

Revising Oregon's Industrial Stormwater General Permits Advisory Committee Meeting Notes

Meeting: Meeting 8- Benchmarks and Discharges to Impaired Waterbodies

Date: April 20, 2010

Location: DEQ-Headquarters, Portland

Attendees: Committee:

- Michael Campbell-Stoel Rives LLP on behalf of Oregon Industrial Stormwater Group
- Calvin Noling-StormwaterRx
- Mark Riskedahl-NEDC
- Eric Strecker-GeoSyntec
- Russell Strader-Boise Cascade
- Dorothy Sperry- Port of Portland
- Neil Alongi-Maul Foster & Alongi, Inc.
- Doug Pennington-Oregon Metals Industry Council
- Rick Fischl-Clean Water Services on behalf of OR Association of Clean Water Agencies
- Michael Pronold-City of Portland, Bureau of Environmental Services

DEQ: Jenine Camilleri, Paula Calvert, Rodney Weick and Annette Liebe

Chair: Commissioner Ken Williamson

Benchmarks:

Jenine Camilleri discussed the decision to develop the water quality based benchmarks with DEQ staff and provided the committee with an updated work plan to reflect this additional work. Paula Calvert provided a summary of the steps involved in developing the water quality based benchmarks and the information that DEQ will analyze. She also discussed the dilution study DEQ will conduct to evaluate whether the current dilution rate of 5 in the 1200-Z permit is appropriate.

The committee members provided the following comments on the updated work plan:

- Michael Pronold asked whether DEQ will require facilities renewing coverage under the 1200-COLS permit to submit an updated plan before the existing permit expires.
- Eric Strecker asked whether DEQ will conduct outreach to ensure facilities are aware of new more stringent requirements.

The committee members provided the following comments on the benchmark project:

- Eric Strecker questioned whether DEQ can use the monte carlo approach to evaluate flow since dilution can vary. He also suggested that DEQ evaluate that there are variables that are dependent on each other (e.g., hardness highest when base flow lowest).
- Eric Strecker suggested that DEQ look at the distribution of total metals data for a site since sites do not have constant discharges and take the median value with a coefficient of variation.
- Michael Pronold commented the dilution study may not consider the following: facilities that installed green infrastructure, which reduces flows; the non-industrial areas that may mix

with stormwater runoff; and if a facility discharges to a ditch or a MS4 system where mixing may occur.

- Michael Campbell questioned whether DEQ could plug dilution of 5 into the model.
- Neil Alongi commented that the use of the rational method will produce conservative results in the dilution study (conservative in this case is the overestimation of runoff thereby resulting in lower than actual dilution). The Santa Barbara method is less conservative and a Western Washington method is even less conservative, however, both methods are more complex.

Discharges to Columbia Slough Watershed:

Jenine Camilleri provided the recommended approach for requiring facilities that have not met the BOD and TSS benchmarks based on the 4th year geometric mean evaluation under the current permit to install the most effective BMP to reduce the pollutant concentrations in the discharge below the benchmarks.

The committee members provided the following comments:

- Russell Strader commented that DEQ should have facilities monitor for organics to see if present in discharge before requiring them to implement additional BMPs to address TSS.
- Michael Pronold suggested that DEQ consider loading and low impact development BMPs that may reduce stormwater discharge flows. Neil Alongi agrees and suggested that DEQ provide a credit for loading (e.g., consider before/after harvesting to reduce loading even if concentration of discharge still exceeds the benchmark.)
- Calvin Noling commented that the permit needs teeth and strong expectations and enforcement. Need deadline for BMP installation because there is an economic advantage to defer costs. DEQ needs to respond if timelines are not met. Rick Fischl commented that some facilities will not do anything unless you do enforcement so permit needs teeth. Neil Alongi commented that facilities should be able to install BMPs within one and half years. Rodney Weick commented that DEQ could consider a maximum of two years given it takes about 90 days to evaluate which BMP to install and one year to obtain the proper permits, if necessary, and test the BMPs.
- Russell Strader asked who certifies professional in stormwater quality. Erick Strecker suggested DEQ evaluate the repercussions for professional engineer or professional Geologist (e.g., consequences for bad actors and how big of deal is it if they lose their certification).
- Eric Strecker commented that DEQ needs to be careful of the wording "most effective BMP. He suggested using "most appropriate BMP to achieve" benchmarks since the goal is to reduce the pollutants to concentrations below the benchmark not have the facility install the most expensive BMP.
- Neil Alongi commented that there needs to be a way to consider economic achievability.
- Overall the committee thought the approach was good as long as the benchmarks are achievable.

Discharges to Impaired Waterbodies: Jenine Camilleri provided the recommended approach for facilities discharging to impaired waterbodies needing TMDLs.

The committee members provided the following comments:

- Eric Strecker questioned what happens if only exceed one of the four samples (e.g., slighter over the criteria) during the first year of monitoring. Neil Alongi also commented that there is a good chance that a facility will get a hit for an impairment pollutant once over five years and if so then they would have to meet stringent requirements. Russell Strader questioned

whether there is a way to address facilities that get one hit without having to trigger full requirement of installing the most effective BMP. Michael Campbell commented that if monitoring based on acute standard and they get one hit then requiring facility to install additional BMPs is justifiable if stream listed for exceeding acute criteria rather than human health criteria. Eric Strecker commented that there should be a variance from the monitoring if facility can establish after some time that the impairment pollutant is not present in discharge. Neil Alongi suggested that DEQ take the geometric mean of four samples. Eric responded that DEQ should create an incentive for facilities to collect four samples and only allow them to use geometric mean calculation if they have collected all four samples.

- Michael Campbell commented that the approach is better than WA's approach since DEQ is treating impairment pollutants more like benchmarks than effluent limits given the extent of the unknowns about whether a waterbody is meeting standards. However, if after installing additional BMPs, a facility is not reducing the impairment pollutants below the criteria, DEQ should address this issue during TMDL development rather than requiring facility to obtain an individual permit.
- Michael Campbell questioned why DEQ would use the human health criteria for pollutants that do not have aquatic life criteria given the long exposure time used to develop the human health criteria. He suggested that if there is not an acute criteria for a specific pollutant that DEQ not apply a different criteria (i.e., chronic or human health). Stormwater is not an issue for some of these impairment pollutants. Neil Alongi also commented that the chronic criteria should not be used.
- Rick Fischl commented that DEQ needs to specify in permit when sampling will occur (e.g., during normal work hours). Jenine Camilleri responded that DEQ will clarify these requirements in the new permit.
- Michael Pronold commented that for facilities and agency to track monitoring requirements. It may be difficult for facilities to report information on specific storm events they sample (e.g., duration of storm event). Jenine Camilleri responded that DEQ will likely have to provide guidance to facilities on how to conduct monitoring and report information in DMR.
- Eric Strecker commented that DEQ should consider a variance for facilities that allows them to collect one sample that is above the criteria. Neil Alongi commented that DEQ should consider using the geometric mean average based on the 4 samples collected.
- Eric Strecker commented that DEQ should consider constraints related to timing of meeting permit requirements and economic constraints. If they need more time would DEQ allow that or excuse them from meeting the permit requirements.
- Michael Pronold commented that facilities should focus on source control first and then use PE once source is removed. It takes time to evaluate source control given variability of stormwater samples and they may need to wait for another rain event to collect more samples.
- Michael Campbell commented that DEQ should prioritize review of the plans related to impairment pollutant requirements.
- Rick Fischl commented that DEQ may want to use action plans for impairment pollutants so then getting the results months after the fact (e.g., get a hit and then wait to see if there is a trend, if two hits then investigate and assess source and submit results). Michael Pronold commented that the earlier the agents can work with a facility the better, that being said Michael is in favor of submitting an annual report.
- Overall, the committee commented that the agency is going in a good direction. However, the approach is fairly stringent considering facilities have not monitored for these pollutants before and it doesn't take into account the different issues raised by the group.

Follow-Up items:

- DEQ will evaluate approach for pollutants that do not have aquatic life criteria and whether the agency will use the human health criteria for monitoring purposes.
- DEQ will evaluate implementation steps regarding installing the “most appropriate/effective BMPs” to address the pollutant of concern.
- DEQ will evaluate whether a monitoring waiver/variance should be considered for impairment pollutant monitoring.