

**Environmental Quality Commission  
Public Hearing – February 16, 2011  
Oregon Toxic Water Quality Standards**

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Chair Blosser and Members of the Commission:

You will be hearing from LOC and ACWA members this afternoon regarding the proposed revisions to Oregon's toxic water quality standards and the impact on municipal treatment plants.

Continuing our discussion with the Commission on this issue, we wanted to highlight a few policy issues associated with the revised water quality standards.

**1. Committed to Reducing Toxics in Oregon's Rivers and Streams**

Oregon wastewater utilities remain committed to toxics reduction and to high performance standards for our wastewater treatment plants. We continue to operate industrial pretreatment programs to reduce concentrations of metals and chemicals to our treatment plants, partner with law enforcement to collect unwanted and unused drugs, and promote non-toxic products. We have partnered with Oregon DEQ in the past year to screen our effluent twice for Oregon's Priority Persistent Pollutants, and are developing pollution prevention plans for those chemicals over the plan initiation levels.

**2. Impacts on POTWs Broader than DEQ estimated**

The impacts of the revised water quality standards to Oregon's domestic wastewater sector are broader than DEQ has estimated. Our analysis using more recent and detailed effluent monitoring data than was included in the SAIC report indicates that most POTWs will exceed these water quality standards - - mostly for legacy pesticides and PCBs from human waste. There are 49 major domestic treatment plants with discharging permits in Oregon - - and likely most of them would need variances or compliance schedules under these revised rules.

**3. Clear Objectives and Outcomes are Needed**

The variance process is a bridge to ultimate resolution of the underlying water quality standard. Many unanswered questions remain about the level of wastewater treatment beyond secondary treatment that will be required by DEQ, what information is needed to qualify for a variance, the details associated with '*widespread socio-economic impact*', and how NPDES permit holders fit into an overall toxics reduction plan.

**4. Toxics Implementation Programs Needed**

Without detailed implementation programs, the revisions in the water quality standards will not achieve the EQC's goal - - and the goal of those that have worked on this project

for the past four years - - actual reductions in toxics in Oregon's rivers and streams. To be effective at reducing toxics, specific implementation programs including TMDLs, site specific criteria, or Use Attainability Analysis must be developed and those programs implemented in specific pollution prevention actions.

**5. Treatment Technologies Not Available**

Effective and feasible treatment technologies for many of these chemicals are not available. Some of these chemicals are removed at 80 – 90% removal rates at Oregon wastewater treatment plants. To meet the proposed standards, 100% removal efficiencies would be needed.

**6. Variations – Expensive & Time Consuming With No Water Quality Benefit**

Variations are an expensive, time-consuming process for both the permit holder and DEQ with no resultant improvement in water quality. Of all the different types of compliance options that have been discussed over the years, municipal treatment plants are left with variations as the only tool available - - intake credits and background pollutant allowances are not available to municipalities. We remain very concerned about how the variance process will be administered in Oregon and have many unanswered questions. The ability of the DEQ water quality permitting staff - - likely reduced due to General Fund reductions - - to will accomplish the increased workload of processing variations for most municipal wastewater treatment plant permits is unclear.

We believe the DEQ has underestimated the costs to municipalities of applying for, securing, and reapplying for variations at each permit cycle.

**Recommendation**

Overall, LOC and ACWA are recommending that EQC request from DEQ a specific implementation plan by category of pollutants (such as metals, PAHs, or legacy PCBs and pesticides or similar categories). The implementation plan should lay out the Clean Water Act tool that will be used to resolve the underlying water quality criteria including development of a TMDL, use of site specific criteria, or development of a Use Attainability Analysis, and the glide path to achieving the necessary reductions across all sources in the watershed to achieve the water quality standard. The revised toxic water quality standard should only be adopted and effective when the implementation plan is agreed to by the EQC.

We appreciate the Commission's time and focus on this issue, and would be glad to answer any questions you may have.

We will be submitting detailed written comment by the comment deadline.