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September 18, 2018

ACWA Member Advisory Committee Representatives
Raj Kapur, Clean Water Services
Kristin Preston, City of Albany
Matt Stouder, City of Springfield
Krista Reininga, Brown and Caldwell
Oregon Association of Clean Water Agencies
240 Country Club Road, Suite A
Eugene OR 97401

Sent via email

Subject: Willamette Basin Mercury Total Maximum Daily Load (TMDL) Advisory Committee Process

Dear Raj, Kristin, Matt and Krista,

Thank you for your August 14 letter written on behalf of the ACWA committee representatives on the Willamette Basin Mercury TMDL Advisory Committee. Your letter described concerns related to meeting the expectations laid out in the Advisory Committee Charter and the lack of advisory committee member opportunities to provide meaningful input to date. DEQ would like to take this opportunity to respond to these concerns.

DEQ acknowledges that the compressed project timeline and delay in receiving modeling results has created challenges for advisory committee members in providing substantive input on aspects of TMDL and Water Quality Management Plan (WQMP) development. As announced at the August 22 advisory committee meeting, DEQ and EPA are pursuing an extension of the litigation deadline of April 11, 2019. DEQ views this extension as necessary to enable DEQ and EPA time to review modeling results as well as time for the advisory committee members to provide meaningful review and input on both the TMDL and WQMP. In the meantime, DEQ will be adding additional advisory committee meetings to give time to review results of TMDL analyses and discuss TMDL and WQMP drafts.

ACWA states that the ability to timely review and understand model input data, model results and methods to translate the results into allocations, is needed in order to provide informed feedback on DEQ's implementation approach. Since receipt of draft modeling results at the end of August, DEQ has begun releasing data and information related to model input data as it receives it to enable this type of review and input. Model data releases and contractor presentations focusing on model inputs and results at the August 22 advisory committee meeting and the upcoming September 19 advisory committee meeting will also equip advisory committee members with the tools needed to provide feedback on DEQ's implementation approach, which is the focus of this advisory committee.

Thank you for your feedback on the Meeting #4 agenda and discussion. DEQ has used this exercise in the past to generate information for implementation strategies. In this instance, for a variety of factors, the information generated in this meeting was more limited than expected. However, we did receive useful

input during this advisory committee meeting that will help us when we work with DMAs as they develop their implementation strategies.

While the final timing of the TMDL development and issuance is not resolved, DEQ agrees that this project needs additional time to review and discuss major component pieces of the TMDL to ensure that the effort benefits from the advisory committee's knowledge and expertise. DEQ is making changes to the project schedule, some of which it communicated at the August 22 meeting and will outline in further detail at upcoming meetings to provide time for committee members to review and provide input on key aspects.

DEQ greatly appreciates the time and effort ACWA members are contributing to this important project. We look forward to continuing this partnership to meet our mutual goals of developing a technically sound TMDL and implementable WQMP. Please contact us if you have any questions or wish to discuss.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Wigal". The signature is fluid and cursive, with the first name "Jennifer" and last name "Wigal" clearly distinguishable.

Jennifer Wigal, Deputy Administrator, Water Quality Division