



**State of Oregon**  
**Department of Environmental Quality**  
**Proposed Trigger Level Rule**  
**340-045-0100**

(1) Definitions. In addition to the definitions in ORS 468B.138, the following definitions apply for purposes of this rule:

- (a) “Persistent Pollutants” are those pollutants listed in Column 2 of Table A.
- (b) “Permittee” means a municipality in possession of a National Pollutant Discharge Elimination System or water pollution control facility permit issued under ORS 468B.050 for a sewage treatment facility that has a dry weather design flow capacity of one million gallons per day or more.
- (c) “Trigger level” is the concentration of a persistent pollutant in permitted effluent that necessitates the preparation of a persistent pollutant reduction plan under ORS 468B.140.

(2) Trigger levels.

- (a) Trigger levels for persistent pollutants are set out in Table A.
- (b) Trigger levels are based on the maximum contaminant level or treatment techniques established under U.S. Environmental Protection Agency National Primary Drinking Water regulations as of the date of the enactment of ORS 468B.138 to 468B.144. For other persistent pollutants the trigger levels are selected from national or international government documents or the peer-reviewed scientific literature, or both.
- (c) Trigger levels are not standards of quality and purity for the waters of this state for the purposes of ORS 468B.048 or Clean Water Act Section 313. A trigger level may not be applied, used, or otherwise construed as a numeric or narrative water quality standard in Oregon.
- (d) Subject to written approval by the Department, permittees will measure the concentration of persistent pollutants in their effluent, compare the results of these measurements to the trigger levels, determine whether or not any persistent pollutant exceeds its trigger level, and document this determination in a report to the Department.
- (e) The Department will review this report and either approve or reject the determination that a persistent pollutant has or has not exceeded its trigger level. If the Department rejects the reported determination, the Department will issue its own determination and that determination will be binding on the permittee.
- (f) The Department will require the permittee to prepare a written persistent pollutant reduction plan for all persistent pollutants that exceed their trigger level.

Stat. Auth.: ORS 468.020 and 468B.141.

Stats. Implemented: ORS 468B.138 through ORS 468B.144.

Hist.: New Rule; no historical reference or context.