



Fact Sheet

Water Quality Standards Program: Aquatic Life Toxics Criteria 2024 Rulemaking

The Oregon Department of Environmental Quality is conducting a rulemaking to update Oregon's water quality criteria for toxic chemicals to protect aquatic life. Oregon's current criteria can be found in Oregon Administrative Rules [340-041-0033](#) and [340-041-8033](#), Table 30 Aquatic Life Water Quality Criteria for Toxic Pollutants.

Background

The U.S. Environmental Protection Agency periodically releases national aquatic life criteria recommendations to provide guidance to states and Tribes in developing water quality standards for toxic chemicals. Once EPA has released criteria recommendations for a given chemical, states must either adopt criteria for that chemical into their standards or provide a reason for not doing so during their triennial review process. DEQ's last comprehensive review and update of aquatic life criteria occurred in 2004. EPA has issued new or revised criteria recommendations for several toxic chemicals since that time. During the last Water Quality Standards program 2021 Triennial Review, DEQ committed to reviewing several aquatic life criteria recommendations for toxic chemicals and considering whether to adopt those criteria into Oregon standards.

Why is DEQ doing this rulemaking?

The purpose of this rulemaking is to adopt new and updated aquatic life criteria to keep Oregon's water quality standards consistent with federal recommendations and based on the best available science. DEQ is proposing to adopt new aquatic life criteria for four toxic chemicals into Oregon rule: acrolein, aluminum, carbaryl, and diazinon. DEQ is also proposing to update criteria for two additional toxic chemicals: cadmium and tributyltin. The [draft proposed criteria](#) are based on the most recent EPA recommendations. It is important to note that EPA has already put into effect, two standards for the toxic chemicals listed above. For aluminum, EPA has established acute and chronic criteria in freshwater. For cadmium, EPA has established acute aquatic life criteria. This rulemaking will incorporate these criteria into the state's water quality standards rules.

Rulemaking timeline

The Rulemaking Advisory Committee for these rules met twice, in September and November 2023, to provide input on the proposed criteria and the fiscal, social, and economic impact of adopting the proposed criteria. DEQ is asking the public for comment on the proposed rule amendments in March and April and will hold a public hearing in April. Please see the public notice document for this rulemaking for additional information. DEQ plans to present the proposed rules to the Environmental Quality Commission, DEQ's governing body, for adoption in September 2024.

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When will the new designations become applicable?

The aquatic life toxics criteria will become applicable for Clean Water Act programs such as permitting and TMDLs once adopted by the Environmental Quality Commission and approved by EPA. This may take some time because EPA must first consult with U.S. Fish and Wildlife Service and the National Marine Fisheries Service under the Endangered Species Act before approving the revised criteria.

For more information on the proposed rules, please visit the [Aquatic Life Toxics Criteria 2024 rulemaking webpage](#).

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