



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
WATER AND WATERSHEDS

DEC 20 2018

Mr. Justin Green
Water Quality Division Administrator
Department of Environmental Quality
700 NE Multnomah Street, Suite #600
Portland, Oregon 97232

Re: Transmittal of Oregon's 2012 303(d) List

Dear Mr. Green:

The U.S. Environmental Protection Agency has completed its review of public comments regarding Oregon's 2012 Clean Water Act Section 303(d) List (List) and is identifying 999 water quality limited segment/pollutant pairs (WQLS) for inclusion on Oregon's 2012 List.

On December 21, 2016, EPA partially approved and partially disapproved Oregon's 2012 303(d) List consistent with the requirements of Clean Water Act (CWA) Section 303(d) and 40 CFR Section 130.7. As required by EPA regulations at 40 CFR Section 130.7(d)(2), EPA conducted its own assessment and identified 1054 WQLS not meeting the state's water quality standards and accepted public comment on the additions between December 21, 2016 and April 3, 2017. EPA took no action on Oregon's list with respect to aquatic life impairments in marine waters, but sought additional data and information pertaining to water quality conditions in those waters.

After considering comments received from the public, EPA is revising the 2016 partial approval/partial disapproval action and identifying a total of 999 WQLS for inclusion on Oregon's 2012 list. Additionally, after reviewing Oregon's rationale for not listing marine waters for aquatic life impairments, EPA is approving Oregon's 2012 list with no such listings. EPA's additions include 282 new WQLS, 3 disapproved delistings to be returned to the 303(d) list, and 714 segments related to ongoing temperature TMDL litigation. EPA's rationale and basis for its decisions are further detailed in the following enclosures: Enclosure 1: EPA Rationale for Action to Add Waters to Oregon 2012 303(d) List; Enclosure 2: EPA Response to Comments on Oregon 2012 303(d) Partial Approval/Partial Disapproval; Enclosure 3: EPA Site Specific Response to Comments; Enclosure 4: EPA List Additions Oregon 2012; Enclosure 5: TMDL Litigation Waters Returning to Category 5; and Enclosure 6: Waters Not Listed on Oregon 2012. Pursuant to 40 CFR 130.7(d)(2) Oregon Department of Environmental Quality (ODEQ) must incorporate these additional WQLS to its long-term schedule for TMDL development. All documents pertaining to EPA's actions can be found at:
<https://www.epa.gov/tmdl/partial-approval-and-partial-disapproval-oregon-2012-303d-list> .

EPA understands that ODEQ has or will address the following during the 2018-2020 Performance Partnership Agreement (PPA) cycle:

- All readily available data and information regarding water quality, including ODEQ collected data, data housed in readily accessible public databases, data from other governmental agencies, volunteer organizations and academic institutions, and information sources such as human health and ecological risk assessments and contaminated site clean-up actions will be evaluated for use in making impairment decisions.
- Data storage and management issues which previously prevented the timely assessment of data will be resolved.
- Revised assessment methodologies will be finalized and used for the next listing cycle and will include implementation guidance for the copper biotic ligand model.
- Commitments in ODEQ's Performance Partnership Agreement to update aquatic life use designations for dissolved oxygen criteria will be fulfilled.
- A statewide assessment for all parameters will be completed, including an assessment of currently listed waters to confirm that they are still not attaining water quality standards.

If you have any questions please contact Jill Fullagar, Assessment Program Coordinator, at (206) 553-2582, or Dave Croxton, Manager, Watershed Unit at (206) 553-6694.

Sincerely,



Daniel D. Opalski, Director *for*
Office of Water and Watersheds

Enclosures

cc: Jennifer Wigal, ODEQ
Becky Anthony, ODEQ