

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

Meeting: Meeting 10- Benchmarks and Watershed Permits

Date: July 20, 2010

Location: DEQ-Headquarters, Portland

Attendees: Committee:

- Eric Strecker- GeoSyntec
- Michael Campbell- Stoel Rives LLP on behalf of Oregon Industrial Stormwater Group
- Richard Vincent for Dorothy Sperry- Port of Portland
- Neil Alongi-Maul Foster & Alongi, Inc.
- Doug Pennington- Oregon Metals Industry Council
- Laura Dose for Rick Fischl- Clean Water Services on behalf of OR Association of Clean Water Agencies
- Michael Pronold- City of Portland, Bureau of Environmental Services
- Dan Mensher- Pacific Environmental Advocacy Center, on behalf of NEDC and Columbia Riverkeeper
- Russell Strader-Boise Cascade

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

Chair: Commissioner Ken Williamson

Discharges to Impaired Waterbodies: Jenine Camilleri updated the committee on next steps DEQ will take to finalize the approach for discharges to impaired waters needing TMDLs:

The committee members provided the following comments:

- Neil Alongi questioned when DEQ will evaluate BMP effectiveness and how the agency will go about this evaluation. Jenine Camilleri responded that the agency will discuss this issue with the committee at the November 2010 meeting. Paula Calvert responded that DEQ will use the International BMP database as a starting point and look at different pollutants and families of BMPs and their capabilities. Michael Pronold suggested that DEQ look at removal efficiencies based on concentrations and mass loadings and that infiltration systems should be evaluated. Russell Strader commented that mass removal and low stormwater discharges are important considerations. Annette Liebe stated that the purpose of this work is to evaluate the policy implications of the new permit requirements (e.g., stringency of corrective action requirements and whether the new benchmarks are achievable).
- Russell Strader commented that the “most effective BMPs” may be different for benchmarks and impairment pollutants.
- Russell Strader commented that in evaluating cost effectiveness the agency should not assume that a big business is different from a “mom and pop” business because there are some big businesses that are made up of small businesses that are similar to a “mom and pop” business.

Benchmarks:

Paula Calvert discussed developing water quality based benchmarks on a smaller scale (Willamette Basin) than a regional scale (Western/Eastern Oregon).

The committee members provided the following comments:

- Dan Mensher questioned why DEQ excluded data from impaired waters. Paula Calvert explained that DEQ does not want to over represent certain areas and if DEQ used the data it would not be representative of ambient waterbody conditions throughout the state.
- Claire Tonry of StormwaterRx asked what DEQ will do with the non-detect values. Paula Calvert explained that the agency is still evaluating this issue and is looking at studies and what Washington did. Erick Strecker explained that he can assist with this issue since it was a big issue with the International BMP database.
- Richard Vincent commented that if the lead benchmarks for Eastern and Western Oregon are close then DEQ should not have two different benchmarks for these regions.
- Michael Pronold asked if DEQ can develop benchmarks for certain watersheds as part of the work to develop watershed permits. Jenine Camilleri explained that they will only be going down to the geographic scale of the Willamette basin which encompasses many watersheds.

The committee members provided the following comments regarding the using the dilution of 5:

- Russell Strader asked whether DEQ is settled on using the dilution rate of 5 for the 1200-Z permit. He commented that DEQ should consider using the dilution rate of 10 since there is not much difference in the number of facilities that fall within a dilution rate of 5 (80%) and dilution rate of 10 (75%), and many facilities may decide to get an individual permit if they believe their dilution is higher than 5.
- Michael Campbell commented that DEQ should consider using the dilution data from the study DEQ conducted in the benchmark model as a stochastic variable rather than only using a constant dilution of 5 since the benchmarks will be based on likelihood of exceeding water quality standards. Paula Calvert and Erich Brandstetter commented that DEQ could use this data, but would need to gather more data since the 48 facilities may not be an adequate representation of the permitted facilities as a stochastic variable in the model. Annette Liebe commented that DEQ is concerned that if dilution rates higher than 5 are used in the model, the benchmarks may be higher and not as protective of water quality.
- Erick Strecker suggested that DEQ do model runs based on dilution rates of 2, 5 and 10. Walt Cook commented that it is good to look at dilution ranges so that the agency can justify using the dilution of 5.
- Annette Liebe commented that based on the feedback from the committee, DEQ will consider whether it will run models based on a dilution rate of 5 and 10. DEQ will also consider what additional resources would be needed to use the data from the dilution study as a stochastic variable in the model.

Watershed Permits:

Jenine Camilleri discussed the option of developing watershed permits:

The committee members provided the following comments:

- Russell Strader asked DEQ to clarify the size of a watershed. Jenine Camilleri provided an example of watershed/basins in the Northwest region.
- Russell Strader asked for verification that the watershed permit approach is based more on how DEQ will divide up the workload than on specific water quality issues in a given watershed. Jenine Camilleri confirmed this and explained that for the next permit cycle DEQ

is working to move the stormwater permits onto a watershed cycle and implement the impairment pollutant requirements, and in the next permit cycle the agency that permits may address specific watershed issues.

- Michael Pronold questioned how the agency will develop the general permit conditions in the next iteration of the permits (e.g., in 2016) considering there will may be three different expiration dates for the watershed permits.
- Laura Dose asked if DEQ will consider facilities that discharge to MS4 system for impairment pollutant monitoring. Jenine Camilleri responded that the agency will consider these discharges and that additional information is needed from the permittees regarding their discharge location.
- Richard Vincent asked if DEQ would consider background issues of a given watershed when developing the watershed permit and that that the agency should provide guidance on evaluating background conditions. Jenine Camilleri responded the watershed permits will not address this issue but background may be considered in response to a benchmark exceedances and determining if impairment pollutants are present in discharge.
- Commissioner Williamson commented that, overall, the agency will be headed in a great direction in using the watershed permit approach.

Follow-Up items:

- DEQ will consider whether other dilution approaches will be used to develop the benchmarks besides using the dilution rate of 5.
- DEQ will evaluate issues related to determining if pollutants are present due to background natural conditions.