## Corrections and Clarifications to Toxics Water Quality Standards

**July 30, 2013**

Briefing for Greg Aldrich

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What are the proposed amendments?

1. The amendments will address EPA’s Jan. 31, 2013 disapproval for:

* 36 pesticide criteria values associated with 11 pesticides
	+ Clarifies frequency and duration components of these criteria.
	+ Reinstate pesticide criteria for endosulfan alpha, endosulfan beta, and heptachlor epoxide (currently, no effective criteria because there were no replacement criteria in Table 20 when EPA disapproved the criteria)
* Freshwater criteria for selenium
	+ Applies conversion factors to criteria to convert total recoverable expression to dissolved expression as intended in 2004.
* Removal of aluminum from toxics table because there are no replacement criteria last approved by EPA from Table 20
* Does NOT address EPA’s disapproval of aluminum, ammonia, cadmium (acute criterion only), and copper
	+ Will be addressed in subsequent rulemaking(s)

2. Reinstate freshwater and saltwater arsenic criteria and chromium VI saltwater criteria that were inadvertently omitted from the criteria table during a 2007 rulemaking

* EPA took no action but recommended that OR reinstate criteria from 2004 EQC adoption

3. Correct typographical errors made during the 2011 Human Health Toxics Rulemaking, and other corrections/errors made during the 2004 rulemaking. Provide additional clarity to footnotes.

* Arsenic Reduction Policy—several incorrect rule references
* Table 40—minor corrections and change one criterion to two significant figures per EPA guidance
* Delete incorrect footnotes and clarify other footnotes originating from Tables 33A and 33B

4. Propose to move all effective aquatic life criteria from Tables 20, 33A, and 33B into a new aquatic life criteria table, Table 30

* Tables 20, 33A, and 33B are no longer needed and would be repealed under this proposal.
* References to Table 20 in the Bacteria and Groundwater rules will be deleted and instead generally reference the aquatic life criteria in the Toxics Substances rule.
* Reformatted Table 30, Table 33C (contains aquatic life guidance values and re-named as Table 31), and Table 40 to DEQ table formatting guidelines

Who is affected?

* Toxics criteria apply to primary industrial dischargers and major domestic sources
* DEQ does not expect significant impacts

Who was involved in rulemaking?

* Advisory Committee met twice: June 25 and July 11
* No significant concerns, although NWPPA still has some residual concerns that rulemaking changes to the toxics tables could lead to a more comprehensive review of the toxics criteria. NWPPA conversations with EPA indicate that it will only act on the changes DEQ makes, not the underlying criteria that did not change.
* Received internal review from Rob Burkhart, Lori Pillsbury, Deb Sturdevant, Mike Poulsen (Clean-up Program), Jane Hickman, Maggie Vandehey, and Larry Knudsen.

Timeframes?

* EMT Review: Aug. 1 – Aug. 7
* Key legislators: Sen. Dingfelder and Rep. Bailey
* SOS Documents: Aug. 15
* Public Comment Period: Sept. 1 – Sept. 30
* Public Hearing: Sept. 18, Portland
* EQC Adoption: Dec. 11 – 12, 2013
* Proposed rules will become applicable on April 18, 2014 and must be approved by EPA