



Oregon's Wet Weather Standard – Where is Oregon Headed on SSO Issues?

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Topics for Today's Discussion

- Background on Wet Weather Approach
- EPA's Challenge to Permit Approach
- New Wet Weather Permit Approach
- Potential Future SSO Permit Approach



Background on Wet Weather Approach

- 1996 Bacteria Water Quality Standard
- Numeric Criteria
- Raw Sewage Discharge Prohibition
- Wet Weather Storm Exceptions
- Winter Storm OAR 340-041-0009(6)
- Summer Storm OAR 340-041-0009(7)
- Smaller Storm Exception Until 1/2010
- Permitting Approach 1996-2009
- Community Success



EPA's Challenge to the 1996-2009 Permit Approach

- EPA Objection to 7 Municipal Permits
- Object to Permit Language in Schedule F
- Storm and Non Storm Related Overflows
- SSO's cannot be authorized in NPDES Permit unless in compliance with Technology Based Effluent Limitations or any more stringent effluent limitations necessary to meet water quality standards



Consequence of Objection Letters

- DEQ Stopped Issuing Municipal Permits
- Backlog of Municipal Permit Increased
- DEQ / ACWA worked together to find solution
- DEQ Modified Schedule F Language
- Enforcement Discretion Language Added



Current Approach for SSO's

- No SSO Outfalls Listed in permit
- Report All SSO Events
- SSO event is a permit violation
- Enforcement Discretion
- SSO IMD – Prevention/Reporting
- Emergency Response & Public Notification Plan



Potential Alternative Approach?

- List SSO Outfalls in Permit
- Develop Technology Based Effluent Limits Based on Secondary Treatment
- Develop, if appropriate, Water Quality Based Effluent Limits
- Non-Continuous Dischargers can use BMP's as Effluent Limits
- Design Storms & CMOM Program



Summary

- 1996 Water Quality Standard
- EPA Challenged – Objection Letters
- Current Permit Approach
- Potential Alternative Approach
- Who will be First?



Compliance Schedule Settlement

- Lawsuit Against EPA - 9/2007
- EPA's WQ Standards Approval Process
- DEQ, ACWA and Others Intervened
- Negotiations until mid 2009
- Settled with Plaintiffs June 2010
- Goal: Ability to Issue Compliance Schedules



Settlement Provisions

- Issue IMD on Compliance Schedules
- Update Mixing Zone IMD
- Develop & Implement a Training Curriculum for Permit Writers
- Maintain and Encourage use of Feedback Tools for Permit Writers
- Notify Permittees of WQ Std changes



Settlement Provisions Continued

- Beginning in 2010, hold watershed level "data meetings" w/ pollution sources, agency reps and interested public to help direct identification of data needs for each given basis
- Hold data meeting in one priority watershed per DEQ region each year.
- Update Reasonable Potential Analysis IMD



Settlement Provisions Continued

- Permit writers must have access to and know how to use USGS databases.
- DEQ must establish publicly accessible website on toxic pollutants in state waters.
- As time and resources permit, DEQ to develop IMD on use of compliance schedules for conditions in Section 401 certifications for long-term activities, e.g., licensing or relicensing hydroelectric facilities.



Settlement Provisions Continued

- DEQ will identify 6 classes of industries or dischargers & designate at least one DEQ person w/ appropriate expertise to review all permits issued to those facilities.
- DEQ'S obligations subject to appropriation & allocation of sufficient funds.