To…                (All DEQ) Executive Management Team;

Cc…                Jennifer Wigal, Andrea Matzke, Chris Clipper, Maggie Vandehey

Subject:           RM-AquTox 2013: Draft Public Notice Preview

The rulemaking public notice packet is a major external deliverable in DEQ’s rulemaking process. On behalf of the rule design team, I thank all DEQ contributors to the notice packet. Portions of the packet have had the required reviews and signoffs from the advisory committee, EPA, DEQ staff and DOJ. It is now ready for your preview before we submit it to the Oregon Secretary of State on Aug. 15, 2013 and open our public comment period on Sept. 1, 2013. Details on this rulemaking, including information and materials from the advisory committee meetings, are on DEQ’s website: <http://www.deq.state.or.us/wq/standards/StandardsClarification.htm>. I have also attached a briefing document about this rulemaking.

No action is required on your part. However, we will consider your input on the packet if we receive it **by close of business on Aug. 07, 2013**. To offer input, please add comments or edits to the rulemaking documents listed below in SharePoint. If you have technical difficulties providing edits, please contact Andrea Matzke, matzke.andrea@deq.state.or.us, 503-229-5384.

If you are new to SharePoint, this [tutorial](http://www.youtube.com/watch?v=LOUr_y8BaI8) may help with the document Check Out and Check In features. Generally, to provide edits or comments to any of the rulemaking documents, check it out, save the document, and then check it back in, so that others may provide comments. To simply read a document, just click on the links below. It is not necessary to check the document out.

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| Title | Corrections and Clarifications to Toxics Water Quality Standards  |
| Notice Packet  | [Invitation to Comment](http://deqsps/programs/rulemaking/wq/alt/docs/4-Public%20Notice/INVITATION.TO.COMMENT-4.02.docx) – 2-page fact sheet[Proposed Rules](http://deqsps/programs/rulemaking/wq/alt/docs/4-Public%20Notice/Proposed_Revisions_in_Div__41_and_40_Rules_071713_Internal_Review-4.03.docx)– redline/strikethrough[Table 30](http://deqsps/programs/rulemaking/wq/alt/docs/4-Public%20Notice/TABLE_30_Proposed_Effective_Aquatic_Life_Criteria_071713_internal%20review-4.04.docx)– redline/strikethrough[Table 33C](http://deqsps/programs/rulemaking/wq/alt/docs/4-Public%20Notice/TABLE_33C_proposed_changes_071713_internal_review-4.01.docx)– redline/strikethrough[Table 40](http://deqsps/programs/rulemaking/wq/alt/docs/4-Public%20Notice/TABLE_40_HHC_proposed_changes_071713_internal_review-4.03.docx)– redline/strikethrough[Notice](http://deqsps/programs/rulemaking/wq/alt/docs/4-Public%20Notice/NOTICE%20AboutTheProposal%20071713%20internal%20review-4.06.docx)– information and analysis required by APA; Model Rules; DEQ statutes, rules and best practices; and federal regulations. |
| Proposal | DEQ proposes to address the U.S. Environmental Protection Agency’s Jan. 31, 2013 disapprovals of 11 pesticides and selenium aquatic life toxics criteria that DEQ submitted to EPA in 2004. Amendments also include consolidating the aquatic life toxics criteria contained in three tables to one table, and correcting and clarifying a number of errors related to the Toxic Substances rule from past rulemakings.  |
| Need | The Clean Water Act requires Oregon to fix the deficiencies identified in EPA’s disapproval action. If Oregon does not make these revisions, EPA is required to put in place its own regulations addressing the deficiencies. This rulemaking does not address the disapproval of the freshwater criteria for aluminum, ammonia, copper, and cadmium (acute criterion only.) DEQ expects to address the more substantive issues for these pollutants in a future rulemaking rather than delay and potentially confuse the straightforward corrections in this proposal.  |
| Affected parties | Regulated parties possibly affected by this rulemaking include industrial and municipal dischargers to waters of the state. Agricultural and forest activities are subject to Agricultural Water Quality Management (AgWQM) Area Plans and Rules and the Forest Practices Act, respectively. Those laws require these nonpoint sources to meet all water quality standards.The proposed rules do not impose any new requirements and are not expected to have any significant impacts.  |
| Staff engagement | The rulemaking team invited Regional and Headquarters permitting staff, Headquarters staff in the TMDL and Clean Up programs, and lab staff to provide comments on this rulemaking.  |
| Authority | The Oregon Revised Statutes give the EQC authority to adopt rules and standards to protect water quality, and to establish effluent limitations. |
| Public comment | Starts Sept. 1, 2013  | Ends Sept. 30, 2013 |
| EQC meeting | Dec. 11-12, 2013 |  |

Emails about this rulemaking are part of the required rulemaking record. The rule writer on the **Cc...** line is the custodian of this email chain. This means, you are not responsible for maintaining this email or any responses that include the rule writer on the **To…** or **Cc...** line.