

# Willamette Basin Mercury Total Maximum Daily Load County Implementation

## Water Quality, TMDL Program

June 1, 2021  
Training for DMAs

# Learning Objectives

- NPS and PS TMDL load reductions applicable to counties
- NPS WQMP requirements for counties
- Recommended BMPs and strategies
- Updating TMDL implementation plans and reporting



# Important to Note:

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- EPA's TMDL developed nonpoint source and point source pollutant allocations by subbasin—need to look at EPA's TMDL to find them
- EPA's TMDL states that reasonable assurance for their TMDL relies on DEQ's Water Quality Management Plan (WQMP)

Effective Allocations = EPA's TMDL

Effective Management Measures = DEQ's WQMP

# EPA Allocations for Counties

SOURCE CATEGORIES: (1) Permitted stormwater (WLA); and (2) agriculture, forest, shrub, developed, other (LA)

If county has a MS4 permit:

| <b>Wasteload Allocations (PS)<br/>(within permit boundary)</b> | <b>Load Allocations (NPS)<br/>(outside permit boundary)</b> |
|--|---|
| 75%* (by subbasin)   | 88% or 97% (by subbasin)                                    |

\* Exception: Lower Willamette and Middle Willamette Subbasins = 97%

“aggregated” allocations—i.e. DMAs together must meet the allocations in each subbasin.

# Required County Control Measures in TMDL Water Quality Management Plan



Photo Source: Pixabay

# Implement Four Control Measures

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1. Pollution Prevention and Good Housekeeping for County Operations
2. Public Education and Outreach
3. Enforcement of Prohibited Pollutants
4. Construction Site Runoff Control

Counties **with** MS4 permits: apply outside MS4 areas

Counties **without** MS4 permits: apply throughout county

# 1

## Pollution Prevention and Good Housekeeping for County Operations

- ✓ Counties must properly operate and maintain lands, properties, and facilities, roads, parks, etc. using prudent pollution prevention and good housekeeping measures to reduce discharge of mercury-related pollutants to waterbodies
- ✓ Counties must maintain records for meeting these requirements and include a descriptive summary of their activities in the TMDL annual report



# 1

## Pollution Prevention and Good Housekeeping for County Operations

Non- stormwater discharge to county stormwater conveyance ditch





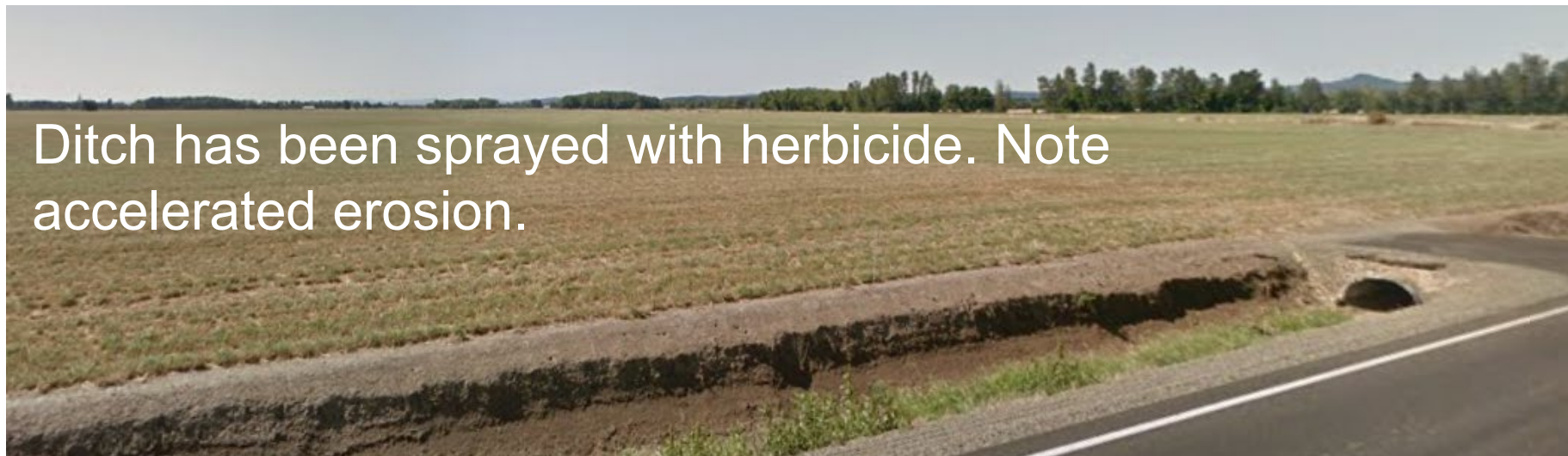
## 2 Public Education and Outreach

- ✓ Conduct public education and outreach to reduce mercury and mercury-related pollutants, such as sediment, on county lands and properties—i.e. outreach to property owners adjacent to county roads and ditches
- ✓ Efforts to encourage and facilitate reporting of sediment related issues or concerns from the public. Public outreach should be tailored to meet the needs and diversity of the county population
- ✓ Must track implementation of the public education and outreach requirements and describe all activities in the TMDL annual report



# 2

## Public Education and Outreach



County maintained road and stormwater conveyance ditch. Ditch directly discharges to river.

### 3 Enforcement of Prohibited Pollutants

- ✓ Must reduce conveyance of mercury and mercury-related pollutants to waterbodies from county lands and properties, including enforcing on other entities that contribute mercury-related pollutants, such as sediment, to county property and assets.
- ✓ Must maintain a procedure or system to document all complaints or reports of mercury and mercury-related pollutant discharges
- ✓ TMDL annual report must track implementation of the enforcement program and describe all activities



# 4 Construction Site Runoff Control

- ✓ DEQ 1200C permit: Construction sites one or more acres
- ✓ Incorporate erosion control requirements into county building and grading permit applications. Permit language must require erosion, sediment and waste material management controls to be used and maintained at construction sites from initial clearing through final stabilization

➔ May prioritize where permit requirements apply

- ✓ Through ordinance or regulation, pursue enforcement or TA





## Direct Discharges to Waterbodies

- TMDL Implementation Plans must also include BMPs and strategies to reduce erosion and runoff directly into waterbodies
- Ensures cities and counties are implementing a comprehensive approach to reducing sediment and mercury

# Implementation Schedule

| Control Measures  | Implementation Deadline            |
|---|------------------------------------|
| 1. Pollution Prevention and Good Housekeeping for County Operations | <b>Sept. 3, 2022</b><br>(18 mo.)   |
| 2. Public Education and Outreach                                    | <b>Sept. 3, 2022</b><br>(18 mo.)   |
| 3. Enforcement of Prohibited Pollutants                             | <b>Mar. 3, 2024</b><br>(3 yrs.)    |
| 4. Construction Site Runoff Control                                 | <b>Sept. 3, 2025</b><br>(4.5 yrs.) |



POLL



# Break for Questions



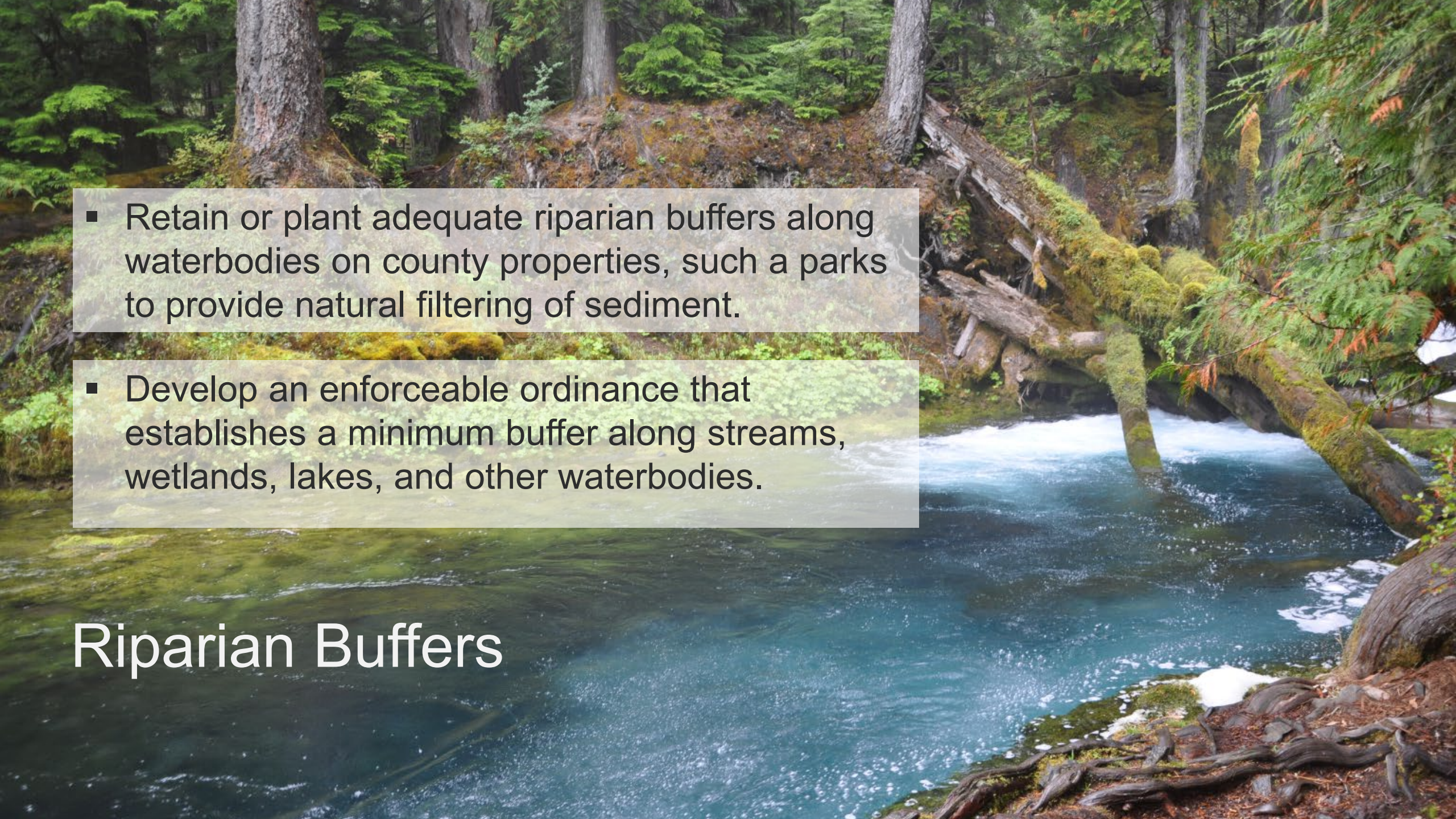
RECOMMENDED

# Strategies and BMPs



# Road Management

- ID and prioritize roads and ditches that convey sediment and runoff (e.g. unimproved roads, next to streams, high traffic areas)
- Planting/retaining vegetation in ditches
- Prioritize and replace undersize or improperly designed culverts
- Implement a stormwater management plan for pre and post road construction

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- A scenic view of a forest stream. The water is a vibrant blue-green color, flowing over rocks and a large, moss-covered fallen tree trunk. The surrounding forest is lush with green ferns and tall trees. The scene is captured from a low angle, looking down the stream.
- Retain or plant adequate riparian buffers along waterbodies on county properties, such as parks to provide natural filtering of sediment.
  - Develop an enforceable ordinance that establishes a minimum buffer along streams, wetlands, lakes, and other waterbodies.

## Riparian Buffers

# Onsite Stormwater Management

- Reduce the percent of new impervious surfaces by prioritizing onsite stormwater infiltration on county-owned properties for existing properties, new development and redevelopment.
- Encourage developers to implement low-impact design standards on large development sites.



# TMDL Implementation Plan Updates

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- Counties must submit new or updated TMDL implementation plans by Sept. 3, 2022.

NOTE: These plans should be “approvable”, not draft

- Reporting matrix table must include development of measurable objectives associated with each of the 4 control measures.
- Reporting matrix must include dates/timelines to meet the implementation deadlines associated with each control measure
- Reporting matrix must include specific BMPs county intends to implement to reduce sediment and runoff

# Measurable Objectives

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- Strategies must include a method to track progress and document challenges
  - Measure whether or not you're gaining ground on successfully and fully implementing a strategy
- Strategies must include interim timelines to measure progress against
  - Track whether or not you're meeting your targets and use adaptive management

# Estimating Costs

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Implementation plans must include cost estimates to implement actions contained in plan:



- Staff salaries, supplies, volunteer coordination, regulatory fees
- Installation, operation, and maintenance of management measures
- Monitoring, data analysis and management
- Education and outreach efforts
- Ordinance development

Generally, use a 5-yr timeframe to coincide with implementation plan duration

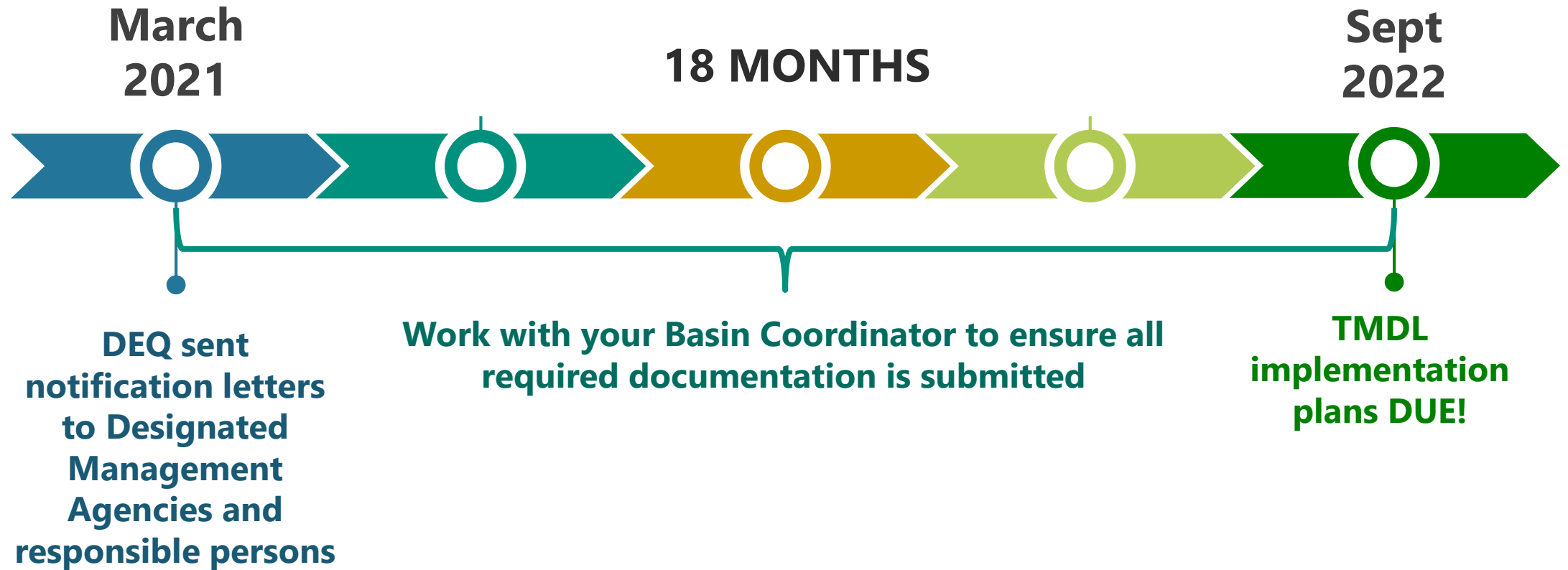
# Keep in Mind

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- TMDL implementation plans must address a DMA's entire jurisdiction, both inside and outside permit area.
- MS4 permit related strategies must be referenced in the TMDL implementation plan, but details can be found in the permit or SW management plan.
- Strategies and actions for TMDL pollutants without WLAs are described in the TMDL implementation plan and are implemented throughout the DMA's jurisdiction (e.g. temperature).



# The Willamette Basin Mercury TMDL



# Annual Reports

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- DMAs must submit annual reports to report on actions contained in TMDL implementation plans for mercury and any other TMDL pollutant.
- If you do not know when your reporting date is, please contact your basin coordinator
- DMAs must post annual reports and TMDL implementation plans to county websites (unless county does not have a website)

# Year Five Review

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- Every fifth year, DMAs must review implementation efforts over the previous four years. DEQ assesses whether progress is sufficient.
- The next 5-yr review for the Willamette Basin is in **2023** for most DMAs.

Exceptions: Molalla-Pudding and some Upper Willamette DMAs will report prior to or after 2023.

- DEQ will likely use a Survey Monkey to gather implementation efforts from each DMA.

# Enforcement

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## OAR 340-012-0055(2)(e)

*Failing to timely submit or implement a Total Maximum Daily Load (TMDL) Implementation Plan, by a Designated Management Agency (DMA), as required by department order.*

DEQ may send **warning letters** to DMAs that do not submit implementation plans or annual reports on time or documents are unsatisfactory. Warning letters may lead to **penalties** if not fixed.

**NOTICE**

**THANK YOU FOR  
NOTICING THIS NEW  
NOTICE**

**YOUR NOTICING IT HAS  
BEEN NOTED**

# DEQ Basin Coordinator Contacts

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# Last Workshop!

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June 8 TMDL Planning and Implementation for Responsible Persons, Water Conveyance Entities

**QUESTIONS?**

