



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
WATER AND
WATERSHEDS

MAR 15 2012

Reply To: OWW-134

Mr. Greg Aldrich, Acting Director
Water Quality Program
Department of Environmental Quality
811 SW 6th Avenue
Portland, Oregon 97204-1390

Re: Partial Approval/Partial Disapproval of Oregon's Final 2010 303(d) List

Dear Mr. Aldrich:

The U.S. Environmental Protection Agency has conducted a review of the Section 303(d) List for 2010 that was submitted by the Oregon Department of Environmental Quality as part of the State's Integrated Report, on May 23, 2011. The EPA has reviewed ODEQ's submission, including ODEQ's assessment methodology and other supporting documentation and information provided by ODEQ or made available on ODEQ's website.

For the reasons discussed below, the EPA partially approves and partially disapproves Oregon's 2010 303(d) list consistent with the requirements of Clean Water Act (CWA) Section 303(d) and 40 CFR 130.7. Further explanation of these decisions is provided in the attached "Review of Oregon's 2010 Integrated Report" (see Enclosure 1).

As a result of this review, the EPA has determined that Oregon's 2010 Section 303(d) listing of 970 water quality limited segments still requiring TMDLs meets the requirements of CWA Section 303(d) and EPA's implementing regulations. In addition, the EPA has determined that the removal of 927 water quality limited segments was also consistent with CWA Section 303(d) and the federal regulations.

The EPA has also determined, however, that ODEQ failed to consider all readily available data and information for water bodies of the state when developing Oregon's 2010 Section 303(d) list. Specifically, based on EPA's review of data ODEQ solicited and collected for the 2010 303(d) list development that was entered into the Laboratory Analytical Storage and Retrieval (LASAR) database, ODEQ failed to list waters for the following pollutants: bacteria, chlorophyll a, dissolved oxygen, pH, sedimentation, temperature, total dissolved gas and toxics. In addition, ODEQ failed to include on the 2010 Section 303(d) list 321 water quality limited segments that the ODEQ identified as having an impaired biological use. Therefore, the EPA is disapproving ODEQ's failure to list 1004 water quality limited segments, as required by CWA Section 303(d) and 40 CFR 130.7(b)(5).

As required by EPA regulations at 40 CFR § 130.7(d)(2), if the EPA disapproves listings the EPA must identify waters not meeting the state's water quality standards and accept public comment on the proposed additions. After considering comments received from the public, the EPA will make a final decision regarding the addition of water quality limited segments to the final 2010 303(d) list.

The EPA has received Oregon's long-term schedule for TMDL development for all waters on the State's 2010 Section 303(d) list. As a policy matter, the EPA has requested that States provide such schedules. The EPA is not taking any action to approve or disapprove this schedule pursuant to Section 303(d).

The EPA's partial approval/partial disapproval of the state of Oregon's 2010 303(d) list does not apply to any waters, or portions thereof, that are within Indian Country. The EPA is taking no action to approve or disapprove the State's list with respect to any waters within Indian Country.

We recognize and appreciate the work of staff and managers at Oregon Department of Environmental Quality in developing the final 2010 303(d) List. We look forward to continuing to work with you on this process to address the water quality issues in the State. If you have any questions please contact Jill Gable, Impaired Waters Program Staff at (206)553-2582, or Dave Croxton, Manager, Watershed Unit at (206) 553-6694.

Sincerely,



Michael A. Bussell, Director
Office of Water and Watersheds

Enclosures

cc: Ms. Jennifer Weigal, ODEQ (by email)

Ms. Karla Urbanowicz, ODEQ (by email)