

State of Oregon
Department of Environmental Quality

Memorandum

To: John Day Basin TMDL File

Date: November 9, 2010

From: Neil Mullane, WQ Administrator *NJM*

Subject: John Day Basin TMDL Order

On November 9, 2010 the John Day Basin Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (DEQ). The area covered by this TMDL is the John Day Basin [3rd field Hydrologic Unit Code (HUC) 170702] and includes the North Fork John Day River Subbasin (HUC 17070202), the Middle Fork John Day Subbasin (HUC 17070203), the Upper John Day Subbasin (HUC 17070201) and the Lower John Day Subbasin (HUC 17070204). These four subbasins form the John Day Basin and have a combined area of approximately 7,940 square miles.

This document sets TMDLs to address 303(d) listings for temperature, bacteria, dissolved oxygen and biocriteria. The temperature and bacteria TMDLs are applicable to all streams in the John Day Basin. The dissolved oxygen and biocriteria TMDLs are applicable to the 2004/2006 303(d) list segments. The total number of completed TMDLs included in the John Day Basin document, as counted by DEQ, is 135 (127 for temperature, 2 for bacteria, 1 for dissolved oxygen, 5 for biocriteria). For EPA's method, the count totals 122 (120 for temperature, 1 for bacteria, 1 for dissolved oxygen).

This final John Day Basin TMDL document, developed under §303(d) of the Clean Water Act (CWA), has been submitted for U.S. Environmental Protection Agency (USEPA) approval. The document, when approved, will be an update to Oregon's Continuing Planning Process per §303(e) of the Clean Water Act. The document includes a Water Quality Management Plan (WQMP) as identified in OAR 340-042-0040(4)(I). The WQMP does not need to be approved or disapproved as specified under the terms of the February 1, 2000 Memorandum of Agreement between USEPA and DEQ regarding the implementation of §303(d) of the CWA. Should USEPA modify or disapprove this TMDL, such actions will be made public.

Watershed analyses and draft TMDLs were presented to and discussed with a Community forum, over the course of one year during 2009-2010. The group consisted of a variety of stakeholders and interests including unaffiliated citizens, DMAs, Tribes, Soil and Water Conservation Districts, Watershed Councils, researchers and representatives of agriculture, urban, forestry and other land uses and occupations. An interactive website was developed and an email-tree system of communication involved several hundred people with regular updates and two-way feedback. This followed years of interaction with many groups in the Basin during the monitoring and assessment phases. The intent of this outreach was to maximize Basin input throughout the development of the draft TMDLs.

The public comment period for the draft John Day Basin TMDL document was open from June 8 through August 9, 2010. Copies of the draft TMDL document were made available at various locations including the Grant Soil and Water Conservation District, the North Fork John Day Watershed Council, the Gilliam and Grant County Public Libraries, and at DEQ's offices in Pendleton, Portland and Bend, as well as on-line at the DEQ website and through direct mailings.

Public hearings were held in Fossil, OR and John Day, OR on July 21 and 28, 2010. Each was preceded with an informational presentation and discussion. Recorded oral and formal written comments were received from 17 parties and addressed as part of the formal response to comments process. DEQ has summarized the issues raised, prepared responses and made revisions to the draft TMDL and WQMP.

This memo and the related public notification represent the beginning of the 60-day appeal period on this DEQ action. The Oregon Administrative Rules (OAR) allow for the following:

- (1) Any person who participated in establishing a TMDL, including those who submitted comments and any other person entitled to seek judicial review of an order issuing a TMDL, may request reconsideration by the Director in accordance with OAR 137-004-0080.
- (2) A person may file a petition for judicial review of a final TMDL order as allowed by ORS 183.484.

This TMDL/WQMP and Response to Comments documents can be found at the following website: <http://www.deq.state.or.us/wq/tmdls/johnday.htm> or can be viewed at the following locations: DEQ Headquarters, 811 SW Sixth Avenue, Portland, OR 97204 or DEQ Pendleton Office, 700 SE Emigrant, Suite 330, Pendleton, OR 97801. Once USEPA has approved this TMDL, this document will be made available via a CD, electronic file or paper copy.

Should you have any questions about these TMDLs, please contact Don Butcher, 541-278-4603 or Gene Foster, 541-229-5325.

Issued by:



Neil Mullane
Water Quality Administrator

Date: 11/9/10

Attachments

