

From: MATZKE Andrea

Sent: Friday, July 26, 2013 8:32 AM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: July 11 meeting minutes for your review

Good Morning,

I didn't receive any other comments in addition to Curtis's and Kathryn's. Therefore, attached is the final meeting minutes document that will be posted to our website. Let me know ASAP if I did not capture the comments sufficiently.

I would like to take this opportunity to thank all of you for being on this advisory committee. It was very helpful to have your input and insight!

Next Steps.... The internal review period completed yesterday and I received some valid comments. I don't think the comments are major, however. We're still on track to go out for public comment Sept. 1. That means the rulemaking notice and proposed rule amendments must be sent to the Secretary of State no later than Aug. 15. I will forward the Gov Delivery email announcing the invitation to comment to this advisory committee, although some of you may already be on the Gov Delivery distribution list. If you have any other questions, please let me know.

Thanks!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Wednesday, July 24, 2013 6:47 AM

To: 'Kathryn VanNatta'; Barton, Curtis; Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; Mike Freese (Mike@oregonfb.org); WIGAL Jennifer

Subject: RE: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: July 11 meeting minutes for your review

Curtis,

I think those are good edits. I will make the changes.

Thanks!

Andrea

From: Kathryn VanNatta [<mailto:KathrynVanNatta@frontier.com>]

Sent: Tuesday, July 23, 2013 2:43 PM

To: Barton, Curtis; MATZKE Andrea; Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; Mike Freese (Mike@oregonfb.org); WIGAL Jennifer

Subject: Re: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: July 11 meeting minutes for your review

I agree with Curtis' comment about my request and comments at the meeting.
Kathryn

From: "Barton, Curtis" <CurtisBar@co.clackamas.or.us>

Date: Tuesday, July 23, 2013 2:36 PM

To: 'MATZKE Andrea' <MATZKE.Andrea@deq.state.or.us>, "Dianne Barton (bard@critfc.org)" <bard@critfc.org>, Heath Curtiss <Heath@ofic.com>, John ledger <johnledger@aoi.org>, "Kathleen Collins (collins.kathleen@epa.gov)" <collins.kathleen@epa.gov>, Kathryn VanNatta <Kathryn@nwpulpanpaper.org>, Mike Freese <Mike@oregonfb.org>, "Travis Williams (travis@willametteriverkeeper.org)" <travis@willametteriverkeeper.org>, Jennifer Wigal <WIGAL.Jennifer@deq.state.or.us>

Subject: RE: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: July 11 meeting minutes for your review

Hi Andrea,
I've had a chance to review the minutes and provided a couple of comments on page 2. Please let me know if you have any questions.
Thanks, Curtis

*Curtis Barton
Source Control Coordinator
Water Environment Services
150 Beavercreek Road
Oregon City, OR 97045
503-742-4615*

From: MATZKE Andrea [<mailto:MATZKE.Andrea@deq.state.or.us>]

Sent: Tuesday, July 23, 2013 2:01 PM

To: Barton, Curtis; Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: July 11 meeting minutes for your review

Good Afternoon,

Attached are the meeting minutes from the July 11 Advisory Committee. Please let me know if I missed anything important or have edits/suggestions to make. I'd like to post to the rulemaking website sometime by the end of the week.

Thanks!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea
Sent: Friday, July 19, 2013 7:34 AM
To: MATZKE Andrea; 'Collins, Kathleen'; ' (curtisb@co.clackamas.or.us)'; 'bard@critfc.org'; 'Heath Curtiss'; 'John Ledger - AOI (johnledger@aoi.org)'; VAN NATTA Kathryn; 'Mike Freese (Mike@oregonfb.org)'; 'Travis Williams (travis@willametteriverkeeper.org)'; WIGAL Jennifer
Subject: RE: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Courtesy copy of rulemaking docs for DEQ internal review

Good Morning,

As a courtesy, I have attached the rulemaking documents that went out for DEQ internal review yesterday. With the exception to The NOTICE, all the docs have CLEAN versions as well. The NOTICE includes edits in response to Kathleen's comments below.

I wanted to bring your attention to a couple of points as well. Included in the attachments are formatting changes to Table 33C which we did not discuss at our meetings. This is the table of toxics guidance values—not regulatory criteria values. We have new table formatting requirements at DEQ for rulemaking, so I made formatting changes to all the tox tables, including Table 33C. I also corrected a citation error to the toxics narrative regulations in the table introduction. No other changes were made. In addition, DEQ will not be proposing revisions to correct the aquatic life criteria to two significant figures. Because we do not have the original calculations to make these corrections, we will instead, as a matter of policy, confirm that any new or revised criterion reflects two significant figures. I did, however, add language to the metals calculation footnotes to indicate that metals calculation should be expressed to two significant figures.

Again, I'll send out the meeting minutes from July 11 for your approval, as soon as I get them.

Thanks,

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea
Sent: Thursday, July 18, 2013 2:56 PM
To: 'Collins, Kathleen'; (curtisb@co.clackamas.or.us); bard@critfc.org; Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); VAN NATTA Kathryn; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer
Subject: RE: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Revised public notice and fiscal analysis for your review

Thanks Kathleen. I've revised to make those clarifications.

Andrea

From: Collins, Kathleen [<mailto:collins.kathleen@epa.gov>]
Sent: Thursday, July 18, 2013 1:58 PM
To: MATZKE Andrea; (curtisb@co.clackamas.or.us); bard@critfc.org; Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis

Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: RE: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Revised public notice and fiscal analysis for your review

Andrea,

Just a few comments/clarifications

From: MATZKE Andrea [<mailto:MATZKE.Andrea@deq.state.or.us>]

Sent: Tuesday, July 16, 2013 11:17 AM

To: (curtisb@co.clackamas.or.us); bard@critfc.org; Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Collins, Kathleen; VAN NATTA Kathryn; MATZKE.Andrea@deq.state.or.us; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Revised public notice and fiscal analysis for your review

Hi,

Attached is the Word and PDF versions of the revised Public Notice (including the fiscal analysis) based on our discussion next week. Hopefully, I've captured what we talked about. I took a shot at what revisions EPA may consider as water quality standards under the summary of the rulemaking section based on comments Kathryn made. Kathleen, maybe you could review to see if it's mostly accurate. Please let me know if you have any concerns or comments. It would be helpful for others to cc the group on any comments. Otherwise, if I don't hear from you I will assume you're mostly OK with it.

I'm getting ready to send the rulemaking package to the internal review group. I anticipate making several revisions based on the comments I received from you at our first meeting. I will send you a courtesy copy as well.

I'll send out the draft meeting minutes for your approval once I get them.

Thanks!

Andrea

From: MATZKE Andrea

Sent: Thursday, July 11, 2013 1:42 PM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: EPA WQS Q&A

Hi All,

Before I forget to do this, attached is the Q&A doc on WQS from EPA that Kathryn mentioned. Thanks for the suggestion Kathryn!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Wednesday, July 10, 2013 11:42 AM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: agenda

Importance: High

Attached is the agenda for tomorrow's advisory committee meeting.

Thanks,

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Wednesday, July 10, 2013 9:25 AM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: agenda forthcoming

Importance: High

Good Morning,

I will send out the agenda for tomorrow's committee meeting this afternoon. Sorry for getting the agenda out late, but I was on vacation for most of last week then out sick the past few days (Murphy's Law!).

Kathleen Collins, EPA will not be calling in since EPA isn't involved in the state's fiscal analysis. Let me know if you plan on calling in, so that I can initiate the teleconference line.

Thanks,

Andrea

From: MATZKE Andrea

Sent: Tuesday, July 02, 2013 2:51 PM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Draft fiscal analysis for July 11 meeting

Importance: High

Good Afternoon,

Thanks everyone for your participation in last week's Advisory Committee meeting. If you have any suggestions, edits, concerns, etc. from last week's materials and discussion, please send them to me no later than **July 8**. I had originally given a deadline of July 2.

Attached is DEQ's draft fiscal analysis for this rulemaking. I included both PDF and Word document versions for your convenience. Please review this document for our **next meeting on July 11 from 10 – 12**. I'll send out an agenda early next week. Note that the attached form is a new template DEQ is using for its rulemaking. This form combines a number of required elements needed for a public notice, and therefore, several sections are still incomplete. These sections will be filled out later before the rulemaking goes out for public notice.

If any committee member has additional information in regards to potential costs or benefits associated with this rulemaking that would be important to discuss/consider at our July 11 meeting, please feel free to send it to me ahead of time. That way we can reserve sufficient time for discussion.

I have also attached draft meeting minutes from last week's meeting in both PDF and Word versions. Please let me know of any corrections, additions, edits by **July 10**. If needed, we can also briefly discuss any needed corrections at the beginning of our meeting on July 11. Once the committee approves the minutes, I will post to our website. Which brings me to.....our website for this rulemaking is now up and running and may be found at: <http://www.deq.state.or.us/wq/standards/StandardsClarification.htm>. The meeting materials from our June 25 meeting as well as other information has been posted. The presentation is not yet up, but will be posted soon.

Thanks and have a great 4th of July holiday!!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Monday, June 17, 2013 2:42 PM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Materials for June 25 meeting

Importance: High

Dear Advisory Committee Members,

Attached are 6 documents for our Advisory Committee meeting on **June 25 from 1 – 4**. Please print off these documents before coming to the meeting. I would suggest printing the rulemaking documents in color if possible, since it's easier to see the changes (~~redlined/strikethrough~~) DEQ is proposing to make. I included a call in number and code on the agenda, but I believe the only one that needs to call in is Kathleen Collins from EPA. I'll most likely have a Powerpoint for part of the meeting, so my preference would be for each committee member to attend in person if possible.

The agenda lists the documents we will be referencing for each agenda topic. Document A is the Charter, which I've attached here again. I couldn't add "Document A" to the Charter header without messing up the template, but the others are labeled and should be easy to correlate. Our meeting is in room 5B on the 5th floor, but you'll need to check in at the front desk on the 10th floor in order to get a visitor's pass. I am hoping to have a website for this rulemaking up and running by the end of this week. The materials attached to this email will also be posted there.

The proposed rulemaking documents should be very similar to the versions most of you saw this past January. Document C (draft new Table 30 aquatic life criteria) is the crosswalk between what was last approved by the Environmental Quality Commission and what DEQ is proposing to change based on EPA's Jan. action on the aquatic life criteria and other clarifications. This document is probably the most dense of the documents. I have provided many notes to the reader to help in sorting out where the criteria came from and how these changes, where applicable, respond to several of EPA's disapproval actions. Document D is the clean version of Table 30. The other documents should be self-explanatory. Please feel free to give me a call if you have any questions or need additional background information in helping you prepare for this meeting. I will be around all week.

I will send out DEQ's draft fiscal analysis after the June 25th meeting. That analysis will be the subject of your review for our last meeting on July 11. I will give the committee a brief overview of the fiscal analysis at the end of the meeting this Tuesday to help prepare you for that review.

Thanks!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Tuesday, June 04, 2013 3:53 PM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Charter

Importance: High

Good Afternoon,

I've attached the Charter for the Advisory Committee. This document describes the purpose of the committee, background, scope of rulemaking, and process. If you have any concerns or questions about the charter, just let me know. I have also attached DEQ's letter to EPA that responds to EPA's disapproval actions. The Charter refers to this letter for more information.

I will let you know when I have a public website for this rulemaking set up. You'll be able to access meeting documents, minutes, and other related info there as well.

Thanks,

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Wednesday, May 29, 2013 1:54 PM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: FW: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking: Dates Confirmed

Importance: High

Dear Advisory Committee Members,

Thanks for your responses about your availability for Advisory Committee dates. Please block out your calendars for the following two dates:

June 25: 1 – 4

July 11: 10 – 12

Both meetings will be at DEQ Headquarters in Portland. I will send out additional information as we get closer to the first meeting, but please feel free to call me if you have any questions or concerns.

Thanks!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384

From: MATZKE Andrea

Sent: Friday, May 17, 2013 11:28 AM

To: (curtisb@co.clackamas.or.us); Dianne Barton (bard@critfc.org); Heath Curtiss; John Ledger - AOI (johnledger@aoi.org); Kathleen Collins (collins.kathleen@epa.gov); VAN NATTA Kathryn; MATZKE Andrea; Mike Freese (Mike@oregonfb.org); Travis Williams (travis@willametteriverkeeper.org); WIGAL Jennifer

Subject: RM-AquToxic 2013 DEQ Advisory Committee for Toxics Rulemaking

Dear DEQ Advisory Committee Members,

I would like to thank you for agreeing to be part of the Advisory Committee for the *Corrections and Clarifications to Toxics Regulations Rulemaking*. As I explained to each of you, we anticipate having two meetings before the proposed rules go out for public comment. These meetings will occur at DEQ Headquarters in Portland. DEQ anticipates that these proposed revisions to our water quality standards rules are straight-forward; therefore, we believe only two meetings are necessary. Some of these dates changed from when I earlier contacted you based on other commitments members had. Below is a link

to the Doodle Poll that will help us figure out which two days work best for everyone. Simply click on the link which takes you to the poll. Type in your name then select each date and time that works for you. After the two days are confirmed, I will send more detailed information out to the committee, such as agendas, scope of rulemaking, expectations of committee members, relevant websites, and the proposed rule changes.

Link to Doodle Poll: <http://www.doodle.com/287snhmind6kqwxw>

The objective of the first meeting (6/24 or 6/25) is to describe the proposed rulemaking changes to the Committee and to allow an opportunity for committee members to ask questions. The objectives are the same as when we had earlier attempted to initiate the rulemaking this past January—propose revisions to the toxics rules based on straight-forward corrections and clarifications. These changes are being proposed as a result of recent EPA disapprovals of a number of OR's aquatic life toxics criteria that were submitted in 2004 (See EPA action documents at: <http://www.deq.state.or.us/wq/standards/toxics.htm>).

EPA also disapproved several toxics criteria where the remedies to correct the disapprovals will be more complex and will involve deeper and more thoughtful discussions from DEQ, EPA, the Services and stakeholders (e.g. aluminum, ammonia, copper, and cadmium criteria disapprovals). Rulemaking for the more complex issues will occur after this rulemaking and will partly depend on timing on a number of national actions related to the disapprovals. DEQ is initiating this rulemaking now to ensure that these straight-forward corrections are completed in a timely manner, and do not get unnecessarily delayed by the more substantive issues DEQ anticipates arising from the other disapproved criteria.

The objective of the second meeting (7/11 or 7/12) is to provide an opportunity for the committee to weigh in on any potential fiscal impacts, including impacts to small businesses, associated with the proposed rules. Any fiscal impacts are based on the proposed rulemaking, rather than any actions associated from the 2004 rulemaking. At this meeting, be prepared to provide input, such as costs, benefits, and need of rulemaking if available.

I have attached the roster of committee members. Please let me know right away of any corrections needed. Thanks again for being part of this Advisory Committee. Please try to respond to the poll above as quickly as possible, so that we can finalize dates and work around summer vacation plans. If you have any questions, please don't hesitate to contact either me or Jennifer Wigal, the manager of the Standards and Assessment Section.

Thanks!

Andrea Matzke, MPH

OR DEQ | Water Quality Standards & Assessment | 503-229-5384
