# Invitation to Comment

**Corrections and Clarifications to Toxics Water Quality Standards**



**Submit written comments**

**Website**

Comment-AAA@deq.state.or.us

By mail

Oregon DEQ

Attn: Andrea Matzke

811 SW Sixth Ave.

Portland, OR 97204

By fax

503-229-6037

Attn: Andrea Matzke

At hearing

See “Attend a hearing”

**Issued** 08/8/13

Andrea Matzke

503-229-5384

DEQ invites input on proposed amendments to permanent rules in chapter 340 of the Oregon Administrative Rules.

DEQ proposal

DEQ proposes the following changes to OAR 340, division numbers 040 and 041, to correct and clarify wording describing the state’s water quality toxics standards:

* Address the U.S. Environmental Protection Agency’s Jan. 31, 2013 disapprovals of 11 pesticides and selenium aquatic life toxics criteria that DEQ submitted to EPA in 2004. EPA’s disapproval is based on a lack of clarification rather than concerns about the aquatic protectiveness of the criteria.
* Re-propose aquatic life toxics criteria for arsenic and chromium VI that DEQ inadvertently omitted from a table of toxics criteria during a 2007 rulemaking.
* Consolidate effective aquatic life toxics criteria from Tables 20, 33A and 33B to a new Table 30. As a result, DEQ proposes to remove Tables 20, 33A and 33B from OAR 340.
* Other corrections and clarifications to the state’s toxic substances rule to correct typographical errors and incorrect references, and to provide additional clarifying information to rules and tables containing the aquatic life and human health water quality toxics criteria.

DEQ’s objective

The objective of this rulemaking is to address a number of EPA disapprovals of Oregon’s aquatic life toxics criteria and to correct errors from earlier rulemakings. If Oregon does not make these revisions, EPA is required to put in place its own regulations addressing the deficiencies. DEQ anticipates prompt EPA approval.

Note: DEQ will not address EPA disapprovals of the freshwater aquatic life toxics criteria for aluminum, ammonia, cadmium (acute criterion only) or copper. DEQ will propose remedies to address these disapprovals in subsequent rulemakings.

Who does this affect?

Parties affected by this proposal include industrial and municipal dischargers to state waters. Specifically, regulated parties include those industrial dischargers categorized as “primary dischargers” by the federal permitting regulations and required to monitor for toxic pollutants, and generally major municipal dischargers, with an average dry weather design flow of more than one million gallons per day. Because the proposed amendments are straightforward and do not impose additional requirements to the affected parties, DEQ does not expect significant impacts from the proposed rulemaking.

Sign up for notices

Get email updates about this proposed rule by signing up at: <http://www.deq.state.or.us/wq/standards/StandardsClarification.htm>

Attend a hearing

DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment on the proposed rule revisions.

Portland

811 SW Sixth Ave.

10th floor, Room EQC-A

Time: 6 p.m.

Date: Wednesday, Sept. 18, 2013

Presiding Officer: DEQ staff

Comment deadline

To consider comments on the proposed rules, DEQ must receive the comment by 5 p.m. Monday, Sept. 30, 2013.

**More information**

The rule proposal and notice for this rulemaking are on DEQ’s website: <http://www.deq.state.or.us/regulations/proposedrules.htm>

**What has happened so far?**

Advisory committee

DEQ convened an advisory committee June 25, 2013, and provided a summary of the rulemaking proposal. The committee had an opportunity to provide any potential fiscal or economic impacts at a July 11, 2013 meeting. Details on this rulemaking, including information and materials from the advisory committee meetings, are on DEQ’s website: <http://www.deq.state.or.us/wq/standards/StandardsClarification.htm>

Documents used to develop proposal

DEQ relied on the following documents to consider the need for the proposed rule and to prepare the rulemaking documents.

* EPA Jan. 31, 2013 action letter on Oregon’s 2004 aquatic life criteria and associated documents: <http://www.deq.state.or.us/wq/standards/toxics.htm>
* DEQ response letter to EPA’s Jan. 31, 2013 letter: <http://www.deq.state.or.us/wq/standards/docs/toxics/ResponseLetterEPA.pdf>
* Current OAR 340-040-0020, OAR 340-040-0080, OAR 340-041-0009, and OAR 340-041-0033
* Current Tables 20, 33A, 33B, 33C, 40: <http://www.deq.state.or.us/wq/standards/toxics.htm>

**What will happen next?**

DEQ will prepare a written response to each comment or summary of similar comments received by the comment deadline. DEQ may modify the rule proposal based on the comments.

Comments and responses will become part of the DEQ staff report that will go to the Oregon [Environmental Quality Commission](http://www.oregon.gov/DEQ/EQC/index.shtml) for final decision.

Present proposal to the commission

The governor of Oregon selected the five members of the commission to review all proposed changes to division 340 of the Oregon Administrative Rules. The commission adopts, rejects, or adopts with changes, any proposed rule.

DEQ plans to take this proposal to the commission for final decision at its December 2013 meeting in Portland. Proposed amendments would become effective April 18, 2014. EPA must subsequently approve revisions it considers as water quality standards before those revisions become applicable for Clean Water Act programs.

Accessibility information

To schedule a review of all websites and documents referenced in this announcement, call Andrea Matzke, Portland, at 503-229-5384 or 1-800-452-4011, ext. 5384 toll-free in Oregon.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to

deqinfo@deq.state.or.us. People with hearing impairments may call 711.