

State of Oregon  
 Department of Environmental Quality

Memorandum

To: Bear Creek Watershed TMDL File

Date: July 24, 2007

From: Lauri Aunan, WQ Administrator



Subject: Bear Creek Watershed TMDL Order

On July 24, 2007 the Bear Creek Watershed Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (ODEQ). The area covered by the Bear Creek Watershed corresponds to the fifth-field hydrologic unit code 1710030801. The Bear Creek Watershed is situated in southwestern Oregon within the Rogue Basin and encompasses an area of approximately 390 square miles. Bear Creek currently has a TMDL in place. Approved by USEPA on December 12, 1992 it was among the first TMDLs in the State of Oregon and addresses the non-attainment of pH, aquatic weeds and algae, and dissolved oxygen (DO) standards in the Bear Creek watershed. It established instream concentration criteria, load and wasteload allocations for total phosphorus, ammonia nitrogen and biochemical oxygen demand. The 1992 TMDL is considered adequate and is reviewed in Section 5 of the TMDL.

The current TMDL addresses all listings on the 2004/2006 303(d) list for the Bear Creek Watershed. According to current EPA guidance on counting TMDLs, the Bear Creek TMDL addresses 31 TMDLs, covering 311.7 stream miles (Table 1).

**Table 1. Bear Creek TMDL Listings: EPA Method**

<b>Temperature:</b> Total 138.7 miles	<b>19 TMDL</b>
<b>Bacteria:</b> Fecal Coliform: 10 listings. Total 120.4 miles, E. coli: 1 listing. Total 52.6 miles	<b>11 TMDL</b>
<b>Sedimentation:</b> 1 year-round listing	<b>1 TMDL</b>

Although the introduction and text of the Bear Creek TMDL uses the EPA method for calculating the total number of TMDLs, ODEQ uses a different method. ODEQ tracks completed TMDLs using the method established for the Consent Decree between the US Environmental Protection Agency (EPA) and Northwest Environmental Defense Center (NEDC), John R. Churchill, and Northwest Environmental Advocates (NWEA) (October 17, 2000). The Consent Decree lists the cumulative number of TMDLs to be established through 2010. As per the Consent Decree, the Bear Creek TMDL represents the completion of 40 TMDLs (Table 2).

**Table 2. Bear Creek TMDL Listings: Consent Decree Method**

<b>Temperature:</b> 18 rearing (May 16-Oct. 14), 3 spawning (Oct. 15-May 15). Total 138.7 miles	<b>21 TMDL</b>
<b>Bacteria:</b> Fecal Coliform: 5 summer, 6 fall/winter/spring, 5 year-round. Total 120.4 miles	<b>16 TMDL</b>
<b>Bacteria:</b> E. coli: 1 summer listing, 1 fall/winter/spring. Total 52.6 miles	<b>2 TMDL</b>
<b>Sedimentation:</b> 1 year-round listing	<b>1 TMDL</b>

This final Bear Creek Watershed 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 Bear Creek Watershed TMDLs was January 8 through March 9, 2007. An informational meeting and formal public hearing was held February 20, 2007, in Medford, Oregon. Formal public comments were received from 6 entities and addressed as part of formal response to comments process. An informational meeting to present the background on the technical and modeling components of the draft TMDLs was provided preceding the public hearing. Copies of the documents were made widely available at various locations including the Jackson County libraries, through the Bear Creek watershed council, the Medford and Portland ODEQ offices as well as on-line at the DEQ website.

Strong partnerships have been developed within the watershed between the DEQ, the local communities, the Rogue Valley Council of Governments and the Bear Creek watershed council. The efforts of these groups, along with other private landowners and state and federal agencies in the watershed 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:



Lauri Aunan  
Water Quality Administrator

Date: 7/24/07

Attachments

