

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal
for
Identification of Pollutants Requiring Toxic Reduction Plans

RULE CAPTION

**Rules Establishing Trigger Levels for Pollutants on the Priority Persistent
Pollutant List**

1. Explain the purpose of the proposed rules.

The purpose of this rule is to establish appropriate concentration values (or trigger levels) for each pollutant on the P3 List that does not have an adopted maximum contaminant level value. These trigger levels will be used by DEQ to determine if any of the municipal wastewater treatment facilities with a dry weather design flow capacity of one million gallons per day or more (currently 52) as specified in Senate Bill 737 (SB 737) will be required to develop and submit toxics reduction plans. These plans will be incorporated into subsequent permit renewals under either the National Pollutant Discharge Elimination System (NPDES) or the Water Pollution Control Facility (WCPF) program; whichever applies.

2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?

Yes X No

a. If yes, identify existing program/rule/activity:

The proposed rule affects existing rules and programs that are programs affecting land use, because this rule is being implemented via the permitting rules in Division 45, and water quality permits are programs affecting land use under OAR Division 18. Existing procedures are adequate.

b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?

Yes X No (if no, explain):

c. If no, apply the following criteria to the proposed rules.

This new rule will apply to municipal wastewater treatment facilities in Oregon as defined in SB 737 (dry weather design flow capacity of one million gallons per day, or more). The trigger levels proposed to be established by this rule will be used exclusively to determine whether the municipalities' effluent concentrations of priority persistent pollutants exceed levels that require the municipal wastewater treatment facilities to develop toxics reduction plans.

The proposed rules are not reasonably expected to have significant impacts on resources, objectives, or areas identified in the statewide planning goals. There are no anticipated impacts to present or future land uses identified in acknowledged comprehensive plans.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

Not Applicable.

3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.

Not Applicable.