Corrections and Clarifications to Toxics Water Quality Standards Rulemaking

Meeting Minutes

Advisory Committee

State of Oregon
Department of Environmental Quality

Water Quality Division
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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Thursday, July 11, 2013
10:00 – 12:00
Rm. 5B
DEQ Headquarters
811 SW Sixth Ave.
Portland, OR 97204

List of Attendees

Curtis Barton, Clackamas Water Environment Services
Dianne Barton, Columbia River Inter-Tribal Fish Commission
Mike Freese, Oregon Farm Bureau
Travis Williams, Willamette Riverkeeper
Kathryn VanNatta, NW Pulp and Paper Association, via teleconference
Jennifer Wigal, DEQ
Andrea Matzke, DEQ

Absent:

Kathleen Collins, EPA
Heath Curtiss, Oregon Forest Industries Council
John Ledger, Associated Oregon Industries

List of Documents (attached to email)

- DRAFT 6/25/13 MEETING MINUTES
- NOTICE ABOUT THE PROPOSAL (INCLUDES FISCAL ANALYSIS)

Meeting began at 10:07a.m.

Review of Draft Advisory Committee Meeting Minutes (Andrea Matzke, DEQ)

Andrea began by discussing the meeting minutes from the June 25th meeting and asked if the committee approved or had any comments. Andrea added that the meeting minutes, once approved, would be posted to the rulemaking website. She noted that if anyone on the committee was not currently signed up to receive Gov Deliveries on water quality standards rulemakings, that they could do that on the website.

Last Updated: 07/22/13
By: A.Matzke

Kathryn VanNatta thought the meeting minutes were fine, but asked about the text in the document which Andrea had highlighted that described a comment/question by Dianne Barton. Dianne no longer remembered what she meant, so we agreed to strike the comment from the minutes.

Review DEQ's Fiscal Analysis (Andrea Matzke, DEQ)

Andrea asked the group whether they would prefer to go over each section, or just open it up to questions and/or concerns. The group didn't feel it necessary to go over each section since they had all read it. Kathryn commented that generally the document looked fine, but that:

- The document assumes that people know about the 2007 rulemaking and what it proposed; and
- DEQ should clarify in the "Brief History" section of the Notice what "acute only" means (pertaining to the cadmium criterion that EPA disapproved).

Andrea said that she could provide more information about the 2007 rulemaking and add additional description of what the "acute only" criterion means in the Notice. Andrea asked if the group had additional questions or comments.

Kathryn related a conversation that she had with Kathleen Collins regarding the EPA's view on substantive changes that require approval actions. The conversation between Kathryn and Kathleen about these types of changes was based on a memo that EPA generated in the Fall of 2012 in regards to how EPA would review proposed changes to water quality standards, and whether they were substantive or non-substantive. Andrea said she would provide the group with a copy of the EPA memo. Kathryn went on to request that DEQ sharpen up their verbiage on "substantive" and "non-substantive" which may provide additional clarity for the public. Travis Williams additionally pointed out the phrase "more substantive" in the "Brief History" section as another example of the use of this term.

Curtis Barton commented on the sentence at the bottom of page 12 regarding "Impact on local government other than DEQ" that mentioned that some wastewater facilities may need to conduct minor recordkeeping to correctly reference the effective toxics criteria. While that would be the case, DEQ would initially reference the correct criteria thereby keeping the recordkeeping activities even more minimal.

Mike Freese commented on the section, "(a) Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule." An excerpt from the text reads, "According to the Oregon Farm Bureau, 97% (update if needed---this stat was from the human health toxics rulemaking) of Oregon farms and ranches fall under the category of small businesses..." Mike Freese said that the percentage seemed accurate, but since it was difficult to get exact numbers, asked DEQ to revise the sentence to read, "The Oregon Farm Bureau estimates that 97% of Oregon farms and ranches fall under the category of small businesses …"

Mike asked if DEQ could add a link to the estimated fiscal impact from the 2004 rulemaking. If so, that might provide additional clarity. Andrea said DEQ could do that. Jennifer cautioned Mike that the fiscal and economic impact requirements for small business impacts were different in 2004 than they are now. Kathryn questioned whether or not the 2007 rulemaking should be included (page 9) in that paragraph. Mike suggested that DEQ could include an introduction to the fiscal that would explain what the rulemakings from 2004, 2007 and 2011 proposed. Other members generally agreed with this suggestion. Andrea thought it was possible even if the fiscal template didn't have a section for this explanation.

Andrea referred the committee members to the advisory committee section of the Notice which describes who the committee members are and whether or not any committee recommendations were developed based on the potential fiscal or economic impacts of the proposed rulemaking. The committee members agreed that there were no significant impacts as a result of this proposed rulemaking.

Andrea said she would make revisions to the Notice document, including the fiscal and economic impact section, then send out a courtesy copy to the committee. She would also send out draft minutes from this meeting for the committee's approval. Mike asked if he should cc the committee if he has any comments. Andrea thought that was a good idea and asked that everyone do that if they had any comments.

Andrea and Jennifer thanked the group for their participation.

Meeting ended at 10:53 am.