

Oregon 303(d) list published

DEQ is required by the federal Clean Water Act (CWA) to assess water quality and report to EPA every two years on the condition of Oregon's waters.

- CWA Section **305(b)** requires DEQ to report on the overall condition of waters in Oregon.
- CWA Section **303(d)** requires DEQ to prepare a list of water bodies that do not meet water quality standards and where Total Maximum Daily Loads (TMDLs) will be developed.

The EPA recommends combining these reports into an Integrated Report that:

- Assigns an assessment category to each water body based on an evaluation of available data.
- Includes the Section 303(d) list of water quality limited waters needing a TMDL.

Oregon's *2004/2006 Integrated Report* and *Section 303(d) List of Water Quality Limited Waters* were finalized and submitted to the U.S. Environmental Protection Agency Region 10 office on May 23, 2006. The final report reflects changes made in response to public comments received in Fall 2005. The 2004/2006 Section 303(d) list will become effective once EPA approves this list.

The *2004/2006 Integrated Report* measures data from DEQ monitoring sources against water quality standards. The 303(d) list tells which waters are not meeting Oregon water quality standards and helps DEQ identify where pollution load limits (TMDLs) are needed to restore water quality. Waters are taken off the 303(d) list as TMDLs are completed.

Slightly more water bodies appear on the 303(d) list in 2006 than in 2002—1,117 vs. 1,005 water bodies, respectively. The most frequently listed pollutant is temperature, with just over 900 water bodies listed for temperature (slightly more than the 2002 total of 824). The relatively large number of streams with temperature listings reflects the vast amount of temperature data available throughout the state. Water temperature is easily monitored, and instruments can be placed in streams to continuously monitor stream temperatures over many months.

Monitoring data used for the report is available in DEQ's data repository, LASAR, which is accessible via DEQ's Web site at <http://www.deq.state.or.us/wq/lasar/LasarHome.htm>. (LASAR stands for Laboratory Analytical Storage and Retrieval database.) However, much more temperature and other data has been collected but is not yet fully accessible to the public due to a data input backlog. DEQ will be requesting additional resources in the 2007 Legislature to reduce this backlog and provide better public accessibility to data.

The 2004/2006 Integrated Report documents and a searchable database are available on DEQ's Web site at: <http://www.deq.state.or.us/wq/303dlist/WQ2004IntgrRpt.htm>. The 303(d) list is a subset of the 2004/2006 Integrated Report Assessment Database. The web site has instructions on how to search the database for the 303(d) listed water bodies, and the water bodies de-listed with this reporting. Other documents available on this Web site include:

- Response to Comments on Oregon Draft 2004/2006 Integrated Report on Water Quality Status
- Oregon TMDL Priorities and Schedule

- Assessment Methodology for Oregon 2004/2006 Integrated Report on Water Quality Status
- Oregon's 2004 Water Quality Assessment Section 305(b) Report

For more information about water quality listings, contact Karla Urbanowicz, Department of Environmental Quality, (503) 229-6099.

Director's Annual Performance Review

Every two years, the EQC reviews the performance of the DEQ Director and publishes a report. A review for performance period 2005 – 2006 will be conducted in the final months of 2006 and published in early January 2007. In previous years, the EQC appointed a subcommittee of two Commissioners to oversee the review process jointly with the Special Assistant to the Commission. If the EQC chooses to continue that approach, I would suggest that the Chair appoint a subcommittee at this time to begin work on the 2006 performance review.

The EQC performance review subcommittee will do the following:

- Gather and compile performance data from DEQ stakeholders, managers, the EQC and the Director.
- Lead the full EQC in executive session discussions regarding performance review data (with and without the Director present).
- Draft a performance report for full EQC review and concurrence at the December 2006 EQC meeting.
- Publish the final performance report in early January 2007. Note that some performance evaluation data will be held confidential under ORS 192.502(1), while other information will be made public upon request and in the final report.

It was suggested during the last performance review that a low response rate from DEQ managers, who were asked to provide performance evaluation data, might be improved during the 2006 evaluation process with the addition of EQC-led focus groups for managers. This suggestion will be passed along to the EQC performance review subcommittee for consideration. EQC Assistant, Cat Skaar, will also provide a process timeline and additional background materials and instructions to the subcommittee before the close of this meeting and will be scheduling a preliminary subcommittee meeting to develop criteria for the evaluation.

Budget Note Report on Performance Measures for Board and Commissions

The Department of Administrative Services (DAS) is working with the Legislative Fiscal Office (LFO) to develop best management practices measures for boards and commissions that perform a governing role. (See Budget Note at Attachment A.) The best practices measures and a list of entities to which the measures will apply will be approved by the Joint Legislative Audit Committee (JLAC) by August 1, 2006. Boards and commissions identified as benefiting from the measures will adopt them in their agency budget during the 2007 Legislative Ways and Means process and include them in the final Key Performance Measures for 2007-2009.

The EQC has been identified as a governing board that would benefit from adoption of the best practices measures. DAS recommends that applicable boards adopt a new performance measure

that reflects the percent of total best practices met by the board, and that each board annually conduct a self-assessment and publish a performance progress report. DAS and LFO are developing training in the new performance measures system for all affected boards and commissions.

DEQ will begin working with the EQC later in 2006 to develop the key performance measure and a self-assessment process with the goal of publishing the EQC's first performance progress report on September 30, 2008.

Land use issue identification for *The Big Look*

The Oregon Task Force on Land Use Planning (also known as *the Big Look*), established by Senate Bill 82, is a ten-member task force chartered to study Oregon's land use planning system and to provide recommendations to the 2007 legislature on the following:

- The effectiveness of the Oregon land use planning program in meeting current and future needs of Oregonians in all parts of the state.
- The respective roles and responsibilities of state and local governments in land use planning.
- Land use issues specific to areas inside and outside urban growth boundaries and the interface between areas inside and outside urban growth boundaries.

The Big Look Task Force has invited the DEQ, EQC and others to contribute to the identification of major land use issues the task force should research and evaluate. DEQ Economic Revitalization Team (ERT) coordinators are preparing a response to the Big Look survey. *If the EQC has land use issues it would like the task force to consider, please e-mail them to Cat Skaar by Wednesday, June 28, for inclusion in DEQ's response.*

EQC to replace Air Toxics Science Advisory Committee member

The air toxics rules adopted by the EQC in October 2003 established the Air Toxics Science Advisory Committee (ATSAC), a five to seven-member standing committee that provides scientific advice on the developing air toxics program. ATSAC must include members with expertise in specific disciplines, including toxicology, environmental science, risk assessment, epidemiology, public health and air pollution sciences. Based on stakeholder recommendations, the air toxics rules specify that ATSAC members will be appointed by the DEQ Director with concurrence by the EQC. At its May 2004 meeting, the EQC concurred with appointment of ATSAC's seven initial members and the committee began meeting in September 2004.

One of the original members resigned and was replaced in December 2005 by Dr. David Stone, a toxicologist with the Department of Human Services. A second member, Dr. Staci Simonich, an air pollution researcher at OSU, has now resigned for family reasons. I would now like to seek EQC concurrence with my appointment of Dr. Dean Atkinson to the Air Toxics Science Advisory Committee as Dr. Simonich's replacement. Dr. Atkinson's resume is attached. (Attachment B)

New faces at DEQ

DEQ recently said farewell to long-time Lab Administrator Mary Abrams, who accepted a position as Country Director for the Peace Corps in Niger. Greg Pettit, Manager of DEQ's Laboratory Watershed Assessment Section has replaced Mary as Interim Lab Administrator. DEQ also welcomes René-Marc Mangin, formerly the director of the eastern region of the Washington State Department of Ecology, as Administrator of DEQ's Management Service Division, filling the post previously held by Interim Administrator Sally Puent. In July, DEQ will say farewell to Anne Price, Manager of the Office of Compliance and Enforcement, who is relocating to California. After a competitive recruitment process, Jane Hickman, former DEQ Environmental Law Specialist, has been selected to replace Anne.

DEQ also welcomes new summer interns Selena Escalara and Ganesa Curely. Selena is a recent graduate of Smith College in MA with an extensive multicultural background. She is a member of the State of Oregon's Leaders of Color program. Selena will be working with the Office of Communication and Outreach, visiting Latino communities statewide to learn how Latino communities receive information, what they know about the environment and how DEQ can better position itself to reach out for the future in light of projections that Oregon's population will be 50% Hispanic by 2050.

Ganesa Curley is a candidate for a Masters in Public Policy at Harvard University, has a B.A. from Evergreen State College with an emphasis in Native American Studies, and has experience working with Native American tribes. Ganesa will work with the Water Quality Division to coordinate a series of summer meetings between DEQ, EPA, the Confederated Tribes of the Umatilla Indian Reservation, other tribes and stakeholders to address tribal concerns about water toxics criteria and the fish consumption rate.

ECOS annual conference, August 27 -29, Benson Hotel, Portland

DEQ will host the annual conference of the Environmental Council of the States (ECOS), August 27-29, 2006, at the Benson Hotel in Portland. More than 200 environmental regulators and stakeholders are expected to attend. Highlights of the conference include a joint meeting of the Environmental Health Forum and the Children's Health Workgroup; a local government forum; remarks by Congressional staff members on priority environmental issues and a keynote address by EPA Administrator Stephen L. Johnson. At the conference, I will also complete my term as ECOS President.

The Environmental Quality Commission is invited to attend all sessions of interest at the ECOS conference, and will be ECOS' guests at a social gathering at the Portland Zoo the evening of August 27—details will follow. For more information about the conference, please contact Cat Skaar at 503.229.5301 or visit the ECOS Web site at www.ecos.org .

Abandoned mines in the news

We expect that an extensively researched article on abandoned mines will be published in five parts starting in the June 26 *Eugene Register Guard*. Reporter Diane Dietz interviewed DEQ staff and the Governor on the state perspective. The article stems in part from concerns voiced by

Larry Tuttle, an environmentalist with a particular interest in abandoned mine land cleanups, and his perception of federal and state inaction to address water quality problems associated with these sites. DEQ has been working on the most critical of these sites including mercury-contaminated Black Butte Mine in southern Lane County and Bonanza Mine east of Sutherlin. However, cleanup efforts have been hampered by a lack of orphan program funding, which supports cleanup at sites where responsible parties are unknown or unable or unwilling to fund cleanup. DEQ orphan funding is generated from bond sales repaid from the general fund or through cost recovery. Recently, however, the orphan bond sale was eliminated to free up general fund dollars. Due to this lack of funding, DEQ has asked EPA to take over cleanup efforts at Black Butte Mine, as well as Formosa Mine in Douglas County. In addition, DEQ is proposing an orphan bond sale in the upcoming legislative session.