

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 045

REGULATIONS PERTAINING TO NPDES AND WPCF PERMITS

Initiation Level Rule

340-045-0100

(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.

Table A

CASRN	Chemical Name	Initiation Level (µg/L)
120-12-7	Anthracene	0.01
7440-38-2	<i>Arsenic Compounds</i>	10
56-55-3	Benz(a)anthracene	0.02
50-32-8	<i>Benzo(a)pyrene</i>	0.2
205-99-2	Benzo(b)fluoranthene	0.5
191-24-2	Benzo(g,h,i)perylene	2
207-08-9	Benzo(k)fluoranthene	0.002
98-07-7	Benzotrichloride [trichloromethylbenzene]	0.03
82657-04-3	Bifenthrin	0.02
56-35-9	Bis (tributyltin) oxide [TBTO, hexabutyldistannoxane]	0.008
7440-43-9	<i>Cadmium Compounds</i>	5
5103-71-9	<i>Chlordane, cis-</i>	2
5103-74-2	<i>Chlordane, trans-</i>	2
143-50-0	Chlordecone [Kepone]	0.5
2921-88-2	Chlorpyrifos	0.04
57-88-5	Cholesterol	0.06
218-01-9	Chrysene [benzo(a)phenanthrene]	2
360-68-9	Coprostanol	0.04
541-02-6	Cyclopentasiloxane, decamethyl- [D5]	16
556-67-2	Cyclotetrasiloxane, octamethyl- [D4]	7
72-54-8	DDD, 4,4'-	0.1
72-55-9	DDE, 4,4'-	0.1
50-29-3	DDT, 4,4'-	0.001
434-90-2	Decafluorobiphenyl	18
52918-63-5	Deltamethrin [decamethrin]	0.0004
333-41-5	Diazinon	0.2
53-70-3	Dibenz(a,h)anthracene	0.04

CASRN	Chemical Name	Initiation Level (µg/L)
115-32-2	Dicofol	6
60-57-1	Dieldrin	0.002
56-53-1	Diethylstilbestrol	87
88-85-7	<i>Dinoseb</i>	7
1746-01-6	<i>Dioxins/furans [as 2,3,7,8-TCDD TEQ]</i>	3×10^{-5}
1031-07-8	Endosulfan sulfate	0.1
72-20-8	<i>Endrin</i>	2
66230-04-4	Esfenvalerate	0.02
13356-08-6	Fenbutatin-oxide	0.5
120068-37-3	Fipronil	15
206-44-0	Fluoranthene [benzo(j,k)fluorine]	0.04
1222-05-5	Galaxolide [HHCb]	29
76-44-8	<i>Heptachlor</i>	0.4
1024-57-3	<i>Heptachlor epoxide</i>	0.2
32241-08-0	Heptachloronaphthalene	0.4
25637-99-4	Hexabromocyclododecane [HBCD]	7
118-74-1	<i>Hexachlorobenzene [HCB]</i>	1
319-84-6	Hexachlorocyclohexane, alpha-	0.006
319-85-7	Hexachlorocyclohexane, beta-	0.04
58-89-9	<i>Hexachlorocyclohexane, gamma- [Lindane]</i>	0.2
1335-87-1	Hexachloronaphthalene	1.4
70-30-4	Hexachlorophene	2
193-39-5	Indeno(1,2,3-cd)pyrene	0.5
465-73-6	Isodrin	0.6
91465-08-6	Lambda-cyhalothrin	0.01
7439-92-1	<i>Lead Compounds</i>	15
330-55-2	Linuron	0.09
22967-92-6	Methylmercury	0.004
832-69-9	Methylphenanthrene, 1-	0.7
2381-21-7	Methylpyrene, 1-	20
2385-85-5	Mirex	0.001
15323-35-0	Musk indane	10

CASRN	Chemical Name	Initiation Level (µg/L)
81-14-1	Musk ketone	30
145-39-1	Musk tibetene	4
81-15-2	Musk xylene	100
88671-89-0	Myclobutanil	200
5103-73-1	Nonachlor, cis-	2
39765-80-5	Nonachlor, trans-	2
29082-74-4	Octachlorostyrene	0.2
27304-13-8	Oxychlorodane, single isomer	0.4
42874-03-3	Oxyfluorfen	1.3
5436-43-1	PBDE-047 [2,2',4,4'-Tetrabromodiphenyl ether]	0.7
60348-60-9	PBDE-099 [2,2',4,4',5-Pentabromodiphenyl ether]	0.7
189084-64-8	PBDE-100 [2,2',4,4',6-Pentabromodiphenyl ether]	0.7
68631-49-2	PBDE-153 [2,2',4,4',5,5'-hexabromodiphenyl ether]	1
1163-19-5	PBDE-209 [decabromodiphenyl ether]	0.1
7012-37-5	<i>PCB-028 [2,4,4'-trichlorobiphenyl]</i>	0.5
35693-99-3	<i>PCB-052 [2,2',5,5'-tetrachlorobiphenyl]</i>	0.5
32598-13-3	<i>PCB-077 [3,3',4,4'-tetrachlorobiphenyl]</i>	0.5
70362-50-4	<i>PCB-081 [3,4,4',5-tetrachlorobiphenyl]</i>	0.5
37680-73-2	<i>PCB-101 [2,2',4,5,5'-pentachlorobiphenyl]</i>	0.5
32598-14-4	<i>PCB-105 [2,3,3',4,4'-pentachlorobiphenyl]</i>	0.5
74472-37-0	<i>PCB-114 [2,3,4,4',5-pentachlorobiphenyl]</i>	0.5
31508-00-6	<i>PCB-118 [2,3',4,4',5-pentachlorobiphenyl]</i>	0.5
65510-44-3	<i>PCB-123 [2',3,4,4',5-pentachlorobiphenyl]</i>	0.5
57465-28-8	<i>PCB-126 [3,3',4,4',5-pentachlorobiphenyl]</i>	0.5
35065-28-2	<i>PCB-138 [2,2',3,4,4',5'-hexachlorobiphenyl]</i>	0.5
35065-27-1	<i>PCB-153 [2,2',4,4',5,5'-hexachlorobiphenyl]</i>	0.5
38380-08-4	<i>PCB-156 [2,3,3',4,4',5-hexachlorobiphenyl]</i>	0.5
69782-90-7	<i>PCB-157 [2,3,3',4,4',5'-hexachlorobiphenyl]</i>	0.5
52663-72-6	<i>PCB-167 [2,3',4,4',5,5'-hexachlorobiphenyl]</i>	0.5
32774-16-6	<i>PCB-169 [3,3',4,4',5,5'-hexachlorobiphenyl]</i>	0.5
35065-29-3	<i>PCB-180 [2,2',3,4,4',5,5'-heptachlorobiphenyl]</i>	0.5
39635-31-9	<i>PCB-189 [2,3,3',4,4',5,5'-heptachlorobiphenyl]</i>	0.5

CASRN	Chemical Name	Initiation Level (µg/L)
40487-42-1	Pendimethalin	6
1825-21-4	Pentachloroanisole [2,3,4,5,6-Pentachloroanisole]	35
608-93-5	Pentachlorobenzene	6
1321-64-8	Pentachloronaphthalene	4
82-68-8	Pentachloronitrobenzene	20
375-85-9	Perfluoroheptanoic acid [PFHpA]	300
375-95-1	Perfluorononanoic acid [PFNA]	1
754-91-6	Perfluorooctane sulfonamide [PFOSA]	0.2
1763-23-1	Perfluorooctane sulfonic acid [PFOS]	300
335-67-1	Perfluorooctanoic acid [PFOA]	24
85-01-8	Phenanthrene	0.4
2062-78-4	Pimozide	3
67747-09-5	Prochloraz	2
129-00-0	Pyrene	0.03
80214-83-1	Roxithromycin	710
7782-49-2	<i>Selenium Compounds</i>	50
83-45-4	Sitostanol, beta- [stigmastanol]	75
83-46-5	Sitosterol, beta-	25
92-94-4	Terphenyl, p-	11
79-94-7	Tetrabromobisphenol A [TBBPA]	980
1335-88-2	Tetrachloronaphthalene	14
1321-65-9	Trichloronaphthalene	43
95-95-4	Trichlorophenol, 2,4,5-	18
88-06-2	Trichlorophenol, 2,4,6-	2
3380-34-5	Triclosan [2,4,4'-trichloro-2'-hydroxydiphenyl ether]	70
1582-09-8	Trifluralin	1.1
732-26-3	Tris-(1,1-dimethylethyl)phenol, 2,4,6-	6

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.