



# Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Headquarters

811 SW Sixth Avenue

Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY 711

Feb. 12, 2013

Brenda Meade, Tribal Chair  
Coquille Indian Tribe  
P.O. Box 783  
North Bend, OR 97459

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Meade,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

Water quality standards are the foundation of the water pollution control program that DEQ administers under the federal Clean Water Act. Standards are set to protect beneficial uses, including the health and reproduction of fish and other aquatic organisms. Water quality standards are used to regulate the discharge of pollutants to waters of the state (via permits), to evaluate the health of the states waters (via the 303(d) assessment) and to develop plans to restore and improve water quality (via Total Maximum Daily Loads).

With its January action, EPA approved criteria associated with 14 toxic pollutants. EPA disapproved criteria for ammonia, cadmium, copper and aluminum based on Endangered Species Act concerns identified in the National Marine Fisheries Service Biological Opinion from August 2012. EPA also disapproved criteria associated with 11 pesticides and selenium due to errors or a lack of clarity in the criteria tables. The EPA action does not affect the toxics standards for human health DEQ adopted in 2011. The human health criteria remain in place and DEQ is implementing them in Oregon's water quality assessment and permitting programs as it takes actions.

DEQ has posted all the currently effective aquatic life toxics criteria on our web site at <http://www.deq.state.or.us/wq/standards/toxics.htm>. The criteria approved by EPA are now effective for all Clean Water Act programs. For any disapproved criterion, the previously effective federal criterion (i.e. the criterion that was in effect prior to the state's 2004 revisions) remains in effect. The currently effective standards include some criteria that are more stringent and some that are less stringent than the criteria the EQC adopted in 2004.

DEQ will initiate a rulemaking in late spring to make minor revisions to correct the criteria disapproved due to errors or lack of clarity. The issues related to the ammonia, cadmium, copper and aluminum criteria will require more time to resolve. Therefore, DEQ plans to conduct a second rulemaking that will require a longer timeframe to review and revise those criteria.

DEQ has invited Dianne Barton of the Columbia Intertribal Fish Commission to participate in a short review of the possible fiscal impacts of the initial rulemaking to correct errors and make clarifications. This rulemaking will not include substantive changes to Oregon's standards or their implementation. We will inform you and invite your participation when DEQ begins the more substantive process to review the criteria for ammonia, cadmium, copper and aluminum.

I welcome the opportunity to meet with the Coquille Tribe on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

DEQ is also continuing to implement the Toxics Reduction Strategy. One of the actions recommended in the strategy is to expand the Pesticide Stewardship Partnership. The Governor's recommended budget includes \$1.4 million over the next biennium for the Pesticide Stewardship Partnership Program, with funds directed to pesticide water quality monitoring, stewardship technical assistance and pesticide waste collection. Additional information on the Toxics Reduction Strategy may be found on the following website: <http://www.deq.state.or.us/toxics/index.htm>, or by contacting Kevin Masterson at 503-229-5615 or [Masterson.Kevin@deq.state.or.us](mailto:Masterson.Kevin@deq.state.or.us).

Thank you for your partnership in protecting Oregon's waters. I look forward to talking with you more about these and other topics soon.

Sincerely,



Dick Pedersen, Director

cc: Tim Vredenburg, Lands, Resources and Environmental Services Director, Coquille Indian Tribe

Greg Aldrich, DEQ, Water Quality Administrator

Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager

Debra Sturdevant, Water Quality Standards Program Lead

Stephanie Caldera, Office of the Director

Christine Svetkovich, DEQ Liaison to Tribal Nations



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Feb. 12, 2013

Reyn Leno, Tribal Council Chair  
Confederated Tribes of Grand Ronde  
9615 Grand Ronde Road  
Grand Ronde, OR 97347

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Leno,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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DEQ has invited Dianne Barton of the Columbia Intertribal Fish Commission to participate in a short review of the possible fiscal impacts of the initial rulemaking to correct errors and make clarifications. This rulemaking will not include substantive changes to Oregon's standards or their implementation. We will inform you and invite your participation when DEQ begins the more substantive process to review the criteria for ammonia, cadmium, copper and aluminum.

I welcome the opportunity to meet with the Grand Ronde on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Sincerely,



Dick Pedersen, Director

cc: Mike Wilson, Confederated Tribes of Grand Ronde Natural Resources Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
Christine Svetkovich, DEQ Liaison to Tribal Nations



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Feb. 12, 2013

Bob Garcia, Tribal Chair  
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians  
1245 Fulton Avenue  
Coos Bay, OR 97420

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Garcia

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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I welcome the opportunity to meet with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Sincerely,



Dick Pedersen, Director

cc: Howard Crombie, CTCLUSI Natural Resources Department Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
Christine Svetkovich, DEQ Liaison to Tribal Nations



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Feb. 12, 2013

Charisse Soucie, Tribal Chair  
Burns Paiute Tribe  
100 Pasigo Street  
Burns, OR 97720

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Soucie,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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I welcome the opportunity to meet with the Burns Paiute Tribe on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Sincerely,



Dick Pedersen, Director

cc: Jason Kesling, Burns Paiute Tribe Natural Resources  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
Christine Svetkovich, DEQ Liaison to Tribal Nations



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TTY 711

Feb. 12, 2013

Dan Courtney, Tribal Chair  
Cow Creek Band of Umpqua Tribe of Indians  
2371 NE Stephens Street, Suite 100  
Roseburg, OR 97470

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Courtney,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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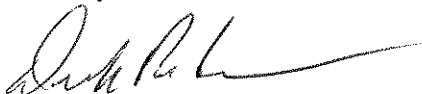
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I welcome the opportunity to meet with the Cow Creek Band on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Sincerely,



Dick Pedersen, Director

cc: Amy Amoroso, Cow Creek Band of Umpqua Tribe of Indians Natural Resources Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
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Feb. 12, 2013

Gary Frost, Tribal Chair  
Klamath Tribes  
P.O. Box 436  
Chiloquin, OR 97624

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Frost,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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I welcome the opportunity to meet with the Klamath Tribes on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Dick Pedersen, Director

cc: Will Hatcher, Klamath Tribes Natural Resources Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
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Feb. 12, 2013

Delores Pigsley, Tribal Chairwoman  
Confederated Tribes of Siletz Indians  
201 SE Swan Avenue  
P.O. Box 549  
Siletz, OR 97380

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chairwoman Pigsley,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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DEQ will initiate a rulemaking in late spring to make minor revisions to correct the criteria disapproved due to errors or lack of clarity. The issues related to the ammonia, cadmium, copper and aluminum criteria will require more time to resolve. Therefore, DEQ plans to conduct a second rulemaking that will require a longer timeframe to review and revise those criteria.

DEQ has invited Dianne Barton of the Columbia Intertribal Fish Commission to participate in a short review of the possible fiscal impacts of the initial rulemaking to correct errors and make clarifications. This rulemaking will not include substantive changes to Oregon's standards or their implementation. We will inform you and invite your participation when DEQ begins the more substantive process to review the criteria for ammonia, cadmium, copper and aluminum.

I welcome the opportunity to meet with the Siletz on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

DEQ is also continuing to implement the Toxics Reduction Strategy. One of the actions recommended in the strategy is to expand the Pesticide Stewardship Partnership. The Governor's recommended budget includes \$1.4 million over the next biennium for the Pesticide Stewardship Partnership Program, with funds directed to pesticide water quality monitoring, stewardship technical assistance and pesticide waste collection. Additional information on the Toxics Reduction Strategy may be found on the following website: <http://www.deq.state.or.us/toxics/index.htm>, or by contacting Kevin Masterson at 503-229-5615 or [Masterson.Kevin@deq.state.or.us](mailto:Masterson.Kevin@deq.state.or.us).

Thank you for your partnership in protecting Oregon's waters. I look forward to talking with you more about these and other topics soon.

Sincerely,



Dick Pedersen, Director

cc: Mike Kennedy, Confederated Tribes of Siletz Indians Natural Resources Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
Christine Svetkovich, DEQ Liaison to Tribal Nations



# Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Headquarters

811 SW Sixth Avenue

Portland, OR 97204-1390

(503) 229-5696

FAX (503) 229-6124

TTY 711

Feb. 12, 2013

Les Minthorn, Board of Trustees Chair  
Confederated Tribes of the Umatilla Indian Reservation  
Nixyaawii Governance Center  
46411 Timine Way  
Pendleton, OR 97801

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chair Minthorn,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

Water quality standards are the foundation of the water pollution control program that DEQ administers under the federal Clean Water Act. Standards are set to protect beneficial uses, including the health and reproduction of fish and other aquatic organisms. Water quality standards are used to regulate the discharge of pollutants to waters of the state (via permits), to evaluate the health of the states waters (via the 303(d) assessment) and to develop plans to restore and improve water quality (via Total Maximum Daily Loads).

With its January action, EPA approved criteria associated with 14 toxic pollutants. EPA disapproved criteria for ammonia, cadmium, copper and aluminum based on Endangered Species Act concerns identified in the National Marine Fisheries Service Biological Opinion from August 2012. EPA also disapproved criteria associated with 11 pesticides and selenium due to errors or a lack of clarity in the criteria tables. The EPA action does not affect the toxics standards for human health DEQ adopted in 2011. The human health criteria remain in place and DEQ is implementing them in Oregon's water quality assessment and permitting programs as it takes actions.

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DEQ will initiate a rulemaking in late spring to make minor revisions to correct the criteria disapproved due to errors or lack of clarity. The issues related to the ammonia, cadmium, copper and aluminum criteria will require more time to resolve. Therefore, DEQ plans to conduct a second rulemaking that will require a longer timeframe to review and revise those criteria.

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I welcome the opportunity to meet with the Confederated Tribes of the Umatilla Indian Reservation on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Sincerely,



Dick Pedersen, Director

cc: Eric Quaempts, CTUIR Natural Resources Department Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
Christine Svetkovich, DEQ Liaison to Tribal Nations



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John A. Kitzhaber, MD, Governor

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TTY 711

Feb. 12, 2013

Stanley Buck Smith, Tribal Chairman  
Confederated Tribes of Warm Springs  
P.O. Box C  
Warm Springs, OR 97761

Re: EPA Action on DEQ's 2004 Water Quality Standards for Toxic Pollutants: Aquatic Life Criteria

Dear Chairman Smith,

On Jan. 31, 2013, EPA took action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the EQC adopted in 2004. I would like to share with you what EPA's action means for DEQ's water quality program and what DEQ is planning for next steps. I know that toxic pollutants and the health of the fisheries in Oregon are a concern to your nation. Therefore, I offer to discuss this issue with you further and ask how your tribal government would like to be involved in future DEQ deliberations and actions related to these water quality standards.

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I welcome the opportunity to meet with the Confederated Tribes of Warm Springs on a government-to-government basis to discuss any concerns you may have about these pollutants and their impacts on Oregon fish and aquatic life and to discuss the level of involvement you would like to have in either of the upcoming rulemaking processes. We would welcome the opportunity to travel to your area to share information and hear your ideas and suggestions for this important work. If you are interested in meeting with us, please contact Debra Sturdevant, Water Quality Standards Program Lead, at 503-229-6691 or [Sturdevant.debra@deq.state.or.us](mailto:Sturdevant.debra@deq.state.or.us).

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Sincerely,



Dick Pedersen, Director

cc: Bobby Brunoe, Confederated Tribes of Warm Springs Natural Resources Director  
Greg Aldrich, DEQ, Water Quality Administrator  
Jennifer Wigal, DEQ, Water Quality Standards and Assessments Manager  
Debra Sturdevant, Water Quality Standards Program Lead  
Stephanie Caldera, Office of the Director  
Christine Svetkovich, DEQ Liaison to Tribal Nations