



NPDES Discharge Permit Reissuance upon Reconsideration

Industrial Stormwater General Permit No. 1200-Z

Oregon Department of Environmental Quality
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Background

Columbia Riverkeeper, Northwest Environmental Defense Center and Oregon Industrial Stormwater Group filed administrative and judicial petitions for reconsideration of the National Pollutant Discharge Elimination System Permit No. 1200-Z Industrial Stormwater General Permit, dated August 1, 2017. After months of negotiation a settlement agreement was reached which includes reissuance of the permit upon reconsideration. The settlement includes short-term changes to the permit and a longer-term process to examine the current approach for regulating industrial stormwater. The following short-term changes to the current 1200-Z Industrial Stormwater Permit will take effect no later than October 31, 2018. The table below describes the short term changes to the permit.

1200-Z Short-term Permit Changes

The struck-out language indicates deleted language, and the underlined language indicates the new language.

| Permit Condition | Permit language |
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| Permitted Activities | <u>Schedule E contains sector-specific federal requirements.</u> Should conflicts arise between Schedule F or <u>Schedule E</u> and any other schedule of the permit, the requirements in Schedule F or <u>Schedule E</u> may not apply. |
| Table 1 | 28 Chemicals and Allied Products Manufacturing and Refining (excluding 2874) including 2911 |
| Table 1 | 29 Petroleum Refining and Related Industries (excluding 2951, covered by 1200-A) Asphalt Paving and Roofing Materials |
| Table 1 | 34 Fabricated Metal Products, Except Machinery and Transportation Equipment (excluding 3479) |
| Permit Coverage and Exclusion from Coverage Condition 1 | <p><u>b. Prior to granting permit coverage to a new discharger to impaired waters without a TMDL, DEQ or agent will make a determination and document that one of the conditions in paragraph 1.a. has been satisfied.</u></p> <p><u>c. A new discharger that is unable to meet one of the conditions in paragraph 1.a. is ineligible for coverage under this permit; either the discharge must cease or the new discharger will be required to obtain coverage under an individual NPDES permit.</u></p> <p><u>d. A new discharger to an impaired water with a TMDL (based on EPA-approved TMDLs as of May 1, 2017) may receive permit coverage under this permit under one of the following circumstances coverage may be authorized if:</u></p> <p><u>ii. If the TMDL establishes industrial stormwater wasteload allocations, and if DEQ or its agent determines that there are sufficient remaining wasteload allocations in the TMDL to allow for the new industrial stormwater discharge, then the new discharge may be authorized by this permit.</u></p> <p><u>ii. The permit does not already address industrial wasteload allocations in the permit, then DEQ will inform the applicant if any additional monitoring, site controls or compliance schedules are necessary to prevent industrial stormwater from exceeding the wasteload allocation(s) in the TMDL(s); or</u></p> |

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| | <p>iii. Coverage under an individual permit is necessary.</p> <p><u>e. If a new discharge to impaired waters is authorized by DEQ under this permit, DEQ or agent will establish any additional monitoring, site controls or compliance schedules as necessary.</u></p> <p><u>f. Instead of granting permit coverage to a new discharge under paragraph 1.d., DEQ may determine that coverage under an individual NPDES permit is necessary.</u></p> |
| <p>Permit Coverage and Exclusion from Coverage</p> <p>Condition 2.a.ii, iii and iv.</p> | <p>ii. Existing facility with stormwater discharges associated with industrial activities identified in Table 1 or Table 2 and operating without coverage under any NPDES permit for those discharges: Immediately submit a complete application to DEQ or agent, unless DEQ or agent approved a later date.</p> <p><u>iii. Existing facility with stormwater discharges associated with industrial activities identified in Table 2 operating without coverage under any NPDES permit for those discharges: No later than 60 calendar days from written notification by DEQ or agent that permit coverage is required, submit a complete application to DEQ or agent. Existing facility that is designated by the Director as needing a stormwater permit pursuant to 40 CFR §122.26(a)(9)(i)(D): No later than 60 calendar days of being notified by DEQ that permit coverage is required, submit a complete application to DEQ or agent.</u></p> <p><u>iv. Existing facility that is designated by the Director as needing a stormwater permit pursuant to 40 CFR §122.26(a)(9)(i)(D): No later than 60 calendar days of being notified by DEQ that permit coverage is required, submit a complete application to DEQ or agent.</u></p> |
| Sch. A.1.a.iii | <p>iii. Store all hazardous substances (see Schedule D.3, Definitions), petroleum/oil liquids, and other chemical solid or <u>chemical</u> liquid materials that have potential to contaminate stormwater within berms or other secondary containment devices to prevent leaks and spills. If the use of berms or secondary containment devices is not practicable, then store such substances in areas that do not drain off-site or into the storm sewer system;</p> |
| <p>Sch. A.1.a.ix</p> <p>Sch. A.1.d</p> | <p>ix. Ensure that known significant materials from previous operations are controlled, removed or otherwise not exposed to stormwater.</p> <p>d. Erosion and Sediment Control - Stabilize exposed areas, <u>including areas where industrial activity has taken place in the past and significant materials remain</u>, and contain runoff using structural and nonstructural controls to minimize erosion of soil at the site and sedimentation. Employ erosion control methods, such as vegetating exposed areas, graveling or paving to minimize erosion of soil at the site.</p> |
| Sch. A.1.f | <p>f. Minimize generation of dust, <u>off-site tracking and discharge of soil, particulates and on exposed surfaces within and between operational areas and off site of soil, particulates, and raw, final or waste materials.</u></p> |
| Sch. A.5.b | <p><u>b. Must comply with all applicable requirements of the EPA-approved TMDL(s). If a TMDL establishes wasteload allocation(s) for industrial stormwater discharges, DEQ will list the permit registrant's requirements to comply with this condition in the permit assignment letter. If DEQ determines that additional monitoring, site controls or compliance schedules are necessary to comply with applicable TMDL wasteload allocations for industrial stormwater discharges, DEQ will include such requirements in the permit assignment letter and DEQ presumes that compliance with the terms and conditions of the permit complies with the TMDL, unless the TMDL(s) establishes wasteload allocation(s) for industrial stormwater discharges. If DEQ determines that additional monitoring, site controls or compliance schedules are necessary to comply with applicable TMDL wasteload allocations for industrial stormwater discharges, DEQ will require a SWPCP revision. DEQ will hold a 30 calendar day public review period on the revised SWPCP. Permit registrant must meet Schedule A.4 and B.1.b of this permit.</u></p> |

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| Sch. A.7.b and A.7.b.i | b. Site Description - The SWPCP must contain the following information, including any <u>information required in Schedule E of the permit</u> : i. A Site map(s) including the following: |
| Sch. A.9 Table 4 | Total zinc regional benchmark 0.090 mg/L is <u>0.12 mg/L</u> |
| Sch. A.10.a.v | v. <u>The Tier I report must be kept on site, and a copy provided to DEQ or agent upon request. In the event of an exceedance of a reference concentration for any impairment pollutant identified in the permit assignment letter, the Tier I report must be submitted to DEQ or agent no later than 60 calendar days after receiving monitoring results.</u> iv. Keep Tier I reports on site, and submit to DEQ or agent upon request. (previously mislabeled iv) |
| Sch. A.11.a | a. The permit registrant must report this information <u>the geometric mean of qualifying samples in the 4th quarter Discharge Monitoring Report for that monitoring year due on August 15 of the second monitoring year of permit coverage.</u> |
| Sch. A.11.k.i | i. A permit registrant may request a mass reduction waiver from the requirements in Schedule A.11.j above if the permit registrant implements <u>or has implemented</u> volume reduction measures, such as low impact development practices, that will <u>or has resulted</u> in reductions of the mass load of pollutants in the discharge below the mass equivalent of the applicable statewide benchmarks in Schedule A.9 of this permit. |
| Sch. B.1.b.i and Sch. B.1.b.iii(1) and (2) | i. Permit registrants that discharge to an <u>impaired waterbodies, based on the EPA-approved without a TMDL (303(d) list (Category 5) that is in effect as of May 1, 2017, (see Schedule D.3, Definitions)</u> for pollutant(s), must monitor for impairment pollutant(s) identified in the permit assignment letter for which a standard analytical method exists (see 40 CFR Part 136). Permit registrants that discharge to an impaired water with a TMDL are not required to monitor for impairment pollutants addressed by the TMDL, unless the TMDL establishes wasteload allocation(s) and additional requirements for industrial stormwater discharges have been identified in the permit assignment letter. iii. <u>Permit registrants must meet Schedule B.1.b.i. unless the permit registrant:</u> (1) <u>Prevents all pollutants for which the waterbody is impaired from being exposed to stormwater, and documents in the SWPCP those procedures it has taken to prevent exposure on site; or</u> (2) <u>Provides monitoring data demonstrating that the pollutant(s) for which the waterbody is impaired are not present in the discharge.</u> |
| Sch. B.2.b | iii. <u>Stormwater discharges regulated by this permit include stormwater run-on that commingles with stormwater discharges associated with industrial activity.</u> iv. <u>If discharges authorized by this permit commingle with discharges authorized under a separate NPDES permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable. When combined flows are unavoidable, sampling must include all permitted parameters.</u> v. <u>Authorized non-stormwater discharges under condition 8 of this permit must be sampled when commingled with stormwater discharges associated with industrial activity.</u> vi. <u>Stormwater flows may combine into a common on-site treatment facility.</u> vii. <u>The permit registrant shall, to the extent practicable, sample stormwater associated with industrial activity as it flows off-site before it combines with stormwater, wastewater or other waste streams from another facility or mixes with any surface water.</u> |

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| | <p>iii. All samples must be taken at discharge points located before the stormwater joins or is diluted by stormwater from a different drainage area of the facility or areas outside the facility; wastewater, or any other wastestream, body of water or substance, including groundwater unless:</p> <p>(1) DEQ or agent approve in writing; or</p> <p>(2) On site stormwater flows combine into a common treatment facility (for example, filter or settling pond). In this case, monitor the discharge from the treatment facility.</p> | | |
| Sch. B Table 5 | Pollutant Category | | Minimum Frequency |
| | All Applicable statewide benchmarks in Schedule A.9, and any applicable sector-specific benchmarks in Schedule E and any applicable impairment pollutants | | Four times per year, two samples between January 1 and June 30, and two samples between July 1 and December 31 <i>For example, for the 2017/2018 monitoring year, two samples between July 1 and Dec. 31, 2017; and two samples between Jan. 1 and June 30, 2018.</i> |
| | Impairment Pollutants, if applicable | | Two times per year One sample on or before Dec. 31 and one sample on or after Jan. 1. <i>For example, for the 2017/2018 monitoring year, one sample between July 1 and Dec. 31, 2017; and one sample between Jan. 1 and June 30, 2018.</i> |
| | Any applicable numeric effluent limitations based upon Effluent Limitation Guidelines (see Schedule A.2. and Schedule E) Numeric Effluent Limits, if applicable | | Two times per year, One sample between January 1 and June 30, and one sample between July 1 and December 31 One time per year, unless exceedance occurs |
| Sch. B.3.a | <p>a. For each missed sample, variance requests are due on February 15 and August 15. Report <u>no discharge</u> in the Discharge Monitoring Report that no discharge occurred and provide <u>include supporting data and analysis demonstrating why the monitoring did not occur at the time of DMR submission.</u></p> | | |
| Sch. B.8.a.i(1) and (2) and Sch. B.8.a.ii, iii, iv | <p>(1) DMRs are due quarterly as outlined in Table 6 for samples taken during the preceding calendar quarter. The permit registrant must submit a Discharge Monitoring Report to DEQ or agent no later than July 31 of each year. Report the sampling results for the previous monitoring year and include the laboratory results from the testing laboratory, including minimum detection level, Quality Assurance/Quality Control and analytical methods for the parameters analyzed.</p> <p>(2) Reports must include laboratory results from the testing laboratory, including minimum detection level, Quality Assurance/Quality Control and analytical methods for the parameters analyzed.</p> <p>ii. Until directed by DEQ to begin electronic submission, paper DMR forms must be received by the due dates in Table 6, regardless of whether semi-annual monitoring has been satisfied in the 1st or 3rd quarter.</p> <p>iii. All monitoring results received between July 1, 2018, and December 31, 2018, must be reported in the 2nd quarter DMR, February 2019.</p> <p>iv. Permit registrant must report Tier II geometric mean benchmark evaluation on the 4th quarter DMR after the second monitoring year of permit coverage.</p> | | |
| Sch. B.8 Table 6 | Reporting Quarters | | Months |
| | 1 st | | July-September |
| | 2 nd | | October-December |
| | 3 rd | | January-March |
| | 4 th | | April-June |
| *Variance request may be submitted semi-annually as applicable | | DMR Due Dates | November 15 February 15* May 15 August 15* |

| Sch. B.8.b.iii(1) | (1) The permit registrant must submit a Discharge Monitoring Report to DEQ or agent no later than July 31 of each year <u>as outlined in Table 6.</u> | | | |
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| Sch. B.11 Table 7 (previously Table 6) | Table-6 7: Reporting | | | |
| | Permit Condition | Permit Schedule | Report Required | Due Date |
| | Sample results exceed applicable statewide or sector-specific benchmarks or reference concentrations | Schedule A.10 | Tier I Report* | No later than 30 calendar days after receiving monitoring results; Retain on-site and submit upon request |
| | <u>Sample results exceed applicable impairment reference concentrations</u> | <u>Schedule A.10.a.v</u> | <u>Tier I report</u> | <u>No later than 60 calendar days after receiving monitoring results</u> |
| | <u>Submission of monitoring results after the preceding calendar quarter</u> | Schedule B.8 | Discharge Monitoring Report | No later than July 31 annually <u>No later than February 15, May 15, August 15, and November 15</u> |
| *Do not submit Tier I report unless requested by DEQ or agent | | | | |
| Sch. D.3.g | g. Discharge Point means the location where collected and concentrated stormwater flows discharge from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a waters of the U.S. <u>state.</u> | | | |
| Sch. E.AA Table E.AA-1 | Subsector (You may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration | |
| | <u>Fabricated Metal coating and Engraving (SIC 3479)</u> | <u>Nitrate plus Nitrite Nitrogen</u> | <u>0.68 mg/L</u> | |
| Sch. E.AB | Sector AB- Fabricated Metal Products <u>Transportation Equipment, Industrial or Commercial Machinery.</u> | | | |

Minor edits not listed.