

State of Oregon
Department of Environmental Quality

Memorandum

To: Middle Columbia-Hood (Miles Creeks) Subbasin TMDL File **Date:** December 29, 2008

From: Neil Mullane, WQ Administrator

Subject: Middle Columbia-Hood (Miles Creeks) Subbasin TMDL Order

On December 29, 2008 the Middle Columbia-Hood (Miles Creeks) Subbasin Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (DEQ). The area covered by this TMDL lies within the Middle Columbia-Hood Subbasin (4th field Hydrologic Unit Code (HUC) 17070105). The area falls within the 5th field HUCs 1707010502, 1707010503, 1707010504, 1707010505 and 1707010512. The Middle Columbia-Hood (Miles Creeks) Subbasin encompasses an area of approximately 587 square miles located in the north-central Oregon. The Subbasin includes streams that flow into the Columbia River from Mosier Creek east to Fifteenmile Creek.

The 2004/2006 303(d) list indicates that surface waters in the Middle Columbia-Hood (Miles Creeks) Subbasin do not meet water quality standards. This document sets TMDLs to address temperature and is applicable to all perennial and intermittent waters in the Subbasin. 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 Middle Columbia-Hood (Miles Creeks) Subbasin TMDL represents the completion of 30 temperature TMDLs: 12 for Salmon and Trout Rearing and Migration, 3 for Core Cold Water Habitat, and 15 for Salmon and Steelhead Spawning. EPA uses a different method when reporting the number of completed TMDLs to the plaintiff. According to current EPA policy on counting TMDLs, the Middle Columbia-Hood (Miles Creeks) Subbasin TMDL addresses 15 temperature TMDLs.

This final Middle Columbia-Hood (Miles Creeks) Subbasin 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 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 public comment period for the draft Middle Columbia-Hood (Miles Creeks) Subbasin TMDL was October 6 through December 5, 2008. Copies of the draft TMDL documents were made widely available at various locations including The Dalles-Wasco County library, the Wasco County SWCD, the Mt. Hood National Forest office in Dufur, DEQ offices in Bend and The Dalles, as well as on-line at the DEQ website and through direct mailings.

On November 20, 2008 an informational meeting and public hearing were held in The Dalles, OR. Although no oral comments were received, formal written comments were received from five entities and addressed as part of the formal response to comments process. Comments were received from: City of The Dalles, Columbia Riverkeeper, Oregon Department of Fish and Wildlife,

Wasco County SWCD, and EPA. DEQ has 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/hood.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 Dr., Bend, Oregon 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 Bonnie Lamb, 541-633-2027.

Issued by:



Neil Mullane
Water Quality Administrator

Date: 12/29/08

Attachments

