

State of Oregon
Department of Environmental Quality

Memorandum

To: Malheur River Basin TMDL File

Date: September 29, 2010

From: ^{NJM} Neil Mullane, WQ Administrator

Subject: Malheur River Basin TMDL Order

On September 29, 2010 the Malheur River Basin Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (DEQ). The area covered by the TMDL consists of the Malheur River Basin (17501) USGS 3rd Field Hydrologic Unit Code (HUC) Watershed. The Malheur River Basin is divided into the Lower Malheur (1750117), Upper Malheur (1750116), Willow Creek (1750119), Bully Creek (1750118), and Middle Snake-Payette (1750115) 4th field HUCs. The Malheur River Basin encompasses an area of approximately 4,800 square miles in southeastern Oregon.

This document sets TMDLs to address 303(d) listings for chlorophyll (total phosphorus load allocation), bacteria, and temperature. The TMDL recommends de-listing of the Malheur River for dissolved oxygen. A toxics TMDL to address 303(d) listings for DDT and Dieldrin was not developed due to lack of data.

The chlorophyll, bacteria, and temperature TMDLs are applicable to all perennial and intermittent streams in the Malheur River Basin. The total number of completed TMDLs included in the Malheur River Basin TMDL document, as counted by DEQ, is 34 (3 chlorophyll, 10 bacteria, and 21 temperature).

This final Malheur River Basin TMDL document, developed under §303(d) of the Clean Water Act, 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 (CWA). Oregon's WQMP is also being submitted to USEPA, although it 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 TMDL committee that consisted of a variety of stakeholders and interests including: Bureau of Land Management, Bureau of Reclamation, Burns Paiute Tribe, Harney Soil and Water Conservation District, Malheur Watershed Council, Malheur National Forest, Malheur Soil and Water Conservation District, Oregon Department of Agriculture, Oregon Department of Fish and Wildlife, Owyhee Watershed Council, local irrigation districts, and private citizens. The intent of working with this local committee was to get informal review and comment while DEQ was completing the development of the draft TMDLs.

The public comment period for the draft Malheur River Basin TMDL document was originally open from May 14th through July 15th, 2010, and was extended until July 30, 2010. Copies of the draft TMDL documents were made available at various locations including the Malheur County Soil and Water Conservation District and Malheur Watershed Council offices and Malheur Public Library in Ontario, the Harney County Soil and Water Conservation District office and Harney County Public

Library in Burns, DEQ's office in Pendleton, as well as on-line at the DEQ website and through direct mailings.

An informational meeting followed by a public hearing was held in Ontario, OR on June 29, 2010. Testimony was received from two individuals, and written comments were received from 12 organizations and individuals during the remainder of the comment period. All comments were 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.

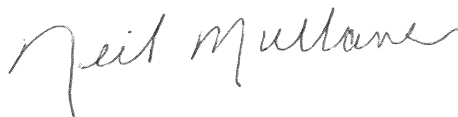
This memo and the related public notification represent the beginning of the 60-day appeal period on this DEQ action. The Oregon Administrative Rules (OAR) allow for the following:

- (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.

These TMDL/WQMP and Response to Comments documents can be found at the following website: <http://www.deq.state.or.us/WQ/TMDLs/malheurriver.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 John Dadoly, 541-278-4616 or Ryan Michie, 503-229-6162.

Issued by:



Neil Mullane
Water Quality Administrator

Date: 9/29/10

Attachments

