

Notice of Hearing and Request for Comments

Proposed Changes to 1200-Z, 1200-COLS Discharge General Permits

Background

The Oregon Department of Environmental Quality invites the public to comment – by Thursday, June 16, 2011 – on proposed changes to two industrial stormwater general permits that it is revising and reissuing.

The 1200-COLS National Pollutant Discharge Elimination System (NPDES) permit applies to industries within the Columbia Slough watershed in the Portland metro area. The 1200-Z NPDES permit applies to industries in all other parts of the state. These permits cover a wide variety of industrial operations that discharge stormwater from their sites to state waters, including manufacturers, transportation companies, scrap yards, landfills, metal plating businesses and timber products industries.

The permits require these industries to use best management practices to reduce pollutants in stormwater and to protect water quality and beneficial uses of water such as swimming, fishing and drinking water. Industries must monitor pollutant benchmarks to determine if their pollution prevention measures are effective. Industries also must meet recordkeeping, monitoring and reporting requirements to ensure compliance with these permits.

In March 2007 and January 2008, the Northwest Environmental Defense Center and Columbia Riverkeeper challenged the current permits as not being protective enough of water quality. DEQ settled the legal challenge and as part of its settlement agreement, agreed to revise the permits.

In September 2008, the U.S. Environmental Protection Agency issued a new Multi-Sector General Permit for industrial stormwater discharges. DEQ based many of its 1200-Z and 1200-COLS permit changes on EPA's permit.

During the comment period the public can provide written comments and attend public hearings to make comments about specific conditions in the proposed permits.

Who is affected by this permit?

About 910 businesses or facilities are currently registered under these permits. About 140

facilities are registered under the 1200-COLS permit and 770 under the 1200-Z permit.

Where can I get more information?

You can review electronic versions of the draft permits and fact sheet at the following DEQ Web page link:

<http://www.deq.state.or.us/wq/stormwater/industrial.htm>.

Paper copies of the draft permits and fact sheet will also be available at the nearest DEQ office:

- **Pendleton**, 700 SE Emigrant, #330, Pendleton, OR 97801
- **Salem**, 750 Front St. NE, Suite 120, Salem, OR 97301-1039
- **Eugene**, 165 E. Seventh Ave., Suite 100, Eugene, OR 97401
- **Portland**, 811 SW Sixth Ave., Portland, OR 97204

Comments due June 16, 2011

Persons may submit written comments by mail, fax or e-mail. Written and oral comments may be submitted during the public hearings listed below. Comments are due to DEQ by 5 p.m. Thursday, June 16, 2011.

Mail comments to:
Jenine Camilleri
DEQ Water Quality
811 SW Sixth Ave.
Portland, OR 97204-1390

E-mail comments to:
Camilleri.jenine@deq.state.or.us, or fax
comments to Jenine Camilleri at 503-229-6037.

Public hearings

Time: Thursday, June 9, 6 p.m.
Place: Jackson County Library Medford Branch,
205 South Central Ave., Medford

Time: Friday, June 10, 2 p.m.
Place: DEQ Regional Office, 165 East 7th Ave.,
Eugene

Time: Monday, June 13, 6 p.m.
Place: DEQ Regional Office, 475 NE Bellevue,
Bend

Time: Tuesday, June 14, 6 p.m.



State of Oregon
Department of
Environmental
Quality

Water Quality

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-6775
(800) 452-4011
Fax: (503) 229-6037
Contact: Jenine Camilleri
camilleri.jenine@deq.state.or.us
www.oregon.gov/DEQ/

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Please include your full name, e-mail address and mailing address so that we can purge you from our print mailing list, thus saving trees and taxpayer dollars.

Notice Issued for: 05/10/11
By: Jenine Camilleri

Place: DEQ Headquarters, 10th Floor, Room EQC-A, 811 SW Sixth Ave., Portland

How does stormwater from industrial activities affect water quality?

Pollutants from industrial activities run off into storm drains, eventually discharging into rivers and streams, during rain events. Contaminated stormwater from industrial sites often contains sediment and metals that can pose a threat to the survival of fish and other aquatic organisms and adversely affect water quality. Deposition of sediments may harm aquatic life by covering up food sources and smothering fish eggs. Copper can be toxic to fish and affect their ability to locate food and detect predators. High levels of industrial pollutants can harm humans, interfering with disinfection of drinking water and affecting recreational uses of water.

What legal requirements apply?

Oregon Revised Statute 468B and Oregon Administrative Rule Chapter 340 Division 045-0033 give DEQ authority to issue general permits.

Under Oregon law, DEQ may issue a NPDES permit for up to a five-year permit term. The 1200-COLS permit expires on Aug. 31, 2011. Upon reissuance, the 1200-COLS permit is expected to be effective Sept. 1, 2011. The 1200-Z permit expires on June 30, 2012. Upon reissuance, the 1200-Z permit is expected to be effective July 1, 2012. DEQ is also proposing a 1200-ZN permit that will apply to new facilities that will be effective on Sept. 1, 2011.

How does DEQ determine permit requirements?

Various federal and state regulations apply depending on type of industrial activity, type of wastewater discharged (stormwater) and location of the project and receiving water. Also, DEQ based many of the 1200-Z and 1200-COLS permit changes on EPA's industrial stormwater permit and DEQ's settlement agreement with Northwest Environmental Defense Center and Columbia Riverkeeper.

Summary of changes

DEQ is significantly lowering the permits' acceptable metals benchmark level for copper, lead and zinc based on an evaluation of state water quality.

DEQ is requiring certain industries that are not consistently achieving desired benchmarks to hire a professional engineer or certified engineering geologist to design their stormwater plan and identify best available technologies to reduce pollutants.

DEQ is adding more pollutant monitoring.

- Industries will monitor for Polycyclic Aromatic Hydrocarbons (PAHs) and a broader suite of metals (cadmium, chromium and nickel) to determine if they are present in industrial stormwater.
- Industries discharging to impaired waters that are not meeting the state water quality standards will monitor for impairment pollutants on DEQ's federal Clean Water Act 303(d) list and take corrective actions if these pollutants are in their discharge.
- Certain industries will monitor for industry-specific benchmarks.

DEQ is adding more specificity for sample collection. If possible, industries will collect grab composite samples, sample during first rain event after September 1 and within the first 12 hours of each rain event.

Also, DEQ has made changes to improve efficiency and effectiveness in the reporting process, including specifying certain events for reporting revisions to stormwater plans such as changes to site that significantly impact stormwater quality or quantity.

In developing these changes DEQ worked with the Industrial Stormwater Advisory Committee. One issue that several committee members raised that DEQ has not included in this proposal, is the establishment of a permit shield upon DEQ approval of the facility's stormwater plan. DEQ invites comments on this issue.

What happens next?

After the comment period closes, DEQ will consider and provide responses to all comments. It may also modify provisions in the proposed permits, but DEQ permit writers can only modify permit conditions in accordance with rules and statutes under DEQ authority. DEQ will reissue these permits by order according to Oregon Administrative Rule 340-045-0033 instead of reissuing by rule through the Oregon Environmental Quality Commission, as done in 2006.

Accessibility information

DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach, Portland, at 503-229-5696 or call toll-free in Oregon at 800-452-4011, ext. 5696; fax to (503)



229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call 711.

