

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
Land Use Evaluation Statement

Rulemaking Proposal  
For

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

**1. Explain the purpose of the proposed rules.**

The purpose of the proposed rule amendment is to revise Oregon's water quality criteria for arsenic, iron and manganese to protect human health. The revisions proposed by DEQ also recognize the natural occurrence of these earth metals in Oregon waters. The current criteria are either infeasible to attain or require expenditure of public and private resources that will not result in measurable or significant environmental benefit.

**2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?**

Yes \_\_\_ No  X

**a. If yes, identify existing program/rule/activity:**

**b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?**

Yes \_\_\_ No \_\_\_ (if no, explain):

**c. If no, apply the following criteria to the proposed rules.**

Staff should refer to Section III, subsection 2 of the SAC document in completing the evaluation form. Statewide Goal 6 - Air, Water and Land Resources is the primary goal that relates to DEQ authorities. However, other goals may apply such as Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources; Goal 11 - Public Facilities and Services; Goal 16 - Estuarine Resources; and Goal 19 - Ocean Resources. DEQ programs and rules that relate to statewide land use goals are considered land use programs if they are:

1. Specifically referenced in the statewide planning goals; or

2. Reasonably expected to have significant effects on
  - a. resources, objectives or areas identified in the statewide planning goals, or
  - b. present or future land uses identified in acknowledged comprehensive plans.

In applying criterion 2 above, two guidelines should be applied to assess land use significance:

- The land use responsibilities of a program/rule/action that involved more than one agency, are considered the responsibilities of the agency with primary authority.
- A determination of land use significance must consider the Department's mandate to protect public health and safety and the environment.

**In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.**

DEQ has previously determined, and LCDC certified, that establishing WQ criteria is not a program affecting land use for purposes of ORS 197.180, with one exception that is not relevant here. The proposed rule merely makes adjustments to existing criteria for three pollutants and it does not alter this analysis.

3. **If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.**