



Oregon Soil and Water Conservation Commission

635 Capitol Street NE Salem, OR 97310-0110

DEQ

FEB 23 2011

Water Quality

COMMISSION MEMBERS

February 16, 2011

Doug Krahmer
Chair

Andrea Matzke

Attn: Revised water quality standards for Human Health Toxics and implementation policies

Oregon DEQ, Water Quality Division
811 SW 6th Ave.
Portland, OR 97204

Barbara Boyer
Vice-chair

Dear Ms. Matzke:

Jerry Ward

Thank you for the opportunity to review and comment on DEQ's proposed revised water quality standards for human health toxic pollutants and revised water quality standards implementation policies. The Oregon Soil and Water Conservation Commission (Commission) represents the interests of the Oregon Soil and Water Conservation Districts (SWCDs) and advises the Oregon Department of Agriculture (ODA) on matters related to natural resource management in Oregon. At the February 11, 2011 quarterly meeting of the Commission, we discussed DEQ's proposed revised water quality standards for human health toxic pollutants and revised water quality standards implementation policies. We identified a number of concerns that we believe need to be addressed before these rules can be adopted.

Marilyn Rice

Mel Omeg

1) The fish consumption rate (175 grams per day or approximately 23 8-ounce fish meals per month) used to determine human health criteria is not an appropriate rate. The survey techniques to generate this estimate involved a very small sample of the population in Oregon and the amounts reported by those surveyed were based on anecdotal estimates.

Tim Kerns

John Morris

2) The fish consumption rate (175 grams per day or approximately 23 8-ounce fish meals per month) used to determine human health criteria were drawn from the main stem of the Columbia and Willamette rivers.** Information drawn from these areas is not applicable to other major rivers in the state or to many of the streams that feed the Columbia and Willamette mainstems. Fish consumption rates (FCR) and the industrial toxics of concern are much lower when you leave the mainstem Columbia and Willamette rivers. *Based on the original recommendation by ODEQ's Technical Advisory Committee (TAC), a tiered approach to the FCR, taking into account variable fish consumption across Oregon, should be developed which then would affect water quality standards for human health toxic pollutants.*

3) The Agricultural Water Quality Management Program implemented by ODA is a very effective program. The Commission has been involved in the implementation of this condition based program from its inception. We have seen tremendous landowner acceptance and effort to address water quality issues because of this program and efforts of the SWCDs. Where it has been needed, the program's enforcement program has been effectively used to resolve issues. This program presently is effective in addressing source of toxics that may enter waters of the state, i.e. sediment. The program addresses sediment transport to water through education and outreach provided by the program in cooperation with SWCDs and through regulation implemented by ODA.

4) We do not support any effort to implement a practices based program or requirements. The model being implemented by ODA encourages landowner efforts that are more productive than what would be expected under a practices based program. A condition based program allows the department and landowners to address the problem or concern which is not achieved under a practice based program. Any effort by DEQ to influence the adoption of practices would be counter productive to the success of this program and should not be considered.

Again, thank you for the opportunity to comment on these proposed rules.

Sincerely,



Doug Kraemer
Chair, Soil and Water Conservation Commission

** The FCR was a result of a study based on fish consumption surveys across different population sub-groups (*not toxic amounts detected in fish tissue*). An influential study was a 1994 study by the Columbia River Inter Tribal Fish Commission (CRITFC) which surveyed the Umatilla, Nez Perce, Yakima and Warm Springs tribes of the Columbia River Basin. The TAC proposed multiple fish consumption rates (representing low, medium and high fish consumption) based on the studies they reviewed. The Policy Advisory Committee was concerned about how a multiple approach could be implemented and could not reach a consensus.