

Summary of rule revisions

This document summarizes revisions DEQ is proposing under each rule. For detailed information regarding specific changes, please refer to the *Response to Comment* document, or respective Issue Papers on these topics.

340-041-0009

Bacteria

DEQ revised a citation in section (10) due to a numbering revision in 340-041-0061(12).

340-041-0007

Statewide Narrative Criteria

The revised rules explain how the mechanisms for forestry nonpoint sources work to meet water quality standards and the total maximum daily load (TMDL) load allocations under the Forest Practices Act.

340-041-0033

Toxic Substances

DEQ reorganized provisions relating to the aquatic life criteria and the human health criteria as separate sections. In addition, DEQ added a new section (1) specifying that the revised human health criteria for toxic pollutants are not applicable for purposes of the Clean Water Act until they are approved by EPA. This section also applies to the revised iron, manganese, and arsenic criteria the commission adopted in December 2010 and April 2011, respectively. Consequently, DEQ removed the specific statement regarding the applicability of the revised arsenic criteria, since it is no longer needed.

The provisions addressing background pollutants (now termed “Site-Specific Background Pollutant Criteria”) remain in OAR 340-041-0033(6). These revisions are discussed in the *Implementing Water Quality Standards in NPDES Permits* issue paper.

In April 2011, the commission also adopted the arsenic reduction policy as OAR 340-041-0033(3). To accommodate revisions associated with this rulemaking, DEQ reorganized the rule to move the arsenic reduction policy section further back in this rule to OAR 340-041-0033(7), but did not revise any of the rule as adopted by the commission.

OAR 340-041-0059

Variations

DEQ deleted the currently effective variance rule in 340-041-0061 and proposed a revised variance rule in 340-041-0059.

340-041-0061

Other Implementation of Water Quality Criteria

DEQ deleted the currently effective variance rule at section (2) in 340-041-0061 and renumbered the rest of this rule.

DEQ fixed a typo a reviewer discovered in section (9)(a)(E) cross-referencing the antidegradation policy. The cross reference should be to 340-041-0004(9), addressing exceptions to the rule, not 340-041-0004(7), the water quality limited waters policy, as currently written.

DEQ also revised rules in renumbered sections (10) and (11) explaining how the mechanisms for forestry and agricultural nonpoint sources work to meet water quality standards and the total maximum daily load (TMDL) load allocations under the Forest Practices Act and Agriculture Water Quality Management Act.

340-042-0040

Establishing Total Maximum Daily Loads (TMDLs)

DEQ revised subsection (2)(h) clarifying how air or land sources are treated in the development of TMDLs.

340-042-0080

Implementing a Total Maximum Daily Load

DEQ revised sections (2) and (3) clarifying how air or land sources are treated in the development of TMDLs and TMDL load allocations for forest and agriculture.

OAR 340-045-0105

Intake Credits

DEQ is proposing a new intake credit permitting rule.