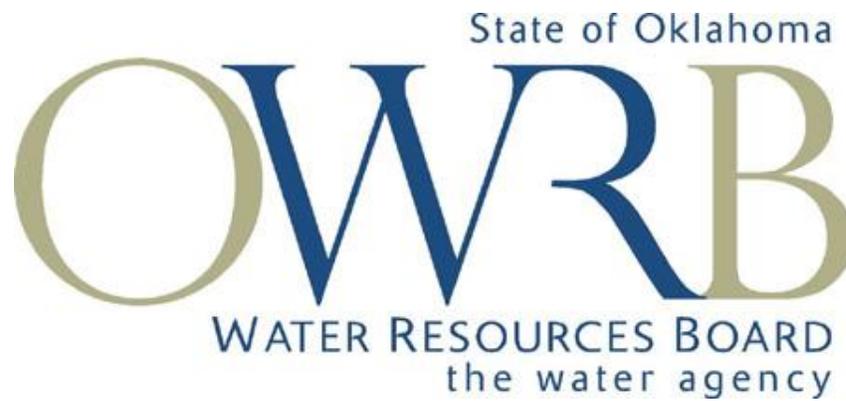


RESTORING LANGUAGE DETERMINING THE
APPLICABILITY OF THE FISH CONSUMPTION BENEFICIAL
USE



October 11, 2012

RESTORING LANGUAGE DETERMINING THE APPLICABILITY OF THE FISH CONSUMPTION BENEFICIAL USE

INTRODUCTION

In 2005 the OWQS were revised to remove outdated fish tissue criteria. These criteria were the basis for issuing fish consumption advisories. The authority for this and the criteria were deemed not appropriate for the OWQS and are relegated to the ODEQ for development and for implementation under "§27A-2-6-103. That revision involved removing the entire list of fish flesh criteria in paragraph (c) the reference to (c) in paragraph (a). In executing this revision the applicability of the Fish consumption beneficial use was inadvertently deleted. Previously the Fish Consumption Beneficial Use was applicable to fully fishable waters with the following language: **shall apply to surface water designated as Warm Water Aquatic Community, Cool Water Aquatic Community, or Trout Fishery.** The currently language, now silent regarding the use applicability, is now inconsistent to the implementation language in OAC 785:46-7-1(c).

2005- 2006 Revision Effective, July 2006:

785:45-5-20. Fish consumption

(a) **General.** ~~The surface waters of the state shall be maintained so that toxicity does not inhibit ingestion of fish and shellfish by humans. The numerical criteria and values for substances listed in (c) of this Section and the column "Fish Consumption" in Table 2 of Appendix G of this Chapter shall apply to surface water designated as Warm Water Aquatic Community, Cool Water Aquatic Community, or Trout Fishery.~~

(b) **Water column criteria to protect for the consumption of fish flesh.** *The water column numerical criteria (total recoverable) identified in the "Fish Consumption" column in Table 2 of Appendix G protect human health for the consumption of fish, shellfish and aquatic life. Water column numerical criteria to protect human health for human consumption of fish flesh are considered long term average standards. For purposes of permitting discharges for attainment of these standards, the permitting authority shall use long term average receiving stream flows and complete mixing of effluent and receiving water to determine appropriate permit limits.*

(c) Fish tissue levels.

~~(1) Surface waters of the state shall be maintained to prevent bio-concentration of toxic substances in fish, shellfish, or other aquatic organisms to levels that become a risk to human health.~~

~~(2) Concentrations of substances in fish tissue in excess of the screening and consumption advisory values listed in this paragraph shall be cause for appropriate regulatory action.~~

~~(A) Aldrin:~~

- ~~(i) Screening value - 0.006 mg/kg~~
- ~~(ii) Limited consumption advisory - 0.006 mg/kg~~
- ~~(iii) Consumption prohibition advisory - 0.006 mg/kg~~

~~(B) Chlordane:~~

- ~~(i) Screening value - 0.225 mg/kg~~
- ~~(ii) Limited consumption advisory - 0.300 mg/kg~~
- ~~(iii) Consumption prohibition advisory - 0.500 mg/kg~~

~~(C) DDT:~~

- ~~(i) Screening value - 2.250 mg/kg~~
- ~~(ii) Limited consumption advisory - 3.000 mg/kg~~
- ~~(iii) Consumption prohibition advisory - 5.000 mg/kg~~

- (D) ~~Dioldrin:~~
 - (i) ~~Screening value - 0.012 mg/kg~~
 - (ii) ~~Limited consumption advisory - 0.012 mg/kg~~
 - (iii) ~~Consumption prohibition advisory - 0.012 mg/kg~~
- (E) ~~Endrin:~~
 - (i) ~~Screening value - 1.500 mg/kg~~
 - (ii) ~~Limited consumption advisory - 2.000 mg/kg~~
 - (iii) ~~Consumption prohibition advisory - 2.000 mg/kg~~
- (F) ~~Heptachlor:~~
 - (i) ~~Screening value - 0.150 mg/kg~~
 - (ii) ~~Limited consumption advisory - 0.200 mg/kg~~
 - (ii) ~~Consumption prohibition advisory - 0.300 mg/kg~~
- (G) ~~Mercury:~~
 - (i) ~~Screening value - 0.750 mg/kg~~
 - (ii) ~~Limited consumption advisory - 1.000 mg/kg~~
 - (iii) ~~Consumption prohibition advisory - 1.500 mg/kg~~
- (H) ~~PCBs:~~
 - (i) ~~Screening value - 0.750 mg/kg~~
 - (ii) ~~Limited consumption advisory - 1.000 mg/kg~~
 - (iii) ~~Consumption prohibition advisory - 2.000 mg/kg~~
- (I) ~~Toxaphene:~~
 - (i) ~~Screening value - 3.750 mg/kg~~
 - (ii) ~~Limited consumption advisory - 5.000 mg/kg~~
 - (iii) ~~Consumption prohibition advisory - 8.000 mg/kg~~

PROPOSAL

Staff proposes to restore the deleted language that will clarify that the fish consumption use is applicable to the following Fish and Wildlife Propagation subcategories: ***Warm Water Aquatic Community, Cool Water Aquatic Community, or Trout Fishery.***

Proposed Language:

785:45-5-20. Fish consumption

(a) **General.** The surface waters of the state shall be maintained so that toxicity does not inhibit ingestion of fish and shellfish by humans. *The numerical criteria and values for substances listed in the column "Fish Consumption" in Table 2 of Appendix G of this Chapter shall apply to surface water designated as Warm Water Aquatic Community, Cool Water Aquatic Community, or Trout Fishery.*

(b) **Water column criteria to protect for the consumption of fish flesh.** The water column numerical criteria (total recoverable) identified in the "Fish Consumption" column in Table 2 of Appendix G protect human health for the consumption of fish, shellfish and aquatic life. Water column numerical criteria to protect human health for human consumption of fish flesh are considered long term average standards. For purposes of permitting discharges for attainment of these standards, the permitting authority shall use long term average receiving stream flows and complete mixing of effluent and receiving water to determine appropriate permit limits.