



Oregon

Tina Kotek, Governor

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Northwest Region Portland Office/Water Quality
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Feb. 10, 2023

Andy Peters
City of Molalla
315 Kennel Ave. PO Box 248
Molalla, OR 97038

RE: Department Order Approving the City of Molalla Nonpoint Source Mercury TMDL Implementation Plan

Dear Andy Peters,

The Oregon Department of Environmental Quality approves the updated City of Molalla's Total Maximum Daily Load Implementation Plan (the "updated Plan") received on Aug. 25, 2022. The City's plan was revised to meet the implementation plan criteria as outlined in OAR 340-042-0080 and DEQ's 2019 *Revised Willamette Basin Mercury TMDL Water Quality Management Plan*.

This approved updated Plan outlines the actions for minimizing mercury and sediment inputs into surface waters from those areas where the city has jurisdiction to reduce mercury and sediment in the Willamette Basin to protect people who regularly eat fish and shellfish from streams and lakes across the basin.

The City must report on updated Plan implementation to document that the updated Plan is being implemented to restore and protect water quality in the Willamette Basin. To adequately fulfill the reporting and implementation requirements of the revised Mercury TMDL the City of Molalla must:

1. Implement the best management practice activities it has proposed in the updated Plan.
2. Consult DEQ for approval on any changes to the updated Plan activities and timelines in advance.
3. Monitor, document, and report on progress in implementing the provisions of the updated Plan:
 - a. Submit annual reports to the Department by **Nov. 1** each year. Reports should cover the previous months of implementation for **July 1 through June 30**.
 - b. Submit complete reports. Reports must contain sufficient information to enable the Department to assess reporting metrics, measurable goals, compliance with the provisions of the Plan, progress, and delays and challenges towards implementing the Plan for meeting the TMDL load allocation.
4. TMDL implementation is an iterative process that continues every five years. The fifth report submittal, due on **Nov. 1, 2023**, must document 1 & 2 above and include information on the following:
 - a. A comprehensive review of overall plan implementation progress (including

progress under the previous plan and the updated Plan) over the previous years (**July 1, 2018, through June 30, 2023**).

- b. An evaluation, in consultation with DEQ, to determine whether strategies, timelines, or other components of the updated Plan are adequate for the next five-year timeline.
- c. Submittal of an update to the Plan for approval by the Department if evaluation determined that the Plan or effectiveness of management strategies are inadequate for meeting the TMDL load allocations. At a minimum, the City must update the five-year timeline for the continuation of implementation activities effective **July 1, 2023**.

The TMDL, WQMP, the Department approved TMDL Implementation Plan, and the deadlines and requirements established by this letter are enforceable orders. Failure to implement or timely implement the approved Plan is therefore an enforceable violation. The City's reporting on implementation is the mechanism to document that the City is implementing the terms and conditions of these orders. Failure to report is also an enforceable violation. Compliance with the approved Plan is considered compliance with the TMDL.

The Department endeavors to assist you in your implementation efforts. Please do not hesitate to contact your basin coordinator if you have questions about TMDL implementation:

Evan Haas
Basin Coordinator, DEQ Northwest Region
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Sincerely,



Steve Mrazik
Water Quality Manager DEQ, Northwest Region

ec: Evan Haas, DEQ
Valerie Arkell, DEQ
Andy Peters, City of Molalla