To: Allison.Castellan@noaa.gov;CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]; N=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]
Cc: []
Bcc: []
From: CN=Don Waye/OU=DC/O=USEPA/C=US
Sent: Thur 7/26/2012 9:37:25 PM
Subject: Fw: Riparian Buffer Comment (Oregon CZARA)
YON.Donald@deq.state.or.us
allison.castellan@noaa.gov
allison.castellan@noaa.gov
mailto:Waye.Don@epamail.epa.gov
allison.castellan@noaa.gov
waye.don@epa.gov
allison.castellan@noaa.gov
YON.Donald@deq.state.or.us
carlin.jayne@epa.gov
http://www.epa.gov/r10earth/tmdl.htm
YON.Donald@deq.state.or.us
YON.Donald@deq.state.or.us
mailto:Carlin.Jayne@epamail.epa.gov
carlin.jayne@epa.gov
http://www.epa.gov/r10earth/tmdl.htm
YON.Donald@deq.state.or.us
Allison.Castellan@noaa.gov
FOSTER.Eugene@deq.state.or.us
YON.Donald@deq.state.or.us
ftp://deqftp2.deq.state.or.us·dyon·CNPCPTMDLIPGuidanceFinalDraftSBformatted06142012.docx
yon.donald.r@deq.state.or.us
(embedded image)
(embedded image)
(embedded image)

Don Yon sent me an email that was not addressed to all the federal partners, so I am sharing my response to him with you two.

----- Forwarded by Don Waye/DC/USEPA/US on 07/26/2012 05:35 PM -----

From: Don Waye/DC/USEPA/US
To: YON Donald R <YON.Donald@deq.state.or.us>
Date: 07/26/2012 05:33 PM
Subject: Riparian Buffer Comment

Don,

That comment did not originate with me, but I agree with it. I do not believe that I asked you to add this in there.

Don't get me wrong: we like riparian buffer ordinances. They're great ways to meet other conditions (that OR has already met), but the only way they would help with this condition is with certain redevelopment along stream/river corridors. Since it does help some for this, I am fine with this staying on the list of helpful actions, but I would not want to give the DMAs the impression that if they pass a riparian ordinance, that alone would be sufficient for meeting the NDMM.

Don

From: YON Donald R <YON.Donald@deq.state.or.us>
To: Don Waye/DC/USEPA/US@EPA
Cc: YON Donald R <YON.Donald@deq.state.or.us>
Date: 07/26/2012 04:27 PM
Subject: RE: Review Revised Sentence from Final Draft: Guidance...

Don, I think this is your comment:

Pg. 14 (1.5.2.3, Recommended Measures): As noted in a comment for Pg. 12, only the TSS measure, Post-Construction Stormwater Runoff, and Pre-Development Hydrology measure BMPs are appropriate for meeting the CZARA new development requirements. While the other recommended BMPs may be useful to include in the guidance, they should not be presented as BMPs that would enable the DMA or the State to meet the new development MM requirement. In addition, for CZARA purposes, NOAA and EPA have already exempted all states from separately meeting the erosion and sediment control requirements since that is being met through the NPDES Phase II Construction Stormwater Control Permit requirements. Therefore, please remove the riparian protection ordinance and erosion and sediment control model ordinance from this section and clarify which model ordinances apply to TSS measure (post construction new development MM).
I thought you had provided a comment on the draft before that we needed to include the riparian ordinance. Please call me on this one comment.

From: Don Waye [mailto:Waye.Don@epamail.epa.gov]
Sent: Thursday, July 26, 2012 11:35 AM
To: YON Donald R
Cc: allison.castellan@noaa.gov; Jayne Carlin
Subject: RE: Review Revised Sentence from Final Draft: Guidance...

Thanks, Don. Assuming that DEQ will be using that authority to approve the IPs for coastal DMAs, I like the rewrite.

YON Donald R ---07/26/2012 02:29:46 PM---Yes, we have the authority to require the development, submittal to DEQ, DEQ approval, and DMA imple

From: YON Donald R <YON.Donald@deq.state.or.us>
To: Don Waye/DC/USEPA/US@EPA
Cc: "allison.castellan@noaa.gov" <allison.castellan@noaa.gov>, Jayne Carlin/R10/USEPA/US@EPA
Date: 07/26/2012 02:29 PM
Subject: RE: Review Revised Sentence from Final Draft: Guidance...

Yes, we have the authority to require the development, submittal to DEQ, DEQ approval, and DMA implementation of the IP.

From: Don Waye [mailto:Waye.Don@epamail.epa.gov]
Sent: Thursday, July 26, 2012 11:28 AM
To: YON Donald R
Cc: allison.castellan@noaa.gov; Jayne Carlin
Subject: Review Revised Sentence from Final Draft: Guidance...
Don,

I apologize in advance if this is a dumb question, but does the state have a role in approving the IPs for each DMA? If there is a feedback loop to essentially ratify that the DMA's approach is satisfactory for meeting the bar set for 6217's NDMM, then I like your rewrite.

Don Waye
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address: Office (FedEx/UPS delivery):
Mail Code 4503T Room 7417H
1200 Pennsylvania Ave, NW 1301 Constitution Ave, NW
Washington, DC 20460 Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
Email: waye.don@epa.gov Website: epa.gov/nps

Jayne Carlin---07/26/2012 02:10:54 PM---Hi All, See below.

From: Jayne Carlin/R10/USEPA/US
To: allison.castellan@noaa.gov, Don Waye/DC/USEPA/US@EPA
Cc: YON.Donald@deq.state.or.us
Date: 07/26/2012 02:10 PM
Subject: Review Revised Sentence from Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land Uses within the Coastal Nonpoint Management Area

Hi All,

See below.

Jayne

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

http://www.epa.gov/r10earth/tmdl.htm

----- Forwarded by Jayne Carlin/R10/USEPA/US on 07/26/2012 11:08 AM -----

From: YON Donald R <YON.Donald@deq.state.or.us>
To: YON Donald R <YON.Donald@deq.state.or.us>, Jayne Carlin/R10/USEPA/US@EPA,
Date: 07/26/2012 11:03 AM
Subject: RE: EPA/NOAA Comments on the Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land Uses within the Coastal Nonpoint Management Area & Question on Whether to Set Up Conference Call to Discuss the Comments & MM Just

Jayne, I think this is better:

This is guidance and it is the responsibility of each DMA to demonstrate how the TMDL load allocations and the CZARA 6217 New Development Management Measure will be achieved in the TMDL Implementation Plan.

From: YON Donald R
Sent: Thursday, July 26, 2012 10:55 AM

To: 'Jayne Carlin'
Cc: YON Donald R
Subject: RE: EPA/NOAA Comments on the Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land Uses within the Coastal Nonpoint Management Area & Question on Whether to Set Up Conference Call to Discuss the Comments & MM Just

Jayne, may I get a quick response just from you at this time. I am making edits to the guidance document. I have one quick request for comment on one of your important comments:

Pg. 6 (italicized sentence after inset box): NOAA and EPA are confused by this statement: “This is guidance and it is the responsibility of each DMA to determine how best to comply with state and federal regulations.”

How does this rewrite meet your concerns. I never did like that statement. This is clearer, I hope.

This is guidance and it is the responsibility of each DMA to demonstrate how the TMDL load allocations will be achieved.

From: Jayne Carlin [mailto:Carlin.Jayne@epamail.epa.gov]
Sent: Monday, July 23, 2012 1:33 PM
To: YON Donald R; YON Donald R
Cc: Allison Castellan; Don Waye; FOSTER Eugene P
Subject: EPA/NOAA Comments on the Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land Uses within the Coastal Nonpoint Management Area & Question on Whether to Set Up Conference Call to Discuss the Comments & MM Justi...
Hi Don,

Attached are EPA/NOAA's consolidated comments on the Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land Uses within the Coastal Nonpoint Management Area. It is obvious that Oregon DEQ is committed to supporting DMAs in implementing TMDLs, as well as meeting the requirements of several other, related programs. Although we noticed numerous improvements and appreciate your addressing our comments from the previous version, our attached comments focus on what is unclear or missing.
(See attached file: TMDL Urban Impl Plan Guidance NOAA-EPA Cmts 072312.docx)

Please let me know if you are interested in having me set up a conference call with me, Allison and Don to discuss these comments further and developing the justification for this measure. Also email me your availability if you are interested in a conference call.

Regards,

Jayne Carlin, OR CZARA 6217 Coordinator
Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

http://www.epa.gov/r10earth/tmdl.htm

YON Donald R ---06/29/2012 10:49:27 AM---Don, Allison, and Jayne, I am happy to announce that the Final Draft: Guidance for TMDL Implementati

From: YON Donald R <YON.Donald@deq.state.or.us>
To: Don Waye/DC/USEPA/US@EPA, "Allison Castellan" <Allison.Castellan@noaa.gov>, Jayne Carlin/R10/USEPA/US@EPA,
Cc: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>, YON Donald R <YON.Donald@deq.state.or.us>
Date: 06/29/2012 10:49 AM
Subject: Review and Comment on the Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural

Residential Land Uses within the Coastal Nonpoint Management Area

Don, Allison, and Jayne, I am happy to announce that the Final Draft: Guidance for TMDL Implementation Plan Development for Urban/Rural Residential Land Uses within the Coastal Nonpoint Management Area, Addressing the following program requirements: CZARA Section 6217 and Oregon TMDL Rule is available for your review and comment at: ftp://deqftp2.deq.state.or.us\dyon\CNPCPTMDLIPGuidanceFinalDraftSBformatted06142012.docx.

As you know, this document provides guidance for urban and rural residential Designated Management Agencies (DMAs) within the Coastal Nonpoint Management Area) boundary and for Oregon Department of Environmental Quality (DEQ) agency staff on the development and implementation of Total Maximum Daily Load (TMDL) Implementation Plans. In addition, DEQ developed this Guidance to present to USEPA and NOAA the approach the State of Oregon will use to address the New Development Management Measure required under CZARA 6217. This approach is based upon current legal authorities and mechanisms to ensure that the New Development Management Measure will be adequately implemented in the Coastal Nonpoint Management Area.

In Section I and II, DEQ identifies the most effective and other recommended programmatic and structural BMPs to reduce the average annual total suspended solid (TSS) loadings by 80 percent and to maintain post development peak runoff rate and average volume at levels that are similar to pre-development levels hydrology volume reduction recommended for meeting CZARA 6217 New Development Management Measure. In Section 1.5.2.3 on page 16, Table 2 provides the BMPs Recommended to Meet CZARA 6217 New Development Management Measures.

PLEASE HAVE COMMENTS TO ME BY OR AROUND MONDAY, JULY 23, 2012.

Don Yon
Nonpoint Source Pollution Coordinator
Oregon DEQ, Water Quality Division
811 SW Sixth Avenue
Portland, OR 97204
yon.donald.r@deq.state.or.us
(503-229-6850
7503-229-6037 (fax)