



CITY OF ASTORIA

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March 18, 2011

Andrea Matzke
Oregon DEQ
Water Quality Division
811 SW Sixth Avenue
Portland, OR 97204

Re: Comments on Proposed Toxics Rulemaking

Dear Ms. Matzke:

The City of Astoria is a small historic city with a population of just under 10,000. Our small city has old infrastructure that is increasingly expensive to maintain or replace. We are also faced with a huge burden of retrofitting an existing combined sewer overflow (CSO) system. Astoria is one of only three communities in Oregon with a CSO system that must implement costly upgrades to comply with current regulations.

Astoria strongly supports efforts to reduce toxics from all sources to Oregon's waterways. To achieve this, we:

- Operate the treatment plant effectively
- Install and maintain infrastructure to reduce combined sewer overflows
- Sponsor drug take back events
- Partnerships with Columbia River Estuary Study Taskforce
- Support school programs that paint "Drains to Creek" near catch basins

Impact on Oregon's Domestic NPDES Permit Holders

ACWA technical experts have analyzed the impact of the DEQ's proposed revisions on a subset of domestic wastewater treatment plants. DEQ's implementation for these water quality standard revisions must extend beyond the temporary bridge of a variance to permanent solutions within the tools of the Clean Water Act, such as TMDLs, site specific criteria, or Use Attainability Analysis.

This analysis, which has been provided to DEQ by ACWA, shows that domestic wastewater plants will have difficulty meeting the revised water quality standards for several classes of pollutants including:

1. **Legacy compounds, including PCBs, DDT, and legacy pesticides.** The chemicals in this class are already restricted by EPA action. Low levels of PCBs and DDTs reach treatment plants though body burden from historic exposure, through food, background levels in potable water, and possibly from illegal dumping into the sewer systems.

An analysis completed for ACWA by Dr. Dave Stone of Oregon State University estimated the load of PCBs entering a typical medium sized Oregon wastewater treatment plant from excretion due to body burden and food waste. The report estimates that a daily average of 0.16 ng of PCBs per liter is estimated to reach the wastewater influent due to human excretion. The proposed



water quality standard for PCBs is 0.0000064 ug/l (0.0064 ng). Oregon treatment plants are unable to achieve the proposed water quality standard due to human and food waste.

There is no reasonable, effective treatment process for removing PCBs and DDTs at these very low levels from wastewater effluent in order to achieve the proposed water quality standards¹.

2. **Consumer Products, including bis(ethylhexyl) phthalate.** Plastizers like phthalates are everywhere in the environment, including in wastewater. There are no reasonable, effective treatment processes for removing phthalates at the proposed levels from wastewater effluent.
3. **Metals and arsenic.** Oregon's rivers and streams have naturally levels of arsenic and mercury many times over the proposed standards. Technology to meet these low limits is not available.
4. **Chlorination by-products.** Most wastewater utilities in Oregon use chlorine for disinfection. Oregon wastewater utilities could move to non-chlorine disinfection systems; however, this will require significant financial investments to revise existing disinfection systems.

The analysis greatly underestimates the impact of the proposed rule revisions on water quality permit holders, and most importantly, does not incorporate the implementation mechanism needed to achieve toxic reduction within the context of the Clean Water Act.

The recommendation of variances as the only compliance tool for local governments will be an expensive investment with no environmental benefit. Variances are short-term and temporary tools. The overall rulemaking package does not address how variances can be used at facilities unable to meet water quality standards due to human caused load, where there is no feasible, effective treatment technology available.

We recommend that DEQ and EQC adopt an implementation plan development process for each class of chemicals that are likely to be exceeded under the new standards. The implementation plan would detail how the appropriate water quality compliance tool under the Clean Water Act would be developed to resolve the underlying standard violation, including development of Total Maximum Daily Loads, site specific criteria, or a Use Attainable Analysis.

The implementation plans should be adopted along with the proposed standards.

Effective Toxic Reduction Should Be Tackled at a Watershed Basis and Involve All Sources of Pollution

We want to ensure that investments in water quality programs are effective in reducing toxic pollutants. Some toxic chemicals can be tackled by wastewater utilities by changing treatment technologies or reducing dischargers to their sewer system; other pollutants cannot. Chemicals, such as the legacy toxics DDT and PCBs or plasticizers such as bis(2-ethylhexyl) phthalate are found everywhere in the environment, in people, and in wastewater effluent at low levels.

DEQ and the Environmental Quality Commission should be incorporating specific standard implementation strategies (likely by the type of pollutant, such as PCBs or legacy pesticides) that are allowed under the Clean Water Act. 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.

¹ These levels of PCBs cannot be measured, therefore the Quantation Level becomes the compliance points; however the underlying water quality standard remains in place

DEQ's Solution of 'Variances' Needs To Be Improved

We appreciate DEQ's offer of variances as a compliance tool, especially where that tool incorporates pollution reduction plans as a way to make progress to the degree feasible towards improvement. The overall scheme for variances should be simplified, clearly stated, and efficient. Multi-Sector variances should be allowed outright to accommodate similar situations throughout a Basin or even throughout the state. The obligation to make specific findings regarding endangered species, existing water quality uses, and unacceptable risks to public health should be made by DEQ, not by the variance applicant.

Underestimated Financial Impact

The scope of impact of the proposed revisions appears to be underestimated in terms of:

- The impact on DEQ staff resources and or their ability to conduct other priority activities within their organization,
- The fiscal and workload impact to both permittees and DEQ of moving beyond variances to the development and implementation of watershed-based toxic reduction plans,
- The impact of the proposal on ratepayers, including businesses and industries that discharge to our facilities,
- The number of municipal wastewater permit holders that the proposed revisions will affect and the number of toxics that each of those permittees may be required to address through variances, and
- The costs to water quality permit holders of applying for and maintaining a variance as a compliance tool.

Summary

An effective water quality toxic reduction program should be a broad initiative, and all sources need to be addressed; it should not be just focused on water quality permit holders. We are interested in seeing the DEQ's plans for a comprehensive toxic reduction program tied to adoption of more stringent toxic water quality standards.

We support the written comments provided by Oregon ACWA.

Very truly yours,



Ken P. Cook
Public Works Director

City of Astoria

Cc: ToxicsRuleMaking@deq.state.or.us