**Comments from RWG Members**

**From Kathryn VanNatta**



TO:         DEQ WQ Staff  
  
FROM:   Kathryn VanNatta  
  
As requested I am providing my input on implementation measures for the NPDES Permit Program.   
  
Overall:  There is a paucity of workable, viable and cost-effective point source implementation measures for proposed revisions of the Human Health Toxics criteria.  
  
First:  I support Michael Campbell’s items and Myron Burr’s items.  NWPPA wishes to reiterate that intake credits and background concentration allowances that are crafted as an *Oregon solution* and not based on the GLI are needed.  
  
Second:  NWPPA suggest DEQW review and consider the Florida Nutrient Criteria Restoration Standard approach as listed in the January 26 Federal Register notice (attached).  Page 4217 of the notice (page 45 of the PDF file) is a good starting point for review.  I believe Oregon needs a delayed implementation date for revised criteria, which would allow thoughtful implementation and stepwise, measurable water quality improvement for pollutants exceeding criteria.  
  
Let me know if I can answer any questions.  I can be reached at 503-844-9540.  
  
**\*\*See attachments referred to above in e-mail**

**From Michael Campbell**

At the last workgroup meeting on January 29, we were asked to provide a list (by today, I think) of the NPDES implementation measures other than variances that we would like the workgroup to consider.  There are only two items on my list:

1.  Offsets.

2.  Point source allowance incorporated into the water quality standards.  (Referred to on DEQ’s December 4 chart as the “de minimis increase allowance” and based on concepts similar to the human use allowance in Oregon’s temperature standards).

(DEQ has also proposed other implementation provisions that would be of relatively modest scope but that nonetheless would be useful to have, including a GLI intake credit and a compliance schedule provision for human health criteria.  These have already been discussed by the group, however, so I don’t believe that further discussion is needed.)

I’m dubious of the effectiveness of an offset provision for the reasons explained on DEQ’s December 4 chart, but Ryan believes that EPA may be in the process of shifting its position on offsets in a way that would allow a source to comply with water quality standards by fully offsetting  its discharge load but without necessarily bringing the receiving waterbody into compliance at the point of discharge.  If an offset must bring an entire waterbody into compliance with the criterion, then opportunities for effectively using offsets are likely to be few and far between.

Regarding the point source allowance, my November 9 proposal included for discussion purposes de minimis allowances for background pollutants based on small percentage increases in waterbody concentrations.  Another approach to ensuring that the de minimis allowance is protective and really is “de minimis,” at least for carcinogens, might be to ensure that the discharge does not exceed a 1/10,000 risk level at the edge of a human health criteria mixing zone.  In any event, I believe that alternative ways of defining de minimis effects in the context of background pollutants are worth pursuing with the group.

Thanks very much.

**Michael R. Campbell**

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**From Myron Burr**

Dear All,

Per your request to provide feedback on the implementation tools, attached please find our concerns and recommendations to address those concerns on 3 of the proposed tools.  Please contact me if you have any questions.  Thank you.

Best regards,

**MYRON BURR, P.E.**   
ENVIRONMENTAL AFFAIRS MANAGER

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**Implementation Tool Concerns and Recommendations**

**Intake Credits:**  As proposed, this provision does not allow intake credit for water supplied by a municipality unless the source is in the same watershed as the water body to which the waste is being discharged.  This unnecessary limitation is a problem for at least one major company in the Portland area and will likely be a problem for other companies in Oregon.  As such, it has very limited applicability.  Considering that the City of Portland drinking water quality from the Bull Run reservoirs is generally very good, it should not be much of an issue for DEQ to allow a credit for companies that use and discharge this city water.

Where this limitation will be an issue for the user/discharger is during the rainy season when more silt is washed into these reservoirs carrying higher concentrations of solids and naturally-occurring minerals like arsenic, or when the city supplements this drinking water from their Columbia **groundwater** well-field (up to 2 ug/l arsenic).  Considering the low proposed arsenic criteria, the intake and discharge of arsenic in drinking water could be a problem for city water users and dischargers.

This watershed restriction may make sense in the Great Lakes Region, but the topography and water supply infrastructure of the Northwest make it less practical to apply here.  Therefore, it is proposed that the “same body of water” be revised to include municipal sources, and / or that Section II (1) (d) of the proposed intake credit language be sufficient to provide the desired water quality protection.

Finally, some consideration needs to be given to unintended trace impurities in manufacturing materials. The level of these impurities can be well above the proposed human health criteria. In addition, wastewater treatment chemicals, such as lime, which is naturally occurring, can contain elements like arsenic. Lime use for wastewater treatment could be prohibited by the new criteria. It is proposed that since lime is used for wastewater treatment, it should it fall within an intake credit provision.

**Background Concentration Allowance:**  This provision is unnecessarily limited to just non-contact cooling water systems that do not add, but only concentrate, pollutants.  Boilers by their nature tend to concentrate trace contaminants. In addition, there are other water conditioning systems that also significantly concentrate, but not add, pollutants that should be permitted under this provision. Examples of these systems are reverse osmosis and multi-media water filtering techniques.  There is little risk in including these other types of water concentrating and conditioning systems in this background concentration allowance tool.

This issue will become more urgent as drinking water supplies are stretched to meet growing demands and there are greater efforts to re-use (i.e., multiple-pass) available supplies while trying to ensure minimum stream flows.

**Reasonable Potential Analysis Clarifications:** We agree that this it is appropriate to complete the proposed clarifications to make the RPA tool more effective and meaningful.