

To: Rulemaking Workgroup  
Water Quality Standards Review Project

Date: February 23, 2009

From: Jennifer Wigal  
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Subject: Follow-up from February 9, 2009 Workgroup Meeting

Thank you all once again for your participation in the Water Quality Standards Review Project, and in particular for your thoughtful input and ideas at our meeting on February 9. In reflecting on the discussion during that meeting, there are several points that I'd like to follow-up on in advance of the upcoming meeting.

First, during our discussion of revisions to the regulations to address non-NPDES permitted sources, we heard concerns about the equitable application of standards to all sources. To that end, I would like to offer for the group's consideration, inclusion of a statement within the water quality standards regulation that clarifies that water quality standards apply to waters of the state regardless of the source of pollutants. We believe that a statement along these lines would affirm the applicability of water quality standards to Oregon's water bodies regardless of source.

DEQ is also aware that many of you have ideas regarding approaches to further address sources not regulated under the NPDES program. We very much want to hear these suggestions, either at one of our meetings or through email. It would be helpful to us if you provide your suggestions, along with a description of how your suggestions address the questions we posted at the February 9 meeting:

1. Expected environmental result?
2. Target source(s)?
3. Administrative/agency product/program need?
4. Who has authority; Where is the program best housed?

If the group quickly identifies issues that have an immediate need and are appropriate for inclusion in either the water quality standards or NPDES permitting regulations, we believe those issues should be considered for inclusion within the scope of the Rulemaking Workgroup.

To follow-up on Kevin's overview of the Toxics Reduction Strategy and the subsequent discussion of what actions could result from that work, I want to reaffirm DEQ's expectation that the Strategy will comprehensively review and assess existing efforts related to high priority toxic pollutants across environmental media. Results of this effort could include, as appropriate, recommendations to:

- Develop regulations or regulatory incentives
- Strengthen or refocus existing programs
- Support voluntary programs and partnerships

For issues that are not appropriate for inclusion into the water quality standards or permitting rules (OAR 340 Divisions 41 or 45), we expect to move discussion of those issues to the Broad Stakeholder group and



evaluate including these ideas in the Toxics Reduction Strategy. We see the broader group as a more appropriate forum for such discussions as it includes a broader set of impacted stakeholders who we will need to include if we are to be successful implementing any innovative solutions to the broader toxics problem.

We look forward to our upcoming discussion on March 2, 2009. As you know, one of the agenda topics is the review of Oregon's human health criteria for arsenic. DEQ been discussing options with EPA about approaches other states have taken to adopt criteria for arsenic and will be presenting the available options on March 2. The options we will discuss at our next meeting include approaches based on existing methodologies and best available science. A draft background and options paper summarizing our information gathering and thinking to date will be sent to you on Monday, February 23 in preparation for the March 2 meeting.

I look forward to seeing you and discussing these ideas with you at our meeting on March 2. If you have any questions, comments, or concerns you would like to discuss before then, please feel free to get in touch with me.

