



State of Oregon
Department of
Environmental
Quality

Fiscal Impacts and Implementation: Setting the Stage

Jennifer Wigal
Oregon DEQ

Workshop: Fiscal Impacts and Implementation
Strategies of a Revised Fish Consumption Rate

June 27, 2008



State of Oregon
Department of
Environmental
Quality

Fish Consumption Rate Project

- Early 2007: DEQ began process to revisit the fish consumption rate upon which its human health criteria are based
- Objective to gain broad participation in process from tribal government, technical experts, and other government agencies
- To meet objectives
 1. Formed expert groups
 - Human Health Focus Group
 - Fiscal Impact and Implementation Advisory Committee
 2. Held a series of workshops to discuss views and information relevant to process



State of Oregon
Department of
Environmental
Quality

Goals of Workshops

- Provide a forum for participants to identify critical issues, discuss implementation challenges and propose alternative actions
- Develop recommendations and supporting information to present the EQC with
 1. A range of options to increase the fish consumption rate and
 2. Options for pollution control strategies that can help reduce the risks associated with consuming contaminated fish and decrease the toxics levels present in fish.



State of Oregon
Department of
Environmental
Quality

Challenges to Implementing Revised Human Health Criteria

- Anticipated challenges in adopting and implementing revised human health criteria
 - Measuring pollutant levels
 - Treatment technologies
 - Data limitations
 - Identifying sources of pollutants
 - Point sources
 - Others sources
 - Natural vs. anthropogenic



State of Oregon
Department of
Environmental
Quality

What is the Programmatic Effect of Revised Criteria?

- WQS used for
 - National Pollutant Discharge Elimination System (NPDES)
 - Nonpoint source management
 - Listing of impaired waterbodies
 - Total Maximum Daily Loads (TMDL)
 - 401 water quality certifications
 - Cleanup activities
- WQS revision effort unique among other states
 - No other state has contemplated fish consumption rates at these values
 - Would result in most stringent human health criteria of any state in the U.S.



State of Oregon
Department of
Environmental
Quality

What is the Environmental Effect of Revised Criteria?

- Short answer: Uncertain
- Longer answer: WQS can provide the target for actions that can result in cleaner water and, subsequently, cleaner fish
 - Clean Water Act does not address all significant sources



State of Oregon
Department of
Environmental
Quality

Implementation of Revised Criteria

- More stringent human health criteria based on higher fish consumption rate present implementation challenges
- Process of converting WQS to effluent limits well-defined for point sources
 - Achieving the levels under discussion has not been accomplished elsewhere
 - In most cases, even if achieved, would not result in environmental effect
- Nonpoint and other sources
 - Reach of WQS not direct for other sources



State of Oregon
Department of
Environmental
Quality

FIIAC Efforts on Costs and Benefits

- Costs and Benefits
 - Oregon statute requires DEQ to evaluate as part of a Statement of Fiscal Impact
 - Whether the rule will have a fiscal impact;
 - The extent of that impact; and
 - Whether the rule will have a significant adverse impact on small businesses
 - Information provided by the FIIAC and the SAIC analysis will be included in DEQ's analyses and presentations to the EQC
- Information will be important in developing any proposed regulation



State of Oregon
Department of
Environmental
Quality

FIIAC Efforts on Implementation Approaches

- Information provided by the FIIAC will be included in DEQ's analyses and presentations to the EQC
- DEQ intends to address implementation in any rulemaking effort
- FIIAC's discussions and any conclusions will inform those efforts



State of Oregon
Department of
Environmental
Quality

Thank You FIAC Members!

- Members
 - Kathleen Feehan, CTUIR
 - Deanna Conners, DHS
 - Rich Garber, Associated Oregon Industries
 - Sarah Kruse, Ecotrust
 - Kristin Lee, ECONorthwest
 - Eric Scott, Grande Ronde Tribe
 - Susie Smith, ACWA
 - Willie Tiffany, League of Cities
 - Kathryn VanNatta, Northwest Pulp and Paper Assoc.