

HB 3814 -1, -3 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

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Meeting Dates: 3/20, 3/27

WHAT THE MEASURE DOES:

The measure prohibits the Environmental Quality Commission and the Department of Environmental Quality from requiring, in any permit for the discharge of wastes into the waters of Oregon, that a seafood processor meet the criteria of any water quality or purity standard for bacteria in effluent discharges associated with fecal sources. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Types of bacteria resulting from seafood processing
- Use of mixing zones by other states' seafood processors
- Available waste treatment technologies
- Current Department of Environmental Quality regulations of seafood processors
- Potential human and environmental health impacts of mixing zones

EFFECT OF AMENDMENT:

-1 The amendment replaces the measure with the exception of the effective date. It requires the Oregon Environmental Quality Commission and the Oregon Department of Environmental Quality to, in a permit applicable to a seafood processing facility for the discharge of wastes into the waters of the state, allow a portion of the water body receiving effluent to serve as a mixing zone in order to satisfy the bacteria water quality criteria for the water body. It requires certain seafood processing facilities to implement best water management practices to prevent the inclusion of bacteria in effluent from external fecal sources.

-3 Replaces the measure with the exception of the effective date. The amendment contains the same language as the -1 amendment, but **allows**, rather than requires, the Oregon Environmental Quality Commission and the Oregon Department of Environmental Quality (DEQ) to, in seafood processing facilities' waste discharge permits, allow for a mixing zone in order to satisfy the bacteria water quality criteria **if DEQ determines the mixing zone does not adversely affect public health**. It also adds a requirement that DEQ's determination to be based on a review of information that clearly demonstrates that the mixing zone would not adversely affect public health. The -3 amendment also changes the requirement in the -1 amendment that certain seafood processing facilities must implement **best-management practices** to prevent the inclusion of bacteria in wastewater effluent from external fecal sources. It requires best-management practices to be informed by a site-specific investigation of sources of bacteria.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

BACKGROUND:

The Environmental Protection Agency sets standards for drinking water and wastewater quality and treatment through the Clean Water Act and National Primary Drinking Water Regulations. The federal Clean Water Act was enacted in 1972 to restore and maintain clean and healthy waters by regulating the discharge of pollutants and setting requirements for water quality standards. Protecting water quality in source waters for public water systems requires implementation of federal Clean Water Act authorities and state law. The Department of Environmental Quality (DEQ) is responsible for implementation of the federal Clean Water Act and state water quality law in Oregon. Because of this authority, DEQ is responsible for addressing pollutants from point and

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nonpoint sources of pollution that affect the water quality throughout the state.

Seafood processing facilities must apply to DEQ for a general permit that cover limited aspects of their operations, or they can apply for individual permits that covers specific aspects of their operations. In 2020, DEQ created a new 900-J Seafood Processing General Permit.