



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

NOV 29 2019

WATER DIVISION

Mr. Richard Whitman, Director
Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390

Subject: Disapproval of the Revised Willamette Basin Mercury TMDL

Dear Mr. Whitman:

Oregon Department of Environmental Quality (ODEQ) submitted the revised Willamette Basin Mercury Total Maximum Daily Loads (TMDL) to the U.S. Environmental Protection Agency (EPA) on November 22, 2019. EPA has been involved with ODEQ over the last two years in TMDL development activities and has been actively engaged with ODEQ on this revised TMDL since it was published for public comment on July 3, 2019. Following our review, EPA has concluded that certain elements of the TMDL do not comply with the Clean Water Act (CWA) and EPA regulations, for reasons explained in the enclosed Decision Rationale. Accordingly, EPA is hereby disapproving the TMDL. Upon disapproval of a TMDL, EPA must establish a new TMDL pursuant to § 303(d)(2) of the Act and 40 C.F.R. § 130.7(d)(2). Therefore, EPA intends to begin development of the new TMDL.

The TMDL submittal included the Willamette Basin Water Quality Management Plan (WQMP) which includes implementation strategies for the TMDL. As you know, EPA has no duty to approve or disapprove implementation plans under Section 303(d) of the CWA; therefore, EPA is taking no action on the WQMP.

EPA recognizes and appreciates the thoughtful approach and extensive efforts invested by ODEQ in development of this TMDL and the many projects and programs ODEQ and other entities have implemented to reduce mercury inputs to the basin. We look forward to discussing opportunities for collaboration with you and ODEQ staff on EPA's revisions to the TMDL at your earliest convenience. If you have any questions or would like to discuss options for collaboration, please feel free to call me at (206) 553-1855. Our staff lead, Alan Henning, can be reached at (541) 687-7360.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Opalski".

Daniel D. Opalski
Director

Enclosure: Decision Rationale

cc: Mr. Justin Green, Administrator, Water Quality Division, ODEQ (via email)

Ms. Jennifer Wigal, Deputy Administrator, Water Quality Division, ODEQ (via email)
Mr. Gene Foster, Manager, Watershed Management Section, ODEQ (via email)
Mr. Kevin Brannan, ODEQ (via email)
Mr. Alex Liverman, ODEQ (via email)
Ms. Andrea Matkze, ODEQ (via email)
Ms. Priscilla Woolverton, ODEQ (via email)