

From: MATZKE Andrea
Sent: Friday, July 19, 2013 8:38 AM
To: PILLSBURY Lori; BURKHART Robert; SCHNURBUSCH Steve
Cc: MATZKE Andrea
Subject: FW: RM: AquTox 2013: Request Review of WQS Rulemaking for Toxics by July 25
Importance: High

Hi,

Since you guys will primarily be reviewing the tox tables, I wanted to give you additional review info and guidance. The NOTICE gives a good description of the rulemaking, so start there. Also, here is EPA's action on our 2004 ALC for your reference as well:

<http://www.deq.state.or.us/wq/standards/docs/CWAdet.pdf>

General

- Tables reflect new table formatting requirements and color, although I took a few liberties... will see if that's OK
- Tables 30 and 40 should probably somewhat mirror each other in format, so if there are suggestions on one table about formatting (e.g. footnotes), the other one should be similar looking
- Table 33C just reflects formatting changes and a correction to the toxics narrative citation
- Tox tables will now be attached to the OARs—i.e. be able to click on it in OAR-340-041-0033 (very end of rule)

Table 30 Specifics

- Addresses FW Se and pesticide corrections
- FW criteria for Al, Cd (acute only), Cu, and ammonia should reflect the criteria values last approved by EPA in Table 20. We won't be addressing remedies for the disapprovals until later on.
- Reinstatement of FW and SW criteria for As and SW criteria for Cr VI as adopted in 2004
- Other values should reflect approved or unchanged values from Table 33A and 33B—you can use this tox table doc for your review:
<http://www.deq.state.or.us/wq/standards/docs/EffectiveALCtables.pdf>.
- FW Cu and FW acute Cd are still expressed as total recoverable because they're based on Table 20 given their disapproval. Also, because they are hardness-dependent, you will see a specific footnote for them and equation. I decided to put a footnote instead to the equations, rather than a criterion based on a hardness of 100 mg/L like we had in Table 20. I think it makes it more compatible to the dissolved metals where only a footnote is given. I think it also cuts down on errors from users who think the value shown is the criterion regardless of the site specific hardness values.
- The majority of other metals that were approved are now expressed as dissolved. Therefore, there is a specific equation for those metals.
- I added to the metals calculation that the criteria should be expressed as 2 significant figures. Originally, we were going to revise all the ALC to reflect 2 sig figs per EPA guidance, but without the actual calculations which would be tough to get from EPA, I decided not to propose changes

because I would probably go conservative and add a “0” as the missing second figure, thus making the criterion more stringent. I can give you more info if you have questions about this.

- Added the FW equation for ammonia. I didn't for SW because it seemed to be so long and is not used as much as the FW. Since ammonia criteria were disapproved, the criteria shouldn't be any different than what has currently been implemented. Please confirm these equations are correct. If you feel strongly that we should not have the equations there, please let me know.

Thanks so much for your review!

Andrea

From: MATZKE Andrea

Sent: Thursday, July 18, 2013 1:54 PM

To: WIGAL Jennifer; ADES Dennis R; FOSTER Eugene P; STURDEVANT Debra; SCHNURBUSCH Steve; HUTCHENS-WOODS Cheryll; YELTON-BRAM Tiffany; BURKHART Robert; PILLSBURY Lori; POULSEN Mike; HURD Yongkie S; HICKMAN Jane; 'Knudsen Larry'; BORISENKO Aaron; MATZKE Andrea; BIORN-HANSEN Sonja; 'Collins, Kathleen'

Cc: CLIPPER Chris; VANDEHEY Maggie

Subject: FW: RM: AquTox 2013: Request Review of WQS Rulemaking for Toxics by July 25

Importance: High

Dear Reviewers,

Thank you for being part of the internal review committee for the [Corrections and Clarifications to Toxics Water Quality Standards Rulemaking](#). I have provided some instructions below for reviewing the rulemaking package. For other information about this rulemaking, my email below contains additional info.

SharePoint Logistics

This [LINK](#) will get you to the toxics rulemaking website where the documents to review are stored.

Larry, you were given access to our SharePoint site, so this link should work, but if it doesn't, please let me know. If others have difficulty, also let me know. Kathleen—I will email the docs to you. The documents will be under the Team Review category. Below is a screen shot of this site:

Category : Team Review (9)

	NOTICE AboutTheProposal 071713 Internal review-4.05 	7/18/2013 9:23 AM
	Proposed Revisions in Div 41 and 40 Rules 071713 Internal Review CLEAN-4.03 	7/18/2013 12:27 PM
	Proposed Revisions in Div 41 and 40 Rules 071713 Internal Review-4.03 	7/17/2013 10:34 AM
	TABLE 30 CLEAN Proposed Effective Aquatic Life Criteria 071713 Internal Review-4.03 	7/18/2013 11:52 AM
	TABLE 30 Proposed Effective Aquatic Life Criteria 071713 Internal Review-4.03	7/18/2013 11:53 AM
	TABLE 33C CLEAN proposed changes 071713 Internal review-4.00 	7/18/2013 12:09 PM
	TABLE 33C proposed changes 071713 Internal review-4.00 	7/17/2013 11:10 AM
	TABLE 40 HHC CLEAN proposed changes 071713 Internal review-4.03 	7/18/2013 12:17 PM
	TABLE 40 HHC proposed changes 071713 Internal review-4.03 	7/17/2013 9:02 AM

 Add document

The new rulemaking process asks reviewers to insert comments/edits directly into the documents for review. Therefore, when you click on the doc (in blue), a box will appear that asks you whether you want to “read only” or “check out and edit”. Choose “check out and edit”. Once you have completed editing, “save” (not save as) the document. A box will then pop up and ask you to jot down “version comments”. State your name, so that I know that version contains your comments. In this way, everyone’s comments will be on the same document. By “checking in” the document, it allows others to edit. If you keep it checked out, others can’t edit, including me. This is a major problem if someone checks it out and thinks they checked it back in, but didn’t. If you want to get into the doc to edit and someone else is already in there, you can always open it up to “read only”. That way, you can at least begin your review until you can get into the doc to edit. There’s an “alert” button at the top that you can use as well to let you know someone has checked it back in.

What to Review

I think it will be easier if reviewers provide their comments in the CLEAN versions of the docs. The NOTICE is the only one that doesn’t have a clean version. However, feel free to provide comments in the redline/strikethrough versions of the documents if the comments relate to how I’m showing the changes or the accompanying text describing the changes. This mostly relates to Table 30—the new aquatic life toxics criteria table—which was a little tricky. Below is the list of documents for review, although some of the documents won’t be a primary focus for some.

1. Notice about the Proposal: includes the description of the rulemaking, history, fiscal analysis, fed req., land use rules, etc.
Yongkie—this is where the fiscal is found.
2. Proposed revisions to the OARs
3. TABLE 30 CLEAN
4. TABLE 33C CLEAN

5. TABLE 40 HHC CLEAN

If you have any questions, please let me know. I'm asking reviewers to get their comments back to me by **COB July 25.**

Thanks in Advance!

Andrea Matzke, MPH

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

From: MATZKE Andrea

Sent: Friday, July 12, 2013 10:30 AM

To: ADES Dennis R; BIORN-HANSEN Sonja; FOSTER Eugene P; STURDEVANT Debra; PILLSBURY Lori; SCHNURBUSCH Steve; YELTON-BRAM Tiffany; HUTCHENS-WOODS Cheryl; POULSEN Mike; HICKMAN Jane

Cc: WIGAL Jennifer; BORISENKO Aaron; MATZKE Andrea

Subject: RM: AquTox 2013: Request Review of WQS Rulemaking for Toxics

Importance: High

Hi All,

I am looking for people who could provide an internal review of a toxics WQ rulemaking we're working on. As most of you know, Standards has initiated a rulemaking to address some of the disapprovals we received from EPA on the aquatic life toxics criteria. Some of the disapprovals resulted from errors or lack of clarification (e.g. 11 pesticides and selenium criteria). The objective of this rulemaking is to fix those mistakes plus provide clarification and corrections on other aspects of the toxics criteria, including consolidating all the effective aquatic life criteria into one table (yay!). For more information on this rulemaking, including rulemaking materials from the two Advisory Committee meetings, see: <http://www.deq.state.or.us/wq/standards/StandardsClarification.htm>. We are not addressing EPA disapprovals of ammonia, aluminum, cadmium, and copper at this time. Remedies to address these pollutants will involve much more discussion and will be part of another future rulemaking(s). The objective of this rule is to make straight-forward corrections and address the more difficult ones in the later rulemakings. The proposed rules are expected to go out for public comment in Sept. and be adopted by the EQC this Dec.

Most of the revisions revolve around new Table 30. I consolidated effective criteria from Tables 20, 33A, and 33B. The revisions reflect DEQ's remedies to the pesticide and selenium disapprovals; criteria which reverted back to Table 20 criteria where EPA disapproved criteria; and other types of clarifications. It would be helpful to have staff who use the aquatic life toxics criteria to review these revisions to be sure they are correct and easily understood. Staff in the permitting, clean up, TMDL, and lab programs may be interested in having this opportunity to review. **Dennis**, Sonja said she could review. **Steve, Tiffany, and Cheryl**—It would be good to get regional PW input. Would it be possible to have any of your staff review as well? **Gene**—let me know if you think the TMDL program should review. **Lori**—I believe you said you could review Table 30. **Deb**—not sure how much time you will have, but if you can review, that would be great. **Mike**—since you reviewed the Table 40 human health criteria in 2011, I included you as

well from the perspective of the Clean Up program. Feel free to pass on this, or to forward on to another person in the program.

Revisions to the toxics rule are minor and mainly reflect the deletion of Tables 20, 33A, and 33B from the OARs. **Jane**—it would be helpful if you could review to be sure that these revisions are consistent with our intent. Probably should run all these revisions past Larry as well. Please advise.

For planning purposes, I will send out the proposed rules next week sometime and you would have about a week to review (due before July 25th). If you or one of your staff could review, please let me know as soon as possible. Feel free to give me a call if you have any questions.

Thanks!

Andrea Matzke, MPH

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