

Temperature Total Maximum Daily Loads Replacement project **Snake River**

Feb. 4, 2026

Rule Advisory Committee meeting #1

Virtual meeting

Agenda

Time	Topic
10:00	Welcome, introductions, meeting agenda
10:10	Rule Advisory Committee Charter Review
10:20	Draft Total Maximum Daily Load
10:50	Draft Water Quality Management Plan
11:20	Draft Administrative Rule Language
11:30	Draft Fiscal and Economic Impact Statement
11:50	Wrap up, next steps
12:00	Adjourn meeting

Zoom logistics and meeting ground rules



Raise hand to be recognized for questions or comments



Use chat to:

Ask questions

Provide informational resources

Second good ideas/issues



Mute when not speaking



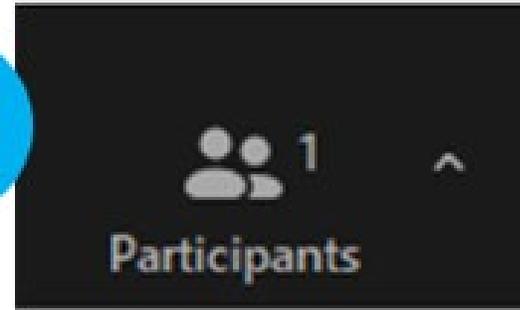
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Rulemaking Advisory Committee

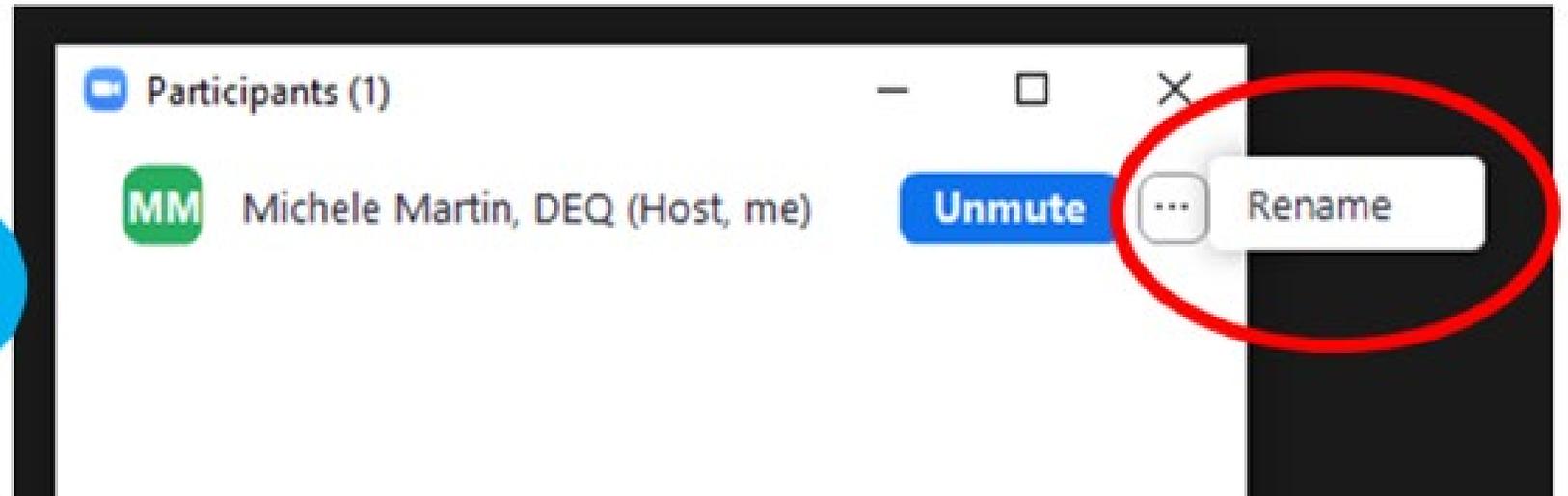
- Purpose: provide input to DEQ on proposed rulemaking
- [Charter](#): posted online (Jan. 23)
- Legal Basis: Fulfills ORS 183.333 (advisory input on fiscal/economic impacts)
- RAC members:
 - Provide input and perspectives
 - Prepare for and attend meeting
 - Consult regularly with constituencies to inform them and gather input
 - No expectation of group decisions or consensus
- DEQ: Facilitate, provide info, record input
- Public: Observe only; DEQ may allow brief comments if time allows
- Stays focused on the specific agenda topics for each meeting;
- Stay on topic, share research/documentation, be respectful

RAC member roll call

1

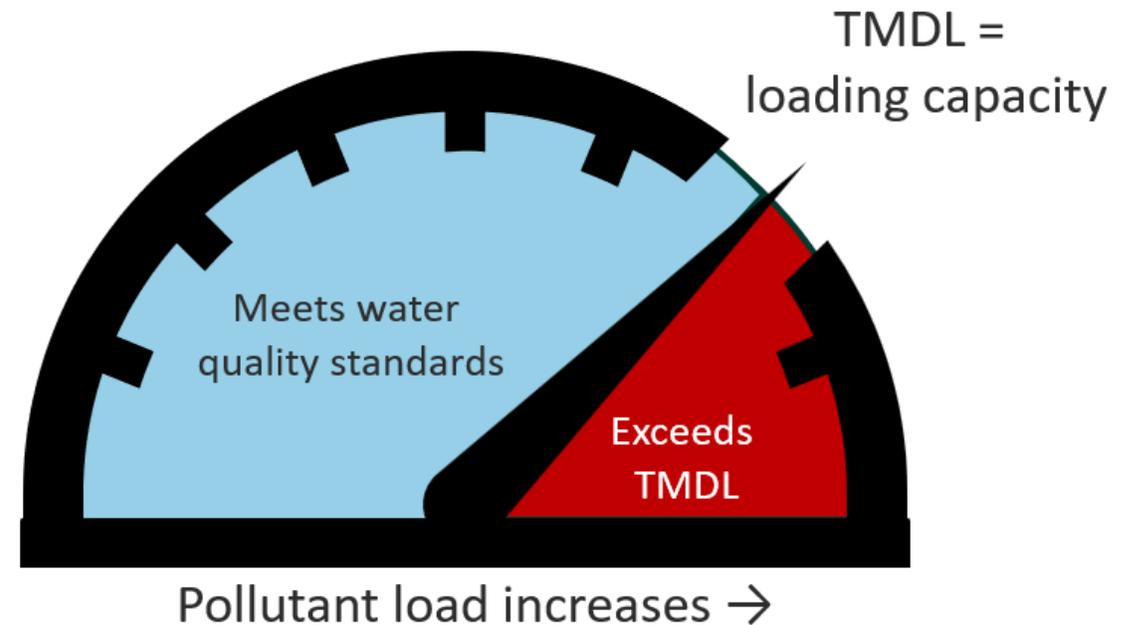


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What are Total Maximum Daily Loads?

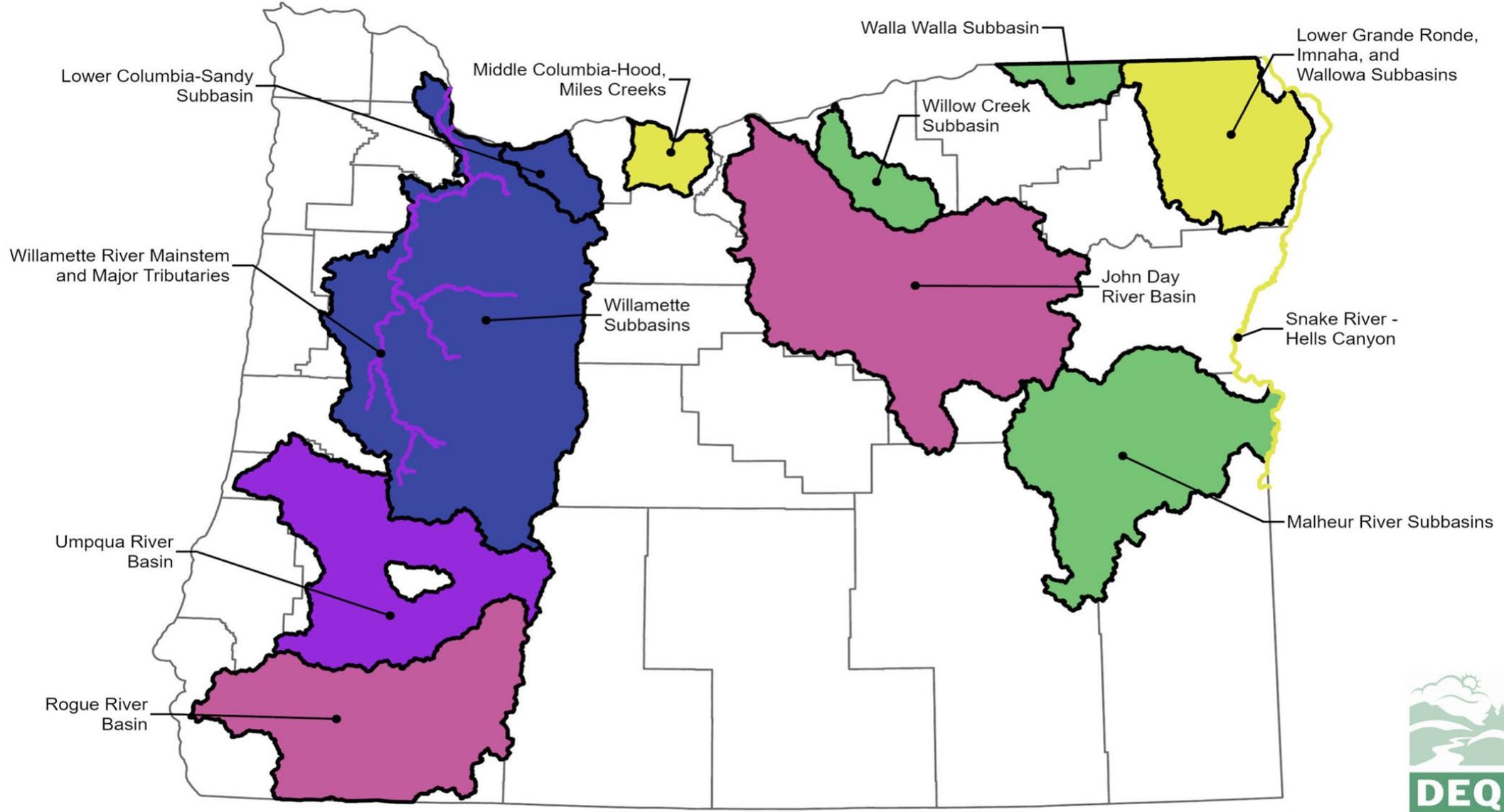
- a science-based approach to cleaning up polluted water so that it meets state water quality standards.
- a numeric value that represents the maximum amount of a pollutant a surface water body can receive and still meet the standards.



Legal drivers behind temperature TMDL replacements

- **2012: NWEA vs. USEPA, NMFS, USFWS**
 - Challenged EPA's approval of Oregon's water quality standards (including the Natural Conditions Criteria) and the Services' "no jeopardy" BiOp
 - Court found “EPA was unable to articulate a rationale [sic] basis for its approval of the NCC”
 - **Outcome:** EPA later disapproved the Natural Conditions Criteria
- **2019: NWEA vs. USEPA**
 - Claimed EPA unlawfully approved temperature TMDLs based on the disapproved Natural Conditions Criteria
 - **Outcome:** Court ordered DEQ and EPA to replace 15 temperature TMDLs using the remaining temperature criteria (excluding the Natural Conditions Criteria)
- [DEQ temperature TMDL replacement project page](#)

Project geographic scope



Key dates for EPA action

Sept. 15, 2024

- ✓ Willamette Subbasins
- ✓ Lower Columbia-Sandy Subbasin

June 28, 2025

- ✓ Willamette River Mainstem and Major Tributaries
- ✓ Umpqua River Basin

Oct. 18, 2027

- Rogue River Basin
- John Day River Basin

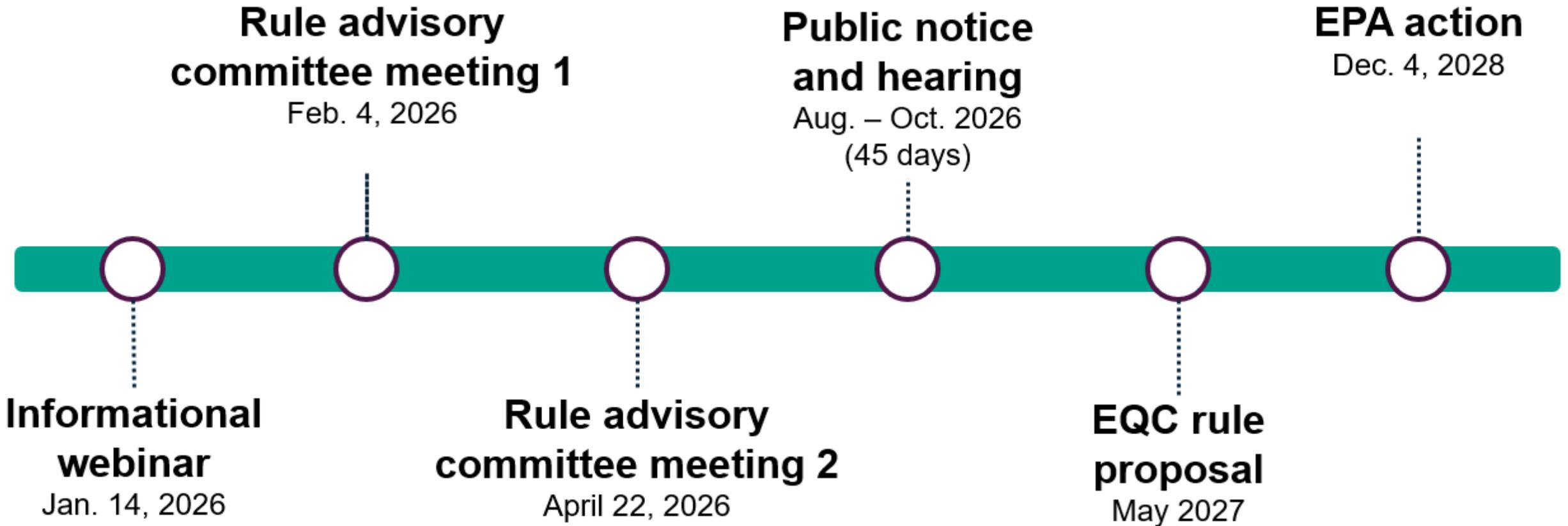
Dec. 4, 2028

- Snake River - Hell's Canyon
- Lower Grande Ronde, Imnaha, and Wallowa Subbasins
- Middle Columbia-Hood, Miles Creeks

Nov. 29, 2029

- Walla Walla Subbasin
- Willow Creek Subbasin
- Malheur River Subbasins

Snake River temperature TMDL project schedule

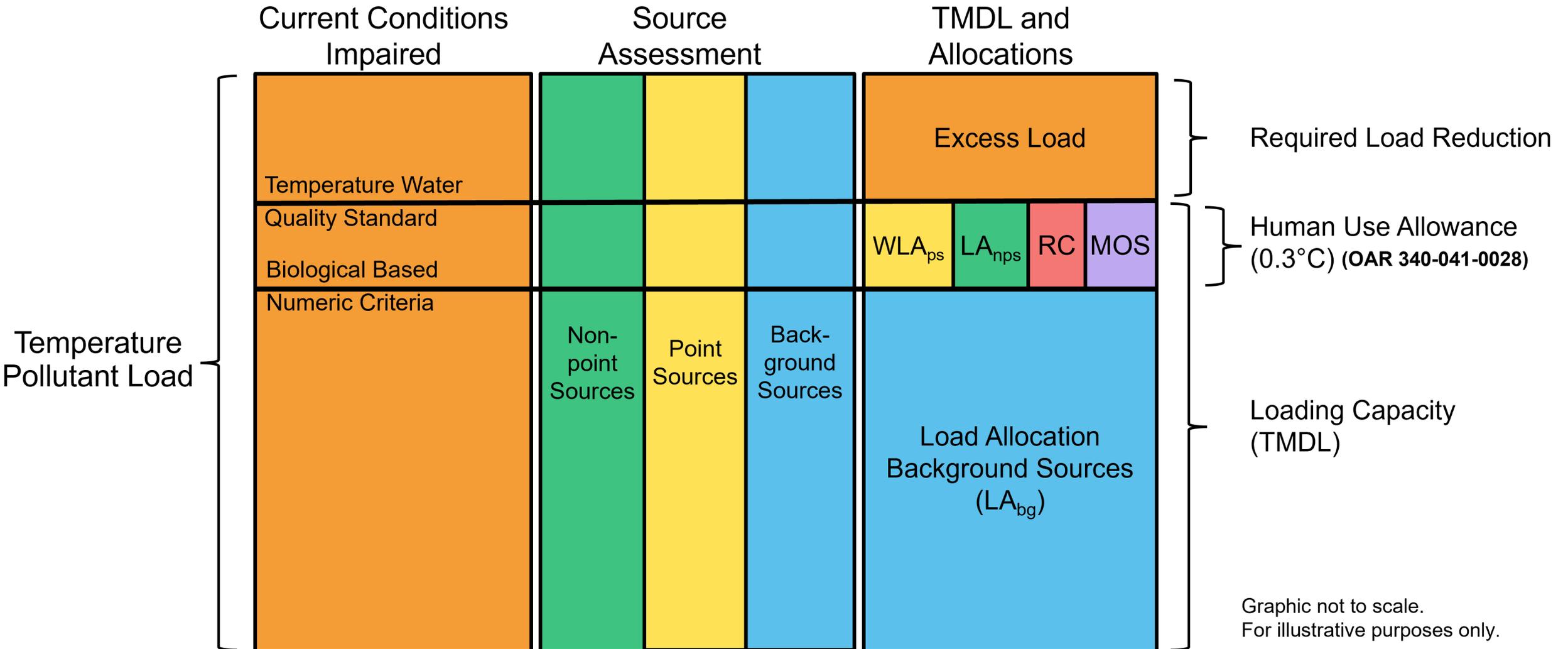


Snake River temperature TMDL overview



Snake River at mile 220 downstream of Kirkwood Creek

$$\text{TMDL} = \text{WLA}_{ps} + \text{LA}_{nps} + \text{LA}_{bg} + \text{MOS} + \text{RC}$$



TMDLs include the following elements:

- Waterbody Name and Location
- Pollutant
- Water quality standard and beneficial uses
- Loading Capacity
- Excess Load / Load Reduction
- Sources or Source categories
- Allocations
 - Wasteload Allocations (WLA)
 - Load Allocations (LA)
 - Surrogate Measures
 - Reserve Capacity (RC)
 - Margin of Safety (MOS)
- Seasonal Variation
- Water Quality Management Plan

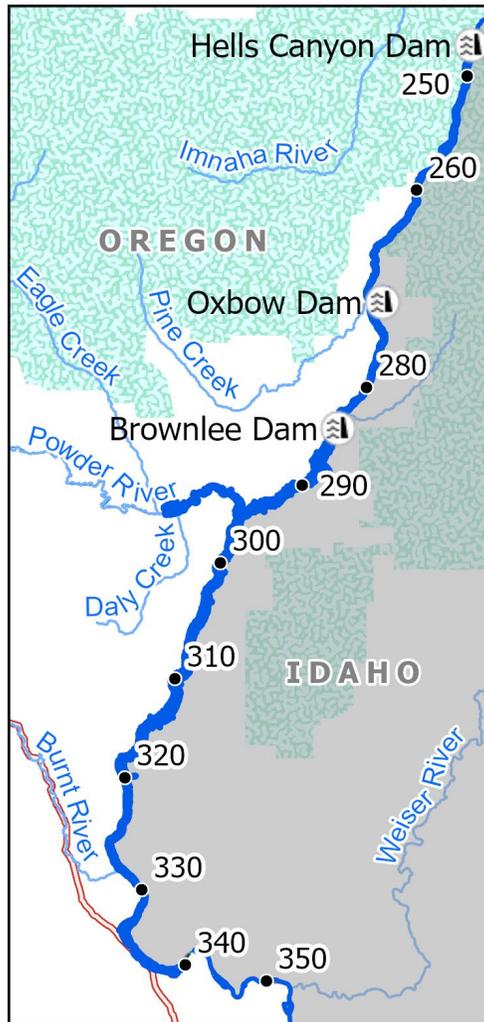
References: [OAR 340-042-0040\(4\)](#) and [40 CFR 130.2 and 40 CFR 130.7](#)

Snake River TMDL project area: TMDL section 2, pgs. 1-3

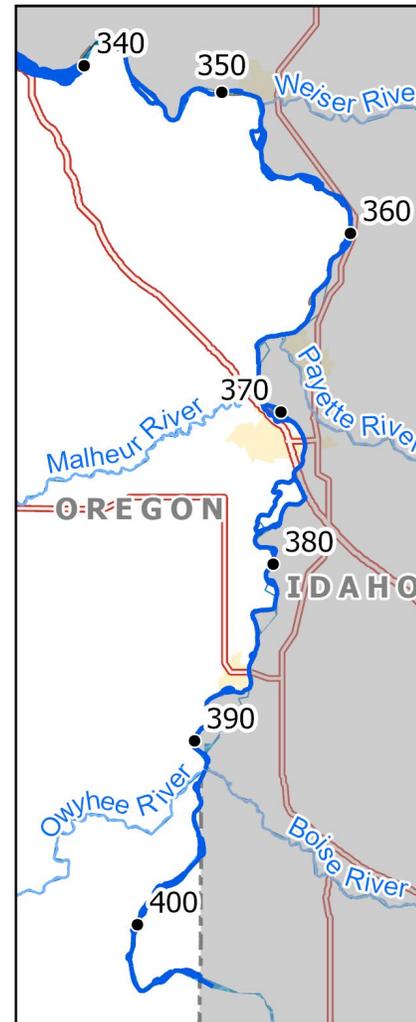
River Mile 176 - 250



River Mile 250 - 350

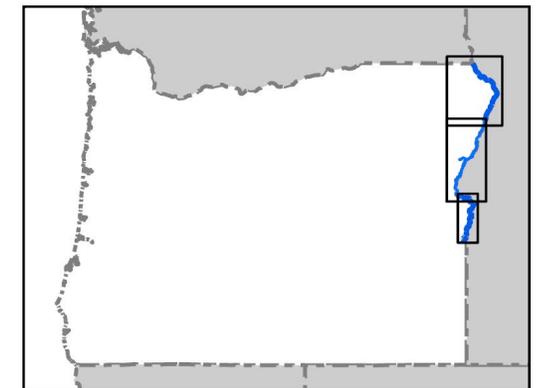


River Mile 350 - 409



Legend

- Dams
- River Miles
- Reservoirs
- Snake River
- Major Tributaries
- State Boundaries
- State of Oregon
- Other States



Snake River TMDL assessment units

Assessment Unit Name	Assessment Unit Description	River Mile	Assessment Unit ID
Snake River	Idaho to Boise River	409 - 392	OR SR 1705010311_02_102702
Snake River	Boise River to Malheur River	392 - 368	OR SR 1705011501_02_103231
Snake River	Malheur River to Weiser River	368 - 352	OR SR 1705011502_02_103230
Snake River	Weiser River to Hog Creek/Brownlee Reservoir	352 - 342	OR SR 1705020101_02_103229
Brownlee Reservoir	Brownlee Reservoir (Snake River)	342 - 284	OR LK 1705020103_05_100578
Brownlee Reservoir	Brownlee Reservoir Powder River Arm	9 - 0	OR LK 1705020311_05_100605
Oxbow Reservoir		284 - 272	OR LK 1705020107_05_100583
Hells Canyon Reservoir		272 - 247	OR LK 1705020107_05_100582
Snake River	Hells Canyon Reservoir to Sheep Creek	247 - 229	OR SR 1706010101_02_103274
Snake River	Sheep Creek to Getta Creek	229 - 206	OR SR 1706010102_02_103280
Snake River	Getta Creek to Salmon River	206 - 188	OR SR 1706010103_02_103282
Snake River	Salmon River to Stateline	188 - 176	OR SR 1706010301_02_103306

TMDL elements

Pollutant identification:

Heat or thermal load

TMDL section 3, pg. 4

Water Quality standards and beneficial uses:

TMDL section 4, pgs. 4-14

Applicable numeric temperature criteria

Location	Oregon Temperature Criteria	Idaho Temperature Criteria	Washington Temperature Criteria
Snake River RM 409 - 247 Oregon-Idaho Stateline to Hells Canyon Dam	Redband or Lahontan cutthroat trout use 20.0°C (68.0°F) 7DADM	Cold water aquatic life 22.0°C (71.6°F) Daily Maximum 19.0°C (66.2°F) Daily Average	NA
Brownlee Reservoir (Powder River Arm)	Redband or Lahontan cutthroat trout use 20.0°C (68.0°F) 7DADM	NA	NA
Snake River RM 247 - 188 Hells Canyon Dam to Salmon River	Salmon and steelhead migration corridor Apr 16 – Oct 22 20.0°C (68.0°F) 7DADM Salmon and steelhead spawning Oct 23 – Apr 15 13.0°C (55.4°F) 7DADM	Cold water aquatic life Apr 16 – Oct 22 22.0°C (71.6°F) Daily Maximum 19.0°C (66.2°F) Daily Average Salmonid spawning Oct [23] 29 – Nov 6 14.5°C (58.1°F) 7DADM Nov 7 – Apr 15 13.0°C (55.4°F) 7DADM	NA
Snake River RM 188 - 176 Salmon River to the Tri-State border	Salmon and steelhead migration corridor Apr 16 – Oct 22 20.0°C (68.0°F) 7DADM Salmon and steelhead spawning Oct 23 – Apr 15 13.0°C (55.4°F) 7DADM	Cold water aquatic life 22.0°C (71.6°F) Daily Maximum 19.0°C (66.2°F) Daily Average	NA
Snake River RM 176 - 139 Tri-State border to Clearwater River	NA	Cold water aquatic life 22.0°C (71.6°F) Daily Maximum 19.0°C (66.2°F) Daily Average	20.0°C (68.0°F) Daily Maximum

Temperature reductions to attain criteria

State	Temperature Criteria (°C)	Temperature Criteria Statistical Base	Temperature Reduction Statistic	Percent Excursion	95th Percentile Reduction (°C)
ID	19	Daily Average	Daily Maximum	28.5	6.8
ID	22	Daily Maximum	Daily Maximum	19.4	5.0
ID	$\frac{14.5}{13}$	7DADM	Daily Maximum	3.5	0.6
OR	$\frac{20}{13}$	7DADM	Daily Maximum	32.4	6.9
				5.3	3.3
WA	20	Daily Maximum	Daily Maximum	20.9	3.4

EPA requires TMDLs be set at levels that will attain all applicable temperature water quality standards. Therefore, DEQ assessed attainment with criteria in downstream and cross stream waters in the States of Idaho and Washington. Oregon's temperature criteria requires the largest temperature reductions to bring impaired waters into attainment. When Oregon's criteria are attained, it is expected to result in attainment of Idaho and Washington's criteria also. Therefore, Oregon criteria were used as the basis for the TMDL allocations. Also see related excess load summary in TMDL section 8, pgs. 18-22

TMDL elements: Seasonal variation and critical period

TMDL section 5, pgs. 14-15

Table 5-1: Critical periods for the Snake River and Hells Canyon Complex.

Location	AU IDs	Critical Period
Snake River from ID/OR Stateline to Brownlee Reservoir (approximately RM 409 - 340)	OR_SR_1705010311_02_102702 OR_SR_1705011501_02_103231 OR_SR_1705011502_02_103230 OR_SR_1705020101_02_103229	May 1 - October 31
Brownlee Reservoir, Oxbow Reservoir, Hells Canyon Reservoir and Snake River from Hells Canyon Dam to the tri-state border (approximately RM 340 - 176)	OR_LK_1705020103_05_100578 OR_LK_1705020311_05_100605 OR_LK_1705020107_05_100583 OR_LK_1705020107_05_100582 OR_SR_1706010101_02_103274 OR_SR_1706010102_02_103280 OR_SR_1706010103_02_103282 OR_SR_1706010301_02_103306	May 15 – November 15

TMDL elements: Sources or source categories

- NPDES point source discharges
- Snake River tributaries
- Dam and reservoir operations
- Vegetation removal or disturbance
- Background warming

Draft TMDL document references:

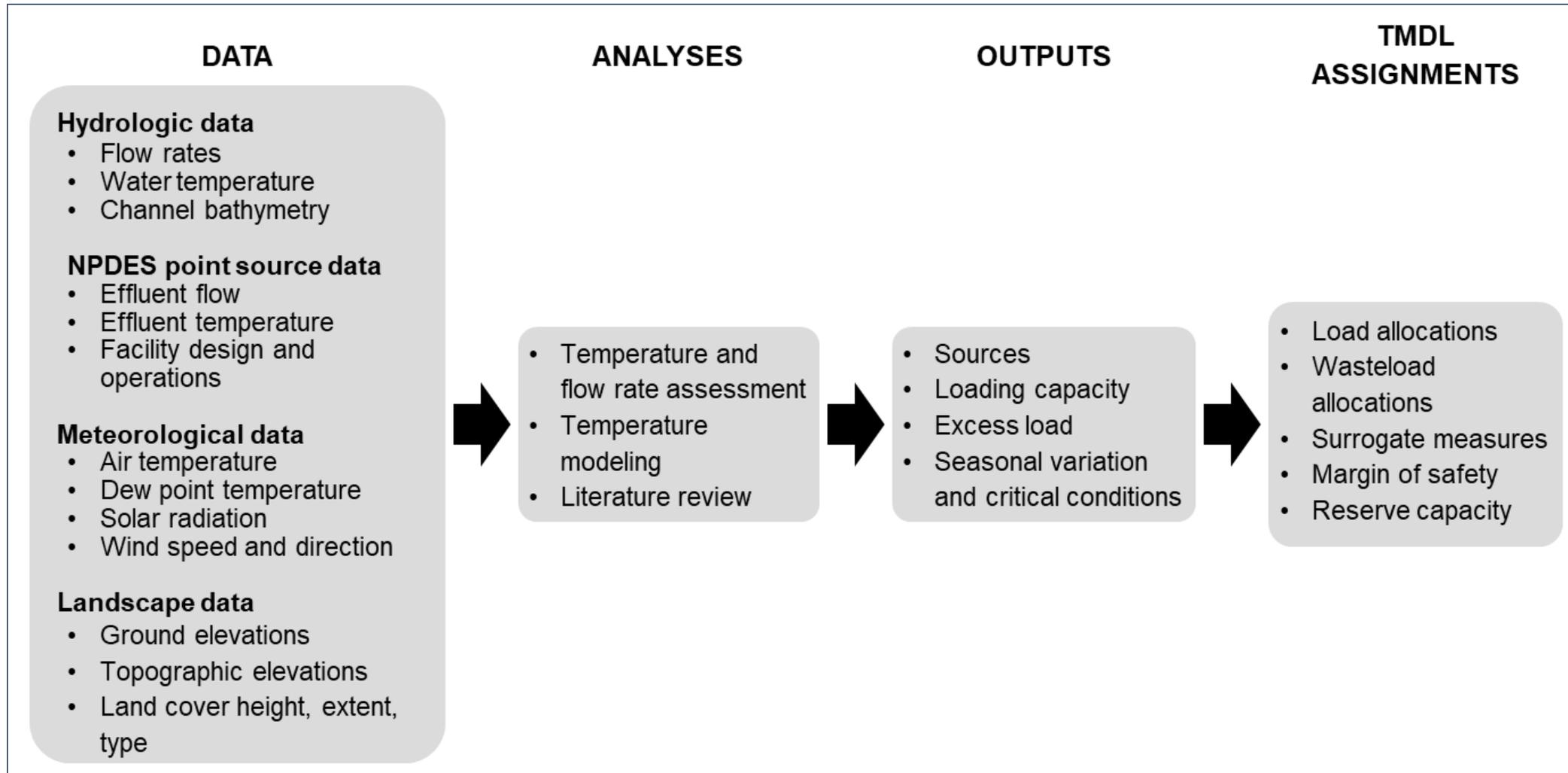
- TMDL section 7, pgs. 15-18
- [TSD Appendix C: Model Scenarios Report](#)

Questions?



Brownlee Reservoir

Analysis Approach



Model Scenarios

- Calibration (current conditions)
- No Point Sources
- Restored Vegetation
- No Dams
- Background
- Wasteload Allocations
- Tributary
- HCC Surrogate Target Temperatures
- HUA Attainment
- Reserve Capacity

See the draft model scenario report for more info ([TSD Appendix C](#))

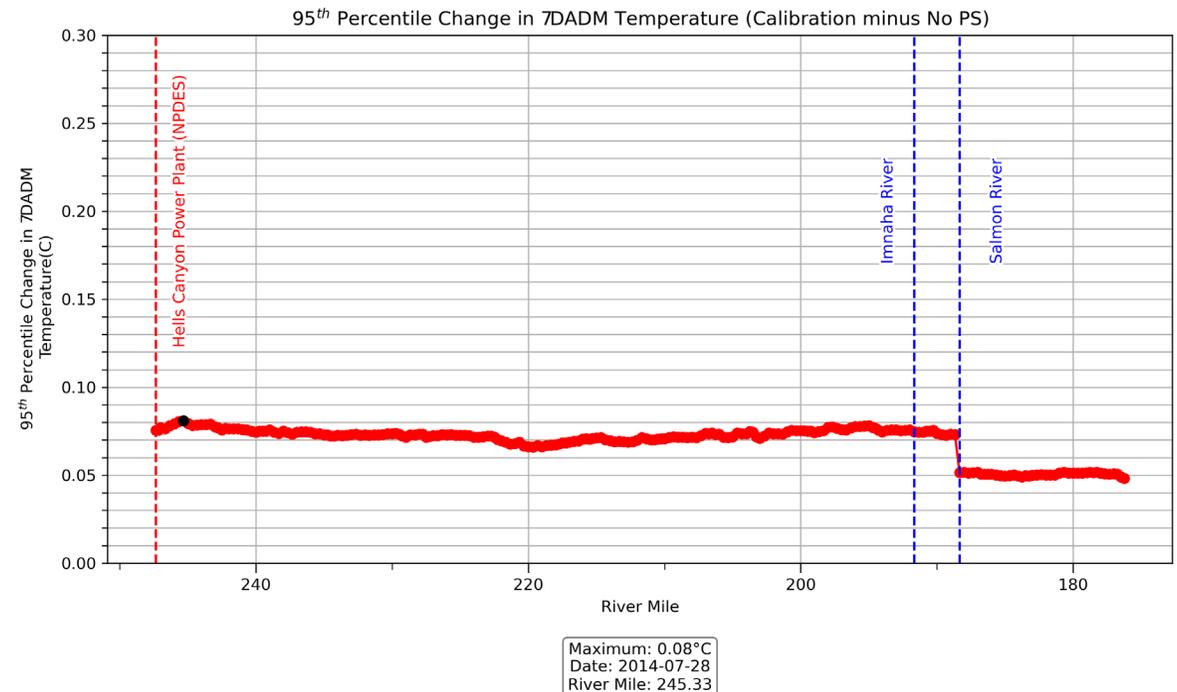
Model scenario comparisons

Table 4-1. Snake River Temperature TMDL scenarios: Explanation of comparisons.

Scenario Baseline	Scenario Comparison	Question/topic addressed
No Point Source	Calibration	Effect of NPDES-permitted point source discharges.
No Dam	Calibration	Effect of existing dams and reservoir operations.
Restored Vegetation	Calibration	Effect of fully restored vegetation along the Snake River mainstem.
Background	Calibration	Effect of anthropogenic sources.
Background	Tributary A	Effect of anthropogenic point and nonpoint sources on Snake River tributaries attaining their respective TMDL allocations.
Background	Tributary B	Effect of Snake River tributaries attaining the applicable temperature criteria.
Background	TMDL WLAs	Effect of point source discharge at WLAs levels.
Background	HUA Attainment	Effect of point and nonpoint sources set at their respective TMDL HUA allocations.
Background	HCC Surrogate	Effect of Hells Canyon Dam releases attaining the TMDL surrogate measure temperature target.
Background	Reserve Capacity +0.1 °C	Effect of point and nonpoint sources set at their respective TMDL allocations plus a hypothetical allocation of reserve capacity equal to 0.1°C increase at the upstream Snake River model boundary (river mile 398) near the Oregon/Idaho border at Adrian.
Background	Reserve Capacity +0.15 °C	Effect of point and nonpoint sources set at their respective TMDL allocations plus a hypothetical allocation of reserve capacity equal to 0.15°C increase at the upstream Snake River model boundary (river mile 398) near the Oregon/Idaho border at Adrian.

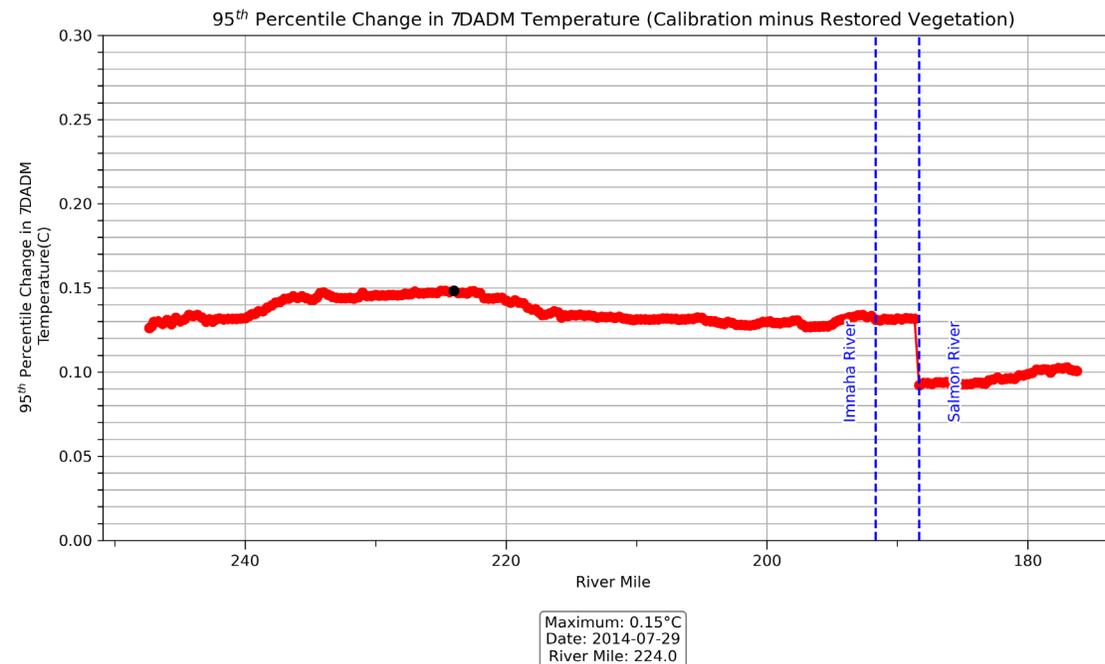
Source: NPDES point source discharges

- Point source discharges increase 7DADM temperatures cumulatively by as much as 0.08°C during the summer and 0.06°C during the spawning period.
- Individual facility temperature increase at the point of discharge was also evaluated (see [TSD Waste Load Allocations](#))



Source: Vegetation removal or disturbance

- Vegetation removal or disturbance increase 7DADM temperatures cumulatively by as much as 0.15°C during the summer and 0.04°C during the spawning period.
- Vegetation improvement on tributaries not evaluated in this scenario (see Tributary scenario)

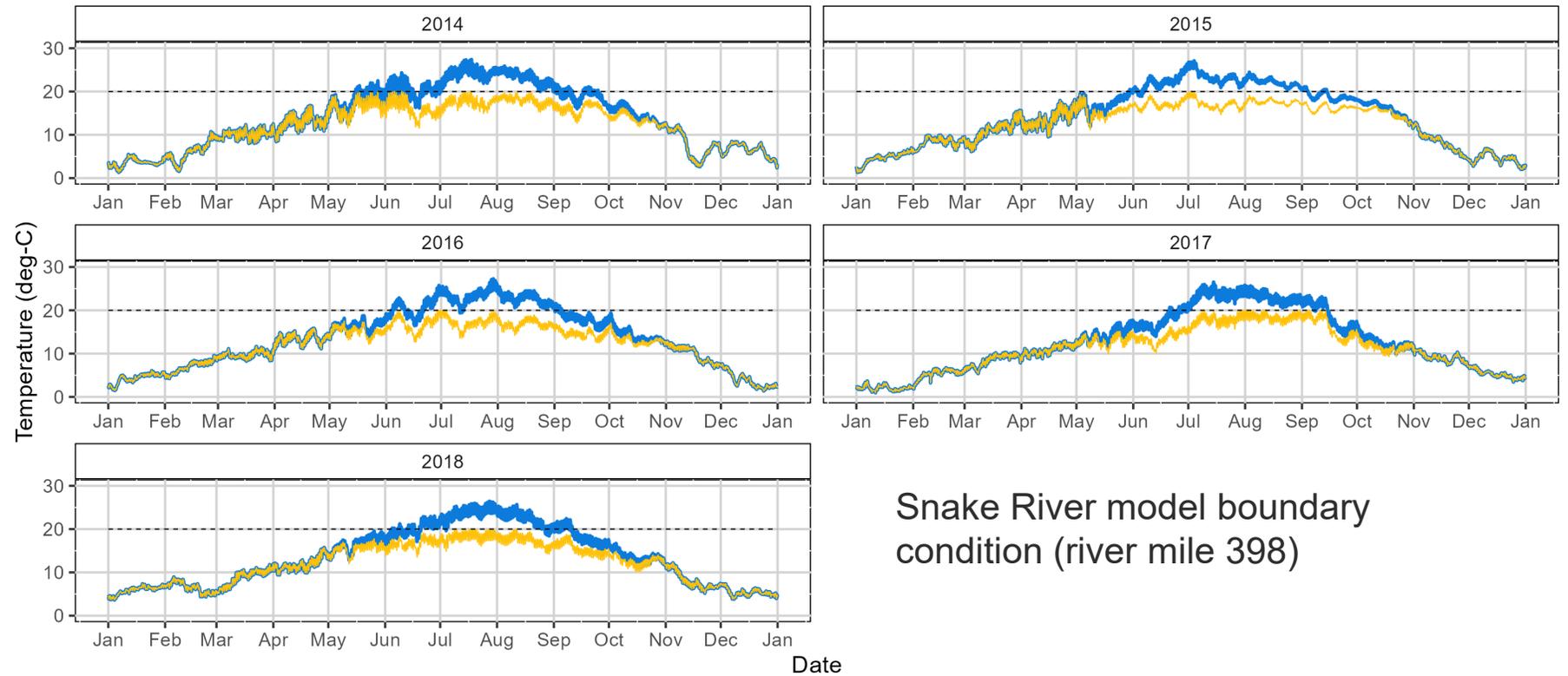


Source: Elevated tributary temperatures

- Temperature criteria exceedances on all tributaries; and on the Snake River upstream of the model boundary increase Snake River 7DADM temperatures cumulatively by as much as 6.9°C in the summer and 0.10°C during the spawning period.
- Temperature criteria exceedances on Oregon tributaries only increase Snake River 7DADM temperatures cumulatively by as much as 0.37°C in the summer and 0.01°C during the spawning period.
- Snake River upstream of the model boundary, followed by the Salmon, Imnaha, and Payette rivers have the largest influence on Snake River temperatures.

Tributaries in model

- Snake River boundary
- Boise River
- Weiser River
- Owyhee River
- Malheur River
- Burnt River
- Powder River
- Wildhorse River
- Pine Creek
- Imnaha River
- Salmon River

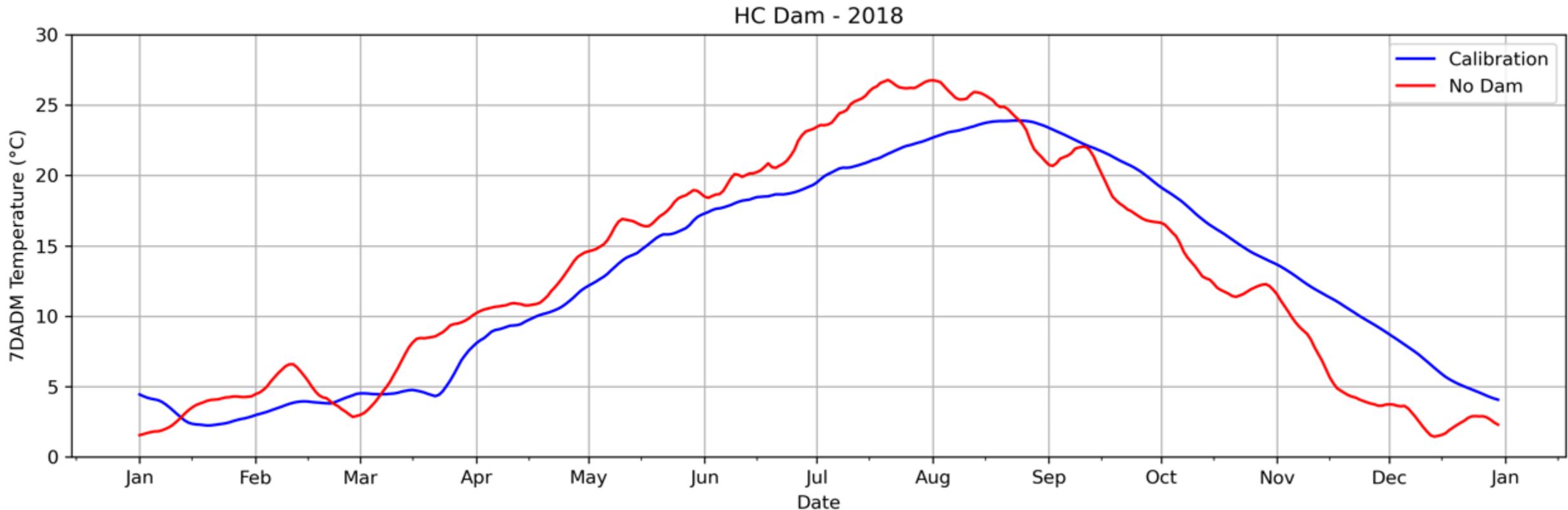


— Calibration — Tributary B Scenario - - - Maximum

Source: Hells Canyon Complex of dams and reservoirs

- Shift in seasonal temperature pattern in the reservoirs and downstream of Hells Canyon Dam
 - Cooler temperatures in the spring and early summer
 - Warmer temperatures in the late summer and fall
- The dams and reservoirs increase 7DADM temperatures cumulatively by as much as 3.0°C during the late summer and 6.4°C during the fall spawning period.

Seasonal temperature shift at Hells Canyon Dam

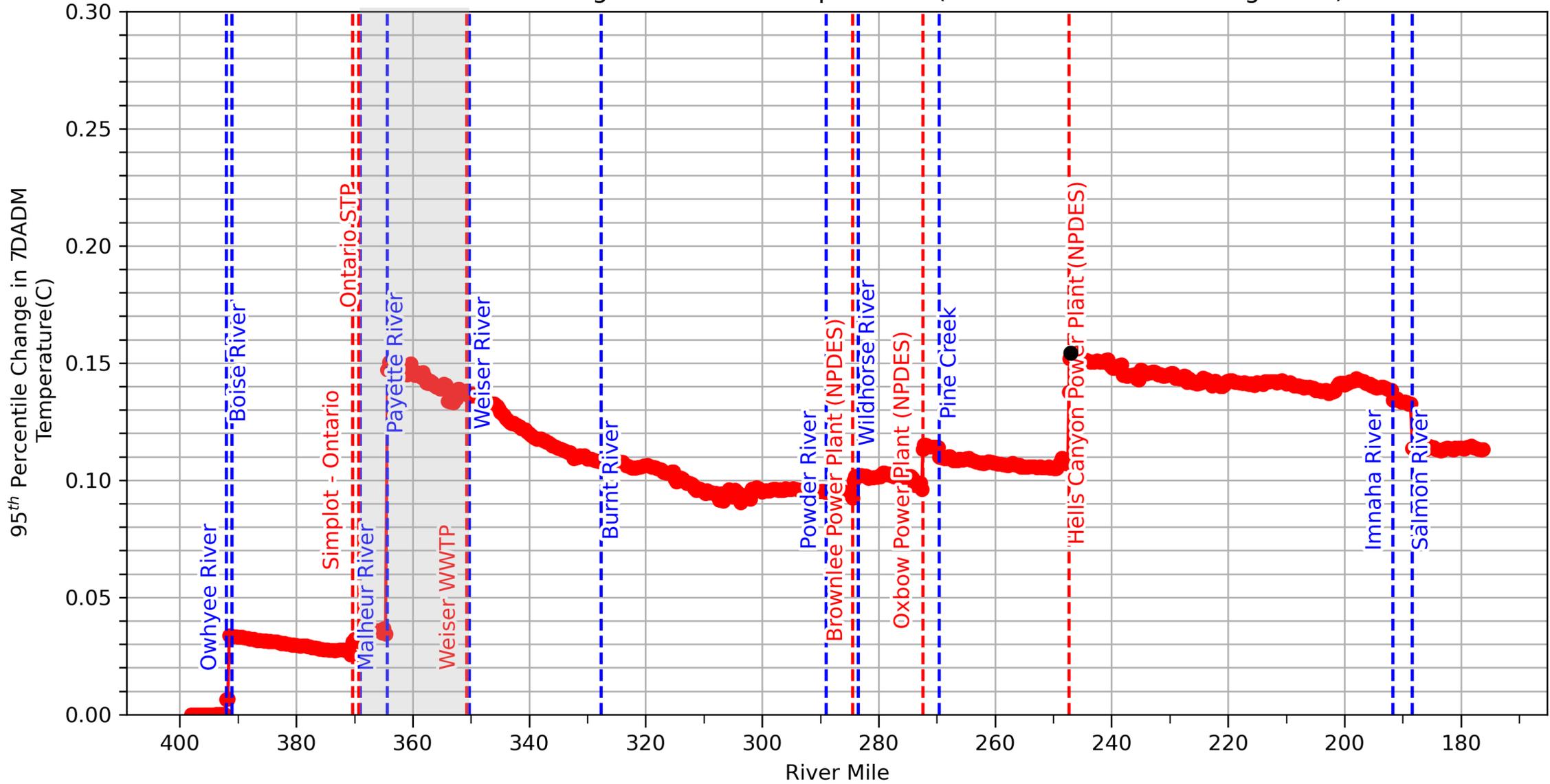


Model setup for point and nonpoint source allocations

HUA attainment scenario

Source Category	Model Approach/Setup	
	Oregon	Idaho
NPDES point sources	Set at WLA discharge. WLA based on maximum current discharge	Same WLA discharge assumptions as 2004 TMDL IPC Brownlee Power Plant reflects the 2023 IPDES permit
Anthropogenic warming from tributaries	All tributaries + 0.3 deg-C Snake River boundary (no increase)	Payette River + 0.3 deg-C (Fruitland IPDES permit) Other tributaries + 0.14 deg-C (2004 TMDL)
Dam and reservoir operations	No increase when 7DADM temperatures exceed criteria (Hells Canyon Dam)	
Solar loading / warming from other nonpoint sources	Restored site potential vegetation (no increase in 7DADM temperatures) Same requirement as 2004 TMDL.	

95th Percentile Change in 7DADM Temperature (Attainment minus Background)



Maximum: 0.15°C
 Date: 2015-04-05
 River Mile: 247.0



TMDL elements: human use allowance assignments (HUA) TMDL section 9.1, pg. 24

Table 9-1: HUA assignments (deg-C) for source or source categories on Snake River or Hells Canyon Complex Reservoir assessment units.

Assessment Unit	Assessment Unit ID	NPDES point sources	Dam and reservoir operations	Anthropogenic warming from tributaries	Other nonpoint sectors	Reserve capacity	Total HUA
Snake River Idaho to Boise River	OR_SR_1705010311_02_102702	0.01	0.00	0.05	0.00	0.24	0.30
Snake River Boise River to Malheur River	OR_SR_1705011501_02_103231	0.01	0.00	0.05	0.00	0.24	0.30
Snake River Malheur River to Weiser River	OR_SR_1705011502_02_103230	0.01	0.00	0.15	0.00	0.14	0.30
Snake River Weiser River to Hog Creek/Brownlee Reservoir	OR_SR_1705020101_02_103229	0.01	0.00	0.15	0.00	0.14	0.30
Brownlee Reservoir	OR_LK_1705020103_05_100578	0.01	0.00	0.12	0.00	0.17	0.30
Brownlee Reservoir Powder River Arm	OR_LK_1705020311_05_100605	0.01	0.00	0.10	0.00	0.19	0.30
Oxbow Reservoir	OR_LK_1705020107_05_100583	0.02	0.00	0.10	0.00	0.18	0.30
Hells Canyon Reservoir	OR_LK_1705020107_05_100582	0.04	0.00	0.10	0.00	0.16	0.30
Snake River Hells Canyon Reservoir to Sheep Creek	OR_SR_1706010101_02_103274	0.11	0.00	0.11	0.00	0.08	0.30
Snake River Sheep Creek to Getta Creek	OR_SR_1706010102_02_103280	0.09	0.00	0.11	0.00	0.10	0.30
Snake River Getta Creek to Salmon River	OR_SR_1706010103_02_103282	0.09	0.00	0.12	0.00	0.09	0.30
Snake River Salmon River to Stateline	OR_SR_1706010301_02_103306	0.09	0.00	0.12	0.00	0.09	0.30

TMDL allocation summary (Malheur to Weiser Rivers)

Table 9-9: Allocation summary for the Snake River from Malheur River to Weiser River (OR_SR_1705011502_02_103230).

Source or Source Category	Assigned HUA (°C)	7Q10 Year Round Use Allocations (kcal/day)
Background	0.00	2.853E+11
NPDES point sources	0.01	1.427E+08
Dam and reservoir operations	0.00	0.000E+00
Anthropogenic warming from tributaries	0.15	2.140E+09
Other nonpoint sectors	0.00	0.000E+00
Reserve capacity	0.14	1.997E+09
-	Total Allocated Load	2.896E+11
-	Loading Capacity	2.896E+11

TMDL elements: wasteload allocations (WLA)

TMDL section 9. 2, pgs. 25-26

- Can be incorporated into NPDES permit as a static numeric limit; or as a dynamic flow-based limit (pg. 25)
- Permit writers are authorized to update 7Q10 or maximum effluent discharge

TMDL elements: wasteload allocations (WLA) table

TMDL section 9.2, pg. 25

Table 9-2: Thermal wasteload allocations (WLA) assigned to point sources.

NPDES Permittee WQ File Number: EPA Number	WLA period	Applicable Temperature Criteria (°C)	Assigned HUA ΔT (°C)	Annual 7Q10 River flow (cfs)	Effluent discharge (MGD/cfs)	7Q10 WLA (kcal/day)
Idaho Power – Hells Canyon Power Plant 41297 : OR0027278	5/15 – 11/15	20.0 13.0	0.019 0.035	6884	10.5/16.25	320.769E+6 590.891E+6
Idaho Power - Oxbow Power Plant 41299 : OR0027286	5/1 – 10/31	20.0	0.021	6854	12.15/18.8	353.124E+6
Ontario STP 63631 : OR0020621	5/1 – 10/31	20.0	0.001	4755	3.06/4.7	11.645E+6
Simplot - Ontario 63810 : OR0002402	5/1 – 10/31	20.0	0.017	4755	4.3/6.7	198.055E+6

Questions?



Snake River at mile 220 at Kirkwood Creek

Water Quality Management Plan

The Water Quality Management Plan is a required element of a TMDL and describes strategies to achieve allocations identified in the TMDL to attain water quality standards.



Hells Canyon

Water Quality Management Plan Components

WQMP section 5 Implementation Responsibilities and Schedule, pg. 9

- Name Responsible Persons, including Designated Management Agencies
- Outline management strategies
- Provide timeline for strategy implementation
- Detail performance monitoring

Oregon Administrative Rule [340-042-0040\(4\)\(I\)](#)

Responsible Persons & Designated Management Agencies in WQMP

- DEQ developed initial list from a DMA mapping exercise
 - Includes any entity that has ownership or jurisdiction adjacent to the Snake River Project Area
 - Exercise looked at a *minimum* 150-foot buffer from stream/reservoir edge to determine adjacent land jurisdiction
 - Geospatial data for some entities were not available or not specific in ownership
 - Irrigation Districts
 - “State of Oregon” – Specific agency management not available
 - “U.S. Government” – Specific agency management not available

Responsible Persons and Designated Management Agencies

- US Forest Service
- US Bureau of Land Management
- Oregon Department of Agriculture
- Oregon Department of Fish and Wildlife
- Oregon Department of Transportation
- Oregon Parks and Recreation Department
- Counties – Baker, Malheur, Wallowa
- City of Ontario
- Oregon Department of Environmental Quality*
- Oregon Department of Forestry*
- Idaho Power Company*

*DEQ, ODF, IPC will not prepare implementation plans. DEQ will incorporate waste load allocations into NPDES permit requirements and ODF will implement the Forest Practices Act. IPC operates under an Oregon DEQ issued Clean Water Act Section 401 Water Quality Certification to ensure project activities and operations are protective of water quality, therefore implementation activities and needed modifications to meet load allocations will be covered under that Certification.

Responsible Persons/Designated Management Agencies *not* required to submit implementation plans

- Some responsible persons including DMAs will not be required to submit implementation plans at this time for the following reasons
 - DMA has minimal land jurisdiction.
 - DMA with no or minimal land jurisdiction and has limited ability to take action to protect water quality.
 - DMA can't take actions to protect water quality because of state and federal requirements to prioritize safety and security.
 - DMA implements an approved statewide TMDL Implementation plan.
 - DMA has other implementation pathways:
 - Area is managed by other authorities already required to develop a plan.
 - Water protection actions are implemented through permits

Responsible Persons for which no TMDL implementation plan is required

- City of Adrian
- City of Nyssa
- Irrigation Districts
- Oregon Department of Geology and Mineral Industries
- Oregon Department of State Lands
- Union Pacific Railroad
- U.S. Fish and Wildlife Service
- U.S. Bureau of Reclamation

Interstate coordination

- 2004 TMDL jointly written between Oregon DEQ & Idaho DEQ
 - Idaho portion of the 2004 TMDL still in place
- Oregon WQMP implementation can only address water quality concerns across our jurisdiction
- Continued implementation of the Idaho 2004 WQMP by the State of Idaho, and further coordination with EPA to assist both states to work within our respective jurisdictions will be required to collaboratively improve water quality and meet attainment goals in the Snake River
- These efforts will help us reach the 50-70 year target set in 2004 by the Public Action Team (group of interested parties convened to provide expertise on the Snake River in 2004)

Water Quality Management Plan

Questions?



Snake River

Management Strategies

WQMP table 1, page 5

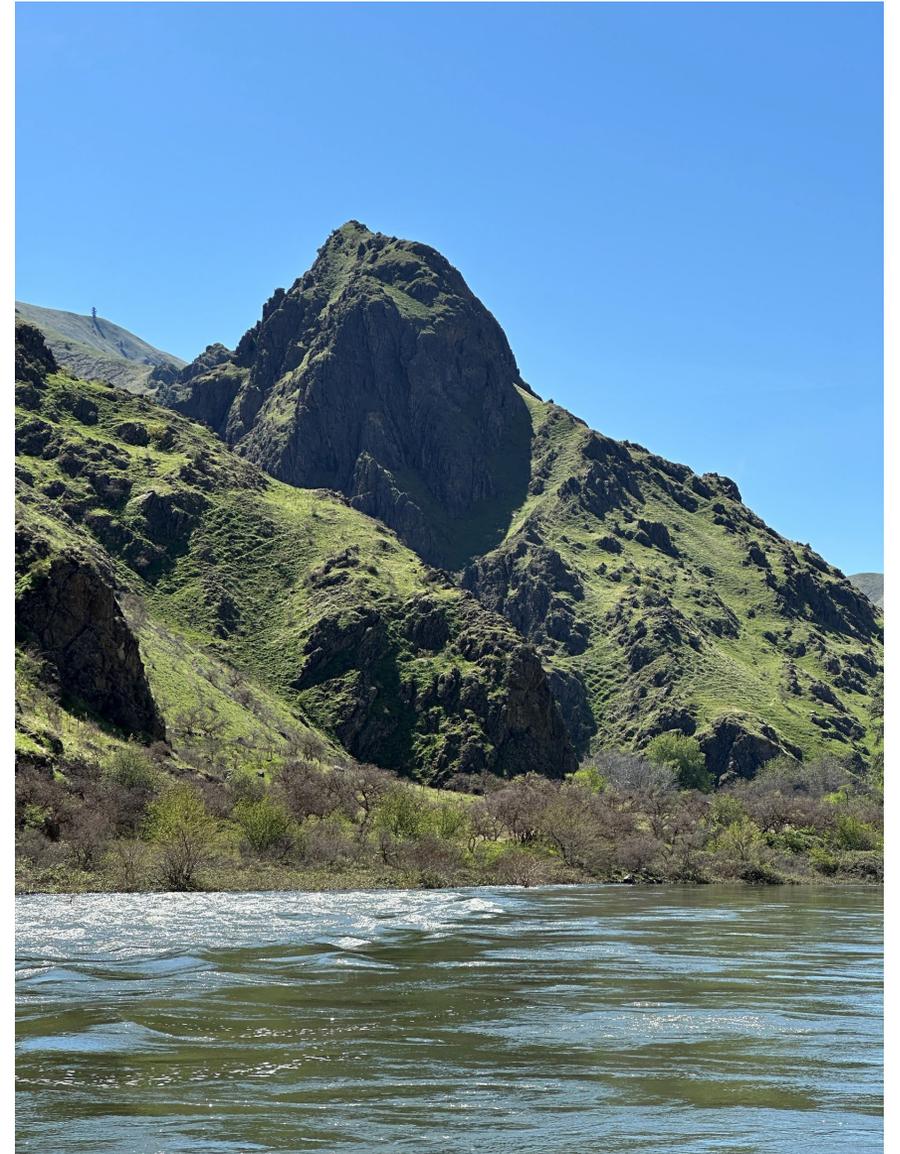
Priority sources to manage

- Insufficient height and density of riparian vegetation
- Water withdrawals
- Channel morphology and modification
- Dam and reservoir management

Riparian Vegetation

WQMP table 1, page 5

- Increase site effective shade:
 - Streamside tree planting (conifer and hardwood)
 - Streamside vegetation planting (shrub or herbaceous cover)
 - Vegetation management (tree retention, invasive plant management)
 - Streamside fencing or other livestock exclusion methods



Snake River

Water Withdrawals and Flow Alteration

WQMP table 1, page 5

- Streamflow protection measures
 - Pursue instream water rights transfers and leases, where possible
 - Irrigation conservation and management
 - Repair or replace leaking pipes
 - Providing incentives for water conservation

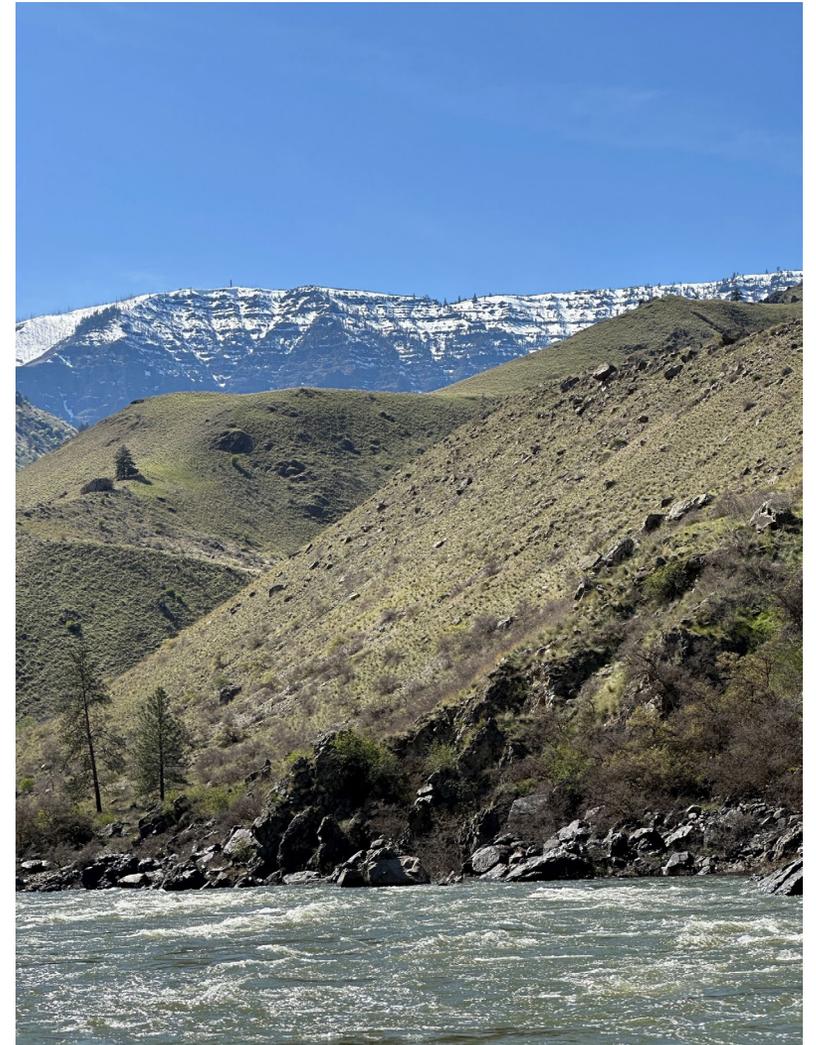


Snake River

Channel Modification

WQMP table 1, page 5

- Channel Modification
 - Enhance channel, wetlands, and floodplain interactions
 - Reduce width-to-depth tributary channel ratios, bank stabilization, large wood placement
 - Streamside fencing or other livestock exclusion methods
 - Protect and enhance cold water refuges

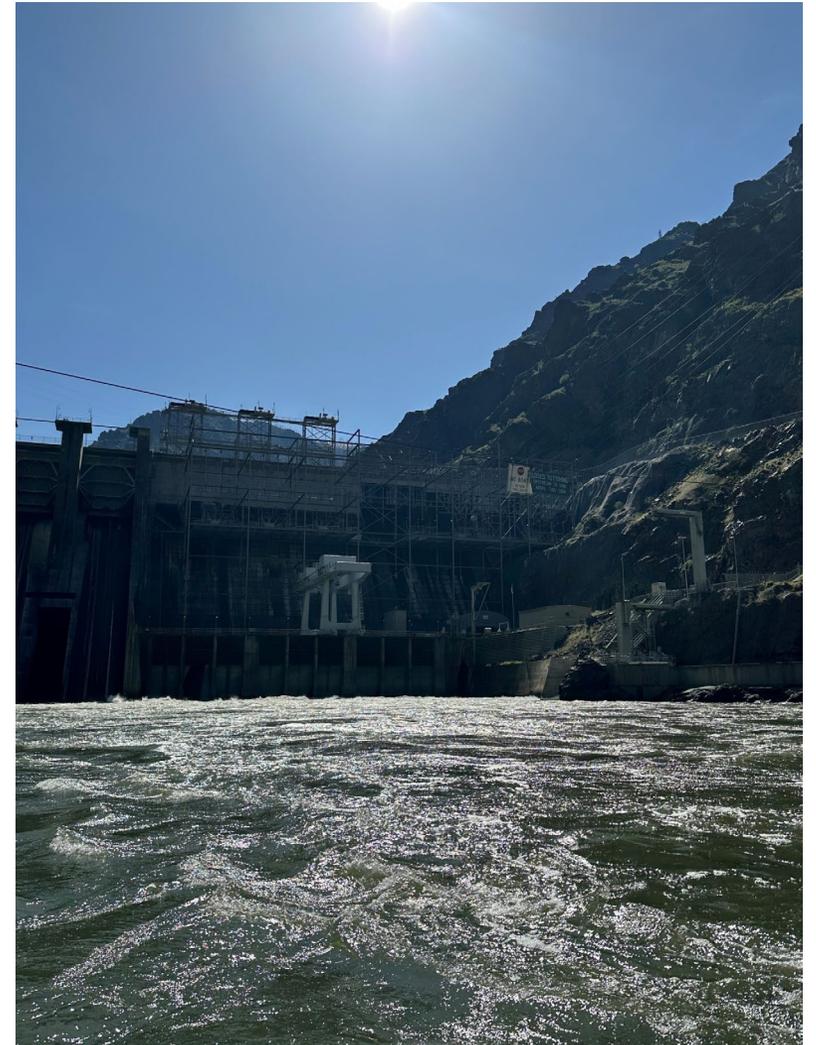


Snake River

Dam and Reservoir Management

WQMP table 1, page 5

- Dam and Reservoir Management
 - Modifications to the quantity and nature of water releases to meet water quality standards for temperature



Snake River, Hells Canyon Dam

Other Source Specific Strategies

WQMP Tables 3-7

- Education and outreach (general public, recreationists, agricultural activities)
- Irrigation system improvements to reduce or prevent runoff
- Maintenance and expansion of riparian buffers for effective shade management
- Implementation of projects that provide off-channel livestock water to reduce riparian impacts
- Enforcement or development of local codes or voluntary programs to be more protective of riparian areas
- Storm drain system operation and maintenance

Management strategies

Question:

Are there additional strategies that should be added to the WQMP?

WQMP Tables 1, 3:7

Riparian Vegetation
Water Withdrawal & Flow Alteration
Channel Modification
Dam and Reservoir Management

Designated Management Agency required monitoring

WQMP section 6.1, pg. 27

- DEQ monitors and assesses stream temperatures overtime to determine status of water quality and landscape conditions
- DEQ is currently proposing to have ODA, BLM, and USFS required to undertake monitoring as they have jurisdiction over 75% of the project area.
 - These entities will be required to undertake monitoring actions in areas within their jurisdiction or ownership to help determine the status of instream water quality and landscape conditions associated with water quality
- Existing monitoring activities may be sufficient to achieve goals of this monitoring requirement

Schedule for implementation plan submittal

- After this process:
 - DEQ convenes DMA implementation workgroup
 - Begin drafting implementation plans
 - DEQ Rulemaking for Mercury TMDL
 - 18 months post mercury TMDL issuance
 - Implementation plans will be due
 - These plans will include management strategies to reach attainment of both rules

Schedule for implementation plan submittal

Within 18 months of EPA's approval of the upcoming Snake River Mercury TMDL persons, including DMAs, responsible for developing implementation plans must submit implementation plans to DEQ for review and approval. These plans must include:

- Management strategies that the entity will use to achieve load allocations and reduce pollutant loading
- Timeline for strategy implementation and a schedule for completing measurable milestones
- Performance monitoring and a plan for periodic review and revision of implementation plans; annual and five-year reporting
- Any other analyses or information specified in the WQMP

Water Quality Management Plan

Questions?



Snake River

Draft rule language

Division 42 TOTAL MAXIMUM DAILY LOADS (TMDLS)

340-042-0090

Total Maximum Daily Loads and Water Quality Management Plans

The following TMDLs are adopted by EQC by reference in this rule on the dates indicated. The TMDL documents and supporting information for TMDLs adopted as rule or issued by order are available on DEQ's website.

(7) Snake River – Hells Canyon project area includes the entire extent of the Snake River and Hells Canyon reservoir complex from the Oregon-Idaho border near Adrian, Oregon and river mile 409, to the state line between Oregon, Idaho, and Washington at river mile 176.

- (a) TMDL: temperature (date of EQC adoption)
- (b) WQMP: temperature (date of EQC adoption)

Fiscal, economic, and racial equity impacts

Administrative Procedures Act

- [ORS 183.333](#): DEQ must solicit input from a rule advisory committee on:
 - Whether the rule has fiscal impact, and the extent of that impact
 - Whether the rule will have a significant adverse impact on small businesses
- [ORS 183.335\(2\)\(b\)\(F\)](#): how adoption of the rule will affect racial equity
- [ORS 182.545](#): consider the effects of the action on environmental justice

Fiscal impact analysis questions for feedback



Will the draft rule have a significant adverse impact on small businesses?



If a significant impact is identified, how could DEQ reduce the fiscal impact on small business?

Fiscal impact analysis questions for feedback



Will the proposed rule impact racial equity?



What are additional considerations for environmental justice for this draft rule?

Fiscal impact analysis questions for feedback



What types of entities will be impacted by the proposed rule?



How and to what extent will the proposed rule have a positive, negative, or no impact on these entities?

Next steps

- Email RAC feedback from meeting #1 → Feb. 12, 2026
snakehells.temperaturetmdl@deq.oregon.gov
- RAC meeting #2 → April 22, 2026, 10 a.m. to 12 p.m.
- Public notice (45 days) → Aug. – Oct. 2026
- EQC consideration → May 2027
- EPA action → December 4, 2028

Online resources

[Temperature TMDL Replacement project page](#)

[Snake River TMDL Replacement project page](#)

[Snake River TMDL Replacement project rulemaking page](#)

Questions?



Snake River

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