

ADMINISTRATIVE RULES

Department of Environmental Quality Chapter 340

Rule Caption: Rules establishing Plan Initiation levels for Pollutants on the Priority Persistent Pollutant List.

Adm. Order No.: DEQ 6-2010

Filed with Sec. of State: 7-6-2010

Certified to be Effective: 7-6-10

Notice Publication Date: 1-1-2010

Rules Adopted: 340-045-0100

Subject: Senate Bill 737, adopted during the 2007 legislative session, requires municipal permittees prepare reduction plans for persistent pollutants in their wastewater that exceed Maximum Contaminant Levels. The law authorizes the EQC to adopt rules to identify the pollutants a persistent pollutant reduction plan must address for priority persistent pollutants without an established Maximum Contaminant Level. The rule establishes the levels of persistent pollutants in municipal wastewater that trigger the requirement to prepare a persistent pollutant reduction plan if exceeded.

Rules Coordinator: Maggie Vandehey—(503) 229-6878

340-045-0100

Initiation Level Rule

(1) Definitions. The definitions in ORS 468B.138 are adopted by reference. In addition, for purposes of this rule, the following definitions apply:

(a) "Persistent Pollutants" are substances that are toxic and that either persist in the environment or accumulate in the tissues of humans, fish, wildlife or plants, and are 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 by the DEQ pursuant to 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) "Initiation level" is the concentration of a persistent pollutant in a permittee's effluent that, if exceeded, necessitates the preparation of a persistent pollutant reduction plan under ORS 468B.140.

(2) Initiation levels.

(a) Initiation levels for persistent pollutants are those values contained in Table A, or the analytical quantitation limit (concentration at which quantitative results can be reported with a high degree of confidence), whichever is higher.

(b) Initiation levels are not standards of quality and purity for the waters of this state for the purposes of ORS 468B.048 or the federal Clean Water Act.

(c) Except as specified in subsection (f), each permittee must measure the concentration of the persistent pollutants listed in Table A in its effluent, compare the results of these measurements to the initiation levels, determine whether any persistent pollutant exceeds its initiation level, and document this proposed determination in a report to the Department. For existing permittees, the report must be filed no later than 60 calendar days after receipt of laboratory results. For permittees that first become subject to this rule after its effective date, the report must be filed within 18 months after the permittee becomes subject to the rule.

(d) The Department will review this report to verify that the proposed determination is based on reliable information. If the Department finds that the proposed determination is not based on reliable information, the Department will make an independent determination of whether a initiation level has been exceeded.

(e) Each permittee must prepare and submit to the Department a written persistent pollutant reduction plan in accordance with ORS 468B.140(1)(a) addressing persistent pollutants that exceed the initiation level. For existing permittees, the plan must be submitted no later than July 1, 2011. For permittees that first become subject to this rule after the effective date of this rule, the plan must be submitted to the Department within six months after the report is submitted, or, if the Department makes an independent determination, six months from the date of the Department's independent determination or within a timeframe established by the Department.

(f) The Department may suspend, by written order, the requirement to measure or develop a persistent pollutant reduction plan for a listed persistent pollutant if the Department determines it is not technically practicable to measure the pollutant in effluent or if the Department removes a pollutant from the Priority Persistent Pollutant List. If, based on additional

monitoring done pursuant to a persistent pollutant reduction plan, the Department determines that it is unlikely that a pollutant exists in a permittee's effluent, the Department may allow the permittee to withdraw the pollutant from inclusion in the persistent pollutant reduction plan.

[ED. NOTE: Tables referenced are available from the agency.]

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

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

Hist.: DEQ 6-2010, f. & cert. ef. 7-6-10

Department of Fish and Wildlife Chapter 635

Rule Caption: Bag Limit for Adipose Fin-Clipped Steelhead Increased On the Clackamas and Sandy Rivers.

Adm. Order No.: DFW 84-2010(Temp)

Filed with Sec. of State: 6-17-2010

Certified to be Effective: 6-18-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: This amended rule is needed to allow recreational fishers increased opportunities to harvest the excess hatchery summer steelhead that are returning to the Clackamas Fish Hatchery on the Clackamas River and the Sandy Hatchery on the Sandy River. These increased opportunities in the Clackamas and Sandy rivers will begin June 18 and extend through October 31, 2010.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-017-0090

Inclusions and Modifications

(1) The **2010 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2010 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) The Tualatin River (Clackamas/Washington Co.):

(a) From the mouth upstream to the Highway 210 Bridge at Scholls: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; use of bait allowed May 22 through October 31. Open for coho salmon August 1 through October 31.

(b) From Highway 210 Bridge at Scholls upstream to Highway 47 Bridge at Gaston: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures. Open for coho salmon August 1 through October 31.

(c) Tualatin River and tributaries upstream from Highway 47 Bridge and Tualatin River Basin tributaries not listed in the 2010 Oregon Sport Fishing Regulations: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures.

(d) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(4) Yamhill River (Yamhill Co.):

(a) From the mouth upstream to the confluence of North and South forks of the Yamhill River: Open to angling for warmwater game fish March 1 through October 31; Open for trout May 22 through October 31;