



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
WATER AND
WATERSHEDS

JUN 09 2011

Mr. Neil Mullane
Administrator
Water Quality Division
Department of Environmental Quality
811 SW Sixth Avenue
Portland, Oregon 97204-1390

Re: EPA Approval of Oregon's Withdrawal of Numeric Human Health Criteria for Iron and Manganese (OAR 340-041-0033(2), Table 20) and Revisions to the Associated Footnote to Table 20

Dear Mr. Mullane:

The U.S. Environmental Protection Agency has completed its Clean Water Act (CWA) review of revisions to Oregon's water quality standards, specifically, withdrawal of human health water quality criteria for iron and manganese and revisions to the associated footnote to Table 20. These changes are found in Chapter 340, Division 41, of Oregon's Administrative Rules (OAR 340-041-0033(2) and Table 20). Oregon Division of Environmental Quality (DEQ) submitted these revisions to EPA on January 18, 2011.

Under Section 303 of the Clean Water Act, 33 U.S.C § 1313, states are required to establish water quality standards and submit them to the EPA for approval or disapproval. Likewise, revisions and removal of provisions and/or criteria to a state's water quality standard must also be submitted to the EPA for approval or disapproval.

BACKGROUND

In 2009 and 2010, DEQ worked with a stakeholder workgroup to develop the proposed revisions to Oregon's human health criteria for iron and manganese, contained in Table 20 and incorporated into the rule by reference in OAR 340-041-0033(2). DEQ provided an opportunity for formal public comment on the proposed revisions from August 25 to September 30, 2010 and held two public hearings. The revisions were adopted by the Oregon Environmental Quality Commission (EQC) on December 9, 2010, and filed with Oregon Secretary of State on December 21, 2010. DEQ submitted these revisions to the EPA for review and approval on January 18, 2011.

EPA'S DECISION

Pursuant to the EPA's authority under Section 303(c) of the Clean Water Act and implementing regulations found at 40 C.F.R. Part 131, the EPA is approving the following as contained in Table 20, Water Quality Criteria Summary, and incorporated into the rule by reference in OAR 340-041-0033(2):

- Withdrawal of iron human health criterion of 300 µ/L for the protection of human consumption of water and fish.
- Withdrawal of manganese human health criterion of 50 µg/L for protection of human consumption of water and fish
- Withdrawal of manganese human health criterion of 100 µg/L for protection of human consumption of fish in freshwater.
- Revisions to the footnote associated with the manganese human health criterion for protection of human consumption of fish in Table 20. The revised footnote states that the manganese criterion applies only to saltwater and is for total manganese.

The EPA has reviewed the basis for Oregon's removal of the iron and manganese human health criteria along with DEQ's supporting basis and rationale. Because iron and manganese are non-priority pollutants, the issue for EPA's review on the criteria withdrawal is whether Oregon's existing narrative criterion (OAR 340-041-0033(1)) is sufficient to protect Oregon's designated uses with respect to the human health endpoints that the withdrawn numeric human health criterion previously protected. The EPA has evaluated Oregon's narrative criterion and concluded it is sufficient to protect Oregon's designated uses from the potential human health impacts related to the consumption of iron and manganese in drinking water and fish. Based on the evaluation of human health protectiveness, EPA approves the withdrawal of Oregon's previously adopted numeric iron and manganese criteria consistent with 40 C.F.R. 131.11(a)(1).

Oregon revised the footnote associated with the manganese human health criterion for protection of human consumption of fish to specify that the criterion applied only to saltwater and to total manganese. The previous footnote specified that the criterion would apply to dissolved manganese. Because both of these components of the footnote directly affect how the criterion is applied with respect to both location and form, EPA considers the revised footnote to be a revised WQS requiring action under CWA § 303(c).

The first element of the footnote specifies that the criterion only applies to saltwater. As noted above, Oregon withdrew this criterion for freshwaters while retaining their current criterion for saltwater. This footnote documents that withdrawal of the criterion for freshwaters, as discussed above.

The second element of the footnote specifies that the criterion is to be applied to the total, as opposed to the dissolved or soluble, form of manganese. Oregon's application of this criterion to total manganese is consistent with the EPA's policy recommendations for expression of metals and ensures that the criterion is sufficient to protect human health through the consumption of fish from saltwater.

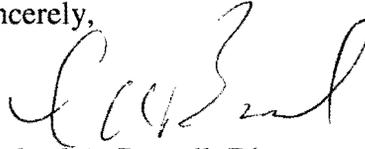
Based on the above evaluation, the EPA hereby approves Oregon's footnote associated with the manganese criterion for protection of human consumption of fish. This revision is consistent with the

federal requirements contained at 40 C.F.R. 131.11(a)(1) which requires States to adopt criteria that protect the designated use and contain sufficient parameters or constituents to protect the designated use.

This approval action completes the EPA's disapproval action of footnote K to Table 20 on June 1, 2010. Therefore, both the EPA and DEQ have completed their CWA obligations stemming from EPA's June 1, 2010 disapproval action regarding this provision.

A detailed discussion of the rationale supporting today's actions is included in the enclosed Technical Support Document. Please feel free to contact me at (206) 553-4198 or Jannine Jennings, Water Quality Standards Unit Manager at (206) 553-2724, if you have questions concerning this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Bussell". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael A. Bussell, Director
Office of Water and Watersheds

Enclosure

cc: Ms. Jennifer Wigal, Oregon Department of Environmental Quality
Ms. Debra Sturdevant, Oregon Department of Environmental Quality