

## Revising Water Quality Criteria for Turbidity, Temperature & Other Standards – Clean Water Act



State of Oregon  
Department of  
Environmental  
Quality

### Background

The Oregon Department of Environmental Quality (DEQ) is proposing to revise the state's rules for water quality criteria for turbidity. Turbidity is a measure of cloudiness in water. It can be caused by soil erosion, waste discharge and runoff. High turbidity levels mean that water bodies have a denser amount of particles in the water. Turbidity may adversely affect a wide range of aquatic species, including endangered fish.

The rule revision is part of DEQ's periodic update of water quality standards to ensure protection of designated beneficial uses. These beneficial uses include providing clean water for swimming and drinking, as well as providing habitat for fish and aquatic life. The proposed turbidity criteria describe the minimum quality of water needed to protect these uses. DEQ will use the turbidity criteria to develop wastewater discharge permits, issue 401 certifications, identify water quality-impaired rivers and streams, and determine pollution load limits for impaired water bodies.

### The proposed turbidity rules:

- Establish maximum and monthly average turbidity criteria
- Allow limited duration exceedances of the criteria
- Describe how compliance may be determined, with clarification on the application of criteria to ponded systems

### Additional standards to be revised:

As part of this rulemaking, DEQ also proposes to:

- Revise narrative temperature criteria for natural lakes, oceans and bays, cool water species and the Borax Lake chub
- Correct errors and clarify language to the temperature rules and several other standards rules
- Repeal the alternate mixing zone requirements

### Why are rule changes needed?

The proposed turbidity criteria incorporate current scientific data to better address the effects of turbidity on beneficial uses, including the most sensitive beneficial uses. Revisions are designed to better address current conditions, including low ambient turbidity levels where the existing 10 percent increase allowance for turbidity may be negligible in relation to natural or background levels, and have little or no impact on beneficial uses. Revisions also include tighter restrictions on limited-duration exceedances, and language promoting greater uniformity in applying the rule.

The narrative temperature revisions are needed to respond to EPA concerns that EPA cannot approve the current criteria as being protective of the beneficial uses.

DEQ is proposing the "errata" and minor changes to Oregon Administrative Rules (OAR) Chapter 340, Division 41 to correct errors or clarify meaning of rules adopted either in December 2003, when DEQ reformatted Division 41, or in May 2004, when DEQ updated the state's toxic pollutants criteria.

The repeal of the alternate mixing zone requirements is recommended because EPA disapproved this rule. It is therefore not an effective water quality standard under the Clean Water Act and is not being implemented.

### Who may be affected?

People interested in the quality of Oregon's waters, small and large businesses, communities and public agencies that conduct activities that increase turbidity in state waters or otherwise impact water quality may be affected by the proposed changes.

### How was this proposal developed?

DEQ consulted with external and internal technical and policy advisory groups as well as stakeholders to develop the proposed changes. DEQ relied on the following documents for this rulemaking:

- *DEQ Draft Technical Basis for Revising Turbidity Criteria*

### Water Quality Division Program Policy & Project Assistance

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(800) 452-4011  
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[www.deq.state.or.us](http://www.deq.state.or.us)  
[rosetta.thomas.n@deq.state.or.us](mailto:rosetta.thomas.n@deq.state.or.us)

### Additional Materials Available

- Statement of Need and Fiscal Impact
- Land Use Evaluation Statement
- Response to Questions Addressing Federal Requirements

### Other Documents Available

- Technical Basis for Revising Turbidity Criteria (10/05)
- Implementation guidance for Turbidity Standard (10/05)

- *DEQ Draft Implementation Guidance for Turbidity Standard*

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### **How to comment**

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Comments on the proposed rulemaking must be received in writing via mail, fax, or e-mail anytime prior to the comment deadline of 5 p.m., Dec., 7 2005. Written and oral comments may also be submitted during any of the public hearings below. It is not necessary to attend a hearing to comment. DEQ will consider all written and oral comments received by the deadline.

Please send written comments to Tom Rosetta by mail at: DEQ, Water Quality Division, 811 SW Sixth Ave., Portland, OR 97204-1390. Also, you may fax comments to Rosetta at (503) 229-6037, or e-mail [rosetta.thomas.n@deq.state.or.us](mailto:rosetta.thomas.n@deq.state.or.us)

### **Public hearings**

DEQ will hold public hearings in four locations in November/December 2005. Each hearing will begin with a brief overview of the proposed rule changes, followed by an opportunity for the public to provide oral and written comment. DEQ will record and review all comments.

- **Portland: Nov. 29, 6:00 p.m., ODEQ, 811 SW 6<sup>th</sup> Ave. (6<sup>th</sup> and Yamhill), Rm 3A**
- **Eugene: Nov. 30, 6:00 p.m., University of Oregon Knight Library, 1501 Kincaid St., Rm 106**
- **North Bend: Dec. 1, 6:00 p.m., North Bend Public Library, 1800 Sherman Ave.**
- **Bend: Dec. 2, 2:00 p.m., Central Oregon Board of Realtors, 2112 NE 4<sup>th</sup> St.**

### **How will rules be adopted?**

DEQ will respond to all comments received during the public hearing and comment period and may modify the proposed rules. DEQ plans to recommend that the Oregon Environmental Quality Commission (EQC) adopt the rules at a spring 2006 EQC meeting. DEQ will notify persons of the time and place for final EQC action if they submit comments during the hearing or comment period or request to be placed on DEQ's mailing list for this rulemaking.

### **Where can I obtain additional information?**

The proposed rule changes, materials attached to

this notice, and other documents relied upon are available on DEQ's Web site, <http://www.deq.state.or.us/wq/standards/WQStdsTurbidity.htm>, and at DEQ's headquarters in downtown Portland. Please contact Tom Rosetta, Portland (503/229-5053) to obtain copies or arrange an appointment to review these documents.

### **Alternative formats/accommodations**

Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible. Alternative formats of this document (Braille and large-type versions) can be made available by contacting DEQ's Office of Communications & Outreach, Portland, at (503) 229-5696 (toll-free in Oregon at 1-800-452-4011, x5696).

Oct 14, 2005