



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OW-131

Stephanie Hallock, Director
Oregon Department of Environmental Quality
811 S.W. Sixth Avenue
Portland, OR 97204-1390

Re: Approval of Oregon State Water Quality Standards (OAR 340-041) for Temperature, Inter-Gravel Dissolved Oxygen and Antidegradation

Dear Ms. Hallock:

Thank you for your letter of December 10, 2003, on behalf of the Oregon Department of Environmental Quality (ODEQ) submitting new and revised water quality standards for Temperature, Inter-Gravel Dissolved Oxygen and Antidegradation to the U.S. Environmental Protection Agency (EPA) in accordance with section 303(c)(2)(A) of the Clean Water Act (CWA).

Based on a review of the ODEQ submission and supporting documentation, EPA finds the new or revised provisions that we reviewed are consistent with the CWA and EPA's implementing regulation at 40 CFR Part 131. The enclosure to this letter (*Support Document for EPA's Action Reviewing New Or Revised Water Quality Standards for the State of Oregon, March, 2, 2004*) lists, in Section 1, the provisions EPA is approving today, and, in Section 4, other provisions that ODEQ revised and submitted to EPA but upon which EPA is not acting for reasons explained in that document. This enclosure also discusses the bases for EPA's approval of the provisions upon which we are acting. Other support for EPA's action today is contained in the record for the approval.

In addition, EPA's approval action today fulfills EPA's obligations in Northwest Environmental Advocates vs U.S. EPA, et al., Civil No. 01-510 HA. On August 13, 2003, the U.S. District Court for the District of Oregon directed EPA either to promulgate a federal rule or to approve final state regulations by March 2, 2004, regarding the following water quality standards: (1) numeric water quality criteria for temperature for the protection of salmonid rearing and bull trout spawning in Oregon waters; (2) an intergravel dissolved oxygen criterion to protect salmonid spawning in Oregon waters; (3) water quality criteria for temperature for the lower Willamette River; and (4) methods to implement Oregon's existing antidegradation policy. Oregon's revised water quality standards, as approved today by EPA, fulfill the requirements of the U.S. District Court, so EPA does not intend to promulgate federal standards.

Pursuant to Section 7 of the Endangered Species Act (ESA), EPA has consulted on this federal approval action of Oregon Water Quality Standards. In December 2003, EPA provided to NOAA's National Marine Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS) a biological evaluation regarding EPA's approval action. In January 2004, EPA provided to NOAA Fisheries an Essential Fish Habitat (EFH) Assessment of EPA's approval action, pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Management and Conservation Act (MSFM Act). Final Biological Opinions under

ESA authorities were provided to EPA by NOAA Fisheries on February 23, 2004, and by USFWS on February 24, 2004. After receiving NOAA Fisheries' conservation recommendations under the MSFM Act, EPA responded to NOAA Fisheries under the MSFM Act on February 24, 2004, indicating EPA's intent to implement those recommendations.

I want to congratulate both ODEQ and others in the State for the development of these water quality standards. These standards will provide an important contribution to salmonid protection and recovery efforts in the Pacific Northwest. These standards and the associated maps showing designated uses and life species timing provide "state of the art" tools and a national model for protecting Oregon waters and aquatic species, especially Pacific salmon, cared for so deeply by the citizens of Oregon and the Pacific Northwest. Protection and restoration of Pacific salmon is highly dependent on water temperature. Progress toward CWA standards attainment is critical to recover, restore and protect salmon populations. These standards provide important benchmarks to state, tribal, local and federal governments, watershed councils and citizens as communities move forward on watershed recovery efforts.

ODEQ is also to be commended for the extensive public outreach you held during 2003 as part of your rule making. We also thank you for your support of the Regional Temperature Guidance work during the preceding years; that scientific and policy work, and outreach to stakeholders, served as an important foundation for the ODEQ rules that we are approving today.

I would like to extend my deep appreciation to you and your staff for ODEQ's exceptional efforts and commitment to work with EPA, NOAA Fisheries and USFWS to meet our CWA and ESA responsibilities. If you have any questions concerning this letter please contact me at (206) 553-1234 or have your staff contact Mary Lou Soscia at (503) 326-5873.

Sincerely,

L. John Iani
Regional Administrator

Enclosure

cc: Michael Tehan, NOAA Fisheries
Kemper McMaster, U.S. Fish and Wildlife Service
Holly Schroeder, Oregon DEQ
Robert Baumgartner, Oregon DEQ
Mark Charles, Oregon DEQ