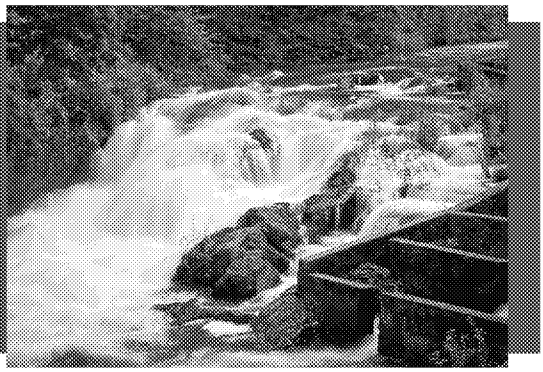
DESCHUTES RIVER, PERCIVAL CREEK, AND BUDD INLET TRIBUTARIES MULTI-PARAMETER TMDL

DESCHUTES WATERSHED GROUP MEETING

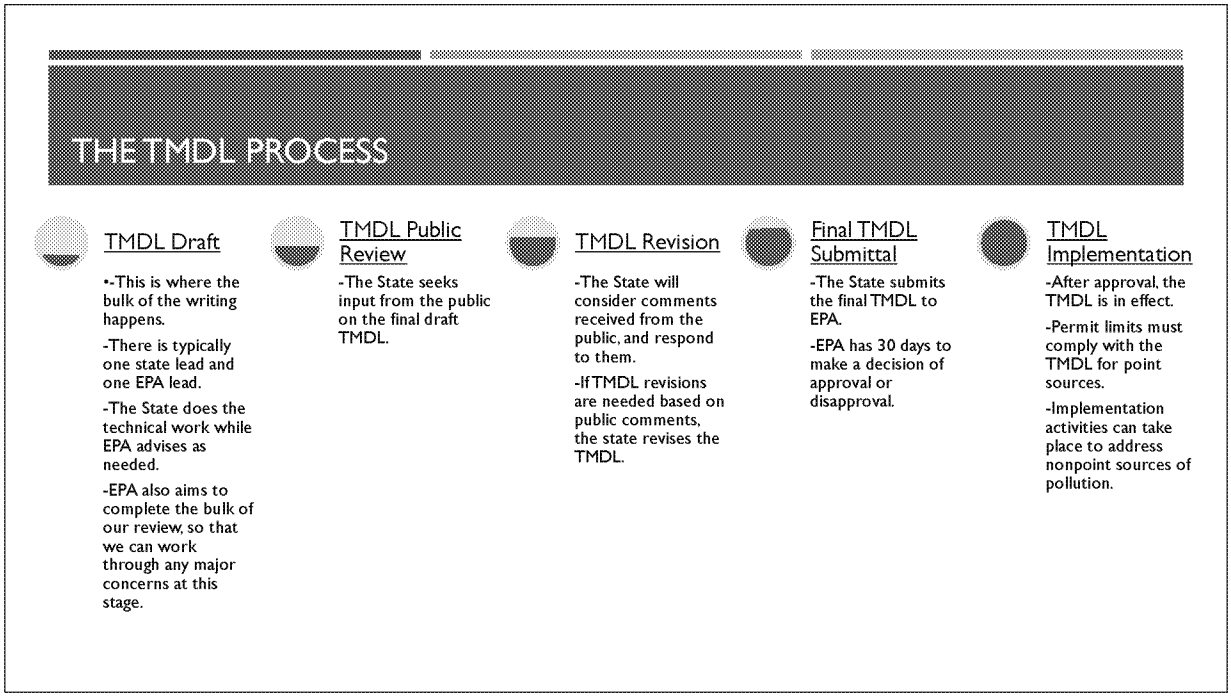
SEPTEMBER 20, 2018



Discuss my role
Note on history of project
Understand that this has been worked on for a long time, since 2002
The technical work and modeling is not where the majority of our concerns are, though we will look to see if any updates should be made
Moving forward, our plan is to address some gaps that were missing from the TMDLs in order to fulfill our regulatory requirements, and also to bolster some aspects of the TMDL (stormwater and downstream standards)
We will work from existing model to do this
Note on the implementation plan - not part of TMDL action, but still useful and informative, especially with RA

GOALS OF THIS PRESENTATION

- The State-EPA TMDL process – how we coordinate
- Understanding the reasons EPA disapproved parts of the TMDL
- Lessons learned along the way – how we would like to move forward
- EPA's next steps – replacement TMDLs
- Understand how the public (you) can participate



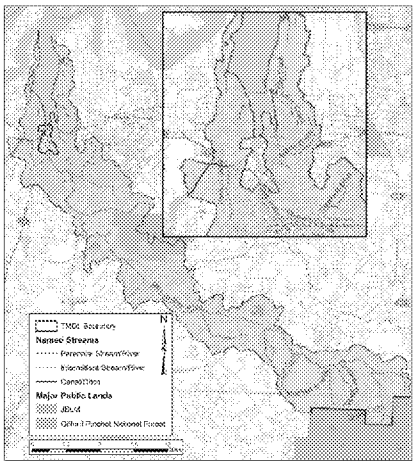
This is the ideal process. As we will go over later in some lessons learned, communication is key, particularly in the early stages. This way we can turn around our decision in a much quicker timeframe.

WHAT DOES EPA LOOK FOR IN A TMDL?

- Clear identification of sources of impairment
- Water quality target or goal is identified and is protective of water quality standards
- Key assumptions, rationale, and supporting data/documentation for all analyses (i.e. a water quality model)
- Loading capacity (as a daily load) for all waterbodies
- Loading allocations for point and nonpoint sources
- Margin of safety (uncertainty factor)
- Consideration of seasonality and critical conditions
- Reasonable assurances that loadings can be met
- Public participation

EPA'S DECISION ON THE DESCHUTES TMDL

- June 29, 2018
- Partial Approval/Partial Disapproval
- EPA is required to establish replacements for any disapproved portions of the TMDL.



*Taken from TMDL document

What does partial approval/disapproval mean? The TMDL covers multiple waterbodies and multiple pollutants – EPA took a partial action meaning that we found some of the assigned loadings met requirements, while others did not.

EPA'S DECISION ON THE DESCHUTES TMDL

Approval:

- Temperature loads for the mainstem Deschutes R., Black Lake Ditch, and Percival Creek

Disapproval:

- Sediment load for the mainstem Deschutes R.
- Bacteria loads (All)
  - *Took 'no action' for a handful of tributaries which are no longer listed for bacteria
- Temperature loads for remaining tributaries
- DO loads (All)
- pH loads (All)

In sum, we ended up approving the majority of loadings for temperature. We disapproved the remaining loadings submitted for sediment, bacteria, some temperature, DO, and pH.

REASONS FOR DISAPPROVAL

- Incomplete TMDL submittals
- Downstream uses not protected
- Assigned loads do not meet water quality goals
- At EPA's request, Ecology submitted newly calculated bacteria loads – these were not part of original public review

(1) Some waterbodies lacked critical TMDL components (ex – loading capacity, wasteload allocations, and load allocations) which are required by EPA regs for approval.

(2) Looking at the overall watershed, we want to make sure that downstream uses will be protected. In the initial phases of TMDL development, Ecology was going to address Deschutes, Capitol Lake, and Budd Inlet all in one document. They later decided to break it into chunks. An artifact of that is that the waterbody systems have not been linked together yet, and there were some gaps when it came to making sure downstream uses were considered when setting water quality goals for the Deschutes River in the TMDL. As EPA works on the replacement TMDLs, we will be coordinating closely with Ecology in their work on the Budd Inlet TMDL. Our goal is to make sure everything is in sync and working together.

(3) We needed to see more basis/explanation for why the calculated loads would meet the water quality goals (in other words, we agreed with Ecology's selection of a WQ goal – often derived from the WQS, but the 'how' to get there was not strong enough)

(4) This one is a simple fix, but we had to disapprove based on a procedural requirement. The original TMDL submittal included bacteria concentrations. EPA's view of concentration-based TMDLs has evolved over time (in part due to case law), and we now ask to have a daily load included. These daily loads were submitted to us after the main TMDL package was submitted. Since they were not part of the original public review, we need to allow for that opportunity for public comment.

LESSONS LEARNED – EPA PERSPECTIVE

- Continuity
- Communication – clear expectations
- Involving management early and often in complicated cases

As you saw in the TMDL process, for each TMDL project there is typically a State lead and an EPA lead. These two people work closely along the way to ensure that the end result is something that meets EPA's standards. In the case of this TMDL, it has changed hands multiple times, both at Ecology and EPA. This lack of continuity really lead to a lot of issues with the second point, communication. Even if lack of continuity can't be avoided (people change jobs, retire, etc.), communication is a key lesson learned here. This means that EPA clearly conveys our expectations, and that the State is open about sharing information early in the process so we can catch issues early. It also means that a transfer of knowledge happens if a new project lead is assigned, so that things don't slip through the cracks. Another lesson I've learned in my time on this project is that management needs to be briefed early and often in the case where we do have a complicated decision, so as not to further delay the process.

LESSONS LEARNED – STATE PERSPECTIVE

- Implementation plans are great – but EPA is focused on allocations
- New issues arise during TMDL development and even post submittal
- Communication with EPA staff is key, especially when there is staff turnover

NEXT STEPS

- EPA will develop replacement TMDLs for the disapproved segments
- EPA has secured assistance from a contractor to do the technical work
- We are currently in the scoping phase - the contractor is reviewing the documents and existing model
  - **Your help: Do you know of any data sources outside of EIM?**
- Our next step will be to put together a technical approach and draft timeline
- We will share regular updates with this group as we pass major milestones
  - **Suggestions for effective ways to share?**

Our focus moving forward is to get a finished plan so you can use it to implement on the ground projects – this is where the implementation plan will be key (though it is not part of our TMDL action)

We plan to continue working closely with Ecology in this process, finding areas of overlap with their work on the Budd Inlet TMDL

There will be opportunities for you to provide feedback on the TMDLs – as soon as we have them, we will share our anticipated timeline and major updates; there will be a public comment period on the draft TMDL which we will let you know about

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