**Director’s Dialogue Draft**

**EQC June 19-20, 2013**

**Initiation of *Corrections and Clarifications to Toxics Rulemaking***

DEQ has re-started a rulemaking to correct a number of errors related to the toxics water quality standards regulations. In January, stakeholders expressed concern about the earlier timing of the rulemaking. There are two meetings scheduled with the Advisory Committee in June and July.  We anticipate that the revised rules will go out for public comment in September and be brought to the Commission for adoption in December.

DEQ is conducting this rulemaking in response to EPA’s Jan. 31, 2013 action disapproving a number of Oregon’s toxics criteria to protect aquatic life that DEQ submitted to EPA in 2004.  Some of the disapproval actions resulted from errors or lack of clarification, while other disapproved criteria are more substantive in nature.  The objective of this rulemaking is to correct some of the disapproved criteria where the remedies are more straight-forward (e.g. correction of 11 pesticides and selenium criteria). DEQ also anticipates correcting typographical errors associated with the Human Health Toxics Rulemaking and will also propose to consolidate the aquatic life toxics criteria into one table, rather than retaining the toxics criteria that are currently distributed among three tables.

EPA also disapproved several toxics criteria where the remedies to correct the disapprovals are more complex and will involve deeper and more thoughtful discussions from DEQ, EPA, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and stakeholders (e.g. aluminum, ammonia, copper, and cadmium criteria disapprovals).  Rulemaking for the more complex issues will occur after this corrections rulemaking.  DEQ is initiating the corrections and clarifications rulemaking 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.

Commissioners Johnson and Rider had earlier expressed interest in this rulemaking.  If you or other commissioners would like to be involved in this rulemaking in any way, please let me know as soon as possible (Commissioners Johnson and Rider received an email of this request from Andrea Matzke on 5/23/13).