day</u>	<u>Apr 1– Nov 15</u>	<u>Daily</u>	<u>Calculation</u>	<u>Maximum 7-day Rolling Average</u>
pH (00400) (See notes f, <del>and</del> g, and m.)	SU	Year-round	Quarterly	Measurement	1. Daily Minimum 2. Daily Maximum
Formaldehyde (71880) (See notes <del>f and</del> g, g, h, and m.)	mg/L	Year-round	Quarterly	Grab	Value
BOD <sub>5</sub> (00310) (See notes f and g.)	mg/L	Third year of permit cycle [2024]	Quarterly	24-hour composite (See note <del>h</del> j.)	Value
Total Ammonia (as N) (00610) (See notes f and g.)	mg/L	Third year of permit cycle [2024]	Quarterly	24-hour composite (See note <del>h</del> j.)	Value
Alkalinity as CaCO <sub>3</sub> (00410) (See notes f and g)	mg/L	Third year of permit cycle [2024]	Quarterly	24-hour composite (See note <del>h</del> j.)	Value
Dissolved Oxygen (00300) (See notes f and g.)	mg/L	Third year of permit cycle [2024]	Quarterly	24-hour composite (See note <del>h</del> j.)	Value

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Total Kjeldahl Nitrogen (TKN) (00625) (See notes f and g.)	mg/L	Third year of permit cycle [2024]	Quarterly	24-hour composite (See note h.)	Value

Notes

- a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If the permittee cannot deploy new equipment immediately, the permittee must perform grab measurements. If the failure or loss is for continuous temperature monitoring equipment, the permittee must perform grab measurements daily between 1 PM and 4 PM until the permittee can redeploy continuous monitoring equipment.
- b. When submitting DMRs electronically, the permittee must submit all data used to determine summary statistics in a DEQ-approved format as a spreadsheet attachment in NetDMR unless DEQ otherwise directs.
- c. Facility personnel must collect water samples from both Outfalls 001 and 002 and composite them into one sample for Total Suspended Solids and Settleable Solids. ~~Facility personnel must take individual measurements of formaldehyde, flow, temperature, and pH separately at each outfall.~~
- d. ~~The permittee must program the continuous recording device to measure and record water temperature at least once per hour.~~ If facility personnel collect temperature data at a frequency greater than once per hour, the permittee may report the maximum hour average value and use it in the excess thermal load (ETL) calculations.
- e. The daily excess thermal load (ETL) discharged from each outfall must be calculated using the daily maximum effluent temperature and the corresponding daily average effluent flow using the formula below.  
 The 7-day rolling average is then calculated from the daily ETLs.  
 The daily ETL discharged from each outfall =  $2.446 * Q_e * (T_e - T_c)$ , where:  
 ETL = Excess Thermal Load (million kcal/day)  
 Q<sub>e</sub> = Daily average effluent flow (CFS) from outfall  
 T<sub>e</sub> = Daily maximum effluent temperature (°C) from outfall  
 T<sub>c</sub> = Applicable temperature criterion -  
 September 1 through June 15: 13.0°C; June 16 – August 31: 16°C.
- f. The permittee must collect and record monitoring data during one month of each calendar quarter ~~according to the minimum frequency column.~~ The permittee must submit a summary to DEQ quarterly on approved forms by the 15th of the month following the end of each quarter. The permittee must use the month of highest production during the calendar quarter as the month of monitoring for all parameters, ~~except temperature which the permittee must monitor each month beginning April 1 through October 31 and according to the facility's temperature monitoring plan.~~

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
<p>g. Facility personnel must collect water quality samples for chemicals (<u>See Schedule A Section 3</u>) in the month of highest use for that quarter. Facility personnel must collect effluent samples at a location before entry into the receiving water. <del>Facility personnel must collect grab samples from Outfalls 001 and 002, at a ratio, based on the amount of flow from each outfall, and composite them into one sample for TSS and SS, and grab samples for each of the remaining parameters.</del></p> <p>h. Monitoring for formaldehyde at Outfalls 001 and 002 is required only during times when wastewater affected by chemicals is sent through Outfalls 001 and 002 and cannot be directed through Outfall 003. <del>concurrently with the highest application for the quarter, and effluent sampling must occur at a location before entry into the receiving water. Facility personnel must collect grab samples for all parameters except formaldehyde from Outfalls 001 and 002, and composite them into one sample at a ratio, based on the amount of flow from each outfall. Monitoring for formaldehyde at Outfalls 001 &amp; 002 is required only during times when wastewater affected by chemicals is sent through Outfalls 001 and 002 and cannot be directed through Outfall 003. The permittee must collect samples for formaldehyde at the outfalls before entry into the receiving stream. The permittee must calculate the diluted formaldehyde concentration at the ZID (10% of the river flow), or RMZ (25% of the river flow), using the same day's flow of the river and the effluent flow of formalin-treated wastewater. The permittee must report the final calculated formaldehyde concentrations at the ZID or RMZ quarterly, using the DEQ-approved Net DMR reporting system.</del></p> <p>i. Facility personnel must collect grab samples from Outfalls 001 and 002, at a ratio, based on the amount of flow from each outfall, and composite them into one sample <del>for TSS and SS.</del></p> <p>j. DEQ will allow composite samples (4 grab samples evenly spaced) to be collected during working hours provided the discharge quality is consistent throughout the entire 24-hour day or discharge period.</p> <p>k. <u>If the permittee selects final Excess Thermal Load Limit (ETLL) Option B from Table A1.c, then the permittee must calculate the ETLL (million kcal/day) each day the permittee uses this option. The permittee must use the equation and procedure noted in Table A1.c.</u></p> <p>l. <u>When Option C: Minimum Duties Provision applies, the daily excess thermal load (ETL) discharged from each outfall must be calculated using the daily maximum effluent temperature and the corresponding daily average effluent flow using the formula below.</u></p> <p><u>The 7-day rolling average is then calculated from the daily ETLs.</u></p> <p><u>The daily ETL discharged from each outfall = 2.446 * Q<sub>e</sub> * (T<sub>e</sub> - T<sub>i</sub>), where:</u></p> <p><u>ETL = Excess Thermal Load (million kcal/day)</u></p> <p><u>Q<sub>e</sub> = Daily average effluent flow (CFS) from outfall</u></p> <p><u>T<sub>e</sub> = Daily maximum effluent temperature (°C) from outfall</u></p> <p><u>T<sub>i</sub> = The daily maximum influent temperature (°C) measured at the facility intake</u></p>					

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
<p>m. <u>Facility personnel must take individual measurements of formaldehyde, flow, temperature, and pH separately at each outfall.</u> Facility personnel must monitor water temperature each month beginning April 1 through October 31, according to the facility's temperature monitoring plan. Facility personnel must take temperature measurements at the supply water intake area and Outfalls 001, 002, and 003.</p>					

b. Outfall 3 (from Pollution Abatement/Settling Ponds)

Facility personnel must collect water samples from the stream channel at Outfall 003 for Total Suspended Solids and Settleable Solids. Facility personnel must take individual measurements of formaldehyde, flow, temperature, and pH.

**Table B3: Outfall 003 Monitoring Requirements (Cleaning Operations)**

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Total Suspended Solids (00530) (See notes e and f) (See notes e, f and g.)	mg/L	Year-round	Weekly	24-hour Composite (See note e.)	Daily Maximum
Settleable Solids (00545) (See notes e and f) (See notes e, f and g.)	ml/L	Year-round	Monthly	24-hour Composite (See note e.)	Daily Maximum
Flow (50050) (See notes f and g)	cfs	Year-round	Weekly	Measurement	1. Monthly Average 2. Monthly Maximum
Temperature (00010) (See notes e, f and h) (See note c.)	°C	<del>Year-round</del> April 1 – October 31	<del>Weekly</del> Daily	Continuous (See note c.)	1. Daily Maximum 2. Maximum 7-day Rolling Average (See note c)
		November Nov 16 – March 31	Weekly	Grab or continuous (See note c.)	
Excess Thermal Load (51405) (See notes d and e)	million kcal/day	Apr 1– <del>Oct 31</del> Nov 15	Daily	Calculation (See note c.)	Maximum 7-day Rolling Average

<u>Excess Thermal Load Limit (if using limit Option B) (See note h.)</u>	<u>Million kcal/day</u>	Apr 1– Nov 15	<u>Daily</u>	<u>Calculation (see Table A1.c, also see notes c. and h.)</u>	<u>7-day Rolling Average</u>
Excess Thermal Load (Option C - when using Minimum Duties provision) (See note i)	<u>Million kcal/day</u>	Apr 1– Nov 15	Daily	<u>Calculation</u>	Maximum 7-day Rolling Average
pH (00400) (See notes e and f) (See notes f and g)	SU	Year-round	Weekly	Measurement	1. Daily Minimum 2. Daily Maximum
Formaldehyde (71880) (See notes e and f) (See notes f and g.)	mg/L	Year-round	Quarterly	Grab	Value

Notes:

- a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If the permittee cannot deploy new equipment immediately, the permittee must perform grab measurements. If the failure or loss is for continuous temperature monitoring equipment, then the permittee must perform grab measurements daily during active cleaning operations, preferably between 1 PM and 4 PM, but earlier is acceptable if no cleaning activity is occurring during those hours, until the permittee can redeploy continuous monitoring equipment.
- b. When submitting DMRs electronically, the permittee must submit all data used to determine summary statistics in a DEQ-approved format as a spreadsheet attachment in NetDMR unless DEQ otherwise directs.
- c. **The permittee must program the continuous recording device to measure and record water temperature at least once an hour.** If facility personnel collect temperature data at a frequency greater than once per hour, the permittee may report the maximum hour average value and use it in the excess thermal load (ETL) calculations.
- d. The daily excess thermal load (ETL) discharged from the outfall must be calculated using the daily maximum effluent temperature and the corresponding daily average effluent flow using the formula below. If the calculation results in an ETL value less than zero, the results must be recorded as zero.

The 7-day rolling average is then calculated from the daily ETLs.

The daily ETL discharged from each outfall =  $2.4463 \cdot 785 \cdot Q_e \cdot (T_e - T_c)$ , where:

- ETL = Excess Thermal Load (million kcal/day)
- $Q_e$  = Daily average effluent flow (CFSMGD) from outfall
- $T_e$  = Daily maximum effluent temperature (°C) from outfall
- $T_c$  = Applicable temperature criterion - September 1 through June 15: 13.0°C; June 16 – August 31: 16°C

- e. Facility personnel must collect a representative composite sample from Outfall 003 during cleaning operations. The composite sample must consist of at least 4 grab samples collected during the cleaning cycle. **DEQ will allow composite samples (4 grab samples evenly spaced) to be collected during working hours provided the discharge quality is consistent throughout the entire 24-hour day or discharge period.**
- f. The permittee must collect and record monitoring data during one month of each calendar quarter **according to the minimum frequency column.** The permittee must submit a summary to DEQ quarterly on approved forms by the 15th of the month following the end of each quarter. The permittee must use the month of highest production during the calendar quarter as the month of monitoring for all parameters, ~~except temperature which the permittee must monitor each month beginning April 1 through October 31 and according to the facility's temperature monitoring plan.~~
- g. ~~Facility personnel must collect water quality samples for chemicals concurrently with the highest application for the quarter, and effluent sampling must occur at a location before entry into the receiving water. Facility personnel must use dye testing or cross-sectional mixing zone sampling to assure sampling occurs within the plume. If facility personnel use dye testing, it must be demonstrated that the dye and pollutant parameters do not interact with each other. Facility personnel must collect grab samples for all parameters except formaldehyde from Outfalls 001 and 002, and composited into one sample at a ratio, based on the amount of flow from each outfall. Monitoring for formaldehyde at Outfalls 001 & 002 is required only during times when wastewater affected by chemicals is sent through Outfalls 001 and 002 and cannot be directed through Outfall 003. The permittee must collect samples for formaldehyde at the outfalls before entry into the receiving stream. The permittee must calculate the diluted formaldehyde concentration at the ZID (10% of the river flow), or RMZ (25% of the river flow), using the same day's flow of the river and the effluent flow of formalin-treated wastewater. The permittee must maintain on-site the final calculated formaldehyde concentrations at the ZID or RMZ quarterly. Facility personnel must collect water quality samples for chemicals in the month of highest use for that quarter. Facility personnel must collect effluent samples at a location before entry into the receiving water. Facility personnel must collect grab samples from Outfalls 001 and 002, at a ratio, based on the amount of flow from each outfall, and composite them into one sample for TSS and SS, and grab samples for each of the remaining parameters. Monitoring for formaldehyde at Outfalls 001 and 002 is required only during times when wastewater affected by chemicals is sent through Outfalls 001 and 002 and cannot be directed through Outfall 003.~~
- h. If the permittee selects final Excess Thermal Load Limit (ETLL) Option B from Table A1.c, then the permittee must calculate the ETLL (million kcal/day) each day the permittee uses this option. The permittee must use the equation and procedure noted in Table A1.c.
- i. When the minimum duties provision applies, the daily excess thermal load (ETL) discharged from each outfall must be calculated using the daily maximum effluent temperature and the corresponding daily average effluent flow using the formula below.

The 7-day rolling average is then calculated from the daily ETLs.

The daily ETL discharged from each outfall =  $2.446 * Q_e * (T_e - T_i)$ , where:

ETL = Excess Thermal Load (million kcal/day)

$Q_e$  = Daily average effluent flow (CFS) from outfall

$T_e$  = Daily maximum effluent temperature (°C) from outfall

$T_i$  = The daily maximum influent temperature (°C) measured at the facility intake

j. ~~Facility personnel must monitor water temperature each month beginning April 1 through October 31, according to the facility's temperature monitoring plan. Facility personnel must take temperature measurements at the supply water intake area and Outfalls 001, 002, and 003.~~

c. The following table includes calculation and reporting requirements for aggregate Outfalls 001, 002 and 003 discharges. Report the results in accordance with Table B1 and Table B4.

**Table B4: Aggregate Outfalls 001, 002 and 003 Effluent Monitoring Requirements**

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action	Report Statistic (See note a.)
Aggregate Excess Thermal Load (51405) (See note e)	Million kcal/day	Apr. 1 – <del>Oct. 31</del> Nov. 15	Daily	Calculation (See note b.)	1. Daily Value 2. Maximum 7-day Rolling Average
<u>Aggregate Excess Thermal Load Limit (If using Option B)</u>	<u>Million kcal/day</u>	<u>Apr 1 – Nov 15</u>	<u>Daily</u>	<u>Calculation (see Table A1.c, also see note c.)</u>	<u>7-day Rolling Average</u>
Aggregate Excess Thermal Load (If using Option C Minimum Duties Provision)	<u>Million kcal/day</u>	<u>Apr 1 – Nov 15</u>	Daily	<u>Calculation (See note d.)</u>	Maximum 7-day Rolling Average

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action	Report Statistic (See note a.)
<p>Notes:</p> <ul style="list-style-type: none"> <li>a. All data used to determine summary statistics must be submitted in a DEQ-approved format as a spreadsheet attachment in NetDMR unless otherwise directed by DEQ.</li> <li>b. The aggregate Outfall 001, 002 and 003 Excess Thermal Load is the sum of the Excess Thermal Load for Outfall 001, the Excess Thermal Load for Outfall 002 and the Excess Thermal Load for Outfall 003 (each reported under Tables B2 and B3). If the resulting value is less than zero, report as zero.</li> <li>c. <u>When using Option B, the aggregate Outfall 001, 002 and 003 Excess Thermal Load Limit is the sum of the Excess Thermal Load Limit for Outfall 001, the Excess Thermal Load Limit for Outfall 002 and the Excess Thermal Load Limit for Outfall 003 (each reported under Tables B2 and B3). If the resulting value is less than zero, report as zero.</u></li> <li>d. <u>When using Option C, the aggregate Outfall 001, 002 and 003 Excess Thermal Load is the sum of the Excess Thermal Load for Outfall 001, the Excess Thermal Load for Outfall 002 and the Excess Thermal Load for Outfall 003 under the minimum duties provision (each reported under Tables B2 and B3). If the resulting value is less than zero, report as zero.</u></li> <li>e. <del>The permittee must collect and record monitoring data during one month of each calendar quarter. The permittee must submit a summary to DEQ quarterly on approved forms by the 15th of the month following the end of each quarter. The permittee must use the month of highest production during the calendar quarter as the month of monitoring for all parameters, except temperature which the permittee must monitor each month beginning April 1 through October 31 and according to the facility's temperature monitoring plan.</del></li> </ul>					

d. Supply Water

The permittee must collect supply water monitoring samples from the supply channel after the intake gate valves, but before the show pond and production pond inlets. Table B5 below summarizes the supply water monitoring requirements.

**Table B5: Supply Water Monitoring Requirements**

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Flow (00056) (See note e.)	cfs	Year-round	Weekly	Estimate Measurement	1. Monthly Average 2. Monthly Maximum
Total Suspended Solids (00530) (See note e.)	mg/L	Year-round	Weekly	Grab 24-hour composite (See note c and f)	Monthly Average
Settleable Solids (00545) (See note e.)	mL/L	Year-round	Monthly	24-hour Composite (See note c and f)	Value
Temperature (00010)	°C	<del>Year-round</del> Apr 1 – <del>Oct 31</del> Nov 15	Continuous Daily	Measurement Continuous (See note d.)	Monthly Maximum (See note d.)
		<del>Nov 1</del> Nov 16 – Mar 31	Weekly	Grab or Continuous (See note d.)	
pH (00400) (See note e.)	SU	Year-round	Quarterly	Measurement <del>Grab</del>	Value
BOD <sub>5</sub> (00310) (See note e.)	mg/L	Third year of permit cycle [2024]	Quarterly	Grab	Value
Total Ammonia (as N) (00610) (See note e.)	mg/L	Third year of permit cycle [2024]	Quarterly	Grab	Value
Alkalinity as CaCO <sub>3</sub> (00410) (See note e.)	mg/L	Third year of permit cycle [2024]	Quarterly	Grab	Value
Dissolved Oxygen (00300) (See note e.)	mg/L	Third year of permit cycle [2024]	Quarterly	Grab	Value

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Total Kjeldahl Nitrogen (TKN) (00625) (See note e.)	mg/L	Third year of permit cycle [2024]	Quarterly	Grab	Value

Notes:

- a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If the permittee cannot deploy new equipment immediately, then the permittee must perform grab measurements daily during active cleaning operations, preferably between 1 PM and 4 PM, but earlier is acceptable if no cleaning activity is occurring during those hours, until the permittee can redeploy continuous monitoring equipment.
- b. When submitting DMRs electronically, the permittee must submit all data used to determine summary statistics in a DEQ-approved format as a spreadsheet attachment in NetDMR unless DEQ otherwise directs.
- c. Facility personnel must concurrently conduct supply water monitoring for TSS and SS, or for up to two days before monitoring effluent TSS and SS samples.
- d. Facility personnel must program their continuous monitoring equipment to record temperature once per hour. ~~If facility personnel collect temperature data at a frequency greater than once per hour, the permittee may report the maximum hour average value and use it in the excess thermal load (ETL) calculations.~~
- e. The permittee must collect and record monitoring data during one month of each calendar quarter according to the minimum frequency column. The permittee must submit a summary to DEQ quarterly on approved forms by the 15th of the month following the end of each quarter. The permittee must use the month of highest production during the calendar quarter as the month of monitoring for all parameters, ~~except temperature which the permittee must monitor each month beginning April 1 through October 31 and according to the facility's temperature monitoring plan.~~
- f. DEQ will allow composite samples (4 grab samples evenly spaced) to be collected during working hours provided the discharge quality is consistent throughout the entire 24-hour day or discharge period.



**Oregon Department of Environmental Quality  
National Pollutant Discharge Elimination System  
Permit Fact Sheet Modification #4  
Final: 5/5/2025**

State of Oregon  
Department of  
Environmental  
Quality

Western Region – Salem Office  
4026 Fairview Industrial Drive SE  
Salem, OR 97302

<b>Permittee:</b>	Oregon Department of Fish and Wildlife 4034 Fairview Industrial Drive SE Salem, OR 97302
<b>Existing Permit Information:</b>	File Number: 64490 Permit Number: 101914 Expiration Date: Aug. 31, 2026 EPA Reference Number: OR0027642
<b>Source Contact:</b>	Erik Withalm, 541-896-3294 x221 Hatchery Manager
<b>Source Location:</b>	90700 Fish Hatchery Road Leaburg, OR 97489 Lane County
<b>LLID:</b>	NHD: 17090004000099, 31.6% LLID: 1230673441173, RM 33.7
<b>Receiving Stream/Basin:</b>	McKenzie River / McKenzie Basin
<b>Proposed Action:</b>	Permit Modification <a href="#">#4</a> <a href="#">Modification in response to request received January 13, 2025</a>
<b>Source Category:</b>	NPDES Minor (NPDES-IW-B17-Tier 2)– Industrial
<b>Sources Covered:</b>	Discharges from aquatic animal production facility (Fish Hatchery)
<b>Permit Writer:</b>	<a href="#">Phillip Sprague, NPDES Permit Writer</a> <a href="#">January 29, 2025</a> <del><a href="#">Jeffrey Navarro, Senior Water Quality Permit Program Analyst</a></del> <del><a href="#">Oct. 26, 2023</a></del> <del>David Cole, Water Quality Permit Writer / Northwest Region, Water Quality Source Control</del> <del>09/28/2021</del>

**NPDES Permit Fact Sheet Modification #4  
ODFW – Leaburg Hatchery**

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## 1. Justification for Modification

The Department of Environmental Quality (DEQ) proposes to modify the National Pollutant Discharge Elimination System (NPDES) wastewater permit for the Leaburg Hatchery located at 90700 Fish Hatchery Road, Leaburg, OR 97489. The Oregon Department of Fish and Wildlife operates this hatchery. This permit was originally issued on September 29, 2021, and expires on August 31, 2026.

DEQ initially received a request on January 13, 2025, to modify the permit by incorporating the Willamette Subbasins Temperature TMDL waste load allocations into Schedule A and B of the permit.

DEQ has classified this modification as a major modification in accordance with 40 CFR §122.6.

## 2. Summary of Changes

The permit is proposed to be modified to replace existing limits associated with the 2006 Willamette Basin Temperature TMDL with limits addressing the temperature waste load allocations (WLAs) from the 2024 Total Maximum Daily Loads for the Willamette Subbasins-Temperature. Necessary modifications to the permit to incorporate the TMDL include the following:

- Removed “no discharge during April 1-October 31” and “No heat (0 kcal/day), 7-day rolling avg.” lines from Table A1 of Schedule A(a.).
- Removed “no discharge during April 1-October 31” and “No heat (0 kcal/day), 7-day rolling avg.” lines from Table A1 of Schedule A(c.).
- Added the WLAs from the Willamette Subbasins TMDL for temperature in Table A1(c.) of Schedule A.
- Added notes b. and c. to Table A1(c.) of Schedule A.
- Adjusted Table B2, B3, B4, and B5 of Schedule B monitoring time periods for temperature to match the period of the WLAs.
- Added “Excess Thermal Load Limit (if using limit Option B)” line to Table B2 of Schedule B.
- Added “Excess Thermal Load (when using Minimum Duties provision)” line to Table B2 of Schedule B.
- Added notes k. and l. to Table B2 of Schedule B.

Additionally, the permit is being modified to split note g. in Tables B2 and B3 to clarify which portion of the note applies to which parameters.

## 3. Excess Thermal Load Limit Modifications

The existing permit contains excess thermal load (ETL) and other limits based on the 2006 Willamette Basin Temperature TMDL. The 2006 TMDL did not provide any wasteload allocation (WLA) to the Leaburg facility. To be consistent with the TMDL, the existing permit contained both an ETL limit of zero and a prohibition of discharge from April 1 – October 31.

On Aug. 6, 2024, the Environmental Quality Commission adopted into rule a revised TMDL. EPA approved the TMDL on Sept. 12, 2024. This revised TMDL<sup>1</sup> includes a set of WLAs applicable to the Leaburg facility.

DEQ is proposing to modify the facility's NPDES permit to ensure the permit's limits are consistent with the assumptions and requirements of the revised TMDL. The required modifications include removing the existing prohibition on discharge from April 1 to October 31 and the limit of "No heat (0 kcal/day), Max. 7-day rolling Avg." for the same period. These two limits were included in the current permit expressly to address the requirements of the old TMDL. The proposed modifications also include new ETL limits to address the WLAs contained in the revised TMDL for the facility. These limits apply from April 1 to November 15 as noted in Schedule A1 of the draft modified permit. The associated monitoring requirements included in Schedule B of the draft modified permit have also been updated to ensure the permittee is required to monitor the facility's effluent to demonstrate compliance with the revised limits.

#### **4. Antibacksliding**

The proposed permit complies with the antibacksliding provisions of CWA section 402(o) and 303(d)(4) and 40 CFR 122.44(l). The proposed permit limits are the same or more stringent than the existing permit limits with the following exception: a new TMDL wasteload allocation (WLA) has been applied to the permit as a result of an updated TMDL, where the new WLA is less stringent than the limit previously applied. Although antibacksliding provisions generally do not allow relaxation of effluent limits in permit renewals, these proposed permit modifications are allowed under the provisions as noted below.

CWA section 303(d)(4) is referenced in CWA section 402(o)(1) as an exception for WQBELs. This section has two parts, one of which applies to receiving waters that are not attaining the water quality standard of the pollutant being considered (in this case temperature). For this part, backsliding is allowed when the existing limit is based on a TMDL, and the cumulative effect of all such revised effluent limitations based on a TMDL or wasteload allocation will assure attainment of that water quality standard. For this permit modification, the previous limit was a WLA, and the new WLA cumulatively will assure attainment of that water quality standard. Therefore, backsliding is allowed and is included in the proposed permit modification.

#### **5. Antidegradation**

DEQ must ensure the permit complies with Oregon's antidegradation policy found in OAR 340-041-0004. This policy is designed to protect water quality by limiting unnecessary degradation from new or increased sources of pollution.

As described in Section 3.0, the proposed permit includes a revised WLA based on an updated TMDL. OAR 340-041-0004(3)(c) defines some discharges that are not considered degradation of water quality and therefore are not required to undergo an antidegradation review under OAR 340-041-0004 Antidegradation. The section of the rules relevant to this discharge is insignificant temperature increases authorized under OAR 340-041-0028(11) and (12), specifically OAR 340-

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<sup>1</sup> *Total Maximum Daily Loads for the Willamette Subbasins – Temperature, August 2024*

041-0028(12)(b)(B). Therefore, antidegradation review is not required for the updated WLA and is included in the proposed permit modification.

Except for the thermal limits as discussed above, the proposed permit contains the same or lower discharge loadings as the existing permit. Permit modifications with the same or slightly lower discharge loading as the previous permit are not considered to lower water quality from the existing condition. DEQ is not aware of any data indicating that the proposed limits relevant to this modification are not protective of the receiving stream's designated beneficial uses. DEQ also does not have evidence of any existing uses present within the water body that are not currently protected by standards developed to protect the designated uses. Therefore, DEQ has determined that the proposed modification complies with DEQ's antidegradation policy. DEQ's antidegradation worksheet for this permit modification is available upon request.

## DEQ response to comments

### NPDES Permit:

File number: 64490

Permit number: 101914

May 5, 2025

### Overview

DEQ accepted public comment on the proposed modification to permit number 101914 from 3/28/2025 through 5/2/2025. This document provides a summary of each comment and a response from DEQ. A record of these responses to comment are delivered to the commenter upon “notice of delivery” of the permit and stored in the administrative record.

A public hearing was held on 4/28/2025 for the proposed permit.

The following individuals or entities submitted written comments by mail, email, or provided comments in writing during the public hearing (if held):

List of commenters		
#	Commenter	Affiliation
1	Steve Mealey	McKenzie River Guides Association
2	Tyler Holloway	McKenzie River Guides Association
3	Lindsey Hutchison, Josh McMillan, Mary Stites	Willamette Riverkeeper, The Conservation Angler, Northwest Environmental Defense Center

Public comments received by the close of the public comment period are organized by commenter or by topic if more than one comment was made about the same topic. DEQ’s response follows the summary comment. Original comments are on file with DEQ.

#### 1. Steve Mealey/McKenzie River Guides Association (4/28/2025)

**Comment:** Just want to say briefly how important the hatchery is to the guides and to the public in general, providing an opportunity to take hatchery fish. The Leaburg hatchery is essential. And we’ve worked hard over the years to make sure it’s maintained and that its functions properly consistent with of higher the highest water quality standard that we should meet determined by DEQ, of course. And we just want to make sure that that we understand and that this hatchery is operated fully functionally and appropriately to meet water quality standards as well as the needs and wants of the recreating public.

**DEQ Response:** Thank you for your comment.

#### 2. Tyler Holloway/McKenzie River Guides Association (4/28/2025)

**Comment:** My name is Tyler Holloway. I agree with everything Steve says. I’m the current president of the McKenzie Guides Association and the McKenzie and Leaburg hatcheries are both very important to the guides and the local community and bring a lot of revenue and opportunity to the more rural part of Oregon and hope to you know continue operations there as they’ve been in the past within accordance with DEQ standards of course. Just hoping that those hatcheries remain in place and that things can operate as they have and updates as needed in accordance with DEQ.

Version 1.0 1/12/2021



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**DEQ Response:** Thank you for your comment.

3. Lindsey Hutchison/Willamette Riverkeeper; Josh McMillan/The Conservation Angler; Mary Stites/Northwest Environmental Defense Center (5/2/2025)

**Comment:** 1. THE PROPOSED WLAs VIOLATE THE THREE BASIN RULE

To increase water quality and preserve aquatic life, the Three Basin Rule prohibits increased waste discharges into the McKenzie River. OAR 340-041-0350(1). The rule does not define “waste discharges” to exclude thermal discharges. OAR 340-041-0350(3)(a). Therefore, the rule prohibits new or increased thermal discharges into the McKenzie River.

Not to be deterred, DEQ interprets the rule’s section on mass load limitations for existing facilities with water quality permits as authorization to increase thermal load limitations at existing permitted facilities. See DEQ (2024), Total Maximum Daily Load for Willamette Subbasins Response to Comments at 29. As explained in our comments on the draft Total Maximum Daily Load for the Willamette Subbasins, DEQ’s interpretation of the rule is implausible. See Attachment 1 at 3-8. To spare DEQ additional reading, we incorporate those comments here rather than repeat them.

Because the proposed WLAs violate the Three Basin Rule, DEQ should withdraw them.

**DEQ Response:** As stated in the Response to Comments Document (Section 14, Comment 1) for the Willamette Subbasins Temperature TMDL, the Willamette Subbasin Temperature TMDL provides the Leaburg Hatchery an assigned human use allowance that is not greater than what was allowed by the prior TMDL. However, due to an error in the previous TMDL the allocation could not be incorporated into the NPDES permit. The TMDL assigned the allocation to the wrong stream. This facility has existed for many decades, and they do not propose a change in operations. The TMDL corrects for this prior oversight and provides allocations that accommodates for this existing use. While as discussed above the allocations for the facility have not changed, regardless the Three Basin Rule does not restrict permit renewal. As to renewal of NPDES permits for existing facilities the Three Basin Rule provides: “The Director or a designee may renew or transfer NPDES and WPCF permits for existing facilities. Existing facilities with NPDES permits may not be granted increases in their permitted mass load limitations.” The rule therefore allows for renewal of permits for existing facilities but does not allow increases in permitted mass load limitations. Temperature is not expressed as a mass load. Federal regulations at 40 CFR §122.45(f) applicable to states regarding calculating permit conditions provides as to mass limitations that “[a]ll pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass” except a list of pollutants including temperature. The plain language of the rule directed at renewal of permits for existing facilities limits only increases of permit limits expressed in mass load. Given this language, even if incorporation of this allocation into the NPDES permit for this longstanding facility were within the scope of the Three Basin Rule, the rule language addressing renewal is focused on limiting increases in mass load.

No changes were made to the permit modification as a result of this comment.



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4. Lindsey Hutchison/Willamette Riverkeeper; Josh McMillan/The Conservation Angler; Mary Stites/Northwest Environmental Defense Center (5/2/2025)

**Comment:** 2. THE PROPOSED WLAs DO NOT ENSURE COMPLIANCE WITH WATER QUALITY STANDARDS

DEQ calculated the proposed WLAs using higher 7Q10 streamflows that DEQ expects to occur in the bypass reach after the Leaburg Hydroelectric Project is decommissioned.

“Due to decommissioning of the EWEB Leaburg Hydroelectric Project, it is DEQ’s understanding that water will no longer be diverted from the McKenzie River and through the hydroelectric project. This will eliminate the thermal load associated with reduced flows in the ‘bypass reach’ downstream from Leaburg Dam. Leaburg and McKenzie River Hatchery thermal WLAs have been recalculated based on 7Q10 flow rates for full river flow.”

DEQ (2024) at 30. However, there is no assurance that these increased streamflow rates will be maintained before or after the project is decommissioned for three reasons.

First, the current instream lease for the project’s water right expires in 2026. See Attachment 2 at 4. As a result, any increased streamflow in the bypass reach that was caused by the lease will no longer be protected after next year. Therefore, after 2026, streamflow may not be maintained at or above the streamflow rates that DEQ used to calculate the proposed WLAs.

Second, the application to temporarily transfer the project’s water to instream use has not been approved. Even if it is approved, the application requests that the transfer terminate after 2039 or earlier upon request. See Attachment 3 at 7. Therefore, any increased streamflow resulting from the transfer (if approved) will not be protected when the transfer terminates after 2039 or earlier. Third, to our knowledge, the Federal Energy Regulatory Commission has not ordered the termination of water diversions into the Leaburg Canal. Even if it has done so, the project’s water right may still be diverted at any upstream points of diversion after 2026 and, as a result, there is no guarantee that the streamflow rates used to calculate the proposed WLA will be maintained. Unless DEQ conditions the permits to prohibit the use of the proposed WLAs until the project’s water right is permanently transferred instream, the proposed WLAs do not ensure compliance with water quality standards.

**DEQ Response:** Due to the decommissioning of the EWEB Leaburg Hydroelectric Project, it is DEQ’s understanding that water is no longer being diverted from the McKenzie River and through the hydroelectric project. DEQ accounted for this change when developing the 7Q10 low flow estimates used in the TMDL. These flows represent the expected receiving stream low flows for the foreseeable future, without speculating on possible stream flow increases or decreases.

If new information in the future results in different estimates of 7Q10 low flows, the TMDL allows permit writers to recalculate the wasteload allocations (see TMDL Section 9.1.2). Reevaluations of 7Q10 flows are a normal part of DEQ’s procedures during permit renewals, so consideration of any new information regarding the diversion or any other upstream withdrawals or additions is expected to occur on a regular basis in the future.

No changes were made to the permit modification as a result of this comment.



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