

State of Oregon
Department of Environmental Quality

Memorandum

To: Upper Klamath and Lost River Subbasins TMDL File

Date: December 21, 2010

From: Neil Mullane, WQ Administrator *Neil Mullane*

Subject: Upper Klamath and Lost River Subbasins TMDL Order

On December 21, 2010 the Upper Klamath and Lost River Subbasins Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (DEQ). The area covered by the Upper Klamath and Lost River Subbasins corresponds to two 4th field hydrologic unit codes (HUCs) 18010206 and 18010204, respectively.

This document sets TMDLs to address 303(d) listings for temperature, dissolved oxygen, pH, ammonia toxicity and chlorophyll-a. The temperature TMDLs are applicable to all perennial and intermittent streams in the three subbasins comprising the Upper Klamath and Lost River Subbasins with the exception of Klamath River and Lost River. The total number of TMDLs included in the Upper Klamath and Lost River Subbasins document are 28 TMDLs (4 chlorophyll, 3 ammonia toxicity, 6 dissolved oxygen, 2 pH, and 13 temperature). Alternatively, the document addresses 27 EPA TMDLs (4 chlorophyll, 3 ammonia toxicity, 5 dissolved oxygen, 2 pH, and 13 temperature).

This final Upper Klamath and Lost River Subbasins 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.

The area covered by this TMDL document lies within the Oregon portion of the Klamath Basin (3rd field Hydrologic Unit Code (HUC) 180102 and includes the Upper Klamath Subbasin (HUC 18010206), the Lost River Subbasin (HUC 18010204). The temperature TMDLs address all perennial and intermittent streams and rivers within Oregon in the Upper Klamath River and Lost River subbasins, with the exception of the Klamath and Lost Rivers

The public comment period for the draft Upper Klamath and Lost River Subbasins TMDL document was open from February 10th through May 27th, 2010. Copies of the draft TMDL documents were made available at various locations including the Klamath Falls Public Library, and at DEQ's offices in Pendleton and Bend, as well as on-line at the DEQ website and through direct mailings.

An informational meeting followed by a public hearing was held in Klamath Falls, OR on March 16, 2010. All comments were addressed as part of the formal response to comments process.

Comments were received from:

- Klamath Water Users Association
- City of Klamath Falls
- Klamath County Commissioners
- Columbia Forest Products
- US Bureau of Reclamation

PacifiCorp
Bureau of Land Management, Lakeview District
Bureau of Land Management, Medford District
US EPA Region 10
Regional Water Quality Control Board
Yurok Tribe
Quartz Valley Indian Reservation
Karuk Tribe
213 Citizens
Klamath River Keeper
Klamath Irrigation District

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/klamath.htm> or can be viewed at the following locations: DEQ Headquarters, 811 SW Sixth Avenue, Portland, OR 97204 or DEQ Bend Office, 475 NE Bellevue, Suite 110, Bend, OR 97701. 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 Steve Kirk, 541-633-2023.

Issued by:



Neil Mullane
Water Quality Administrator

Date: 12/21/10

Attachments