

Oregon Bulletin
September 1, 2013
NOTICES OF PROPOSED RULEMAKING AND
PROPOSED RULEMAKING HEARINGS

Rule Caption: Corrections and Clarifications to Toxics Water Quality Standards

Date: Time: Location:

9-18-13 6 p.m. DEQ 811 SW Sixth Ave. Portland, OR

Hearing Officer: DEQ staff

Stat. Auth.: ORS 468.020, 468B.030, 468B.035 & 468B.048

Stats. Implemented: ORS 468B.030, 468B.035 & 468B.048

Proposed Amendments: 340-041-0033, 340-041-0009, 340-040-0020, 340-040-0080

Last Date for Comment: 9-30-13, 5 p.m.

Summary: DEQ proposes revisions to the water quality standards rules for toxic substances to correct and clarify the standards. Revisions to water quality standards require EPA approval before the revisions become effective for Clean Water Act programs. The proposed rules correct several toxic pollutant criteria that EPA recently disapproved and address other minor revisions to the Toxic Substances rule. EPA disapproved criteria for 11 pesticides based on potentially conflicting information in regards to how the frequency and duration components of these criteria are expressed. DEQ expects that clarifying this aspect of the criteria will lead to EPA approval of 36 pesticide criteria values associated with 11 pesticides. DEQ also proposes to correct an error in the expression of freshwater selenium criteria and is re-proposing freshwater and saltwater arsenic criteria and chromium VI saltwater criteria that were inadvertently left off the criteria table during a 2007 rulemaking. DEQ is also correcting typographical errors made during the 2011 Human Health Toxics Rulemaking.

In addition, DEQ proposes to move all effective aquatic life criteria from Tables 20, 33A, and 33B into a new aquatic life criteria table, Table 30, and to refer to the new table in the Toxic Substances rule language. As a result, Tables 20, 33A, and 33B are no longer needed and would be repealed under this proposal. DEQ also proposes to delete aluminum from Table 30 to reflect EPA's disapproval of the freshwater criteria for aluminum because the disapproval renders the criteria ineffective and there are no other criteria for aluminum. DEQ anticipates adopting revised freshwater criteria for aluminum in a future rulemaking process.

DEQ anticipates that EPA will take action on the following water quality standard revisions proposed in this rulemaking before they become effective under the Clean Water Act: (1) revisions to pesticides and selenium criteria; (2) reinstatement of arsenic and chromium VI criteria and the associated conversion factors; (3) deletion of aluminum criteria; and (4) revisions to the Toxic Substances rule in OAR 340-041-0033. EPA will likely take an action on the editorial and formatting changes in this proposal, but not on the underlying criteria that were previously approved. Ultimately, EPA will determine which water quality standards it must formally approve or disapprove.

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