



Powder River Basin Bacteria TMDL Rule Advisory Committee Meeting #2

Watershed Management

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April 18, 2023

Virtual

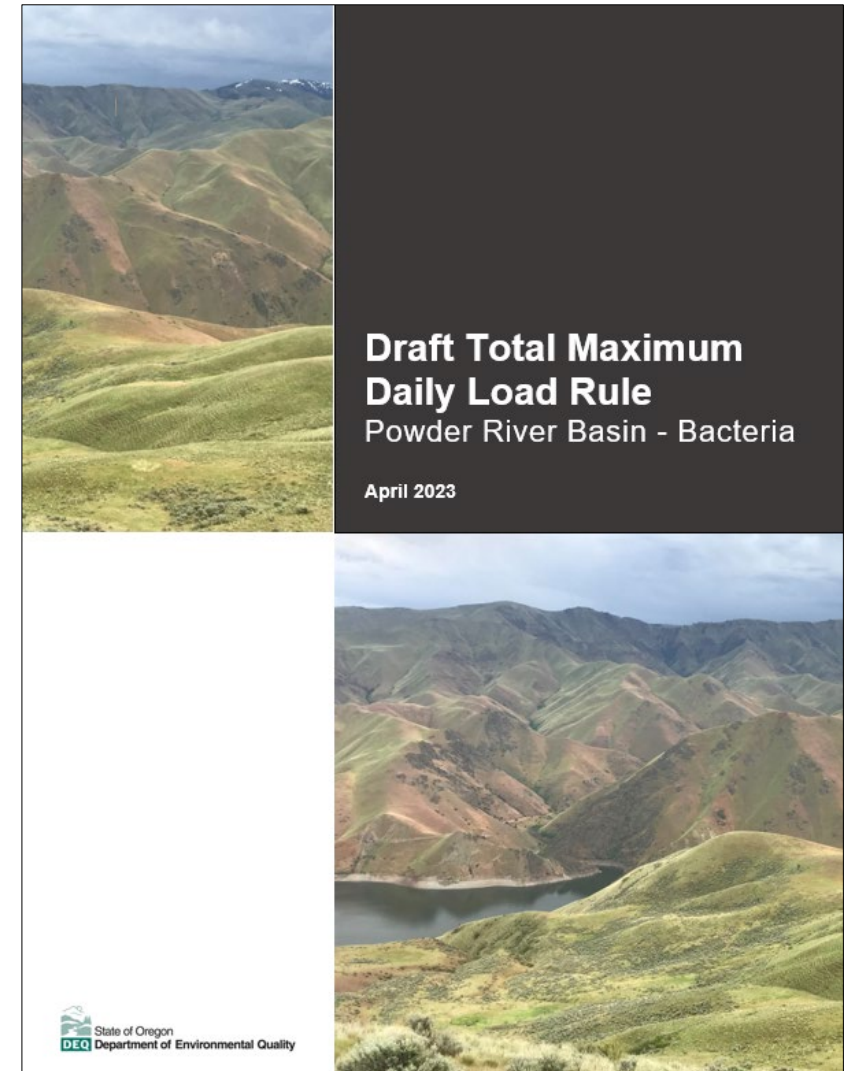


Meeting agenda summary

1. Welcome, introductions, agenda review, meeting logistics
2. Updates since 1st Rule Advisory Committee meeting
3. Orientation to Powder River Basin TMDL documents
4. Overview of revised draft fiscal impact statement
5. Discussion of all documents
6. Rulemaking schedule review
7. Next steps, wrap-up and adjourn meeting

Powder River Basin TMDL updates since 1st Rule Advisory Committee meeting

- Revisions to the draft Fiscal Impact Statement based on RAC input
- Revisions to TMDL documents based on EPA review
- Coordination with responsible persons and Designated Management Agencies
- Revised TMDL documents and posted for RAC input



Orientation to TMDL documents

1. Oregon Administrative Rule language
2. TMDL Rule
3. Water Quality Management Plan
4. TMDL Technical Support Document
5. Revised Draft Fiscal Impact Statement
 - Environmental Justice Statement
 - Racial Equity Statement



Oregon Administrative Rule language

Division 42

TOTAL MAXIMUM DAILY LOADS (TMDLS)

OAR 340-042-0090

Total Maximum Daily Loads and Water Quality Management Plans

(1) The following TMDLs are adopted by EQC by reference in this rule on the dates indicated. The TMDL documents and supporting information for TMDLs adopted as rule or issued by order are available on DEQ's website.

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(b) Powder River Basin, USGS Subbasin of the Middle Snake-Powder Basin (HUC 170502), including the Powder River Subbasin (HUC 17050203), Burnt River Subbasin (HUC 17050202) and Brownlee Subbasin (HUC 17050201)

(A) TMDL: (date of EQC adoption)

(B) WQMP: (date of EQC adoption)

Powder River Basin TMDL Rule

Organized by 12 required TMDL elements

1. TMDL name and location
2. Pollutant identification
3. Water quality standards and beneficial uses
4. Seasonal variation and critical conditions
 - *Water quality data evaluation overview*
5. Pollutant sources or source categories
6. & 7. Loading capacity and excess load
8. - 11. Allocations (wasteload allocations, load allocations, margin of safety, reserve capacity)
12. Water Quality Management Plan – with reasonable assurance of implementation determination

Water Quality Management Plan Elements

1. Condition assessment and problem description
2. Goals and objectives
3. Management strategies designed to meet allocations
4. Timeline for implementing strategies
5. How strategies will attain water quality standards
6. Timeline for attainment of water quality standards
7. Identification of responsible persons
8. Identification of existing implementation plans
9. Schedule for submittal of implementation plans
10. Demonstration of reasonable assurance of implementation
11. Plan for evaluating TMDL progress
 - Identification of persons responsible for monitoring
 - Schedule for review and revision
12. Plan for public involvement in strategy implementation
13. Efforts to maintain strategies
14. General discussion of implementation costs and funding
15. Citation of legal authorities

TMDL Technical Support Document

- Information supporting each TMDL element, as needed
- Details of each analysis and appendices for modeling runs
- Expanded information about impairment history
- Source assessment
- Allocation approach
- Water quality management plan support

Questions?

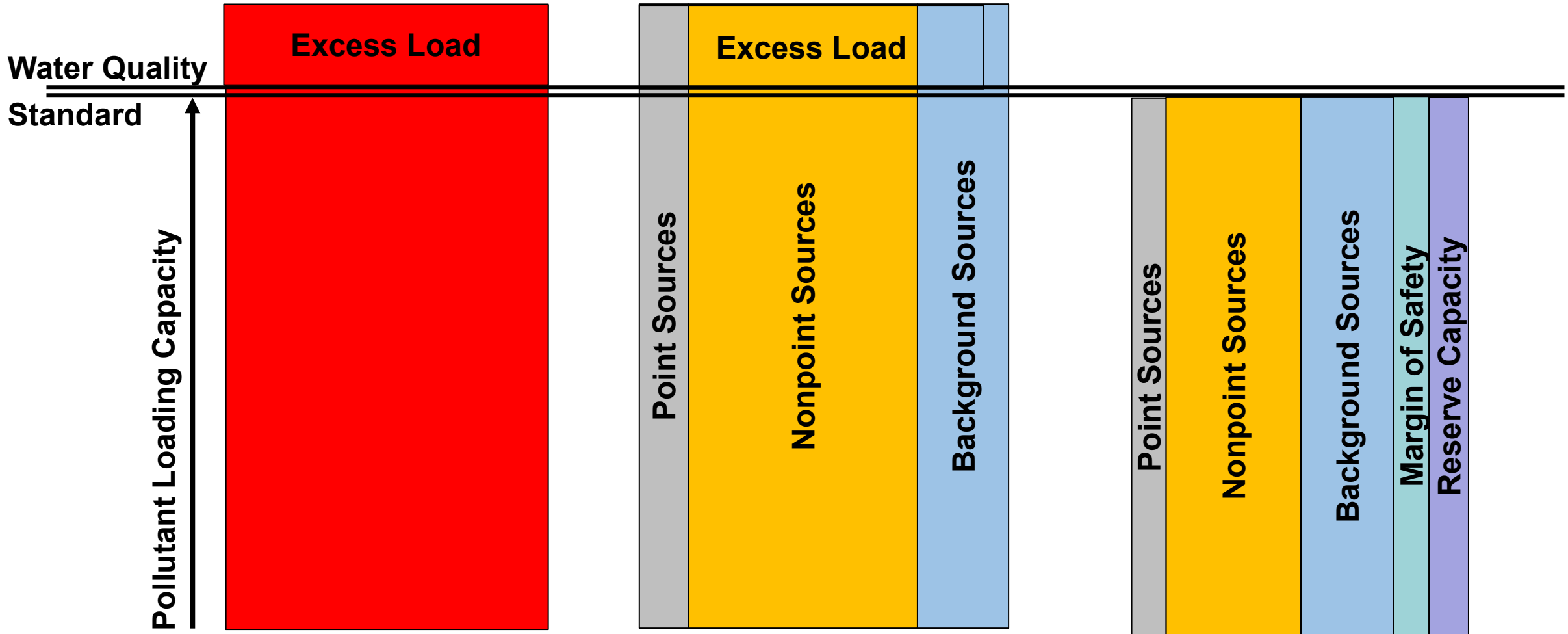


TMDL Approach

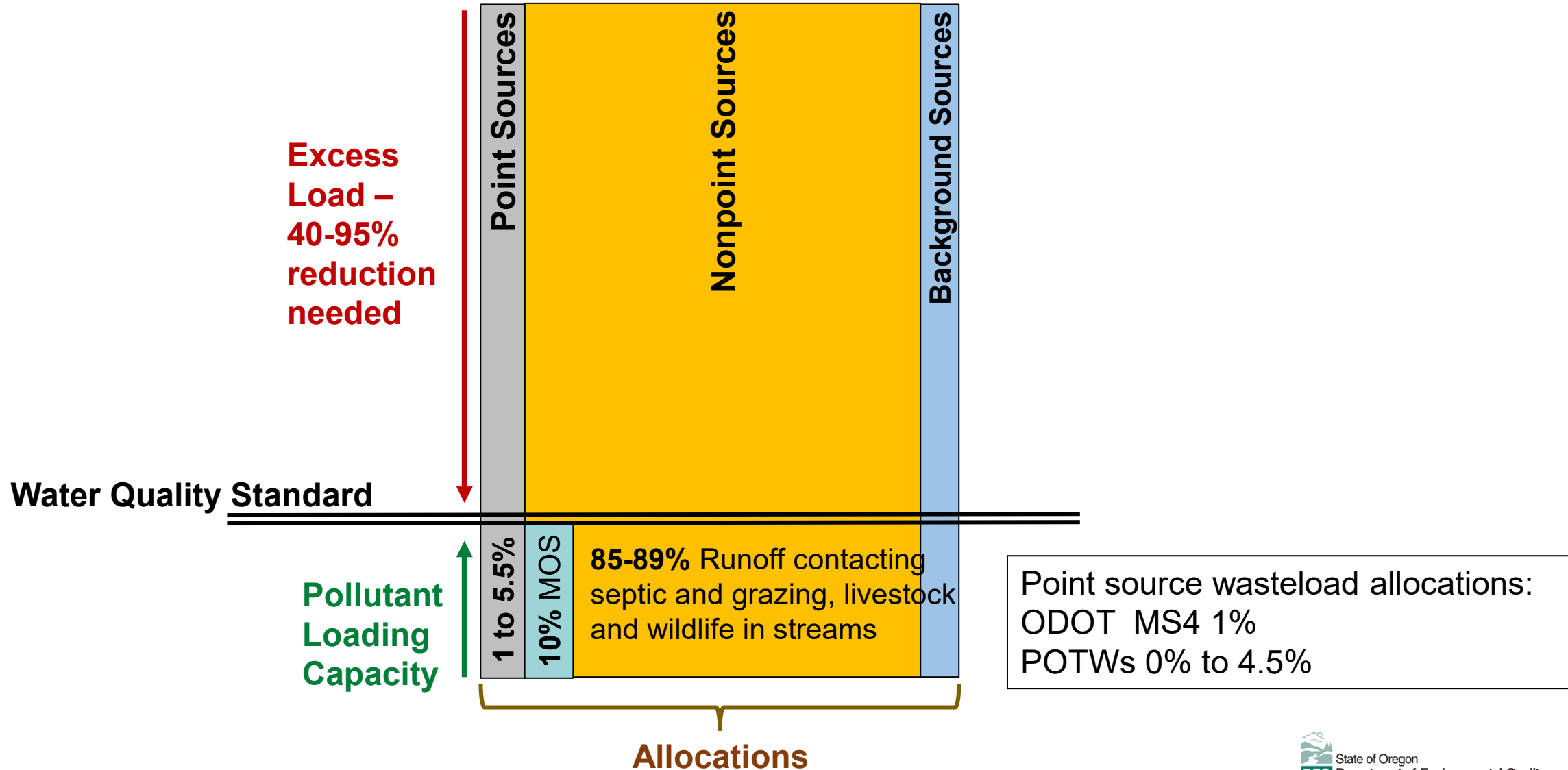
Current Condition
303(d) list

Source Assessment

TMDL Allocations



Bacteria allocations and contributions



Bacteria Source Assessment Highlights

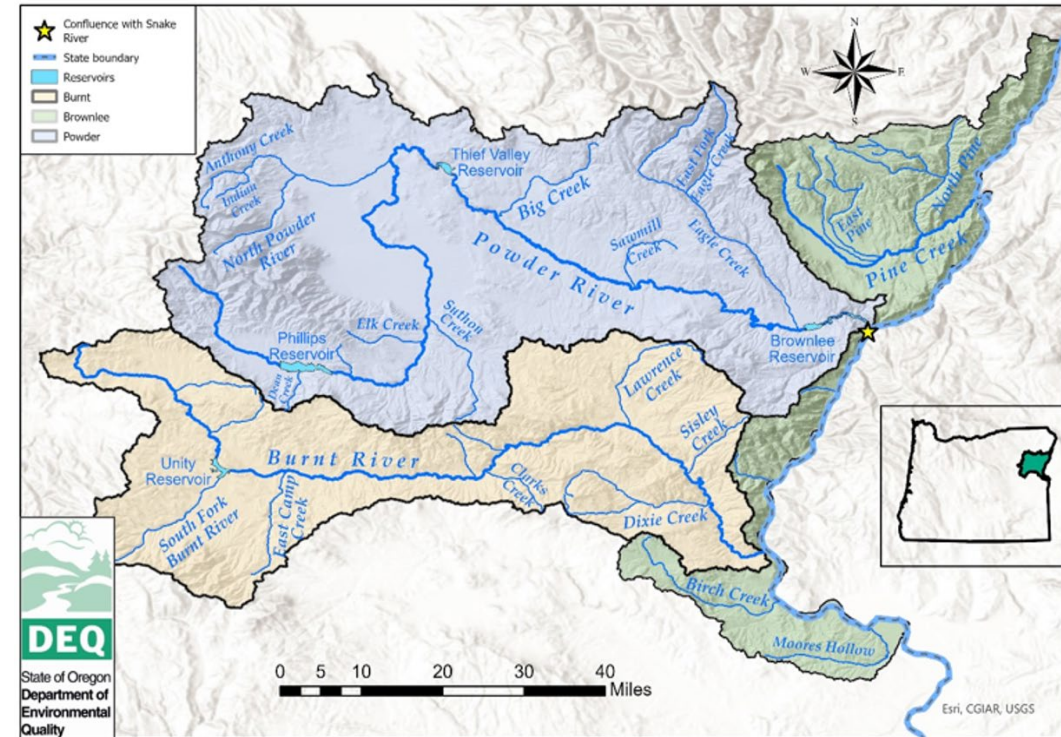
- **Nonpoint sources** largest contributors (includes background)
 - Point sources: 2 POTWs + ODOT MS4 + handful of general permits
- Livestock land use and hydrology of irrigation season drives major contribution of bacteria loads
- Background sources include wildlife

Bacteria Source Assessment Highlights

	Sources	Percent Reductions Needed	Management Strategies (and practices)
Nonpoint and background	Irrigation return water and stormwater runoff in contact with livestock grazing areas and roadways	40% - 95% ²	Irrigation system improvement to reduce runoff (irrigation pipeline, microirrigation, sprinkler irrigation, irrigation tailwater recovery) Runoff management; road/collection system cleaning/maintenance; surface drainage improvement
	Livestock and wildlife ¹ in and around streams (including reservoirs during dry down)		Livestock management; upland erosion control techniques; riparian fencing (or other livestock exclusion or management methods); crossing improvements (culverts, structures, fords removed or replaced with bridge or ford); water gap development; livestock stream access/crossing (creation or improvement); livestock off channel watering/shade
	Failing or improper septic systems	unknown, but minimal	Identify any needed septic system repairs or upgrades, eliminate illicit discharges
Point	Permitted Wastewater Treatment Systems	none, must meet standard	Compliance with NPDES permits; Plan, fund and implement system upgrades
	ODOT MS4 permit	unknown, but minimal ³	Compliance with MS4 permit; maintain road/collection system
<p>Note: ¹Minor, seasonal wildlife bacteria contributions are considered background sources and were not separated from other nonpoint sources in the TMDL analyses. ²By stream reach in TMDL Table 8.0, some reaches do not require reductions. ³ODOT roadway runoff was not separated from all nonpoint and background sources, but is allocated 1% of the loading capacity.</p>			

Powder River Basin TMDL Updates

- Minor edits and clarifications in TMDL
- Adjustments to Water Quality Management Plan
 - Timelines for implementation
 - Clarification about jurisdictional areas
 - Clarification about existing DMA plans and current assessments
 - Clarified monitoring in Implementation Plans



Input requests from Rule Advisory Committee

1. Are the sources and sectors accounted for in the TMDL?
2. Are the factors considered for the allocations clear?
3. Are additional management strategies/practices needed?
4. Is there any additional information you need to provide input?

BREAK (10 min)



Draft fiscal impact statement - overview

- Purpose of the rule is to address bacteria water quality impairments, as required by the federal Clean Water Act programs
- No fees or housing costs are involved
- On-going costs of water quality impairment are not quantified
- Economic impacts are anticipated for some farms/ranches, forestlands, state and federal lands that contribute to impaired bacteria
- Costs vary widely by sources, but are not different for the TMDL issued by rule or order

Rulemaking focus of Fiscal Impact Statement

1. Determine if the rule imposes a **significant, adverse economic impact on small business**
2. If so, how can the rule be adjusted to reduce that impact and still meet the rule's purpose
3. How will the rule affect racial equity in Oregon?

First request for input on Fiscal Impact Statement

- Are the sources and sectors accounted for in the TMDLs?
- Are the factors considered for the allocations clear?
- Are additional management strategies/practices needed?
- Do you have specific economic information or comments on:
 - Whether the proposed rules would have a fiscal impact,
 - The extent of the impact, and
 - Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how to reduce that impact?
- Is there any additional information you need?

Summary of input from 1st RAC request

- Questions and discussion during the 1st RAC meeting
- Written input from:
 - Baker County
 - ODFW
 - BLM
 - Karen Riener
 - Baker County SWCDs

Discussion of Fiscal Impact Statement revisions

- Added potential costs to be considered, but without estimates to quantify costs
 - materials transportation to rural areas
 - grant “match” costs
 - maintenance of existing riparian fencing
 - plan development for small entities
- Added unquantified education costs for ODA
- Added BLM estimates for plan development and implementation
- Added Environmental Justice considerations and references

Second request for input on Fiscal Impact Statement

1. Does the RAC find that this TMDL **will** or **will not** have a significant adverse impact on small businesses in Oregon?
2. If the RAC identifies a significant impact, how could DEQ reduce the rules' fiscal impact on small business?

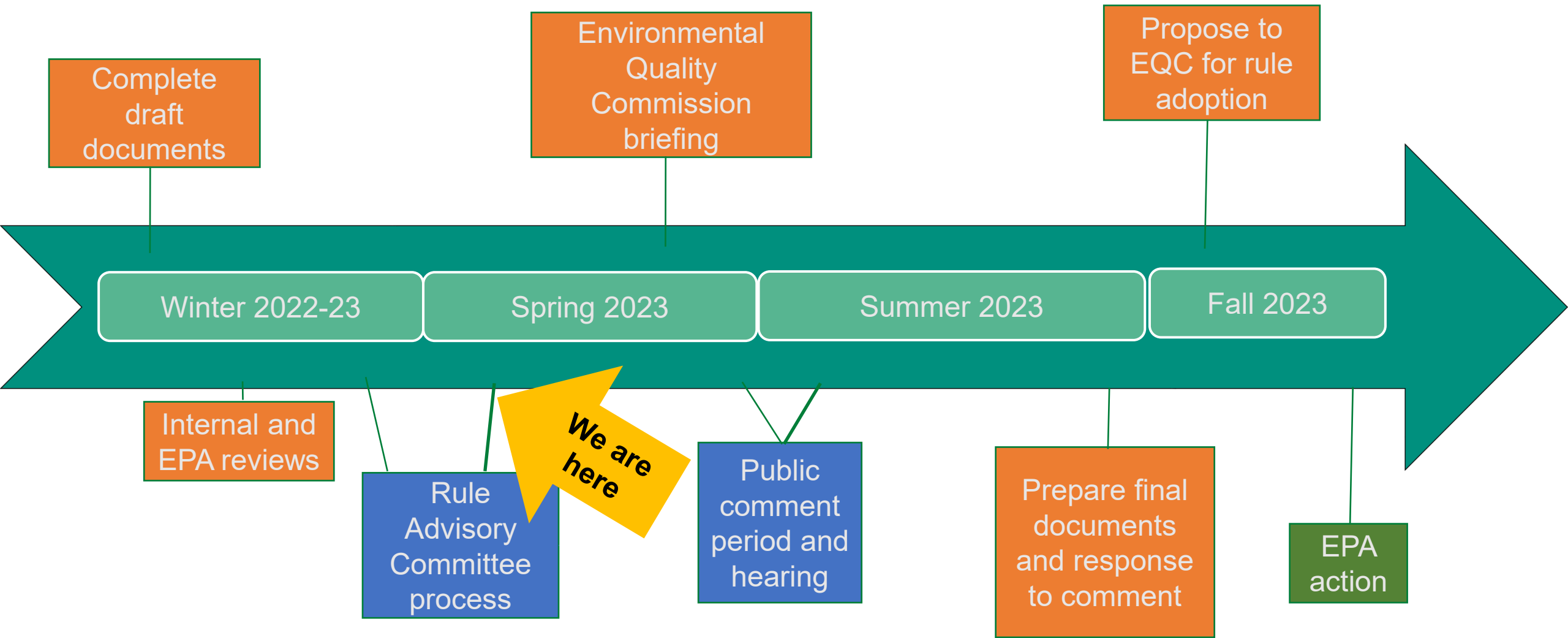
Second request for input on Fiscal Impact Statement (*cont.*)

3. Do you see input you provided reflected in the revised Fiscal Impact Statement?
4. Input on how the rule will affect racial equity in Oregon?
5. Input on Environmental Justice considerations in the watershed?

Next steps

- Requested input should be provided within four weeks of the meeting (by May 16)
- DEQ will consider all input from the RAC for incorporation into the fiscal impact statement and draft TMDL documents
- DEQ will brief the EQC on the process in May
- DEQ will publish draft TMDL documents for public comment

Powder River Basin TMDL process



DEQ contacts

Powder Basin TMDL Rulemaking webpage:

<https://ordeq.org/powder>

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DEQ Department of Environmental Quality

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