



## Oregon Industrial Stormwater Permits



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



## 3 Main Topics: how much time?

1. The permits (what we do)
  2. The program (how we do it)
  3. The construction stormwater renewal (what we might do)
- Program areas
    - Underground Injection Control
    - Municipal Stormwater
    - Industrial Stormwater and Tier II
    - Construction and renewals



## 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>



## Municipal Stormwater Permits

- Renewal of Phase I individual 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>



## Municipal Stormwater

- Hired Lisa Cox as municipal stormwater program coordinator
- Meeting permittees & other stakeholders.
  - This month, Salem, Keizer, ODOT, Eugene, Springfield, Clean Water Services and...
- Drafted MS4 Program Planning goals and drafting a work plan.
- Annual reports are in and being read.
- Distributed monitoring data & reports to many DEQ staff and managers.
- Clean Water Services permit is 95% complete.



## Changes to Industrial Stormwater Permits (1200-Z, 1200-COLS)

- Major Changes
  - More pollutants to monitor
  - Lower metals benchmarks (1200-Z)
  - Tiered corrective actions triggered in second year of coverage.



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



## Industrial Stormwater

- Tier II requirements hit about 500 facilities in NWR and ER this year (WR next year)
- Facilities that consistently exceed benchmark must take stricter measures
- 175 facilities “qualified” for Tier II
- Received 174 Tier II plans



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



## Tier II Enforcement

- Exceeding a benchmark is not a violation.
- 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?







## 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)



## Common Plan?

- “Common plan of development or sale” – multiple or phased projects that are part of a larger project or plan
- Typical scenario
  - developer gets permit, builds infrastructure
  - Lots sold and new owners build houses
  - Lots will disturb less than one acre
- Other scenarios: strip mall, windmill farm...



## **Small Lot (less than one acre) Implementation**

- If part of a common plan that is greater than one acre
- 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



## 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



## 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>



# People who contributed to Vol. I (of 5) of the Stormwater Management Manual for Western Washington



- Ed O'Brien, P.E. Dept. of Ecology
- Carrie A. Graul Dept. of Ecology
- Julie Robertson Dept. of Ecology
- Kelsey Highfill Dept. of Ecology
- Harriet Beale Dept. of Ecology, Water Quality
- Cathy Beam City of Redmond
- Wayne Carlson AHBL, Inc.
- Art Castle Kitsap County Homebuilders Association
- Wally Costello Quadrant Homes (retired)
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- Harry Reinert King County
- Jodi Slavik Building Industry Association of Washington
- Al Schauer MacKay & Sposito, Inc.
- Tracy Tackett Seattle Public Utilities
- Dave Tucker Kitsap County Public Works
- Bruce Wishart People for Puget Sound
- Bruce Wulkan Puget Sound Partnership



## DEQ Stormwater Staff

Position	NWR	ER	WR
Water Quality Manager	Ron Doughton	Eric Nigg	Zach Loboy
Permit Coordinator		Jackie Ray	Kathy Jacobsen
Staff	<b>Jennifer Weaver</b>	<b>Krista Ratliff</b>	<b>Jill Seale</b>
Staff	<b>Gregg Dahmen</b>		<b>Mark Riedel</b>

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

HQ: Lisa Cox – Municipal

Jennifer Wigal – Manager, Surface Water Management





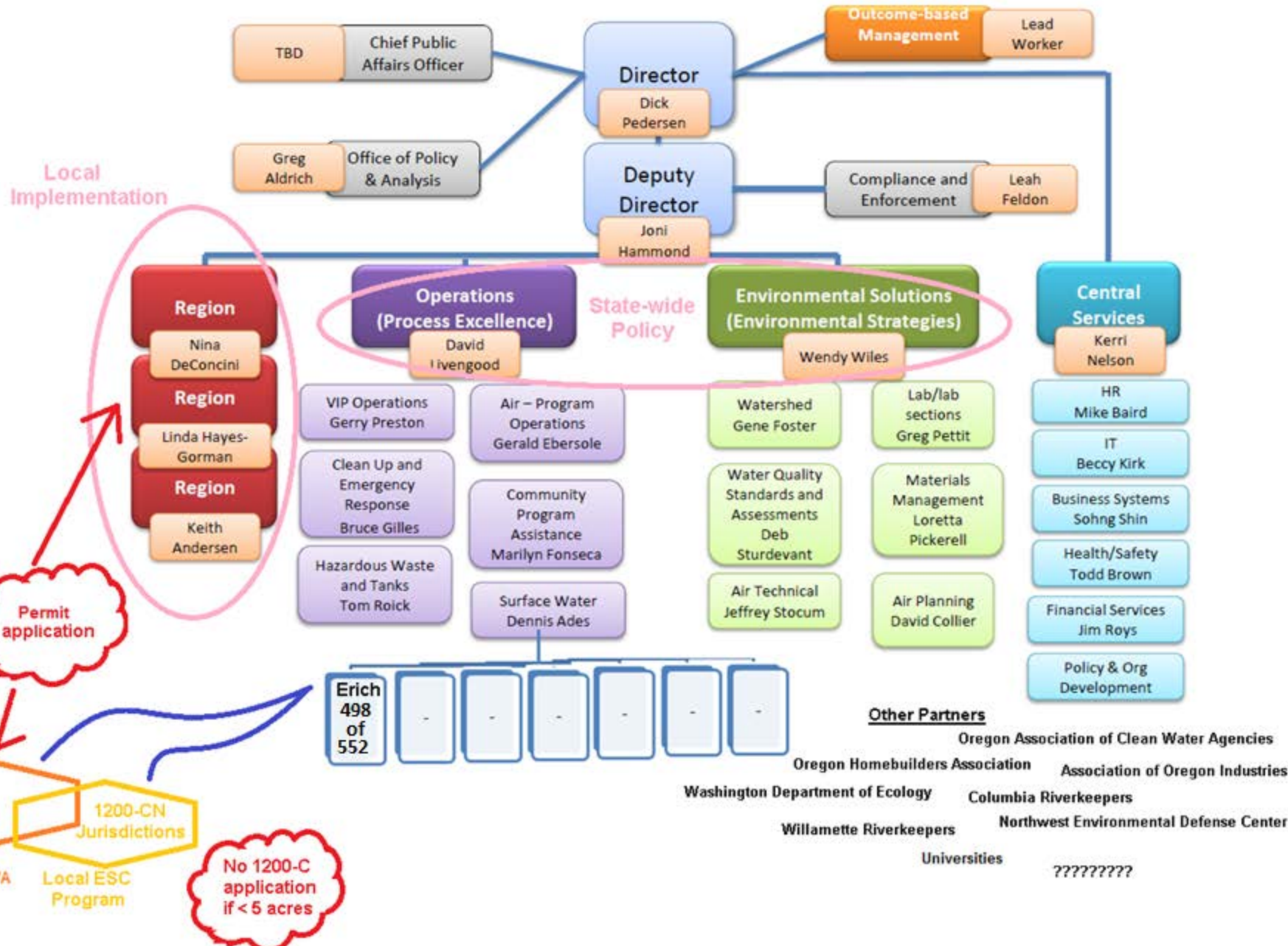
## Good Advice



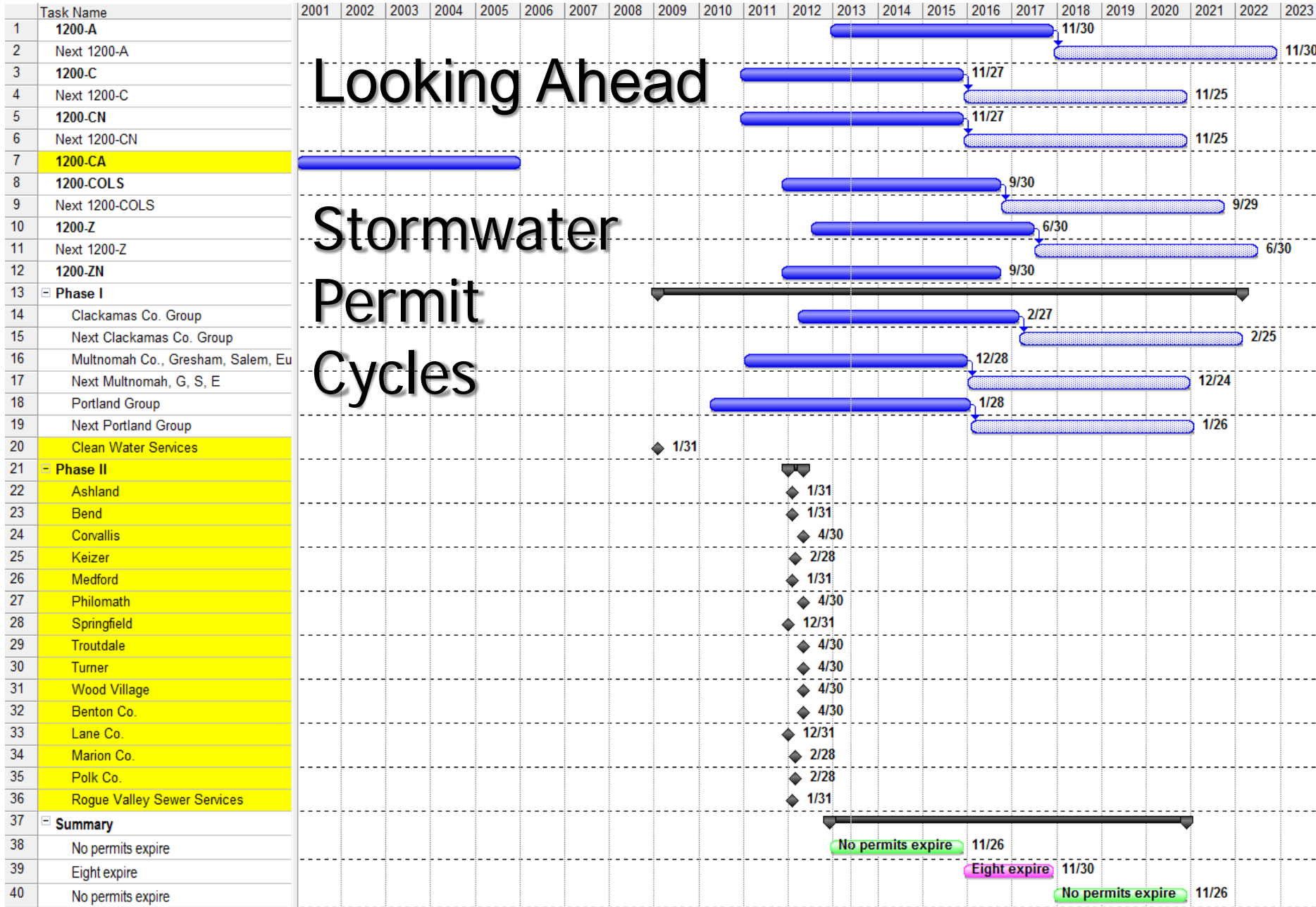
## DEQ “Agents”

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

# Department of Environmental Quality



# Department of Environmental Quality



## Looking Ahead

## Stormwater Permit Cycles

No permits expire 11/26

Eight expire 11/30

No permits expire 11/26



# 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	



## Items for the next 12 months

- Restart Phase II MS4 general permit development
- Review 175 Tier II stormwater plans
- Complete renewal of Clean Water Services individual permit
- Begin 1200-C/CN renewal
- Begin 1200-CA update
- Begin 1200-Z/COLS renewal
- Begin renewal of Portland Group and Multnomah Group individual permits
- Update Agent Memoranda of Understanding



## **Construction Stormwater Permit Renewals Permit Items**

- Not list 1200-CN jurisdictions in the permit
- Buffer zone requirement (40CFR450.21(6))
- Common plan of development termination
- Small lot permitting
- Minor changes to BMPs, ESCPs, etc.
- No turbidity monitoring



## **Construction Stormwater Permit Renewals 1200-CA**

- Covers 42 agencies
- Authorizes multiple projects under a single permit registration
- Minimal submittal and reporting requirements
- Little DEQ involvement in ongoing projects
- Update to
  - Meet EPA regulations
  - Be consistent with 1200-C permit
  - Have appropriate level of document review, inspections, etc.





**DEQ**

## **Construction Stormwater Permit Renewals Programmatic Items**

- Program improvements desired, but very limited staff time
- Update Agent & 1200-CN agreements
- Review of 1200-CN programs (existing & new applicants)
- 1200-CA
- Improve coordination & oversight of Agents, CN & CA
- Construction inspector training requirements
- Guidance, forms, web page, etc.



## Construction Renewal Schedule

Email announcement	ASAP
Written input from stakeholders	1/30/15
<b>Meetings round 1</b>	<b>2/20/15-3/12/15</b>
Final round 1 summary out	4/23/15
<b>Meetings round 2, or perhaps have a combined meeting</b>	<b>5/1/15-5/14/15</b>
Final round 2 summary out	7/2/15
<b>External draft permit and PER out</b>	<b>7/30/15</b>
Stakeholder comments on external drafts due	8/20/15
Publish public notice permit and PER	10/1/15
Public Notice Meetings	10/1/15-10/15/15
Public comment closes	11/15/2015
Publish final permit and PER	12/1/2015

## Events & Info



- DEQ Facebook page and Twitter account
  - [flynt.jennifer@deq.state.or.us](mailto:flynt.jennifer@deq.state.or.us) for more info
- 1/27: Mid-Willamette Erosion Control Summit, Keizer
  - <http://www.cityofsalem.net/ErosionSummit>
- 2/15-18: International Erosion Control Association Annual Conference, Portland
  - [www.stormwaterconf.com/wa15](http://www.stormwaterconf.com/wa15)
- 2/18: Using Illicit Discharge Programs to Monitor Bacteria, free webcast
  - [cwp.org/webcasts](http://cwp.org/webcasts).
- 3/5: Adapting to Low-Impact Development (LID), Tacoma
  - [www.wastormwatercenter.org/calendar](http://www.wastormwatercenter.org/calendar)
- 5/15: ACWA Annual Stormwater Summit, Eugene
  - <http://www.oracwa.org>



**Optional slides follow this page**



## **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



## Changes to Industrial Stormwater Permits

- Lower metals benchmarks (1200-Z)
- More pollutants to monitor
- Impaired waters requirements
- Sector-specific requirements
- Tiered corrective actions; prescriptive BMP requirements if consistently exceed benchmarks.
- Retain certain reports on site rather than submitting to DEQ





## Changes to Industrial Stormwater Permits

- Sector-specific benchmarks
- Tier 1
  - Traditional adaptive management approach
- Tier 2
  - Prescriptive approach
  - Applies to facilities that consistently exceed statewide benchmarks based on 2<sup>nd</sup> year benchmark evaluation
  - Submit updated plan stamped by PE or CEG
  - Install treatment BMPs within two years
  - Stormwater volume reduction option





## Tier II Corrective Actions

- Treatment BMPs that remove pollutants
- Examples
  - Catch Basin Inserts
  - Amended Sand Filters
  - Bioswales







## Tier II Deadlines



- July 1, 2013 to June 30, 2014: Collect data
- July 31, 2014: Submit DMR with geometric mean calculation
- Dec. 31, 2014: Submit revised Stormwater Pollution Control Plan
- June 30, 2016: Complete and implement treatment or Low Impact Development measures
- *(July 1, 2017: Next statewide permit)*