From: Waye, Don
To: Wu, Jennifer
CC: Henning, Alan; Carlin, Jayne; allison.castellan@noaa.gov
Sent: 8/25/2014 3:52:28 PM
Subject: RE: OR CZARA: (1) Pesticides; (2) GIS for New Dvpt

Ex. 5 - Deliberative

From: Wu, Jennifer
Sent: Monday, August 25, 2014 1:43 PM
To: Waye, Don
Cc: Henning, Alan; Carlin, Jayne; allison.castellan@noaa.gov
Subject: RE: OR CZARA: (1) Pesticides; (2) GIS for New Dvpt

Thanks, Don. I'll try to give you later this afternoon or tomorrow early afternoon your time.

My thought is not so much the debate shifting for NOAA and EPA overstepping its authority over FIFRA so much as whether the State has adequate buffers for Type N streams in its forest practice rules. We've been learning a lot both from OPP and our programs the last couple of weeks, and I think if we ask the fundamental question are there adequate buffers for Type N streams for aerial application for herbicides in forestry, the question is pretty simple. Add on the fact that all the other surrounding states either don't aerially apply or have prescriptive buffers for type N streams (60' in Washington, 100' in Idaho, no aerial spraying in CA for forestry in pesticides, no aerial spraying in western Oregon by BLM), I think there's probably more science out there that I'll look for that shows the basis for why folks in 1998 placed that condition on. But I'd like to run through the logic with you, if that's okay. I've talked with Allison and Alan, but would like to get your take on it.

Thanks for the GIS map. I'll get the actual data layer from ODEQ or Alan. That'll make it easier for our GIS folks to overlay the 303(d) listed streams. Talk to you soon - Jenny

From: Waye, Don
Sent: Friday, August 22, 2014 6:21 AM
To: Wu, Jennifer
Cc: Henning, Alan; Carlin, Jayne; allison.castellan@noaa.gov
Subject: OR CZARA: (1) Pesticides; (2) GIS for New Dvpt

Jenny (cc: primary staff team members),

Regarding pesticides, call me when you get in since I'm a few hours ahead of you. No rush—whenever it's convenient, but I expect to be out-of-pocket after 12:30 your time. Otherwise, I'll be in M-Th next week. Lynda Hall gave me a de-brief on how the pesticides discussion went down on Wednesday. **Ex. 5 - Deliberative**

Ex. 5 - Deliberative

As for the GIS layer, the one that Oregon DEQ has is more accurate than the one I have—and you may be able to obtain that from Alan Henning. See my screenshot below, taken from p. 3 of OR DEQ's March 20 submittal of its final TMDL Implementation Guidance for Post-Construction (attached). The second screenshot shows an unprojected shapefile that includes Oregon's coastal nonpoint management area as originally considered. You can see that the shapefile includes Portland and follows the Columbia River Basin well east of Portland. This portion of the boundary

was later agreed to be removed. But let me know if you still want the shapefile that I have. It is still accurate south of the Columbia Basin.

[redacted]

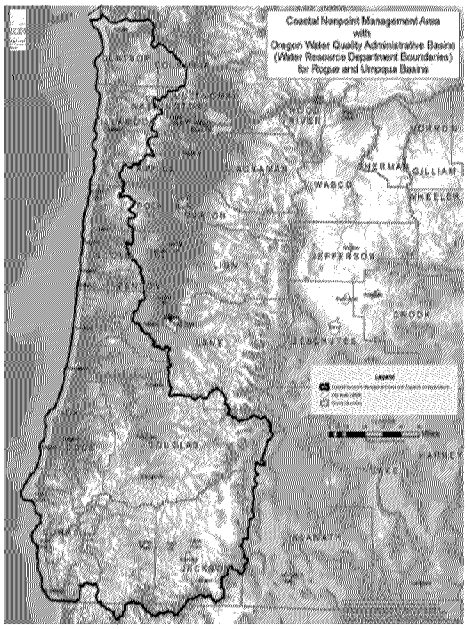
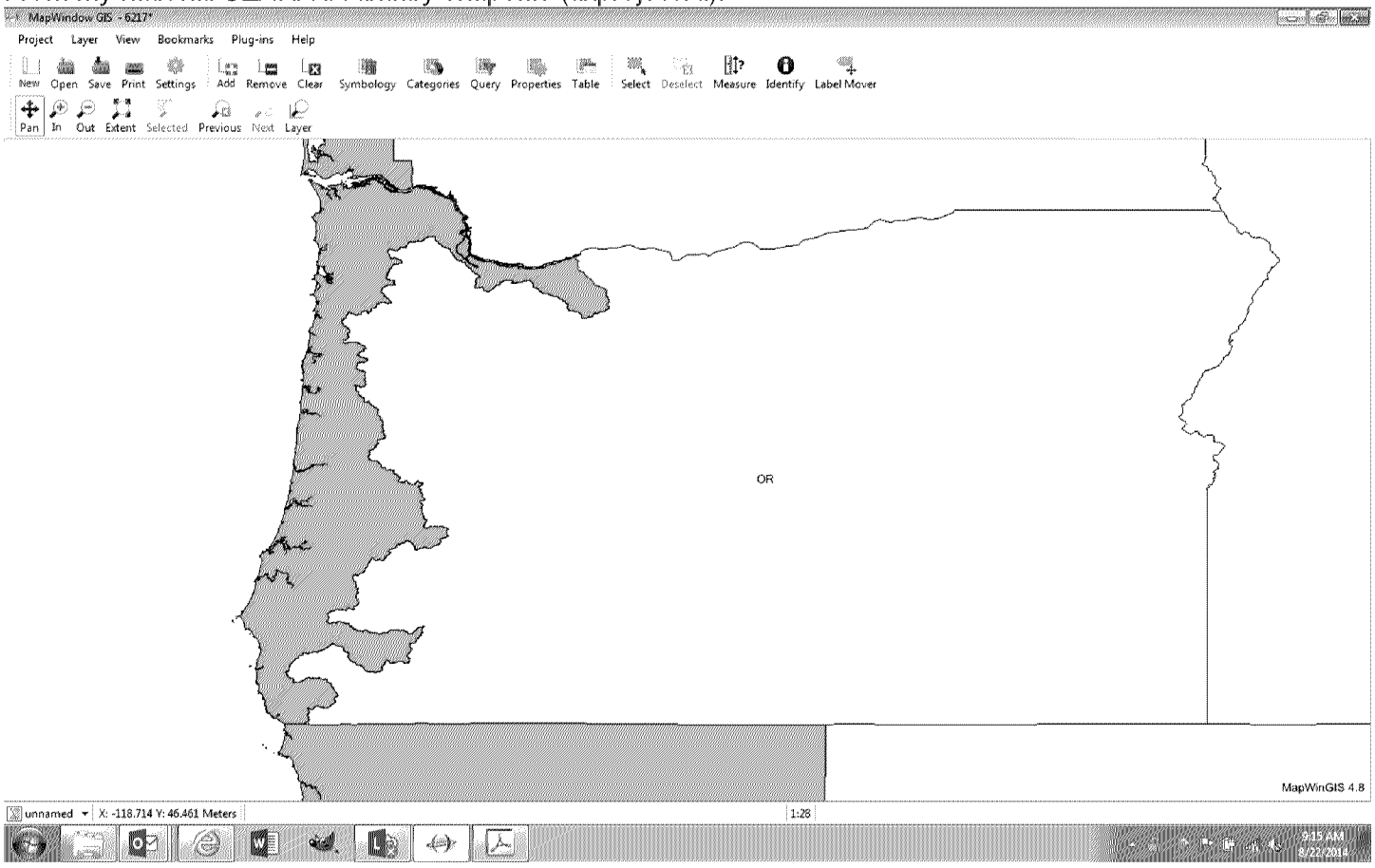


Figure 1. Coastal Nonpoint Management Area Boundary.

[redacted]

From my national CZARA boundary shapefile (unprojected):



Thank you for your help.

Don

From: Wu, Jennifer
Sent: Friday, August 22, 2014 8:33 AM
To: Waye, Don
Subject: RE: Attn Jenny or Alan - TMDL Question for OR CZARA New Dvpt MM

Hi Don - I'm getting started on this and was wondering whether you have a GIS layer of the coastal nonpoint management area. We could get the 303(d) listed waters overlay, then I can look through the coastal TMDLs in the basin and talk with the State on whether they would include the .

I was also wondering if I could tap your brain on CZARA pesticides and what needs to be in place to be an approvable program under CZARA. **Ex. 5 - Deliberative**

Ex. 5 - Deliberative

Ex. 5 - Deliberative I suspect there are things in the latter that we should include in the rationale but want to be clear that it's not program implementation. If you have time in the next couple of weeks, it'd be great to get your perspective.

From: Waye, Don
Sent: Monday, August 18, 2014 9:33 AM
To: Wu, Jennifer; Henning, Alan
Cc: Carlin, Jayne; Goo, Robert; allison.castellan@noaa.gov
Subject: RE: Attn Jenny or Alan - TMDL Question for OR CZARA New Dvpt MM

Jenny,

Terrific! Yes. By the end of next week is fine. Thanks.

Don

From: Wu, Jennifer
Sent: Monday, August 18, 2014 12:32 PM
To: Waye, Don; Henning, Alan
Cc: Carlin, Jayne; Goo, Robert; allison.castellan@noaa.gov
Subject: RE: Attn Jenny or Alan - TMDL Question for OR CZARA New Dvpt MM

Hi Don - we should be able to track one down for the coastal areas. I know for instance on the Midcoast that they're working to have all the communities address stormwater in their bacteria TMDL implementation plans though they're all smaller than a Phase I or Phase II community.

Is by the end of next week okay? Let me know if you want it beforehand. - Jenny

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From: Waye, Don
Sent: Monday, August 18, 2014 9:01 AM
To: Wu, Jennifer; Henning, Alan
Cc: Carlin, Jayne; Goo, Robert; allison.castellan@noaa.gov
Subject: Attn Jenny or Alan - TMDL Question for OR CZARA New Dvpt MM

Jenny &/or Alan,

Robert Goo has correctly noted that our New Dvpt management measure rationale would be strengthened if we more

precisely identified the extent of TMDL coverage for DMAs/communities that will be subject to the post-construction stormwater elements of the TMDL Implementation Plan.

Is there a map that exists that shows the Oregon coastal nonpoint management area, population centers, and the TMDLs that would trigger the post-construction elements?
Barring that, can we tighten the highlighted portions of the following section in the attached draft rationale from:

> "In Oregon's coastal nonpoint management area, the State has TMDLs in place, either for temperature, sediment, bacteria or another pollutant, **that cover nearly the full extent** of its coastal nonpoint management area, and must therefore develop WQMPs for most urbanized and urbanizing areas that address these impairments.
>
> Under Oregon's TMDL Rule, each urban or rural residential DMA identified as a source of stormwater or non-stormwater pollution (for example, excess heat causing unnaturally wide variations in receiving water temperature) must develop and implement a TMDL implementation plan to meet its assigned load allocation under the TMDL. Therefore, **nearly all communities** (DMAs) within the coastal nonpoint management area are assigned load allocation targets for bacteria, temperature, or another pollutant."

to:

> "…**that cover __X__ percent** …"
> "…**all communities (DMAs) with a population greater than __Y__**…"

(I'm hoping X is in the 90% range and that Y is in the 2,000 range.)

Please let me know if this tightening of the rationale is possible and if you can help fill in the blanks.

Thank you.

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: 202-566-1170