

## Temperature Total Maximum Daily Load Data Solicitation



State of Oregon  
Department of  
Environmental  
Quality

### Water Quality

700 NE Multnomah St.  
Suite 600  
Portland, OR 97232  
Phone: 503-229-5696  
800-452-4011  
Fax: 503-229-6124  
Contact:  
[tempTMDLdata@deq.state.or.us](mailto:tempTMDLdata@deq.state.or.us)

[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

*DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.*

### Purpose

Answers to frequently asked questions about submitting National Pollutant Discharge Elimination System permit holder effluent data to DEQ during the temperature TMDL replacement project, data solicitation. More information about this project is online at: <https://www.oregon.gov/deq/wq/tmdls/Pages/tmdlreplacement.aspx>

### 1. What is a TMDL, or Total Maximum Daily Load?

A total maximum daily load is a water quality restoration plan and the calculation of the maximum amount of a pollutant that a waterbody can receive while still meeting water quality standards for that particular pollutant. A TMDL establishes a pollutant-reduction target and allocates the load reductions necessary to the contributing source(s) of the pollutant. The Clean Water Act requires TMDLs be developed for waterbodies that do not meet water quality standards and are listed as water quality impaired on the state's 303(d) list. See [DEQ's TMDL webpage](#) for more information.

### 2. What is the 303(d) list?

The term "303(d) list" or "list" is short for a state's list of impaired and threatened waters, such as streams, river segments and lakes. The list was developed to comply with Section 303(d) of the Clean Water Act, which requires states to identify waters where current pollution control technologies alone cannot meet the water quality standards set for that waterbody. Every two years, states are required to submit a list of impaired waters -- and any waters that may soon become impaired -- to the U.S. Environmental Protection Agency for approval. For each waterbody on the list, the state identifies the pollutant causing the impairment, when known. In general, once a water body has been added to a state's list of impaired waters it stays there until the state develops a TMDL and EPA approves it. Once a TMDL is developed, a water body is no longer on the 303(d) list, but it is still considered impaired and is tracked until the water meets state water quality standards.

### 3. Why is DEQ updating and replacing the temperature TMDLs?

In 2012, The U.S. District Court found that EPA's approval of an element of Oregon's water quality standard for temperature, the Natural Conditions Criteria, was unlawful. The Natural Conditions Criterion stated that where the natural thermal potential of all or a portion of a water body exceeds the biologically-based numeric temperature criteria in OAR 340-041-0028(4), the natural thermal potential temperatures supersede the biologically-based criteria, and are deemed to be the applicable temperature criteria for that water body. This portion of the temperature water quality standard was effective from 2003 until EPA disapproved it in response to the court decision in 2013. Information about the temperature standard litigation is [online](#).

Many temperature TMDLs were based on this criteria, and this became the subject of a second lawsuit brought by the Northwest Environmental Advocates against EPA asserting the EPA unlawfully approved TMDLs that were based on the now disapproved Natural Conditions Criterion. The court issued a judgment on Oct. 4, 2019, requiring DEQ and EPA to replace 15 Oregon temperature TMDLs that were based on the Natural Conditions Criterion and to reissue the temperature TMDLs based on the remaining

elements of the temperature criteria. Cumulatively, these TMDLs address over 700 temperature impaired segments that do not meet water quality standards for temperature. DEQ's role is to develop and issue these TMDLs and submit to EPA for their action over an eight-year period.

**4. What is the Temperature TMDL data solicitation?**

To support the replacement of these temperature TMDLs, DEQ is conducting an open data solicitation July 1 through Sept. 30, 2020. During the solicitation period, the public may submit temperature data to DEQ in the watersheds subject to the temperature TMDL replacements. DEQ is also requesting National Pollutant Discharge Elimination System permit holders to submit effluent temperature and effluent flow data.

**5. When is Temperature TMDL data solicitation?**

The data solicitation will be held from July 1 through Sept. 30, 2020.

**6. What is DEQ using effluent data for?**

DEQ is using the effluent data to characterize the effluent heat load discharged to a waterbody, evaluate if the heat loading causes or contributes to significant warming in excess of the temperature water quality standards, and potentially evaluate and calculate TMDL waste load allocations. Depending on the receiving waterbody the effluent data may also be used to support the temperature modeling analysis.

**7. What kind of effluent data is DEQ requesting?**

DEQ is seeking continuous effluent temperature and flow data from 2014-2020. Continuous data are data collected multiple times a day at regular intervals. We prefer continuous data to be reported to DEQ at about 30 or 60 minute intervals. If continuous effluent temperature or flow data are not available DEQ would like effluent temperature or effluent flow grab samples. DEQ would like effluent data for each permitted outfall.

**8. Are National Pollutant Discharge Elimination System (NPDES) permit holders required to submit data for the temperature TMDL data solicitation?**

Submitting data to DEQ for the data solicitation is voluntary; however, with limited effluent data or outdated effluent data DEQ may use discharge assumptions that could result in a more restrictive waste load allocation. DEQ is using the effluent data to characterize the effluent heat load discharged to a waterbody, and for some permit holders, to calculate and evaluate TMDL waste load allocations.

**9. Does effluent data need to be resubmitted if it has already been submitted to DEQ on Discharge Monitoring Reports or electronically through NetDMR?**

The data solicitation is voluntary. DEQ would like effluent data to be submitted even if it has already been submitted on a DMR or electronically through NetDMR. We apologize for any inconvenience this causes.

**10. How do I submit data?**

You must use the data submission templates to submit data. For continuous effluent data, use the continuous data template. For grab samples or daily average effluent flow, use the NPDES grab sample template. The following applies:

- If collecting continuous temperature and flow, use continuous template.
- If collecting continuous temperature and grab flow, use continuous template for temperature, and grab template for flow.

- If collecting grab temperature, use grab template for both temperature and flow. If flow is continuous, summarize as a daily average and report in grab template.

Before sending data to DEQ, please review the data submission guideline and checklist to ensure you are ready. To submit the template, send an email to [tempTMDLdata@deq.state.or.us](mailto:tempTMDLdata@deq.state.or.us) notifying DEQ you are ready to submit. Do not attach the template to the notification email. The template file size is too large for DEQ's email systems. DEQ will respond to you with instructions on how submit the template. The data templates and template instructions can be downloaded from DEQ's website at: <https://www.oregon.gov/deq/wq/tmdls/Pages/tmdlreplacement.aspx>.

## 11. Which watersheds need new temperature TMDLs?

The following Temperature TMDLs are being replaced:

- Applegate Subbasin TMDL and Water Quality Management Plan
- Bear Creek Watershed TMDL
- John Day River Basin TMDL and WQMP
- Lower Grande Ronde Subbasins TMDLs
- Malheur River Basin TMDL and WQMP
- Middle Columbia-Hood (Miles Creeks) Subbasin TMDL and WQMP
- Molalla-Pudding Subbasin TMDL and WQMP
- Rogue River Basin TMDL
- Sandy River Basin TMDL
- Snake River-Hells Canyon TMDL
- Umpqua Basin TMDL and WQMP
- Walla Walla Subbasin Temperature TMDL and WQMP
- Willamette Basin TMDL and WQMP
- Willow Creek Subbasin Temperature TMDL and WQMP

## 12. How will this data solicitation work be completed?

DEQ plans to complete the replacement TMDLs as quickly as possible according to the schedule set by the Final Court Order and Judgment. DEQ will not expand the scope of work beyond what is needed to address the requirements of the order. DEQ will work with EPA and EPA's contractor, Tetra Tech, to solicit and assist the public in submitting their data to DEQ, review the data, make it publicly available in DEQ's Ambient Water Quality Monitoring System database, and complete the technical work.

## 13. Will a public process be held for the TMDLs?

DEQ will work to keep the public informed and will consider their concerns and ideas. Each project TMDL will include an advisory group made up of members representing the local public and interested stakeholders to provide information and feedback on the TMDL during development. Each TMDL will also have a web page with meeting materials and project updates. DEQ will also have a formal public comment period where anyone can provide comments. DEQ will develop a response to comment document that will be available to the public.

## 14. Will DEQ consider environmental justice?

DEQ will consider environmental justice concerns for each TMDL by looking into the demographics of the affected community and determining the environmental justice issues that need to be considered. DEQ will communicate with tribes about this data solicitation. DEQ uses [EPA's EJ SCREEN tool](#) for information.

### **15. Why is water temperature important?**

Water temperature is a key driver for water quality. It can impact the following:

- Temperature in water governs the kinds and types of aquatic life
- Regulates the maximum dissolved oxygen concentration of the water
- Influences the rate of chemical and biological reactions
- Affects the dissolved oxygen level in water, photosynthesis of aquatic plants, metabolic rates of aquatic organisms, and the sensitivity of these organisms to pollution, parasites and disease

### **16. What can cause temperature problems?**

Temperatures in streams and rivers are influenced by many atmospheric and hydrologic processes affecting the movement of heat. Heat can be added to the watershed system through discharge of heated effluents, removal of streamside vegetation, removal of upland vegetation, runoff from impervious (hard) surfaces in the watershed, alteration of stream channels, presence of impoundments or dams, removal of water from surface or groundwater, and other changes.

### **17. Whom do I contact for questions?**

Send an email to [tempTMDLdata@deq.state.or.us](mailto:tempTMDLdata@deq.state.or.us) with your questions. Someone will respond to you within a few days. DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

### **Alternative formats**

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