

State of Oregon
 Department of Environmental Quality

Memorandum

To: Rogue River Basin TMDL File

Date: December 22, 2008

From: Neil Mullane, WQ Administrator

Subject: Rogue River Basin TMDL Order

On December 22, 2008 the Rogue River Basin Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (ODEQ). The area covered by the Rogue River Basin lies within the Southern Oregon Coastal Basin 3rd field hydrologic unit code 171003. For the purposes of this TMDL, the Rogue River Basin refers to five 4th field hydrologic unit subbasins: the Lower Rogue River Subbasin (Hydrologic Unit Code [HUC] 17100310), Middle Rogue River Subbasin (HUC 17100308), Upper Rogue River Subbasin (HUC 17100307), Illinois Subbasin (HUC 17100311) and Applegate Subbasin (HUC 17100309). The Rogue River Basin TMDL applies to all perennial and intermittent streams, rivers, and lakes within the Rogue River Basin in Oregon with the exception of those areas where TMDLs have been previously developed: Bear Creek Watershed (TMDL approved 2007), Applegate Subbasin (TMDL approved 2003), the Lobster Creek Watershed (TMDL approved 2002) and Upper and Lower Sucker Creek (TMDLs approved 1999 and 2002, respectively).

The 2004/2006 303(d) list indicates that surface waters in the Rogue River Basin do not meet water quality standards. This document sets TMDLs to address temperature and bacteria impairments. DEQ tracks completed TMDLs using the method established for the Consent Decree between the US EPA and Northwest Environmental Defense Center, John R. Churchill, and Northwest Environmental Advocates (October 17, 2000). The Consent Decree lists the cumulative number of TMDLs to be established through 2010. As per the Consent Decree, the Rogue River Basin TMDL represents the completion of 125 TMDLs (**Table 1**). This document references the DEQ method for calculating the total number of TMDLs as shown in **Table 1**. EPA uses a different method when reporting the number of completed TMDLs to the plaintiff. According to current EPA policy on counting TMDLs, the Rogue River Basin TMDL addresses 109 TMDLs (**Table 2**).

Table 1. Rogue River Basin TMDL Listings Addressed: DEQ Consent Decree Method

Parameter	Count	Total
Temperature: rearing and migration	90	
Temperature: spawning	10	
Temperature subtotal		100
Bacteria: Fecal Coliform	6	
Bacteria: <i>E. coli</i>	19	
Bacteria subtotal		25
DEQ Total		125

Table 2. Rogue River Basin TMDL Listings Addressed: EPA Method

Parameter	Count
Temperature	91
Bacteria	18
EPA Total	109

This final Rogue River Basin TMDL 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 Continuous 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 ODEQ regarding the implementation of §303(d) of the CWA. Should USEPA modify or disapprove this TMDL, such actions will be made public.

The public comment period on the draft Rogue River Basin TMDLs was October 1 through December 1, 2008. On November 12, 2008 a public meeting was held in Grants Pass, OR. The meeting began with an informational discussion followed by a formal public hearing. Formal comments were received from 13 entities and addressed as part of the formal response to comments process. A copy of the response to comments document has been submitted to EPA as part of the TMDL-WQMP packet.

Copies of the draft TMDL documents were made widely available at various locations including the Jackson and Curry County libraries, the Josephine SWCD, the Medford, Eugene and Portland ODEQ offices as well as on-line at the DEQ website.

Strong partnerships have been developed within the basin between DEQ and the local community, the Rogue Valley Council of Governments, and the local watershed councils. The efforts of these groups, along with other private landowners and state and federal agencies in the basin will be an important component in assuring that these TMDLs and the associated Water Quality Management Plan are accepted and implemented at the local level.

This memo and the related public notification represent the beginning of the 60-day appeal period on this ODEQ 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/Rogue.htm> or can be viewed at the following locations: ODEQ Headquarters, 811 SW Sixth Avenue, Portland, OR 97204; ODEQ Medford Office, 221 Stewart Ave, Medford Oregon 97501, ODEQ Eugene Office, 1102 Lincoln St. Suit 210, Eugene, Oregon 97401.



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 Bill Meyers, 541-776-6010 x253.

Issued by:

Neil Mullane

Neil Mullane
Water Quality Administrator

Date: 12/22/08

Attachments



