

MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: TMDL IMPLEMENTATION PLAN BACKGROUND & PROGRESS UPDATE

DATE: February 9, 2022

Background

The Clean Water Act of 1977 “authorizes the U.S. Environmental Protection Agency (EPA) to “restore and maintain the physical, chemical, and biological integrity of all waters of the nation” (DEQ, 2004). In response to the Clean Water Act, the EPA designated state agencies to develop water quality standards, perform water quality monitoring to understand current conditions, determine sources of pollution, and develop Total Maximum Daily Loads (TMDLs) as a tool to improve water quality. As a component of the overall effort to protect and restore the beneficial uses of Oregon’s waterbodies, the DEQ issued TMDLs for the entire Willamette Basin.

The TMDL process begins when a stream, lake, or river does not meet water quality standards and is classified as water quality-limited on the State’s 303(d) list. TMDLs identify the maximum amount of a specific pollutant that can be present in a water body without violating water quality standards. This is known as the loading capacity. After extensive water quality monitoring and modeling efforts, TMDLs establish the difference between the loading capacity and the current pollutant load. TMDLs are expressed as numeric standards or percent pollutant reductions that need to be met to bring water bodies into compliance with water quality standards. The difference between the current load and the loading capacity is known as excess load (DEQ, 2004).

The excess load is split up between the different sources of pollution according to their contribution to the overall pollution load. Any difference between the waterway’s loading capacity and the current pollutant load must be mitigated by pollution reduction activities. The DEQ develops waste load allocations for point sources such as wastewater treatment plants and industrial discharges. They develop load allocations for non-point pollution from agricultural, urban, and forestry lands such as erosion, animal wastes, and stormwater.

The Oregon Administrative Rule (OAR 340-042-0025) that addresses TMDLs requires local governments and other agencies to develop TMDL Implementation Plans. Responsible parties that are able to implement pollution reduction strategies are classified as Designated Management Agencies (DMAs). In the Willamette Basin, DMAs include federal agencies such as the Bureau of Land Management, state agencies such as the Department of Forestry and the Department of Agriculture, counties, cities, and others. The City of Cottage Grove is one of the nine (9) DMAs outside of the Eugene/Springfield area within Lane County’s TMDL planning area, which encompasses the entire headwaters region of the Willamette River Watershed.

According to OAR 340-042-0025, TMDL Implementation Plans must include the following five elements:

1. Management strategies that will be used to achieve load allocations.
2. A timeline and schedule to achieve measurable milestones.
3. A plan for periodic review and revision of the implementation plan.
4. Evidence of compliance with applicable statewide land use requirements.
5. Any other analyses or information as specified in the Water Quality Management Plan.

In the Willamette Basin, DMAs were to develop and submit these plans to the DEQ within 18 months after the release of the final TMDLs. On September 21, 2006, the Willamette Basin TMDL was issued as an order by the DEQ; therefore, TMDL Implementation Plans were due by April 1, 2008. The City of Cottage Grove formally adopted its TMDL Implementation Plan in February 2008.

The TMDL Implementation Plan for Cottage Grove describes the strategies the City uses, or intends to use, in order to reduce various forms of pollution in the Coast Fork Sub basin of the Willamette River. The bodies of water included within the Coast Fork Sub basin under the jurisdiction of the City of Cottage Grove include: Coast Fork of the Willamette River, Row River, and Silk Creek.

The overarching goal of this Implementation Plan is to minimize or, wherever possible, eliminate the different types of pollution contributions to surface waters within the jurisdictional control of the City of Cottage Grove. Our primary pollutant targets are bacteria, temperature and mercury. Through a combination of strategies including education and outreach, pollution prevention, hillside protection, riparian protection, erosion control and stormwater planning and management, the City of Cottage Grove has made a commitment to work to reduce non-point source pollution through this TMDL Implementation Plan.

Staff has updated the TMDL Implementation Matrix every five years as required by DEQ since its adoption in 2008. Many of the strategies outlined in the current 2018-2023 Matrix are continuations of ongoing projects that have proven successful over the last 13 years in addressing TMDL concerns. Examples include leaf pick up, riparian and hillside development code enforcement, Urban Forestry Committee tree planting, our partnership with the Coast Fork Willamette Watershed Council, our new Erosion Prevention Program, etc. Some, like our commitment to completing a Low Impact Development (LID) stormwater manual/regulations, have remained as “proposed” since 2008, and are scheduled for completion in the summer of 2022.

Staff has also been notified by DEQ that the City will need to amend its current TMDL Implementation Plan to include new criteria mercury (Hg) TMDL’s (new criteria attached) by September 3, 2022. Staff is in the process of revising our draft Low Impact Development Manual and will return to Council this summer for its consideration and adoption.

Attached you will find our 2014 TMDL Implementation Plan, the latest Implementation Matrix (2018-2023) and our last Annual Progress Report with responses (2021), our annual reporting acceptance letter, and the new HG TMDL Matrix.


Recommendation

Information regarding TMDL Annual Report only.

Cost

None



Richard Meyers, City Manager

Eric Mongan, City Planner