

What is Ahead for Oregon Stormwater Programs



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DEQ's Stormwater Permit Program

- Industrial Stormwater Permits
 - 1200-Z: Industries throughout the state, based on primary SIC codes
 - 1200-A: Sand & gravel mining operations
 - 1200-COLS: Industries that discharge to the Columbia Slough
- Construction Stormwater Permits
 - 1200-C: Construction projects over 1 acre or less than 1 acre that are part of common plan of development
 - 1200-CA: Construction projects by local agencies
- Municipal Separate Storm Sewer System (MS4) Permits
 - Phase I: Populations greater than 100,000
 - Phase II: Populations between 1,500 and 100,000

DEQ Stormwater Program Priorities

- MS4 Phase I
 - Working with the local communities on the upcoming permit renewals
- 1200-Z and 1200-COLS
 - Renewing facilities coverage under 1200-Z permit
 - Reconsideration of 1200-Z and 1200-COLS permits
- Agent Agreements
 - Updating and renewing the agreements DEQ has with local Agents
- Responding to ongoing, high priority environmental complaints and violations

Phase I Municipal Stormwater Permits 7 permits - 33 co-permittees



MS4 Phase I Permit Renewals: 2009/10

- Preliminary Draft Permit Template (October '08)
 - Simplified and clarified permit language
 - Additions included in Template
 - Measurable goals
 - Post-Construction performance standards
 - Education and outreach program evaluation
 - Long-term maintenance program
 - Hydromodification & Retrofit Analysis
 - Pesticide monitoring

MS4 Phase I Permit Renewals: 2009/10

- Reexamined draft template permit language
 - Based on:
 - Preliminary Draft Permit Template written comments
 - National Research Council (NRC) report review (October '08)
 - Discussions with interested parties
- NRC report topics related to MS4s
 - Flow monitoring
 - Impervious Area
 - Permit Concepts: Flow reduction, hydromodification analysis
 - Low Impact Development (LID)

MS4 Phase I Permit Renewals: 2009/10

- MS4 Phase I Permit Reissuance Timeline
 - Staggered permit renewal reissuance
 - Formal public notice and comment period
 - Public hearing
 - Tentative timeline
 - Final permit reissuance in Late Summer '10



Industrial Stormwater Permit Requirements 1200-Z, 1200-COLS & 1200-A

- Public comment period on applications and plans
- Monitor 4 times per year
- Action Plan when benchmarks exceeded
- 4th year of permit coverage - conduct geometric mean benchmark evaluation to determine if individual permit required



1200-Z and 1200-COLS litigation

- Permits challenged by NEDC and Columbia Riverkeepers
 - 1200-COLS permit challenged March '07
 - 1200-Z permit challenged Jan. '08
- DEQ is withdrawing these permits for reconsideration
- DEQ is evaluating EPA's new Multi-Sector General Permit that was issued in Sept. '08

DEQ Industrial Permits vs. MSGP Technology Based Effluent Limits

- MSGP
 - Reorganized permit and developed explicit narrative based limits
 - Series of control measures that facilities must implement
 - Example: Good Housekeeping measures
- DEQ permits
 - Comply with CWA technology based requirements
 - Facilities self select series of Best Management Practices and include them in stormwater plan

DEQ Industrial Permits vs. MSGP Narrative WQ Based Effluent Limits Water Quality Standards

- MSGP
 - Control discharge as necessary to meet WQ standards
 - If obtain info that discharge causing or contributing to WQ standards violation, take corrective action
- DEQ permits
 - Discharge may not cause an instream WQ standards violation
 - Presume discharge meets standards if implementing control measures (EPA agrees)
 - Required to take corrective action if discharge does not meet standards

DEQ Industrial Permits vs. MSGP Narrative WQ Based Effluent Limits Discharges to Impaired Waterbodies

- MSGP
 - Discharge Pollutant of Concern & TMDL
 - New Discharge-EPA determines if remaining WLA to allow discharge
 - Existing Discharge-EPA determines if additional requirements are necessary to meet WLA
 - Discharge Pollutant of Concern & No TMDL
 - New Discharge-Allowed if do not cause or contribute to water quality standards violation
 - Existing Discharge-Control discharge as necessary to meet WQ standards & sample pollutants of concern annually
- DEQ 1200-Z permit-If permitted source assigned WLA in TMDL, individual permit may be necessary

DEQ Industrial Permits vs. MSGP

	DEQ	MSGP
Type of Sample	No requirements	<ul style="list-style-type: none"> Within 30 minutes to account for first flush. If infeasible, document in SWPCP reason why Collect during measurable storm event that follows a storm by at least 3 days.
Sampling Frequency	4 times per year	4 times per year-quarterly samples
Parameters sampled	7 analytical parameters	25 analytical parameters (sector specific)
	2 visual monitoring parameters	9 visual monitoring parameters
	Conduct visual inspections monthly when discharging	Conduct visual inspections quarterly

Benchmark Comparison

	1200-Z	1200-COLS	MSGP
TSS	130 mg/l	50 mg/l	100 mg/l
Copper	0.1 mg/l	0.036 mg/l	Hardness Dependent of the receiving stream (HD) (range 0.0038 to 0.0332 mg/L)
Lead	0.4 mg/l	0.06 mg/l	HD (range 0.014 to 0.262 mg/L)
Zinc	0.6 mg/l	0.24 mg/l	HD (range 0.04 to 0.026 mg/L)
pH	5.5 – 9.0 su	5.5 – 9.0 su	6.0 – 9.0 su
Oil and Grease	10 mg/l	10 mg/l	15 mg/l
Turbidity	N/A	N/A	50 NTU (Sector G only-Mining)

DEQ Industrial Permits vs. MSGP

	DEQ	MSGP
Sampling Waiver	Allowed after 4 events if all events meet benchmarks	Allowed after 4 events if average does not exceed benchmark
Response to Benchmark Exceedance	Submit Action Plan each time benchmark exceeded	Review BMPs, update if necessary, if average of 4 samples exceeds benchmark. Submit corrective action report annually.
Impaired Waterbodies without TMDL	No requirements	<ul style="list-style-type: none"> Monitor pollutants of concern if standard analytical method exists Monitor once per year at each outfall
Reporting	Submit paper Discharge Monitoring Report (DMR) annually	Report data results within 30 days using EPA's electronic database or paper DMR

Local Agents

- Local Municipalities implement the permits on DEQ's behalf
- Industrial Permits (4 Agents)
 - MS4 communities-Portland, Eugene, CWS
 - Oregon Dept. of Geology and Mineral Industries (1200-A facilities)
- Construction Permits (6 Agents)
 - MS4 communities- CWS, Eugene, Clackamas County, Rogue Valley Services
 - Hermiston, Troutdale

Local Agent Agreements

- Updating the agreements (MOAs)
- Agents
 - Main point of contact for permittees
 - Review applications and stormwater plans
 - Review monitoring data and Action Plans
 - Conduct inspections and identify violations
- DEQ
 - Determines if permit coverage is granted
 - Retains enforcement authority

2007-2009 Water Quality Budget

- Legislature approved additional revenue and fee increase to support stormwater program improvements
 - 90% stormwater fee increase adopted in June '08
- Phasing in 14 new positions to:
 - Conduct more inspections
 - Review stormwater management plans and monitoring reports
 - Support public comment and review of permit applications
 - Develop and implement MS4 Phase I and II Permits
 - Develop and maintain a consistent and coordinated stormwater program and reduce dual regulation of construction sites
- 8 positions are filled, 6 left vacant
 - Postponing recruitment due to economic forecast

2009 Budget Request

- Stormwater positions included in DEQ's proposed 30% budget reduction
- Impacts of reductions may include
 - Reduced stormwater inspection resources by 50%
 - Delay all permit issuance in Eastern Region
 - Reduction of DEQ resources to develop approaches for eliminating dual regulation