


State of Oregon
Department of Environmental Quality

Memorandum

Date: Sept. 26, 2013
To: Environmental Quality Commission
From: Dick Pedersen, Director 
Subject: Monthly director's report: September 2013

Rulemaking activity updates

DEQ's programs continue their development of new and revised rules to protect Oregon's environment. In September, staff:

- Drafted rule revisions and solicited advisory committee feedback for changes to the Onsite program. DEQ intends to bring those revisions to the December 2013 EQC meeting.
- Opened the comment period for draft rules to update Oregon's low-emission vehicle program, in response to changes to California's program. Oregon, as a state that opted-in to the California vehicle program in 2005, must keep its rules in alignment with changes in California. DEQ plans to bring those revisions for commission action at the December 2013 meeting.
- Responded to comments and engaged in conversation with parties that expressed concern about proposed updates to the Transportation Control Measures. DEQ delayed this rule proposal to the December 2013 EQC meeting in order to respond to the concerns about environmental justice and assess necessary changes to the proposed rule language.
- Met with advisory committee members and opened the public comment for draft revisions to Oregon's aquatic life toxics rules. These rules would correct and clarify wording describing the state's water quality toxics standards, and DEQ intends to bring the final revisions for EQC consideration at the December 2013 meeting.
- Held advisory committee meetings to review proposed updates to the financing terms for the Clean Water State Revolving Loan Program. DEQ intends to present that update, offering 30-year loan terms instead of the current 20-year limit, at a special EQC meeting in January 2014.

DEQ's nuisance odor strategy

DEQ accepted public input through June 17, 2013, on its proposed strategy to respond to complaints about nuisance odors from permitted facilities. DEQ is in the process of reviewing and considering that feedback, and is planning to have a final strategy and implementation plans later this fall. Training for staff that will be implementing the new strategy is planned for the air quality inspectors' forum, a regular meeting of all air quality inspectors at DEQ, in early October.

Precision Castparts

According to a ranking released by the University of Massachusetts, Precision Castparts is the nation's top industrial air polluter when accounting for toxicity and population exposure. Of the 40 Precision Castparts facilities used in the ranking, three are located in Oregon and all are in the Portland metro area. According to the ranking, the Precision Castparts facilities in Oregon make up roughly 33 percent of the company's nationwide total.

The methods used for the ranking are valid as a risk screening tool. DEQ is working with the facility to better understand actual risks from site-specific data. All three Precision Castparts facilities in Oregon currently have air quality permits that are up for renewal. DEQ expects there to be significant interest in the public process for these permit renewals.

Umatilla Chemical Depot dismantling

The Army is now dismantling the facility responsible for destroying toxic and dangerous munitions at the 72-year-old Umatilla Chemical Depot. Army crews started work at the Umatilla Chemical Agent Disposal Facility in late August, a major milestone in shutting down the Army's former weapons storage base that once housed several thousand tons of deadly nerve and blister agent. The closure of the facility and depot is a major success for Oregon's environment and public health.

Follow-up to August EQC agenda item on water quality standards

At the Aug. 21-22, 2013, EQC meeting, stakeholders requested a variety of actions from the commission and DEQ related to water quality permit issuance and potential revisions to Oregon's water quality standards in response to an Aug. 8, 2013, rejection of some standards by EPA. At that meeting, DEQ recommended that it not immediately embark on efforts to revise its water quality standards for temperature. EPA's disapproval of the natural conditions criterion results in the absence of a key aspect of Oregon's regulations, and DEQ will be able to more effectively evaluate potential revisions once state litigation and federal court decisions are finalized in 2014. In the interim, DEQ can use the various numeric temperature criteria and related permit provisions to protect salmon and other coldwater species for identified coldwater streams.

DEQ is continuing to develop and issue Water Pollution Control Facility and National Pollutant Discharge Elimination System permits. To ensure that DEQ's plans for permit development and issuance and progress are more transparent, DEQ is developing a permit issuance plan for 2014 and will post this plan on its website in November 2013. As requested, staff will provide an update at the October EQC meeting on the plan on how it will reduce the existing water quality permit backlog. As an outreach mechanism to permit holders, DEQ is collaborating with the Oregon Association of Clean Water Agencies to host a technical workshop to help municipalities assess their ability to meet potential future temperature effluent limits.

DEQ is committed to using compliance schedules, variances and other compliance pathways, as appropriate, to implement the temperature criteria. DEQ supports the use of natural treatment systems to achieve temperature and other water quality outcomes. DEQ

also considers water quality trading to be an essential compliance tool and will identify measures necessary to clarify and enhance the agency's ability to include trading as a compliance pathway. This particularly true if the existing TMDLs are invalid due to litigation since trading is currently tied to TMDLs.

DEQ will evaluate potential approaches, solicit input from stakeholders and seek direction from EQC when it initiates efforts to evaluate how natural conditions should be addressed in its water quality standards and related programs. DEQ does not anticipate recommending to EQC a particular approach for revising the standards until after the federal decision due in December 2014.