



REGION 10

SEATTLE, WA 98101

July 2, 2024

Mr. Steve Mrazik, Manager
Watershed Management
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

Dear Mr. Mrazik:

The U.S. Environmental Protection Agency has completed its Clean Water Act review of the Powder River Basin Total Maximum Daily Load for *E. coli*, submitted by the Oregon Department of Environmental Quality on May 30, 2024. The Powder River Basin TMDLs address bacteria impairments in the Powder River Basin. The waterbody segments addressed by this TMDL totals eight unique waterbody segments, each of which is identified as impaired on ODEQ’s 2022 303(d) list and identified in the table below.

| Name & Reach Description | Assessment Unit | Impairment |
|------------------------------------------------------------------------------|------------------------------|----------------------------------|
| North Powder River Anthony Creek to Powder River | OR_SR_1705020305_05_102817 | Bacteria – <i>E. Coli</i> |
| Powder River Goose Creek to Eagle Creek | OR_SR_1705020309_05_102829 | Bacteria – <i>E. Coli</i> |
| Eagle Creek Two Color Creek to Powder River | OR_SR_1705020310_05_102830 | Bacteria – <i>E. Coli</i> |
| South Fork Burnt River Whited Reservoir to Unity Reservoir | OR_SR_1705020202_05_103265 | Bacteria – <i>E. Coli</i> |
| Burnt River Indian Creek to Marble Creek | OR_SR_1705020205_05_102805 | Bacteria – <i>E. Coli</i> |
| HUC 12: Middle Fork Burnt River 1 st through 4th order streams | OR_WS_170502020107_05_103118 | Bacteria – <i>E. Coli</i> |
| HUC 12: Moores Hollow 1st through 4th order streams | OR_WS_170502010101_05_103097 | Bacteria – <i>E. Coli</i> |
| Powder River: Philips Reservoir to Sutton Creek | OR_SR_1705020302_05_102815 | Bacteria - <i>Fecal Coliform</i> |

The EPA is approving the TMDLs that address these eight impaired waters. The TMDL meets the statutory and regulatory requirements found in section 303(d) of the CWA and the EPA’s implementing regulations at 40 C.F.R Part 130. The EPA’s review indicates that the allocations have been established at levels that,

when fully implemented, will lead to attainment of applicable water quality standards. As such, ODEQ does not need to include these waters on the next 303(d) list of impaired waters for bacteria.

As part of ODEQ's submittal, the TMDL identifies all unimpaired and unassessed waterbodies within the Brownlee, Powder and Burnt Subbasins, such that in the event future impairments are identified, the TMDLs are spatially allocated to constitute a watershed-based TMDL. Load allocation calculations are also included in the TMDL to determine load allocations for any future impairments in unassessed or unimpaired waters. It is not an automatic process to move assessment units into category 4a if future impairments are identified, therefore the EPA expects Oregon to provide supplemental information for any future assessment units identified as impaired that Oregon wishes to cover under this TMDL.

ODEQ's submittal also includes a Water Quality Management Plan, which is an implementation plan for the TMDL. As you know, the EPA has no duty to approve or disapprove implementation plans under section 303(d) of the CWA; therefore, the EPA is taking no action on the WQMP. Implementation is the critical next step to improve water quality, and the EPA encourages ODEQ to continue its work with responsible parties to implement the WQMP.

The EPA appreciates the work of Vanessa Rose, Daniel Sobota, John Dadoly, Alex Liverman, and Michele Martin in developing and completing the Powder River Basin TMDL for *E. coli*. The EPA also appreciates the continued cooperation by ODEQ as we work towards the common goal of addressing impaired waters in the State of Oregon. By the EPA's approval action, the bacteria TMDLs in the Powder River Basin are now incorporated into the State's WQMP under section 303(e) of the CWA.

If you have any comments or questions on this agency action, please feel free to call me at (206) 553-0171 or have your staff contact Sydney Clark at (206) 553-4689 or by email at clark.sydney@epa.gov.

Sincerely,

Hanh Shaw, Manager
Standards, Assessment and Watershed Management
Branch

cc:

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