



Developments in Oregon Stormwater Permitting & Management



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Topics

- Municipal Stormwater and General Permit
- Underground Injection Control
- Construction Permit and 1200-CN
- Industrial Stormwater and Tier II
- What's Ahead



Municipal Stormwater Permits

- Moving towards general permit for Phase II jurisdictions
 - 15 individual Phase II permits
 - Expect more jurisdictions will be added
 - Looking for efficient ways to achieve the environmental benefit

<http://www.deq.state.or.us/wq/stormwater/municipalph1.htm>



Phase II Municipal General Permit

- Outreach to permittees and others
- Advisory Committee assembled; met twice
 - Permit framework and options
 - Maximum Extent Practicable
 - Differences between communities
- Addressing differences in a general permit
 - Separate general permits
 - Tiered approach
 - Different timelines and requirements for different communities

<http://www.deq.state.or.us/wq/stormwater/municipalph2.htm>



Phase II Municipal General Permit

- EPAs post-construction rules
- Coastal Zone Act Reauthorization Amendment (CZARA)
- Hire MS4 coordinator
- Reconvene Advisory Committee
- Review by Phase II communities and other interested parties, prior to a formal public comment period

<http://www.deq.state.or.us/wq/stormwater/municipalph2.htm>



Underground Injection Control (UIC)

- Staff
- Simplified “rule authorization” application form
- Roof drain UIC
- Issued nine individual UIC WPCF permits
- Developing general permit for smaller towns
- Preparing for rulemaking in Division 40 and 44 (groundwater and UIC)

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



Construction Permitting Overview

- Construction that will disturb one or more acres
- Construction that will disturb less than one acre, that is part of a common plan that will disturb one or more acres
- Public notice required for construction that will disturb five or more acres
- Annual fee until permit is terminated

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



Construction General Permits

- 1200-CA (Construction for Agencies)
 - 42 agencies
 - Expired 2005
 - Administratively extended, not open to new applicants
- 1200-CN (Construction with No registration)
 - In specific jurisdictions
 - Projects less than 5 acres don't register with (apply to) DEQ
- 1200-C (all other Construction)



1200-CN Coverage

- DEQ is not delegating authority
- DEQ retains enforcement authority
- Applicable in eligible jurisdictions with reviewed (not “equivalent”) erosion and sediment control program and IGA
- Operators do not apply to DEQ, but are covered and receive a 1200-CN copy with local permit
- Projects are subject to the 1200-CN permit
- Projects are held to performance measures
 - No significant discharge of sediment or turbidity
 - Not cause or contribute to a violation of instream water quality



Important Partnerships



1200-CN Jurisdiction

- DEQ review of essential elements
 - Plan review
 - Ordinances
 - Site inspections
 - Enforcement
 - Required program
 - Size of disturbed area
- Inter-governmental Agreement (IGA) with DEQ
- Jurisdiction listed in 1200-CN permit

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



DEQ “Agents”

- Local municipalities that implement general permits on DEQ’s behalf
- 1200-C, 1200-Z/COLS, 1200-A
- Detailed, formal agreement; “delegated” authority
- Use DEQ forms, DEQ guidance, DEQ requirements, DEQ fees
- Cost sharing



Industrial Stormwater (1200-Z, 1200-COLS)

- Tier II requirements hit about 400 facilities in NWR and ER this year (WR next year)
- Facilities that consistently exceed benchmark must take stricter measures
- Guidance
- Agents

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



Stormwater Permit Cycle Summary

Task Name	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
37 <input type="checkbox"/> Summary										
38 No permits expire					11/26					
39 Eight expire							11/30			
40 No permits expire									11/26	

Challenges for the next 12 months



- Continue Phase II MS4 general permit development
- Complete renewal of Clean Water Services individual permit
- Begin 1200-C/CN renewal
 - Add additional 1200-CN jurisdictions
 - Revisit CN Intergovernmental Agreements
- Begin 1200-CA renewal
- Begin 1200-Z/COLS renewal
- Begin renewal of five Phase I individual permits
- Update Agent Memoranda of Agreement
- Improved support & oversight:
 - 1200-CA
 - 1200-CN
 - Agents (1200-Z/COLS, 1200-C, 1200-A)
 - MS4 Permittees



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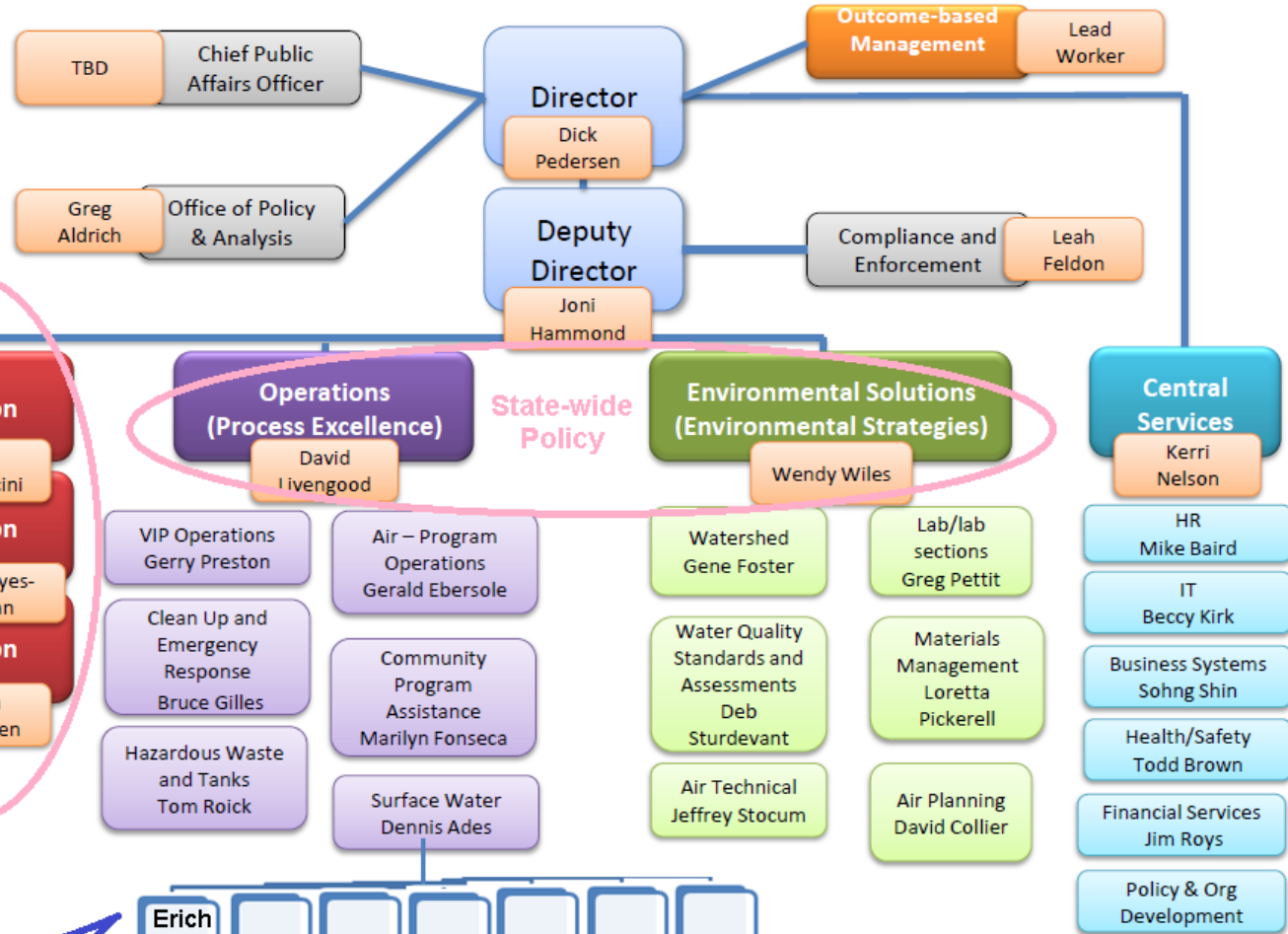
Optional slides follow this page



Improved Small Lot (less than one acre) Implementation

- In the permit since 2005 or earlier
- Don't connect small lot with developer permit
- Simplified Erosion and Sediment Control Plan for lots
- Reduced fee for small lots, and no annual fee

Department of Environmental Quality



Local Implementation

State-wide Policy

Permit application



No 1200-C application if < 5 acres



Other Partners

- Oregon Association of Clean Water Agencies
- Oregon Homebuilders Association
- Association of Oregon Industries
- Washington Department of Ecology
- Columbia Riverkeepers
- Willamette Riverkeepers
- Northwest Environmental Defense Center
- Universities
- ?????????



Construction and Industrial Permit Revisions

1200-C/CN

Fall 2015: Begin work

Early 2015: Begin stakeholder involvement

December 1, 2015: Revised permit

1200-Z/COLS

Spring 2015: Begin work

Summer 2015: Begin stakeholder involvement

October 1, 2016: Revised permit

1200-A

Fall 2016: Begin work

Early 2017: Begin stakeholder involvement

December 4, 2017: Revised permit



DEQ Stormwater Staff

Position	NWR	ER	WR
Water Quality Manager	Ron Doughton	Eric Nigg	Zach Loboy
Permit Coordinator	Nancy Stellmach	Jackie Ray	Kathy Jacobsen
Staff	Dennis Jurries	Krista Ratliff	Kristy Sewell
Staff	Jennifer Weaver		Mark Riedel

HQ: Erich Brandstetter – Industrial, construction, mining, etc.

HQ: (formerly Ben Benningham) - Municipal



DEQ

Applied only to statewide benchmark parameters.

Tier II Data Analysis

Parameter	1200-Z/ZN Benchmark	1200-COLS Benchmark
Total Copper	0.020 mg/L	0.036 mg/L
Total Lead	0.040 mg/L	0.060 mg/L
Total Zinc	0.12 mg/L	0.24 mg/L
pH	5.5 – 9.0 SU	5.5 – 8.5 SU
Total Suspended Solids	100 mg/L	50 mg/L
Total Oil & Grease	10 mg/L	10 mg/L
E. coli	406 counts/100 ml	406 counts/100 ml
Phosphorous	-	0.16 mg/L
BOD5	-	33 mg/L



Tier II Enforcement

- Failure to submit revised SWPCP is a violation.
- Failing to follow the revised SWPCP is a violation.
- Penalties can be high because of “avoided cost.”
- Note: no requirement to notify DEQ or Agent when implementation is complete. How do we find out?