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OAK LODGE SANITARY DISTRICT

Protecting our valuable water resources

February 16, 2011

Environmental Quality Commission
Oregon DEQ
811 SW Sixth Avenue
Portland, OR 97204-1390

SUBJECT: Testimony on Proposed Toxic Water Quality Standards Revisions

Members of the Environmental Quality Commission:

My name is J. Michael Read and I am the General Manager of the Oak Lodge Sanitary District which provides sanitary sewer collection, conveyance, and treatment to over 30,000 residents in urbanized unincorporated Clackamas County. Our district and its customers will be significantly impacted financially by DEQ's proposed Toxic Water Quality Standard revisions.

Our service area is almost exclusively residential, without any industries which might produce the compounds which are to be regulated by the proposed revisions. Yet, the recent analyses which were conducted as a result of Senate Bill 737 show that our District might be confronted with potential non-compliance issues if the new standards are adopted. Our District and our community are committed to doing whatever we can to protect and improve the water quality of the Willamette River. In fact, we are in the midst of a \$55 million program to replace our aging treatment plant with a technologically advanced facility that can serve public health and water quality for the next 30 plus years. As I'm sure you can understand \$55 million is a heavy financial burden for a community of 30,000 to bear.

DEQ's current approach for addressing toxics is fundamentally flawed. Their intent to establish new standards when DEQ is aware that currently available technologies are incapable of removing many of these pollutants, without providing specific pollutant reduction strategies, places communities in the position of permit violation without recourse. DEQ's proposed variance process is temporary and expensive and accomplishes nothing toward the goal of achieving water quality objectives. The expense of applying for repetitive variances takes money from water quality improvement activities and puts it into non-productive bureaucratic processes.

I am a past-president of the Water Environment Federation (WEF). WEF is working with EPA and other water quality organizations to establish an approach to water quality improvement that ensures that all sources of water pollution: city and rural populations; industrial and commercial development; agricultural, forestry, and urban storm water runoff work collaboratively to address water pollution problems in our nation's rivers, lakes, and oceans.



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Without the collaborative participation of all of these parties, we will never meet our water quality objectives. However, the proposed revisions to the toxic water quality standards are focused on point sources, both industrial and municipal. Active participation of forestry and agriculture, along with all point sources, is necessary for the standards to be achieved.

In order to effectively address reducing toxics, DEQ and the Environmental Quality Commission should begin by incorporating specific standard implementation strategies that are provided for under the Clean Water Act such as:

1. Developing watershed based TMDLs for toxics; or
2. Developing site specific criteria; or,
3. Committing to Use Attainability Analysis to adjust the listed uses of a water body.

The revised toxic criteria should not be implemented until the DEQ has developed an EQC approved implementation strategy by chemical class. Adopting the revised standards without accompanying implementation plans will not move the state towards achieving the water quality goals in the revised standards and puts NPDES permit holders at unnecessary legal risk and in financial jeopardy.

A final comment: Many of the chemicals in the proposed revision are either legacy chemicals over which we can have no pollution prevention strategy since they are already ubiquitous in our environment; or chemicals that are contained in everyday products that consumers use without knowledge or regard for their environmental impact. Until DEQ and EQC begin regulating the components of household products to eliminate their toxic constituents, we will never effectively control the sources of many of these pollutants. Source control is the most effective strategy to reduce toxic substances in the water environment.

Thank you for the opportunity to provide this testimony.

Respectfully,



J. Michael Read
Oak Lodge Sanitary District