

**DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340
Proposed Rulemaking**

**ADDENDUM TO
STATEMENT OF NEED AND FISCAL AND ECONOMIC IMPACT**

Amendments to Oregon Water Quality Standards for Arsenic, Iron and Manganese

Title of Proposed Rulemaking	Amending Oregon’s Water Quality Standards: Revising Human Health Criteria for Arsenic (OAR 340-041-0033, Table 20).																				
Statutory Authority or other Legal Authority	ORS 468B.010 and 468B.035, 468.020																				
Statutes Implemented	ORS 468B.048																				
Explanation of Addendum	<p>DEQ has made revisions to its proposed criteria for arsenic based on public comment and is reopening public comment to invite additional comment on the revised proposed arsenic criteria.</p> <p>The need for the rule and the fiscal and economic impacts of the proposed rule, which are described in the August 2010 “Statement of Need and Fiscal and Economic Impact: for the Amendments to Oregon Water Quality Standards for Arsenic, Iron and Manganese,” have not changed.</p> <p>The primary difference between the arsenic criteria proposed for comment in August 2010 and the revised criteria proposed at this time is how the values were calculated. The numbers are similar as compared to the current criteria (see the Table below). In addition, this revised proposal includes separate “fish consumption only” criteria for freshwater and saltwater due to the very different bioconcentration rates for marine shellfish. See the Arsenic Issue Paper on DEQ’s website for additional information: http://www.deq.state.or.us/wq/standards/metals.htm</p> <table border="1" data-bbox="420 1171 1419 1514" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="4" style="text-align: center;">Proposed Human Health Criteria for Arsenic (µg/l)</th> </tr> <tr> <th></th> <th style="text-align: center;">Water + Fish Ingestion</th> <th style="text-align: center;">Fish Consumption Only - Freshwater</th> <th style="text-align: center;">Fish Consumption Only - Saltwater</th> </tr> </thead> <tbody> <tr> <td>Current criteria (total arsenic)</td> <td style="text-align: center;">0.0022</td> <td style="text-align: center;">0.0175</td> <td style="text-align: center;">0.0175</td> </tr> <tr> <td>Criteria proposed Aug 2010 (inorganic arsenic)</td> <td style="text-align: center;">2.3</td> <td style="text-align: center;">2.7</td> <td style="text-align: center;">2.7</td> </tr> <tr> <td>Revised proposed criteria (inorganic arsenic)</td> <td style="text-align: center;">2.1</td> <td style="text-align: center;">2.1</td> <td style="text-align: center;">1.0</td> </tr> </tbody> </table> <p>Note: Current criteria are currently effective criteria from OAR 340-041-0033, Table 20.</p> <p>DEQ has not changed the proposed arsenic reduction policy rule. DEQ will respond to public comment on the reduction policy and the arsenic criteria following the close of the comment period.</p> <p>In December 2010, the EQC adopted the iron and manganese criteria revisions that were also proposed in August 2010.</p>	Proposed Human Health Criteria for Arsenic (µg/l)					Water + Fish Ingestion	Fish Consumption Only - Freshwater	Fish Consumption Only - Saltwater	Current criteria (total arsenic)	0.0022	0.0175	0.0175	Criteria proposed Aug 2010 (inorganic arsenic)	2.3	2.7	2.7	Revised proposed criteria (inorganic arsenic)	2.1	2.1	1.0
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Need for the Rule(s)	The need for the rule is not changed.																				

Documents Relied Upon for Rulemaking	<p>The following documents are available at the websites listed or by contacting Debra Sturdevant at sturdevant.debra@de.state.or.us or at 503-229-6691.</p> <p><i>Water Quality Standards Review and Recommendations: Arsenic.</i> Oregon DEQ, Water Quality Standards and Assessment Section, February 1, 2010. (http://www.deq.state.or.us/wq/standards/review.htm)</p>
Requests for Other Options	<p>Pursuant to ORS 183.335(2) (b) (G), DEQ 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.</p>
Fiscal and Economic Impact, Statement of Cost Compliance	<p>The revisions to the proposed criteria do not change the expected fiscal and economic impacts as described in the August 2010 “Statement of Need and Fiscal and Economic Impact.”</p>
Administrative Rule Advisory Committee	<p>DEQ assembled a Toxics Water Quality Standards Rulemaking Workgroup to assist us with the development and evaluation of the toxics criteria review and rulemaking, including the revision to arsenic. This group met from January, 2009 through October 2010.</p>

Prepared by

Printed name

Date

Approved by DEQ Budget Office

Printed name

Date