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**Date:** September 29, 2009

**To:** Environmental Quality Commission

**From:** Dick Pedersen, Director



**Subject:** Agenda Item D, Informational Item: DEQ's toxics reduction strategy  
October 22-23, 2009 EQC Meeting

**Purpose of Item** This item will introduce DEQ's agency-wide toxics reductions strategy and highlight several relevant current programs.

**Why this is Important** There are over 80,000 chemicals in commerce and approximately 1,500 new chemicals added every year. DEQ directly regulates the management and discharge of only a small percentage of these chemicals. Many of these toxic chemicals are ubiquitous and diffuse in the environment and are not released as "point" source pollutants, which poses a significant challenge for DEQ in managing their presence in the environment. At the same time, DEQ needs to maintain a high level of compliance with regulations that apply to industrial point sources. In addition, many of these toxic chemicals readily move from one environmental media to another, and single program approaches often do not address the entire problem.

**Background** At the EQC's direction, DEQ is developing an agency-wide toxics reduction strategy, with the goal of using a comprehensive approach to reduce toxic chemicals in Oregon's environment.

The steps involved in developing this strategy include:

- identifying a list of high-priority toxic chemicals;
- determining the sources of those toxics and the pathways to the environment;
- evaluating gaps in existing programs; and
- recommending new or modified reduction actions.

Where possible, the strategy will identify reduction options that address a range of toxic chemicals that may move between air, land and water, thereby increasing the efficiency of reduction efforts while ensuring we address the problem comprehensively. DEQ will also place a major emphasis on reducing toxic chemicals at the source, rather than managing these chemicals after they are released.

## **Projects**

The agency-wide toxics reduction strategy integrates staff and projects from the air, land and water programs by using a collaborative team approach for planning toxics reduction work. The team's emphasis on cross-program applications and comprehensive assessments of toxics informs individual projects and programs as well as collaborative work. Three major DEQ collaborative toxics reduction efforts are highlighted below.

### ***Senate Bill 737***

The 2007 Oregon legislature passed Senate Bill 737, which required a number of things from DEQ.

The presentation will include information about:

- the types of pollutants on the October 2009 Final Priority Persistent Pollutant List, known as the P3 list;
- DEQ's efforts to identify sources of P3-listed pollutants; and
- opportunities to reduce these pollutants.

Staff will describe the scope and timeline of the upcoming rulemaking on trigger levels and how this process ties in with municipalities' effluent monitoring and subsequent toxics reduction plan development. The presentation will also cover stakeholder involvement, opportunities for public involvement, and the relationship of Senate Bill 737 implementation to DEQ's agency-wide toxics reduction strategy.

### ***Water Quality Standards***

Water quality standards are benchmarks established to assess whether the quality of Oregon's rivers and lakes is adequate for fish and other aquatic life, recreation, drinking, agriculture, industry and other uses. Water quality standards are also regulatory tools used by DEQ and the EPA to prevent pollution of our waters. DEQ is responsible for establishing water quality criteria to protect human health. These criteria are established to allow Oregonians to consume fish and shellfish and to use state waters for drinking water supply without adverse health effects. Most of DEQ's current standards are based on EPA recommended criteria. One important exception is the current rulemaking to revise the fish consumption rate based on human health criteria and the amount of fish consumed by many Oregonians, which is substantially higher than the national averages used in EPA's rule.

The presentation will provide:

- an overview of the scope of the toxics criteria review project;
- the history of the project;
- the EQC's October 2008 directives on the fish consumption rate;

- the status of the project;
- the remaining milestones, and
- the timeline for completing the rulemaking.

Staff will highlight how the water quality standards program connects to the other toxics reduction programs at DEQ, including the agency-wide toxics reduction strategy and present key issues and direction for major components of upcoming rulemaking related to water quality standards.

### ***Portland Air Toxics Solutions***

Portland Air Toxics Solutions, or PATS, is a community-based geographic air toxics reduction project established under the Oregon Air Toxics Rules. PATS is a collaboration with a broad group of partners and an advisory committee to help develop and implement a ten-year air toxics emission reduction plan. This plan could include both mandatory and voluntary air toxics reduction measures needed to reduce risk. Because air toxics, particulates, greenhouse gases and compounds that form ground-level ozone (smog) are produced by many of the same sources, PATS will link with other ongoing and future regional air pollution reduction efforts. DEQ selected the Portland area as the first community for geographic air toxics reduction planning based on a ranking of county air toxics data statewide. The PATS study area includes portions of Multnomah, Clackamas and Washington Counties where people are most exposed to air toxics. PATS is distinct from other air toxics control efforts to date because it evaluates risk holistically to produce an area-wide plan to decrease emissions from sources roughly commensurate with their contribution to problems. After addressing Portland area air toxics, DEQ may initiate similar efforts in other Oregon communities exceeding target risk levels from air toxics. This approach is provided for in rules associated with benchmarks. The presentation will highlight the recent work of the PATS advisory committee, investigate the direction of the project and its connections to agency-wide toxics reduction strategy.

### **EQC Involvement**

A follow-up informational item and discussion is planned for the December 2009 EQC meeting. This information may inform a rulemaking or other commission action in the future, but there are no planned rulemakings for the agency-wide toxics reduction strategy at this time.

### **Attachments**

None

Approved:

Division: \_\_\_\_\_

Division: \_\_\_\_\_

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