

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

**Meeting:** Meeting 9- Benchmarks and Discharges to Impaired Waterbodies

**Date:** June 15, 2010

**Location:** DEQ-Headquarters, Portland

**Attendees: Committee:**

- Calvin Noling- StormwaterRx
- Eric Strecker- GeoSyntec
- Michael Campbell- Stoel Rives LLP on behalf of Oregon Industrial Stormwater Group
- Dorothy Sperry- Port of Portland
- 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
- Jay Waldron- Glenwood Auto Parts
- Dan Mensher- Pacific Environmental Advocacy Center, on behalf of NEDC and Columbia Riverkeeper

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

**Benchmarks:**

Paula Calvert discussed the dilution study DEQ conducted to evaluate whether the current dilution rate of five in the 1200-Z permit is appropriate.

The committee members provided the following comments:

- Michael Pronold asked why the presentation said DEQ evaluated 48 facilities and the memo stated 50 facilities. Paula responded that the memo had the wrong number. DEQ ultimately did not include 2 facilities in the study due to unique site specific issues.
- Eric Strecker questioned whether the streamflow was based on an average and if so, that does not account for situations when the stream flow may be elevated. Paula responded that the agency looked at streamflow for the entire rainy season (October through June).
- Eric Strecker commented that DEQ should plot the dilution versus the ratio of industrial sites, which may provide additional information about the facilities that discharge to watersheds that are less than five square miles.
- Michael Campbell questioned whether DEQ was proposing to use a flat rate of dilution (e.g., dilution rate of 5) or if the agency could use the results from the study on the various dilution rates and plug that information into the model. Erich Brandstetter explained that DEQ had not planned to plug the results into the model. Annette Liebe responded that DEQ will consider that suggestion.
- Michael Pronold questioned whether DEQ could have watershed specific benchmarks that take into consideration specific watershed issues. Annette Liebe responded that this a general permit approach so assumptions will have to be made. Michael also commented that the study was eye opening and appreciated the effort that DEQ made.
- Eric Strecker recommended that TMDL program should look at dilution for industrial stormwater when TMDLs are developed.

**Discharges to Impaired Waterbodies:** Jenine Camilleri provided the changes to recommended approach for facilities discharging to impaired waterbodies needing TMDLs based on feedback from the past committee meeting and additional DEQ discussions.

The committee members provided the following comments on the monitoring requirements:

- Calvin Noling commented that there should be an allowance for grab composite sampling requirements for facilities that cannot collect 3 subsamples. It could stop raining after 2 subsamples have been collected. More complicated sampling requirements lead to less sampling by the facilities. DEQ could propose that facilities collect one to four subsamples or encourage grab composite samples but don't require it.
- Michael Pronold commented that some facilities will use consultants or labs to collect grab composite samples which require more time and therefore greater cost.
- Eric Strecker recommended that DEQ make sure the facilities record how many subsamples that are collected.
- Rick Fischl asked why DEQ would require the samples to be collected 30 minutes apart instead of 15 minutes apart. A shorter time increment will cut down on the total amount of time required to collect samples and would make it more likely that facilities will submit the monitoring data.
- Dorothy Sperry commented that some facilities have more than one outfall to monitor.
- Calvin Noling commented that potential complications may arise in proportioning subsample volumes. What if one subsample has more volume than the others?
- Calvin Noling questioned whether DEQ will publish information/guidance on evaluating natural background conditions? Dorothy Sperry also commented that the committee needs to talk about background conditions at a future meeting. JC – Will discuss internally.
- Calvin Noling suggested that DEQ use a rolling geometric mean average. Some facilities may be so far above the standard that using a rolling calculation may push them into implementing additional BMPs before the 3<sup>rd</sup> year of the permit. This would also even out the workload and DEQ could address these facilities throughout the year rather at the end of the 2<sup>nd</sup> year of the permit.

The committee members provided the following comments on the BMP requirements:

- Rodney Weick recommended that DEQ allow Certified Engineering Geologist (CEG) along with Registered Professional Engineers to stamp the stormwater plans for facilities that are required to implement additional BMPs to address impairment pollutants. CEGs have the necessary expertise to review the plans.
- Calvin Noling questioned why a facility would start implementing additional BMPs in year 1 if they have 2 years to implement? Erick Strecker noted that some facilities in Washington have started after collecting 1 sample because they know the requirements will apply to them. Jenine Camilleri noted that if facilities have an indication that they are going to have to implement additional BMPs they can begin planning and implementing BMPs earlier than the 3<sup>rd</sup> year so that they will meet the 2 year deadline.
- Erick Strecker recommended that DEQ define most effective or most appropriate BMP standard. The most effective BMP would be getting a big tank and flash evaporate the stormwater so DEQ should use another word like most appropriate.
  - Calvin Noling commented that DEQ should be careful with wording because there is a risk of facilities selecting a BMP that does not have a proven track record.
  - Annette Liebe commented that it is difficult to articulate what is meant by the most effective BMP and requested suggestions. The goal of this requirement is to ensure that facilities are moving forward in improving water quality.

- Jessica Kruczek from Landau Associates recommended looking at scoring approach that the cleanup program uses to evaluate technologies. DEQ could develop guidance on scoring BMPs.
- Walt Cook from Water Environment Resources commented that EPA has guidance on analyzing BMPs that gets the bias out. DEQ should provide general guidance on expectation of how BMPs should be evaluated.
- Erick Strecker asked whether the most effective BMP could consider source control versus treatment. Jenine Camilleri responded that source control measures would be considered as most effective BMPs.
- Rick Fischl asked whether there are BMPs available to target the impairment pollutants. Jenine Camilleri responded that DEQ will be looking at BMP effectiveness and gathering information about a variety of BMPs that may address pollutants in industrial stormwater.

The committee members provided the following comments on the economic feasibility analysis:

- Michael Campbell commented that the economic analysis could apply to two different scenarios (1) facility that could spend \$1M to get to a certain result and (2) what is economically feasible for a mom and pop facility versus a big business.
- Michael Campbell commented that given the uncertainty of the listings and the fact that a TMDL has not been developed yet, could DEQ consider economic feasibility of implementing additional BMPs? Annette Liebe responded that DEQ could consider requesting the facilities conduct ambient monitoring to determine the relevance of the listing. Dan Mensher agreed that if a listing is based on one sample that additional samples should be collected.
- Dan Mensher commented that DEQ should ask "has a facility done enough", which requires an individual assessment of the facility. Annette Liebe commented that small businesses could spend over \$10,000 to obtain an individual permit where DEQ could conduct an individual assessment of their facility, but wouldn't this money be better spent on implementing BMPs to reduce pollution.
- Dan Mensher commented that could DEQ conduct an asset evaluation? Annette Liebe responded that this assessment would occur under an individual permit if the facility requested a variance.
- Dan Mensher commented that he is uncomfortable with the stormwater program conducting the analysis given its limited resources, which will undermine the program. Could DEQ develop a less expensive individual permit to analyze these issues, since it may take a lot of time and resources to evaluate what are the most effective BMPs for a given facility.
- Eric Strecker suggested that DEQ define mom and pop facilities. Dorothy Sperry commented that a business could be big and broke.
- Michael Campbell commented that this evaluation should be a simplified approach since TMDL is not developed and meeting water quality standards should be a target and the BMP could be aimed at that target.

The committee members provided the following comments on the overall approach:

- Jay Waldron supports the waiver requirements because money is spent to test stormwater and on pollution prevention so with a waiver that money can go back into the facility and the water is cleaner.
- Michael Pronold supports monitoring approach but also recommends guidance for facilities on collecting grab composite samples.
- Erick Strecker asked whether facilities will have to conduct same amount of monitoring in the next permit. Jenine Camilleri responded that it is difficult to anticipate what requirements

will be in the next permit. Rick Fischl commented that with the monitoring waiver facilities have to resample their discharge each permit cycle and that is a good approach.

- Erick Streckers commented that once BMPs are in place that facilities should reduce sampling to one time per year. Dan Mensher responded that facilities should continue to monitor discharge after the 2<sup>nd</sup> year of monitoring, may not need 4 samples but should be robust monitoring, since they know they have a problem and will need to confirm that the BMPs are working once they are in place.
- Walt Cook commented that it is difficult to recommend course of action given only 1 or 4 samples per year.
- Erick Strecker commented that facilities should be given a year to implement the BMPs unless they have permitting issues. Rodney Weick suggested the following language: implement the BMPs in one year and provide documentation as to why more time is needed. Doug Pennington commented that they may need more than one year due to financial planning/constraints. Dan Mensher suggested creating incentives to get BMPs implemented in one year

**Follow-Up items:**

- DEQ will evaluate how to define “most effective/appropriate BMPs”.
- DEQ will evaluate issues related to determining if pollutants are present due to background natural conditions.