

# NPDES Individual Permit Readiness Review

Submitted to: NPDES Program Improvement Steering Committee

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## **Water Quality Permitting and Program Development**

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# Executive Summary

In coordination with the recommendations outlined in the November 2016 MWH Report<sup>1</sup> the water quality permitting and program development section initiated a project to inventory all expired NPDES permits. The readiness review team was charged with developing a process that could semi-qualitatively evaluate the readiness of expired NPDES permits for issuance. This evaluation would estimate the amount of work needed to complete permit development and issuance through a series of questions in three categories: Application Readiness, Community/Facility Readiness and Regulatory Readiness.

The readiness review team worked with various permit managers and permit specialists to develop a checklist that would be used to complete each readiness review. After a final draft was completed, the checklist evaluated and piloted with specific permits related to the 900J general seafood processor permit. Once a final checklist was approved by the project sponsor, the readiness review team met with permit writers and coordinators to complete the checklist for all NPDES individual permits that were proposed to be issued in Federal Fiscal Years 2017 and 2018 (57 total NPDES individual permits). When the 2017/2018 permits were completed the readiness review team initiated evaluations for the remaining 208 expired permits. NPDES general permits, MS4 permits, irrigation district and non-NPDES individual permits were not evaluated for readiness.

## Project Deliverables

1. Semi-quantitative ranking of all administratively extended permits<sup>2</sup> based on assessment of the technical and regulatory difficulty of developing the permit
2. A ranked list of the technical and regulatory issues that present challenges to permit development and issuance
3. FFY2018 Permit Issuance Plan based on the semi-quantitative ranking of permits and accounting for additional priorities or factors specific to individual permits
4. Documented procedures for a detailed assessment (or gap analysis) for incoming permit applications as well as administratively extended permits scheduled for issuance on the permit issuance plan

## Key Trends Identified

Data analysis was an action needed in multiple permits reviewed and appeared many times (25% of all occurrences for “action required” included data analysis).

- This action indicates that the permit writer may need to:
  - Request that the permittee collect data from the receiving water body
  - Review data from different sources
  - Request effluent and ambient data from the permittee
  - Review and update the list of pollutants of concern for the permit
  - Evaluate TMDL waste load allocations assigned to the permittee
  - Review and incorporate whole effluent toxicity testing/results

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<sup>1</sup> [Recommendations and Implementation Plan – NPDES Permitting Program Review \(November 2016\)](#)

<sup>2</sup> Readiness reviews do not include 21 individual Municipal Separate Storm Sewer Systems (MS4) permits or ten individual irrigation system permits that are proposed for coverage under a renewed pesticide general permit.

- 36% of permits reviewed included whole effluent toxicity results

These will be key components to the questions “what is the minimum data set” that is being evaluated by the data bridging group

Environmental management plans require a significant amount of attention and time to review and/or update. They can be very long, complex and detailed. Additionally they are written for a specific facility and contain multiple nuances that a permit writer will need to investigate and evaluate (12.5% of all occurrences for “action required” included environmental management plan/facility plan).

- Types of environmental management plans include:
  - Ground water management plan
  - Facility plan
  - Biosolids management plan
  - Recycled water use plan
  - Industrial residuals management plan
  - Land application plan for industrial wastewater

A mixing zone study is a critical component to almost all permits, 71% of all permits had a mixing zone study referenced in the permit which required a review, update or new study. A new mixing zone study can take up to a year to complete and cost thousands of dollars.

Total Maximum Daily Load (TMDL) will also significantly impact permit development. These documents can be hundreds of pages long. Permit writers must carefully review and analyze the contents of a TMDL to ensure all of the appropriate waste load allocations or additional permit requirements are included in the permit. It is extremely difficult for permit writers to understand the applicability of the TMDL since point sources are not the primary focus for TMDL development (66% of all permits reviewed were in a basin with a developed and approved TMDL).

Some applications submitted for renewal were administratively incomplete<sup>3</sup> upon receipt. Applicants are required to submit complete versions of Oregon NPDES Form-R and one of the applicable EPA forms (i.e., 2A, 2C, 2E, 2F) according to their facility and process type. The amount of information required in these forms varies by the applicants’ design flow, type of discharge, and the size of potential discharge. Each of these categories defines the amount of information which comes in the application forms and will be used in permit development. References between design flows and information included in applications were not always consistent, prompting the review team to indicate that the application may be administratively incomplete. This action indicates that the permit application was missing information that the team agreed would be necessary.

## Recommendations

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<sup>3</sup> The term, “administratively complete” for the purposes of the readiness reviews completed by the team indicates that the permittee did not appropriately reflect the required information from the permit application. The review of the permit application upon receipt and subsequent designation of completion is the responsibility of the permit writer. The readiness review team did not complete an extensive review of the permit file or perform interviews of permit writers and managers to determine any exemptions, extensions or exceptions for application completeness.

## 2017 NPDES Individual Permit Readiness Review

The information gathered in the readiness reviews should be used as a resource to inform future efforts to reduce variation in permit writing, assist with planning, provide direction in future problem solving efforts, and guidance for NPDES improvement projects.

- Data and information acquisition and implementation.
- Permit development from TMDL process improvements
- Define a process for intake and evaluation of NPDES individual permit applications
- Mixing zone study review, implementation and funding
- Environmental management plan specialists