Memo

To: MidCoast TMDLs local stakeholder advisory committee (LSAC)

From: DEQ Project Team

Date: January 17, 2014

Subject: MidCoast TMDLs – DEQ Status Report to LSAC

State of Oregon
Department of Environmental Quality

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DEQ is providing this update on the status of the MidCoast TMDLs development to the local stakeholder advisory committee (LSAC) and members of the Sediment, Temperature and Bacteria Technical Working Group (TWGs).

TMDLs development Schedule/Workplan: DEQ is periodically evaluating its TMDLs development Workplan and schedule, based on a combination of factors, including: the status of technical tasks, available resources, regulatory, legal and policy considerations, and the stakeholder involvement process. Our estimated schedules are shown below.

Based on current status and amount of work to be completed, we estimate that development of the freshwater Bacteria TMDLs (load duration curves, LDCs) will proceed according to the following schedule:

Estimated Schedule for LDC based freshwater TMDLs

Task	Target Completion Date
Receive LDC reviews from TWG members	Dec-2013
Review TWG comments on LDC and report back to TWG	Mar-2014
Load Allocations developed	Apr-2014
DMAs consult with ODEQ to develop implementation plans for load allocations	Apr to Oct-2014
DMA Implementation Plans submitted to ODEQ	Oct-2014
Develop Adaptive Resource Management plan	Nov-2014
Draft TMDL and WQMP[1] completed	Dec-2014

Based on current status and amount of work to be completed, we estimate that development of the draft Sediment TMDLs will proceed according to the following schedule:

Estimated Schedule for Sediment/Biocriteria/Turbidity TMDLs

Task	Target Completion Date
DEQ & TWG work on source assessment analysis (*ongoing*)	Jan - July 2014
Source Assessment Complete	July-2014
Load Allocations developed	July-2014
DMAs consult with ODEQ to develop implementation plans to for allocations	July 2014 to Jan-2015
DMA Implementation Plans submitted to ODEQ	Jan-2015
Develop Adaptive Resource Management plan	Feb-2015
Draft TMDL and WQMP completed	March-2015

[1] Water Quality Management Plan (see OAR 340-042-0030)

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We recognize that the timelines above are substantially extended from those projected at the start of the LSAC process in March 2012. These schedules include the added complexity of the IR-TMDLs process as it has been refined over the past 21 months. These timelines also explicitly incorporate steps that have not been part of traditional basin TMDLs, including the development of an adaptive resource management plan to guide TMDL implementation. These steps are captured in the conceptual IR-TMDL flow diagram presented at the September 23, 2013 Statewide TMDL Policy Committee meeting: http://www.deq.state.or.us/wq/tmdls/docs/IRtmdl/TMDLmap.pdf

We plan to discuss this process with LSAC members at the next meeting currently being planned for April 2014 and discuss key points where LSAC input will be sought. A meeting announcement will be sent in late January.

Recently, the majority of recent TWG discussion has been focused on technical approaches (i.e., biological criteria methods & results, sediment source assessment and freshwater bacteria LDCs). This input continues to play a crucial role in the development of the Mid-Coast TMDLs. Over the next 6 months we anticipate that the majority of work will continue to be in the TWGs, and LSAC members are welcome to attend. We plan to schedule an LSAC meeting when we are ready to gather input on significant next steps or changes in the approaches already presented. In the meantime, we are open to LSAC members' feedback concerning whether there is sufficient communication on the status of the TMDLs work. DEQ would be responsive if LSAC members collectively ask for meeting(s) during this period of focused TWG efforts.

For example, as recently discussed with TWG members, if the draft Bacteria TMDLs are "ready" and evaluation of implementation alternatives can begin (i.e., Load Allocations are developed) well in advance of Sediment-related allocations, DEQ will evaluate whether the Bacteria TMDLs should continue to proceed on a separate track. Because this is an important consideration in light of LSAC members' recommendations to address multiple impairments where possible with implementation actions, DEQ would bring this topic to the LSAC for discussion in advance of a final decision.

Litigation update: In August 2013, DEQ provided stakeholders with website links and documents relevant to the litigation affecting the MidCoast TMDLs approach and the activities underway to address CZARA settlement agreement milestones and Oregon's temperature standards. The latter supporting documents are posted on DEQ's website with the August 21-22, 2013 Environmental Quality Commission (EQC) meeting materials. Agenda item D is the staff report on the water quality standards agenda item: http://www.oregon.gov/deq/EQC/Pages/EQCAgendas2013/EQC082013Agenda.aspx Since the parties are in negotiation on the temperature litigation, we are not able to provide further details at this time.

EPA and NOAA published a proposed decision on December 20, 2013 and opened a public comment period that closes on March 21, 2014 on the outstanding management measures and draft disapproval for Oregon's full Coastal Nonpoint Source Pollution Control Program in the Federal Register. Official documents are here: http://coastalmanagement.noaa.gov/nonpoint/pro_approve.html#Oregon

See also Oregon's press release in anticipation of EPA & NOAA draft disapproval: http://www.oregon.gov/deq/docs/121913disapprovalCoast.pdf

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Other communication on the CZARA litigation and settlement are found on the MidCoast TMDLs website (under **Background** section):
http://www.deq.state.or.us/WQ/TMDLs/midcoast.htm

Whereas the outstanding CZARA management measures have an important nexus with the MidCoast Basin TMDLs, DEQ separated efforts to resolve the CZARA issues from the TMDLs and is working with other state agencies, EPA and NOAA to find solutions that are "Oregon-based" while meeting the objectives of the CZARA management measures.

Temperature TMDLs technical work: As previously discussed with stakeholders, DEQ has postponed additional Heat Source modeling, including calibration, model scenarios of natural conditions and characterization of cold-water refugia, or potential management actions, until further resolution of litigation concerning Oregon's temperature standards.

- Work was completed on characterizing and mapping current vegetation conditions using remote sensing. See materials posted on the Mid-Coast TMDLs project website for the Jan. 23, 2013 Temperature TWG Meeting #5: http://www.deq.state.or.us/wq/tmdls/midcoastLSAC.htm

- Recent efforts include collaboration with the Oregon Dept of Agriculture (ODA) on riparian vegetation classification and characterization methods under the Agricultural Water Quality Management program and continued involvement with the Oregon Dept of Forestry (ODF) on the review of the riparian rules under direction of the Board of Forestry.

Sediment/Biocriteria/Turbidity (Drinking water protection) technical work: The primary areas in which work is progressing include:

- **Biological Criteria methods and results**: At the June 19, 2013 Sediment TWG meeting, DEQ presented and explained its technical approach using a Stressor identification method to examine whether fine sediment is a (stressor) pollutant for streams exhibiting biocriteria impairments relative to reference streams. Details of this approach are presented in the meeting materials, including two May 28, 2013 memos to the TWG members (results and methods, and a response to questions), along with supplemental information in a spreadsheet. These materials are posted on the Mid-Coast TMDLs project website at: http://www.deq.state.or.us/wq/tmdls/midcoastLSAC.htm

- **TWG/LSAC input:** DEQ requested and received both formal (written) and less formal (email) comments in August and September from TWG/LSAC members on the Biocriteria methods and results that were distributed. We considered all of the comments and plan to address them through the appropriate forums, including the TWG meetings and TMDLs documentation. The comments submitted to date have been useful in assessing methodology, including data gaps and uncertainty, but are not viewed by DEQ as a basis for delaying the current steps in the sediment source assessment and linkage analysis.

- **Future biomonitoring:** DEQ will continue to work with state agency partners and other stakeholders to identify resources to conduct biological monitoring at the appropriate spatial and temporal scales. The methods for analysis and interpretation of the monitoring results in relation to Oregon's water quality standards, including the use in TMDLs, will undergo periodic peer review and refinement. We are not planning to conduct additional biomonitoring during the

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current source analysis work. We are, however, interested in biomonitoring information that has been collected by other entities that would inform the Watershed characterization, assessment and source analysis.

- **Watershed characterization:** DEQ received extensive input from TWG/LSAC members on factors affecting sediment regimes (sources and processes) in the Coast Range during recent TWG meetings. This information was organized and categorized in a manner that will provide a basis for identifying sources of data and information to characterize the reference and study watersheds. Additional input and discussion occurred during the October 17 TWG meeting that will result in a revised set of characteristics. This information will be posted on the Mid-Coast TMDL project website at: http://www.deq.state.or.us/wq/tmdls/midcoastLSAC.htm

- **Source Assessment literature review:** DEQ finalized a protocol for conducting and documenting the literature review for the sediment source assessment. This information was presented to the TWG members at the October 17 Sediment TWG meeting. A draft of the protocol was circulated on October 18 for TWG members' review and comments. DEQ received input from TWG members and state agency reps and distributed a response to those comments to TWG/LSAC members and interested parties in early December 2013.

- Updates and outputs will be posted at the Mid-Coast TMDLs project website at: http://www.deq.state.or.us/wq/tmdls/midcoastLSAC.htm

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Bacteria TMDLs technical work: The bacteria TMDLs technical activities are focused on the following topical areas:

- **Calculations of Load Duration Curves (LDCs) for freshwater streams**: based on extensive input and assistance from Bacteria TWG members, DEQ developed automated methods to calculate the LDCs for more than 100 stations (i.e., all stations except for beaches) in the Mid-Coast basin. This automation allows for standardization of the methods, which ensures reproducibility and transparency for the TMDL development. Draft results packets for 18 watersheds were distributed to TWG members for review and comment and more are being prepared. DEQ received LDC reviews from TWG members and is reviewing those comments. We plan to report back to the TWG at the next meeting, currently being scheduled for early March. A notice will be sent soon.

- **Development of the Big Elk Creek watershed model:** This effort will resume once the LDC work is completed and a projected schedule will be distributed.

- **Development of methods for interpretation of load reductions for beaches:** A sub-group of the TWG and DEQ technical staff worked on data from beaches with bacteria problems. DEQ resumed work on beaches with violations of the bacteria standards and will continue the work of the beaches sub-group of the TWG in the near future. TWG members are advising DEQ on the geographic & jurisdictional grouping of beach monitoring locations for analysis while considering implementation efficiencies. The topic was discussed at the December 11, 2013 TWG meeting and a projected schedule will be distributed in the next several months.

- **Development of methods for the LDCs for the estuaries**: DEQ will use methods from LDC calculation for freshwater streams and rivers; an approach for development of the LDCs for the estuaries that accounts for the fluxes of fresh and saline water has been selected and major components of this approach will use the same methods from the LDC calculations for the freshwater streams and rivers. Once the LDCs are completed for the freshwater streams and rivers, DEQ staff will begin the tasks for calculating the LDCs for the estuaries and a projected schedule will be distributed.

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