

Date: Jan. 4, 2019

To: Environmental Quality Commission

From: Richard Whitman, Director

Subject: Agenda item I, Informational item: Mercury pollution in Oregon's environment
Jan. 24-25, 2019, EQC meeting

Purpose of item DEQ will provide information as a follow-up to a November 2018 commission discussion regarding mercury pollution in Oregon's environment. The information will include details on: derivation and application of Oregon's mercury water quality criterion for the protection of human health; the Total Maximum Daily Load, NPDES and variance processes; status of Advisory Committee discussions; and practical considerations for DEQ's work to meet the court-mandated reissuance of the Willamette Basin TMDL for mercury.

Background On Nov. 16, 2018, DEQ, with representatives of U.S. Environmental Protection Agency, Oregon Department of Agriculture, U.S. Bureau of Land Management and Oregon Association of Clean Water Agencies, presented information on mercury pollution and actions to reduce it in Oregon's environment. DEQ's presentation included information about a variety of tools necessary in making progress on the agency's goal: reducing the controllable Oregon human-caused sources of mercury to air, land and water to meet mercury water quality standards and ensure the protection of human health and aquatic life throughout the state. Important water program implementation tools include mercury minimization programs, water intake credits, advanced treatment technologies and water quality variances for a variety of permitted dischargers. DEQ is currently considering and applying these tools for permit actions. Specifically, DEQ initiated development of a multi-discharger variance for the Willamette Basin.

At that November 2018 meeting, the commission requested a workshop session to hear more about how DEQ is assigning load allocations for nonpoint sources and waste load allocations for point sources; what tools will be used to meet those allocations; and future options in the

event that the mercury criterion cannot be fully achieved including options for water quality permitting (both wastewater and stormwater) in the basin. The commission also requested information on approaches for reducing the transport of soils containing mercury from lands disturbed by agriculture, forestry and urban development. The department will provide additional information responding to the commissions questions at the meeting.

Next steps

DEQ will continue development of an updated Willamette Basin Mercury TMDL and Water Quality Management Plan. DEQ will continue to implement the NPDES permit program and continue work on the Willamette Basin Multi-Discharger Variance rulemaking. Each of these actions is driven by the need to develop effective strategies to address mercury pollution, and DEQ will continue to coordinate with EPA and partner with other federal, state and municipal agencies.

EQC involvement

No commission action is requested at this time. DEQ expects to bring a proposed rule amendment for a Willamette Basin Multi-Discharger Variance for mercury to the commission in late 2019 or early 2020.

Report compiled by Alex Liverman
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