

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
 A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Environmental Quality	340
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Telephone
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Address	

RULE CAPTION
Amendments to Oregon Water Quality Standards for Arsenic, Iron and Manganese

September 21, 2010	5:30 to 7:00 pm	DEQ, 811 SW 6 th Ave., Portland, OR	Jennifer Wigal
Hearing Date	Time	Location	Hearings Officer
September 23, 2010	7:00 pm	The Blues Room @ St. Anthony's Hospital 1601 SE Court Ave. Pendleton, OR 97801	DEQ Staff
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 340-041-0033

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 468.020, ORS 468B.010, 468B.035

Other Auth.:

Stats. Implemented: ORS 468B.048

RULE SUMMARY

DEQ and EPA use Oregon's water quality standards to implement Clean Water Act programs, which includes assessing Oregon's water quality and developing and enforcing wastewater discharge permits, Total Maximum Daily loads and water quality certifications. The proposed rule amends Oregon's water quality standards for toxic pollutants, Table 20, which is incorporated into rule by reference in OAR 340-041-0033(2). In addition the proposed rule amendment adds an arsenic reduction policy. Specifically, the proposed amendments to water quality standards for toxic pollutants make the following changes:

Iron Withdraw the "water and fish ingestion" criterion, which is based on preventing taste and laundry staining effects rather than human health effects. Other criteria remain in effect to protect aquatic life from adverse effects.

Manganese Withdraw the "water and fish ingestion" criterion, which is based on preventing taste, odor or laundry staining effects rather than human health effects.

Withdraw the "fish consumption only" criterion as it applies to fresh waters. This criterion remains in effect for marine waters where there may be health concerns associated with bioaccumulation of manganese oysters. Because bioaccumulation rates for manganese in freshwater species are low, freshwater concentrations of manganese are not a current human health concern in Oregon.

Arsenic Revise the criteria for “water and fish ingestion” and “fish consumption only” using the U.S. Environmental Protection Agency’s calculation method with Oregon-specific values. The proposed criteria, which are less stringent than existing criteria, protect human health and reflect the fact that many Oregon waters contain natural background levels of arsenic above the existing criteria. In addition, the proposed rule amendment adds a policy to reduce arsenic contributions from known and significant human activity.

For additional information regarding this rulemaking, please contact:

Debra Sturdevant at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or 503-229-6691, or visit DEQ’s public notices webpage <http://www.deq.state.or.us/news/publicnotices/PN.asp>

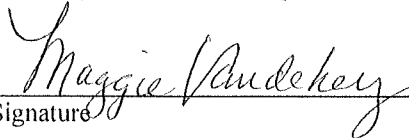
To comment on this rulemaking, submit your comments to:

Debra Sturdevant, Oregon Department of Environmental Quality, 811 SW 6th Ave, Portland, Oregon, 97204, or by fax to 503-229-6037, or by email to waterqualitystandards@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed above).

DEQ requests public comment on whether to consider other options for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.

Thursday, September 30, 2010 5:00 pm

Last Day for DEQ to accept Public Comment


Signature

Maggie Vandehey
Printed name

August 10, 2010
Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005