

Industrial Stormwater Program

1200-Z Rulemaking Meeting Summary

Advisory Committee Meeting No. 5

Thursday, April 16, 2020
Webinar and Conference Call only

List of DEQ attendees

- Justin Green
- Christine Svetkovich
- Krista Ratliff
- Courtney Brown
- Michele Martin
- James McConaghie
- Diane Lloyd (DOJ)

List of Committee Member attendees

- Ada Banasik
- Alan Flemming
- Chris Rich
- Jamie Saul
- Jonah Sandford
- Debbie Silva
- Kathryn VanNatta
- Michael Campbell
- Norma Job
- Stacy Hibbard (Chair)

Meeting materials

Please refer to the webpage for this rulemaking under 1200-Z Permit Rulemaking Advisory Committee Meetings / [Meeting 5](#)

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



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water.*

1200-Z Permit Rulemaking

Advisory Committee Meeting No. 5

Agenda

April 16, 2020

8:30 am – 3:30 pm

This meeting will be held by webinar only. Please use the call-in number and webinar link below. Contact Michele Martin at martin.michele@deq.state.or.us or cell: 971-219-5049 with questions.

Call in number: **888-363-4734**

USA Caller/International: 215-446-3656

Participant Code: **1910322**

Participant webinar link: [Webinar Login](#) (use call in number and participant code)

Link to webinar Instructions: [Teleconference/Webinar Instructions](#)

Time	Topic	Presenter
8:30 a.m.	Welcome and logistics	Michele Martin
8:45 a.m.	Follow-up from meeting No. 4 <i>DEQ Meeting 5 presentation</i>	Christine Svetkovich
9:00 a.m.	Presentation <i>DEQ Meeting 5 presentation and Supplemental Sheets 1 through 5</i>	Krista Ratliff
10:30 a.m.	Break	
10:45 a.m.	PG Environmental presentation – Columbia Slough BOD Benchmark	PG Environmental
11:45 a.m.	Lunch	
12:30 p.m.	PG Environmental presentation – Sector-specific and impairment monitoring recommendations, surrogate pollutant assessment, water quality-effluent limit methodology	PG Environmental
2:15 p.m.	Break	
2:30 p.m.	Presentation and discussion <i>DEQ Meeting 5 presentation</i>	Krista Ratliff
3:00 p.m.	Informal public comment opportunity	Michele Martin
3:10 p.m.	Discussion: Committee members' written permit recommendations received <i>Supplemental Sheet 6</i>	Christine Svetkovich
3:25 p.m.	Next steps	Krista Ratliff
3:30 p.m.	Adjourn	

Supplemental Sheets 1 through 6 will be used for this meeting.

Meeting Summary

Note: Several attendees were on the phone for this meeting. DEQ was unable to capture all phone attendee names and affiliations.

Michele Martin (MM):

- (Re-direct to DEQ website meeting materials)
- 8:45: Intro; recording; by webinar only; DEQ staff in separate offices
- Please virtually raise your hand; that will be like raising your name tent
- We will try to get through slides without interruption but presenters will take questions after each slide
- Roll call for Advisory Committee members: (all present)
- Agenda review
- You will have to be on webinar to do the public comment part at the end – must raise hand virtually

Christine Svetkovich (CS): Meeting #4 follow-up

- Thank you AC; acknowledge lives turned upside down with pandemic; a lot of work has been happening at DEQ and PG Environmental;
- We are all doing the best we can with these circumstances
- Last meeting there was a request from an Advisory Committee member regarding why DEQ would not use the Ecology framework re: discharges to impaired waters as is. We were not able to summarize the information for this meeting today; but hope that it will be clear that our proposed framework re discharges to impaired waters is specific to Oregon. In anyone still wants this info let us know and we will prepare response for the June meeting
- At Advisory Committee meeting #4 we said we would share the copper, lead and zinc benchmark numbers. We are still running the model and do not have the numbers yet, but will share them at the June meeting.
- Where we are at in process: still on track to have a draft out for comment in early fall 2020 to meet goal for permit end of March 2021; June meeting will set us up for having draft out for comment a couple months after that.

Krista Ratliff (KR):

- Good morning; sad we can't be together
- Most know that EPA proposed permit was release Feb.12, 2020; 60 day comment period closes May 1, 2020.
- EPA received many requests to extend comment period
- Public hearing on EPA permit – not scheduled; they have had a few webinars; recordings are on EPA website now
- EPA expecting assignment under permit to begin Feb. 2021; permit expires June 4, 2020; once they issue permit then the existing facilities get 90 days to submit new notice of intent to gain coverage
- National Academy Study: EPA proposed changes are because of this study and a settlement agreement; one recommendation was to require monitoring for all facilities; in past 45% of facilities were not doing any monitoring at all

- Universal benchmarks: pH, total suspended solids (TSS) and chemical oxygen demand (COD) as basic indicators of effectiveness of control measures employed on site; equivalent to OR statewide benchmarks
- There are 7 industrial sectors currently; that monitor for COD
- Impairment monitoring: new proposal:
 - to require new applicants that discharge to impaired waters only have to sample for pollutants that are both causing an impairment and a benchmark for the industrial sector; this included impaired waters without an approved TMDL
 - So compare list of impaired waters to list of universal and sector specific benchmarks; and sample for the pollutants that show up on both lists
 - EPA states that proposal balances the narrowing list of pollutants and ensures that parameters are associated with industrial activity;
 - If sample is non-detect – after 3 years of once a year monitoring frequency – then EPA will conclude that impairment is not expected in the discharge
- Third bullet: EPA recommended suspending iron monitoring due to lack of acute aquatic life effects – remove iron monitoring from 12 sectors; very few if any facilities will be sampling for iron
- EPA requests comments re: acute effects on aquatic organisms from iron; only facilities that self-identify for potential to discharge iron will have to sample for iron; no industrial sectors will have to sample for iron
- Natl Academy study cited that very few reports of impacts to aquatic life for iron
- Fourth bullet: industrial specific fact sheet checklists - 2020 permit; may address some topics we've discussed – what on the ground controls should we track?
- EPA requires their checklists when facilities not meeting benchmarks; appendix Q; 672 pages of source control measures applicable; e.g. Timber products checklist is 22 pages
- Permit registrants required to implement measures or cite on checklist why haven't installed
- These are used in new tiered process; something we might consider for our Tier 1 responses to better track what facilities are doing
- Any questions? None -Still on slide #5
- Do we want to adopt COD as a statewide benchmark? Would that be valuable? COD was suggested by EPA to be used for polycyclic aromatic hydrocarbons (PAHs); so no PAH monitoring but EPA suggesting COD as a surrogate; advantages or disadvantages?

Michael Campbell (MC): National Academy of sciences recommendation was for EPA national permit – what is the justification in Oregon for our permit and our approach? PAHs haven't been an issue in industrial stormwater in Oregon

KR: Based on monitoring results zero to 1% exceedances exceeding for PAH; the COD would help as an indicator for dissolved oxygen and we are seeing exceedance in sector specific

Stacy Hibbard: re: COD; BES thinks not so helpful; if you do get a COD hit will be costly to figure out pollutant source

Ada: PAHs are one of many families of chemicals that can contribute to COD; so it not a good surrogate; do not see how it would be helpful

KR: would it be helpful to evaluate dissolved oxygen (DO)? We have generally used biological oxygen demand (BOD) as surrogate in Oregon.

Ada: you would have to do it in field with a handheld meter

SH: we require BOD testing now in the Slough and see very few exceedances; BOD is surrogate for DO under the permit so no good reason to include it

KR: thank you for input;

- Iron: point out that EPA has no acute criterion – we use same water quality standard as EPA uses; proposed federal permit view is that acute is more appropriate; thoughts on eliminating iron due to National Academy of Science’ report saying just not seeing aquatic impacts and EPA removing it from all industrial sectors?

Ada: see few sources of industrial iron except for vehicle traffic; so many Tier 1 actions but not knowing what to do to make it go away; so prevalent

SH: echo Ada; lots of industries struggle with iron; almost all streams in Portland are impaired for iron and folks struggle with it when there is not a source

KR: one last question: adopting EPA checklists as a condition for Tier 1 to help track controls? Challenges associated with compiling data but we have an opportunity with EDMS; we still have time to incorporate into that system to track

MC: I am not clear on how DEQ would use checklists – would it be in Tier 1? As part of report address the checklist? Or just helpful info for folks?

KR: yes, a condition for Tier 1

SH: I have not reviewed in detail but it is not a bad idea to give people an idea of what they should be looking for; could be a tool for Tier 1; do not see using it every time they have Tier 1 exceedance; would be too much

Chris Rich (CR): echo Stacy – could be a valuable tool but I do not think it should be imposed requirement

MC: I agree

KR: helpful: I too think the Tier 1 reports are challenging for facilities to know what to do; feedback we get is that any guidance would be helpful; we will think about doing that; Stacy good point that it would not be applicable every time; EPA implementation measures to do tiered corrective action – that is something they are implementing and proposing; that tiered approach is rolling; if we want Tier II to be a snapshot in time or to adopt another type of structure to account for continually assessing the monitoring; EPA proposal is that the assessment will continue throughout permit cycle; I do acknowledge they are very robust and once a facility goes through process of identifying control measures from checklists, one time a permit cycle seems appropriate

- Next slide, slide 6: EPA proposal, some context: pollutants for which the waterbody is impaired: EPA proposes operator must monitor for pollutants that appear on both lists; this potentially narrows the list of pollutants they must monitor for – EPA stated reason for narrowing list ensures pollutants are associated with industrial activity
- EPA has proposed increasing the span of monitoring that facilities must implement to discontinue discharge: proposed 3 years of sampling; used to be if non-detect after once per year sampling; eligible to discontinue monitoring;

- The determination of what industrial activity and what pollutants may discharge from that activity is a self-determination by facilities; discontinuing the sampling requires 3 samples; also you can discontinue monitoring of impairments if you can show impairment caused by run on or natural background; run-on condition has changed for EPA; that is the new proposal for impaired waters – allows for self-determination
- Next slide: slide 7 – many of the recommendations are from the Nat'l Academy of Science' study – a few of these are from the settlement agreement so not all from Natl academy recommendations
- First bullet: language from Natl Academy talked about infeasibility of setting numeric technology-based effluent limits – language from the report: paucity of rigorous measure; development of new numeric limits is not recommended for any sectors based on data gaps; federal permit is NOT an appropriate vehicle for collecting this data based on capabilities of treatment technologies
- EPA acknowledges more complete data set is needed; benchmark monitoring is not suitable or sufficient for developing numeric effluent limits; robust nature of Effluent Limitation Guidelines (ELG) development at federal level
- Discussed in earlier advisory committee meeting 3– much variance in treatment measures and stormwater itself; very challenging to set a numeric technology-based effluent limit
- We were hoping for EPA guidance to help with promotion and structure of infiltration and capture in our Tier II mass reduction condition; Natl Academy Report recommended that in order to allow for infiltration and capture; we should incentivize site characterization and design requirements; infiltration as monitoring at safe drinking water thresholds; recommend that EPA draft guidance for exceedances beyond design storm would not result in exceedance of WQS
- Big request and EPA did not do it; EPA did say that based on comments they may yet develop on infiltration and retention guidance - but did allow for infiltration in additional implementation measure 3; similar to Tier II, to be a corrective action response to exceedance
- Natural background change in permit: allows for subtracting natural background from total benchmark exceedance; they use average of 4 samples to trigger corrective action, if that exceeds benchmark then you can subtract that natural background from data results; then if the monitoring results under the benchmark then not subject to additional control measure; however, they have not changed definition used and conditions under which you would have to submit documentation supporting natural background – that makes it difficult to show those pollutants are naturally occurring in soils, groundwater, etc.

(No comments)

KR: we have proposed to follow EPA proposal re: subtracting background concentration (instead of showing your discharge is non-detect); this will be a place a little later where we have further discussion

SH: confused how the subtraction would work, doesn't account for flow weighting – seems like bad science?

Ada: I agree. Sounds good on paper but natural background is most applicable to e coli and iron- not sure how you would subtract for e. coli; with iron could potentially sample groundwater, but it's usually mixing and resulting in dilution; it's better than what was proposed but not sure it will be helpful

Alan Fleming (AF): I agree; natural background is never simple so it should be science based; leave door open to those cases where it makes sense but otherwise no

KR: Alan are you saying it is not an issue of getting exceedances under benchmark?

AF: it is an issue that contributes to exceedances and so should be accounted for; but most of the time it's not really an issue; don't make process too simple or it won't be appropriately applied

MM: any more comments?

KR: EPA Additional Control Measures (AIM) corrective actions concept in 2020 permit: based on magnitude of exceedance or the annual average of exceedance; similar to OR – operators will be required to respond with increasingly robust source control measures; monitoring will continue to be evaluated; EPA proposing re-set upon triggering (rolling evaluation) each tier; they are proposing short amount of time for facilities to comply with tiers (vs DEQ we give a year and a half); i.e. facilities would be susceptible to these tiers throughout permit cycle many times

- Each tier has noted exceptions; AIM 1 has exception if facility can demonstrate exceedance is due to natural background that is an exemption; run on is also an exemption; -response continue monitoring and modifications as necessary
- AIM 2 is more robust – need to install on the ground source control measures; allows for single event aberration; if follow-up sampling doesn't trigger tier; then don't need to do it; allowed once per pollutant per discharge point per permit term - do sector specific checklist
- AIM 3 is similar to our Tier II – “and treatment” – proposal same as ours requires an element of treatment along with source control or infiltration

Correction: EPA proposal for Aim 3 differs from our Tier II as it allows for and/or treatment – EPA does not require treatment outright as Oregon does, exemptions: natural background and run-on and infiltration; also opportunity to demonstrate discharge is not contributing or causing WQS exceedance

- We have a tiered response already; I don't see anything in AIM 1, 2, or 3 that is super beneficial as a model for DEQ
- Any comments?
- We are on slide 7

AF: I like the AIM responses; it is good way to capture rolling average sampling as possibility to direct permittees to do adaptive management approach; instead of what you see: fill out paper work and carry on as usual; seems appropriate response to match exceedances: AIM 1, AIM 2 – like the flexibility to do source control or treatment; also like single event was an aberration exception on AIM 2: for instance if truck spill that exceeds benchmark, you should allow an exception for one-off event; AIM 3, deadlines are crazy (must install within 30 days- 90 days if infeasible), DEQ Tier II timelines are more appropriate; overall I think the AIM approach is really good

MC: I would add to AF comment; do not endorse the exact approach but does it seem like worth looking at, the way its set up now Tier I is nothing and Tier II is enormous; could be a different approach that guides permittees to resolve the issue and give them an off-ramp

SH: concur with Alan and MC, but hesitancy re: administrative burden to oversee this; with multiple ways to trigger

Kathryn Van Natta: I concur with MC, cognizant of what Stacy said.

Music interruption – break

MM: another roll call

(No Debbie)

Another break

KR: slide 7 continued: notable topics of EPA permit we won't discuss in length: (1) exemption of using coal-tar sealant, (2) expanding CERCLA site coverage, (3) increased operation and source controls for facilities located within high risk of flooding: (4) addition of monitoring under sector-specific monitoring: oil and gas extraction (sector I), land transportation (sector P), ship building and repair yard (sector R); we will add the sector-specific monitoring but not the other 3 EPA topics

KR: Not going through slide 8 very much; a lot of unknowns with natural background – a final EPA permit will likely be delayed; if we can use the subtraction of net contribution it would be helpful to facilities – give some leniency to facilities in how they determine natural background; more conversation to come on this

MC: Not sure where we left this issue – Ada and Alan pointed out the challenges of making it work; for some facilities this is a huge issue so let's keep the option and find a way to make it work

KR: next slide, slide 9: EPA proposed permit tweaked stance on run-on allowance; will allow a facility to make a demonstration that run-on is contributing to exceedance; if EPA agrees the permit language says the monitoring requirements will no longer apply; goes further than a demonstration that exceedance not contributing; they are allowing for a discontinuance based on demonstration; condition shows the facility needs to contact neighboring property owner – done due diligence to notify neighbor to stop run-on; EPA regional office can concur with the assessment and facilities may then discontinue monitoring

Comments on this?

CR: this is a really challenging issue for many sources; should be something DEQ ought to consider as it looks at how permits work; the idea that a source provided evidence is helpful but also gives MS4 permittees opportunity to meet their regulatory obligations to address upstream sources

KR: At least EPA is thinking about these things and shifting stance to make it easier for facilities to mitigate some pollutant contributors

KR: supplemental 1 and redline of permit, slide 10; draft proposals for feedback; 5 supplemental to go over today;

- Control measure section – DEQ proposal and supplemental sheets and permit red-line was done prior to PGE work; PG presentation may impact our proposal on sector-specific benchmarks and taking into account OR water quality standards; they will also provide info to AC on appropriateness of impairment monitoring
- Supplemental 1 – intent of changes in control measure section is to be very clear about technology-based effluent limits (TBEL), what's expected and timing for facility modifications; also changed water quality standards (WQS) “violation” to “exceedances” to acknowledge that there are many factors that go into determining an violation
- Discharge to impaired waters: clarify that reference concentrations are linked to water quality standards and depending on circumstances some monitoring results could be used to demonstrate exceedance of water quality standards

- 2020 integrated report we now have watershed units; it indicates that an impairment exists within the watershed unit, not that the entire watershed is impaired. If the facility discharges into a distinctly different stream and there is no hydrological connection to the streams used in the assessment within the Watershed Assessment Unit, that facility will not be required to sample for impairments. The permit condition intends to clarify consistent with individual permit procedures, this is how we will be identifying impairment monitoring requirements. – get that into the permit for clarity
- The stormwater discharge section distinguish between benchmark, impairment, numeric effluent section and how they are applied; we would like to move all the monitoring tables to Schedule B – Monitoring Requirements.

Does this new structure refine and improve clarity of the different type of monitoring and how they control measures are applied?

Comments on supplemental 1?

Ada: Implementation timing of modification to control measures– there are occasions where you cannot implement within 30 days due to ordering or hiring a contractor so helpful to have a requirement that if not practical to implement in 30 days document why

MC: questions on the redline – deletion - suggests removal of enforceability of stormwater plan, so enforceability tied to narrative standards in permit – am I reading that correctly?

KR: that is still in permit but not in this section; it has been moved in SWPCP section of permit

SH: why remove schedule E from 2A?

KR: that was a mistake; I am proposing we are streamlining corrective actions and benchmarks having same requirements; we need to make sure people are following the narrative conditions as well as numeric in sector E

KR: supplement 2

- Slide 11: this is the bulk of the changes – draft changes to Tier I and II and new Tier III - to address exceedances to impaired waters
- Added requirement Tier I to substantially similar discharge points – this has always been in the permit; just adding clarity
- Significant change; proposal to exempt registrants from documentation and performing Tier I if exceedance from mass load reduction devices from properly installed and maintained mass load reduction devices; small devices that do not meet the infiltration of design storm would not be exempt from Tier I - this only applies to larger devices, mostly this applies to facilities doing tier 2 mass reduction waiver, would not include all infiltration devices but only those that infiltrate at or above DEQs approved design storm.
- Comments?

SH: be careful with infiltration language, some facilities re-use water as mass reduction and do not infiltrate; permit assignment notification letter would need to be clear, need to work on terminology

KR: DEQ is switching to electronic reporting – so we will not be sending letters anymore, monitoring requirements will show up when DEQ staff develop DMRs; agents are not doing the e-reporting with us

in phase 1; so “permit assignment letter” and “notification” – a term will have to be used by agents; agents will still send out a monitoring table at least initially;

- Facilities that installed mass reduction, the proposal is that for previous 2 permit cycles they will need to hire a PE to make sure facilities still infiltrating as designed – this can be used as justification in variance request; clunky to be written into Tier II section; a facility to choose to re-certify earlier or they can use this PE stamped re-certification as a rationale to justify a monitoring variance request; if trigger Tier II again then only need to hire PE for one site visit;
- Sampling results from mass load reduction devices would not re-trigger or be subject to Tier II again; there isn't anything in EPA permit or fed regulations that give a good framework for mass reduction devices; that is the proposal right now to ensure installed and operating as intended

SH: re: report on facilities – those are exempt from Tier II? Don't hide in Tier II section of the permit- Move to reporting requirements; also recommend DEQ consider a monitoring waiver rather than exempt from Tier I and Tier II so they don't have to check to see if they have discharge throughout season; also tie Tier II checklist into permit requirements

KR: during permit renewal?

SH: do it at time of Tier II report, also submit the checklist

Ada: agree with SH – a waiver from having to sample overflows is more reasonable and a good incentive; re-certification, provide more specific guidance – its open-ended; once facility is built you don't want to do a small scale test because tearing up vegetation; it's tricky

AF: echo Stacy and Ada – sampling overflows – challenges, addressing the design storm, you don't expect to see overflow until hour 7, likely you will get overflow is very low in the model; doesn't make sense you'd get enough samples;

KR: would it make sense to tighten timeframe facilities need to get a sample from 12 hours to something else?

Ada: no, that does not make sense –starts raining in evening so morning is next reasonable time is morning; re: overflows: sampling requirement is within 12 hours of discharge, so you can still sample overflows if they are happening; what happens with pump stations is that they are short-lived discharges for less than an hour and after hours so challenging to sample

AF: recently going through long-term WA rainfall data; long-term data supports that peaks are short,

Dan Connally (DC) presentation, Columbia Slough TMDL BOD₅ Benchmark Evaluation:

- Background on PG Environmental; experience
- Evaluating Slough TMDL and developing benchmark
- Engineer and TMDL developer did technical work on this – they are not available today
- Slough TMDL 1998, identified industrial facilities as significant contributor, has waste load allocation (WLA) for industrial stormwater, only one in the State of Oregon DEQ
- Re-evaluated data for calculating the benchmarks; BOD and GIS data for Slough dischargers
- TMDL – 3 components: WLA for point sources; Load Allocation for non-point sources; margin of safety (usually 10%; in Slough used 20%); also a reserve capacity set aside for future growth;

- Slide 4: breakdown - 20% margin of safety – airport gets large percentage; we can't touch this; a stormwater WLA, 1/3 of which is set aside for future growth; 2/3 set aside for stormwater; some set aside for municipal separate sewer system (MS4)
- Slide 5 – driver of TMDL is achieving 8mg/l average – actual varies by land use – reduction ratio and values used to normalize reductions of each land use compared to residential use; we recreated process used to calculate the benchmark
- Slide 6 – summary of existing data; over 5300 samples; most facilities are in compliance with applicable benchmark; mean of 8.9mg/L is well below
- Slide 7- looked at GIS data of municipalities that discharge to Slough
- Slide 8 – tried to follow same methodology – previously assumed discharging much higher BOD than current contributions; identifying appropriate background
- Slide 9 – what we ended up with – industrial zone area 3800 acres, increase of 900 acres zoned for industrial that we have to account for
- Slide 10 – all the calculations factored in; target was 8mg/l but assumes loss; so real target is 17mg/L; 1.0625 reduction from weighted mean to target 17mg/L:16mg/L
- Slide 11 – came up with benchmark of 24 mg/l of BOD based on updated data;
- Slide 12 - most telling slide – loading of slough is 587kg/day currently at 1/3 of the load – there is no ownership of the reserve capacity, it's not MS4 or industrial
- Data shows in second column down, they are within the reserve capacity: current situation is not causing an exceedance; we are within the load and the reserve capacity
- The state could determine to use this reserve capacity or retain for future load; 33mg/L = 141% of load or 24mg/L = 103% load; the TMDL allowed 150% future growth reserve
- Slide 13 – same data set but in relation to 24 mg/L; percent exceedances of benchmarks remains at 4%, recent data, going back 5 years, shows 96% of samples would comply with a benchmark of 24 mg/l
- Slide 14 – tried to capture change of industrial concentration
- Most telling slide is slide 12 -that based on zoning for current industrial lands, pollutant load is still within the concentration but note that reserve set aside isn't owned by anyone – it's to be distributed by the State of Oregon DEQ

MC: wondering what the driver for this analysis is? Particular issue that prompted a re-evaluation of BOD?

CS: couple drivers – we want to make sure that the renewed permit is accurate re: industrial stormwater permit is in line with WLA for the TMDL which is very old and much has changed in 20 years

DC: the area zoned for industrial use has been increased significantly – so we need to reduce the benchmark to be protective

MC: but why focus on BOD? And not phosphorous or something else

DC: because it's the only TMDL in State of Oregon DEQ

KR: TMDL only assigned WLA to Industrial stormwater for BOD

MC: looks to me like in terms of using reserve capacity, the actual loading from industrial sector is averaged at 8 – so with benchmark of 33 the actual result achieved is 8 so in terms of using reserve capacity here seems like it's appropriate to use that to retain current benchmark; it's a paper problem; actual loading to Slough from industrial sector is low

DC: correct

MM: recommend we go back to KR presentation back to draft permit language

KR: sure

- Tier II background waiver, proposing to take out word “natural” – couldn’t find a definition on federal level; in TMDL world there is a definition for background sources; for clarity and to help the conversation we have proposed to change the terminology to background waiver –

MC: reiterated this is an important issue – if it’s something out of their control it’s very expensive to address; first piece of this is defining what it is we are trying to exclude: run-on or natural? Clarify the concept first then work on technical challenges. Maybe sufficient to resolve conceptual challenged for permit; suggest in terms of permit language we focus on trying to better define the concept

KR: now the concept will continue to be exceedance solely from non-industrial pollutant sources: wildlife, solids, vegetation, run-on, maybe bacteria – this is the universe of background

KVN: Northwest Pulp and Paper Association, NWPPA concurs with MC; background is a large issue especially for wood facilities

KR: Tier I corrective action – propose to eliminate exceedances of reference concentration for impairments; Tier I response for exceedance of benchmarks and not impaired waters

- Tier II concept – proposal extends Tier II concept from only stormwater benchmarks to ALL benchmarks including sector specific benchmarks, reason to do this is because we have never evaluated Schedule E’s applicability to Oregon – we will do that and next meeting will have the full permit red-line to you including Schedule E changes to address any benchmarks that do not align – sector-specific benchmark numbers that facilities are sampling were developed for a wide range of WQ standards at federal level – we really plan to make sure Schedule E benchmarks are applicable and appropriate to OR; plan to add salt water criteria
- Tier III: corrective action proposal based on impairment monitoring exceedances – once existing facilities are renewed to permit if their first sample is 4x reference concentration for impairment they could trigger this; also any 2 samples out of 4 that exceed could trigger – we picked this because this is the actual assessment methodology used in Category 5 listing under the 2018/2020 Integrated Report; proposing new Tier III report which under some conditions need be stamped by PE, depending on the justification; Tier III report must be signed and certified in accordance with Schedule F
- Also talks about bacteria exceedances response using mandatory narrative water-quality based effluent limit, similar to Ecology- at bottom of page 4 and top of page 5 – for facilities not meeting bacteria monitoring; some are one-time some are on-going
- DEQ or agent would have 60 days to look over proposal and accept or deny
- Tier III - Proposal allows for 6 months to install corrective action and follow-up monitoring
- SWPCP revision would be required
- Lastly, if a facility cannot control discharges below reference concentration then need to (1) discontinue discharge from that discharge point, (2) apply for an individual permit, (3) subject to a WQBEL at that discharge point; or (4) develop a WQ trading plan – might be complicated, but established in DEQ rules, would like to make it available to permittees when it makes sense;
- CA has done trading – allows for off-site mitigation – some models for this in a general permit

- Acknowledge wording is a little cumbersome – continue to work on that to make clear

Comments:

SH: hard to follow – what I think it says: trigger Tier III - have 60 days to submit, regulator has 60 days to review; if accepted have 6 months to install & update SWPCP; once updated SWPCP 30 day public comment. Then, sample again and if they exceed again they have to stop the discharge or get effluent limit?

KR: they will always continue to monitor; concept is the same as Tier II; once they have installed their proposed mitigation or have met indicated exclusions, at that time they could get a eligible for a monitoring waiver if follow-up monitoring under reference concentration; if regulator thinks plan is insufficient, then at that time we would require a WQBEL, so limit could be applied based on plan not being sufficient

Jamie: at the outset express that proposal seems far more complex and cumbersome – will add to admin burden of both regulator and permittee versus just having a WQBEL on the small subset that warrant; specific questions: 1) regarding engineer investigation and report – give an opportunity to show would not cause or contribute to exceedance even where there have been 4 instances showing that it exceeds – seems impossible? Exceedance of impairment equals violation of WQS in most cases?

KR: appreciate the feedback on complexity – this proposal was drafted prior to PG Enviro work – so some disconnects – EPA has some conditions that are minimum elements to prove that discharge did not cause or contribute – their permit requires that the minimum elements to include for demonstrating discharge does not result in exceedance of WQS;

Follow-up request from the meeting for the following information that shows the EPA exemption for permit holders to show they exceeded water quality standards, below (2020 proposed permit, page 45; Part 5.2.3.3):

“The demonstration to EPA, which will be made publicly available, must include the following minimum elements in order to be considered for approval by EPA:

- (1) the water quality standards applicable to the receiving water;*
- (2) the flow rate of the stormwater discharge;*
- (3) the instream flow rates of the receiving water immediately upstream and downstream of the discharge point;*
- (4) the ambient concentration of the parameters of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;*
- (5) the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;*
- (6) any relevant dilution factors applicable to the discharge; and*
- (7) the hardness of the receiving water.”*

We set the metals reference concentrations from hardness results from Monte Carlo modeling based on geo-regions. A facility could present a different hardness resulting in different standard than reference concentration; EPA talks about flow – could be a minimum element of a determination a PE would need for causing and contributing; also instream flow generally flowing at a high rate; because many stormwater discharges are co-mingling with other discharges in MS4 pipes prior to discharging they could show they aren’t actually a contributor; the last thing they talk about is concentration of parameter of concern in the stormwater as flow-weighted and composite.

MM: a lot of hands up; one last comment then break for lunch

Jonah: this contemplates a numeric limit but does not kick in for a while; makes more sense to set numeric up-front then if exceedance permittee could then demonstrate attributable to non-industrial sources or other. Also, current strategy is inconsistent with the proposed Schedule A.3 WQBEL section – re: not cause or contribute to exceedance of WQS, then next section says you can cause or contribute a few times then send DEQ report, etc. This will create a lot of confusion – a more simple way to ensure facilities are not causing or contributing to exceedances

MM: break for lunch; come back at 12:40

MM: go back to slide 11

- Roll call: no Ada, no Chris, no Debbie,

MM: slide 11

MC: appreciate DEQ taking on how to deal with impairment pollutants – it's important to my clients that we sort out issues of if there's a contribution to an exceedance but also allow folks to do something about it without going to an enforcement action – practicality if timing 60 days is short – make sure there's time to resolve issues

Jamie: strongly encourage DEQ to create methodology for calculating WQBEL; settlement agreement requires DEQ to do exactly that; it appears from today's conversation that DEQ is not going to do that – previously DEQ said lack of a feasible prototype was a reason why DEQ wasn't going to do that but this Tier III indicates that DEQ recognizes a methodology might exist; the inconsistency between new Tier III language; DEQ needs to come up with a methodology and be transparent about it

KR: we contracted that work with PG Environmental and they are presenting on that today – those presentations we did not have those when we developed this part of the presentation

Ada: regarding Tier III report: needs guidance, implies you could do a mixing study – exceeding concentrations at end of pipe does not mean you have exceeded WQS in waterbody; please clarify; similar to Tier II should be a provision to ask for more than 60 days – bacteria exceedances for Tier III, can that apply to Tier II for E. coli?

KR: I think so; there are not a lot of off-the-shelf treatment systems for facilities looking to reduce bacteria

CR: Tier III approach: could be a single incident that is an outlier that drives you down Tier III road and leads to any outcomes – no clear off-ramp; exceedance of reference concentration doesn't necessarily indicate there was in fact a WQS violation – needs to be an opportunity to demonstrate that; this process necessarily leads to a SWPCP revision, but if it's a one-off incident (e.g., equipment malfunction) needs to have some flexibility; some concern that one person at DEQ can decide the SWPCP is inadequate with a very serious result, need some sort of appeal or ombudsman process; despite efforts the 1200-Z is not uniformly interpreted across the state; the time needed to address Tier III might be very significant; might take more than 6 months

KVN: NWPPA concurs with MC comment and concerns raised by Ada and (Chris) Rich about timing; major things to consider; please consider timing, implementing things on the ground rarely goes on schedule

KR: re timing: desired outcome is for facilities not to be exceeding referenced concentrations – a lot of the challenges in developing; desire to have facilities move more quickly because of the potential for monitoring exceedances impacting an already impaired water - was the thinking that went into that tighter timeline

MM: technical difficulty

DC presentation; Oregon 1200-Z Benchmarks Comparison with EPA's 2020 Proposed MSGP: asked to evaluate/compare benchmarks presented by EPA with Oregon's and our applicable water quality criteria

- Slide 2 Objectives: Previously OR had adopted Schedule E benchmarks without fully evaluating appropriateness; reviewed proposed MSGP to determine basis of benchmarks, compared to OR WQS and evaluate consistency in monitoring requirements between OR and EPA
- Slide 3 Findings: What we found: basis for MSGP benchmark concentrations – most of these remain unchanged from 2015 except for iron and magnesium and added hexavalent chromium; most metals consistent with EPA recommended criteria
- BOD and pH benchmarks are based on secondary treatment standards
- TSS and Nitrate and Nitrite Nitrogen benchmarks are based on National Urban Runoff Program median concentration
- Slide 4 Findings continued: consistency between permits – many pollutant concentrations were consistent
- Slide 5 – 1200-Z – no saltwater benchmark – EPA has both salt and freshwater benchmarks
- OR has removed any sector-specific benchmark concentration that are established in the 1200-Z as a statewide benchmark; e.g. TSS in OR is based on location; EPA's permit sector specific TSS benchmark is 100 mg/L – monitoring for TSS is then based on statewide benchmark by location and not included in Schedule E.
- OR's 1200-Z lacks saltwater benchmark for trivalent chromium
- OR 1200-Z lacks sector-specific ... where they establish statewide benchmarks for the same pollutant; e.g. metals- copper is inconsistent because OR as adopted the Biotic Ligand Model (BLM) to establish copper benchmark
- EPA 2020 lacks sector specific for iron
- EPA 2020 added sector specific monitoring for Sector I, P and R. The current 1200-Z does not require this monitoring, but intends to include new pollutant monitoring for these sectors in the reissued permit

Recommend establish saltwater and freshwater; revise benchmark for nickel and silver; consider establishing benchmark for cadmium, chromium III and VI consistent with OR's WQS

DC: next presentation – Evaluating Surrogate Monitoring for Impairing Pollutants -tasked with evaluating potential surrogate – to do so had to id universal 303(d) list of pollutants; reviewed EPA MSGP and did literature review – evaluated appropriateness – Oregon is still assessing appropriateness of use of surrogates in reissuance

- Why surrogates are useful? Allow to gain information on a pollutant when actual monitoring is not available or cost-effective
- Slide 14- overview of findings reviewed many states and EPA use of surrogates
- Slide 15 – literature review citations

- Slide 16 – lists impairing pollutants for which surrogate pollutants were identified in permits reviewed; (many have been used for monitoring in Oregon)
- We ultimately think: monitoring is more useful when trying to determine compliance with numeric water quality standard
- Slide 19 - Actual monitoring data for impairing pollutants provides direct measurement of water quality impairment – data associated with impairment is very useful with some caveats
- Surrogate monitoring is useful however when you have a reliable correlation between surrogate parameter and the actual parameter exists
 - TSS and turbidity data submitted by 1200-Z registrants illustrates weak correlation (both Washington and Oregon have statements in technical documents indicating poor correlation without specific analysis)
- Surrogates may be useful when pollutant of concern is a subset of the surrogate – e.g. fecal and E. coli – or hydrocarbon and oil/grease

MM: any questions?

Ada: broad question – are we considering using some of these surrogates? If not why? BOD (biological oxygen demand) vs PAHs (polyaromatic hydrocarbons)

KR: historically yes, we have used a lot of surrogates for impairment monitoring – 2005 (*correction: This is 2012*), then we first established impairment monitoring and which surrogates to use; in today's permit proposal we limit amount of impairment monitoring; in that list of 8 impairment pollutants - the only surrogate still in question is turbidity and sedimentation listings

AF: I also tried to correlate TSS with turbidity- limited success

Norma: none

CR: if there will be surrogate analysis it needs to be thoughtful to determine the benefits and cons and the impacts on regulated entities and what info it provides to DEQ

Jamie: nothing

Jonah: nothing

Debbie: nothing

KVN: I concur with CR comments in thought analysis of why and how and what we are trying to learn

KR: this presentation evaluates the appropriateness; next presentation is about evaluating new applicants; surrogates come into play - re: TSS surrogate –

KVN: I kind of understand but hope to catch up with the logic soon

MC: nothing

SH: no comment

MM: we will continue with Dan

DC presentation: Monitoring Recommendations for New Applicants for Category 5 303(d) – Listed Pollutants - next task – make recommendations for new applicants for the 303(d)

dischargers to impaired waterbodies; reviewed MSGP, and state-issued MSGP, considered possible corrective action based on monitoring of impairments –

- Slide 22 – findings: existing 1200-Z permit coverage and eligibility criteria are consistent with EPA MSGP
- one state we noted, Georgia – requires a submittal by PE for new application discharging into impaired waters – we thought it was a good approach, provides additional assurance that waterbody won't be at risk
- Slide 22 - All impairment pollutants are required to be monitored under OR permit – EPA's 2020 Proposed MSGP requires dischargers to compare lists of industrial pollutants and sector-specific benchmark monitoring pollutants to the list of impairing pollutants and monitor only for pollutants that appear on both lists
- We thought a reasonable step would be to develop an additional list of pollutants of concern associated with industrial categories
- Slide 24 - Monitoring frequency for new applicants prior to coverage – have them provide estimates for pollutant concentrations
- Slide 25 - Monitoring frequency for new applicants following coverage – assign impairment monitoring if they are impaired for one of the eight major pollutants of concern (DEQ supplemental 3 proposal)
Assume no contribution for facilities where the impairment pollutant is NOT a pollutant of concern (based on technical documentation and estimates with application – may include a certification from a PE)
- Recommend the Georgia recommendation – include a certification from the PE
- Slide 26- Additionally, monitoring frequency for new applicants following coverage
We also recommend accelerated monitoring – increased monitoring frequency (bi-quarterly) if an exceedance is triggered; recommend extended period of time for waiver (2 years)

Questions?

SH: a lot of new information; initial reaction requiring PE demonstration for new permits – not sure- we have to be clear what we want in that demonstration, could delay issuance. Would PE's be able to/comfortable doing this? Also important to see if discharging pollutants from past industrial activities and not just current activity

MC: none

KVN: still thinking – these recommendations do not streamline – especially for new applicants prior to coverage

DC: I acknowledge that these do add additional steps is not necessarily streamlining

Debbie: nothing

Jonah: nothing

Jamie: I have some initial concern about elimination of monitoring for impairment pollutants – I need to know about the universe of industrial pollutants they would be asked to monitor for - a lot depends on list DEQ might develop – devil is in the details

CR: nothing

Norma: nothing

AF: regarding new PE certification – unlikely new applicants would have a relationship with a PE that has experience with this prior to application

Ada: second what Alan said – if existing facility more straightforward – if new facility might not even be operational at time of application so difficult to certify.

DC presentation: Oregon 1200-Z Water Quality-based Effluent Limitations - consideration of methodologies for establishing WQBEL for discharges to impaired waterbodies

- Will provide overview of WQBEL, purpose of WQBEL, how they are applied; observations from the country
- Slide 3 - Table re: TBEL and WQBEL – goal of CWA fishable swimmable no toxics in toxic amounts
- Slide 4: required to establish WQBEL when we determine reasonable potential exists to cause or contribute to an exceedance
- If dealing with an impaired waterbody there is no assimilative capacity – if an exceedance of a BM you can conclude they are contributing
- The vast majority across country are narrative – not numeric
- Slide 5 - Background on WQ criteria – can be numeric or narrative – often can take narrative and translate into numeric
- Slide 6 -Toxic pollutant: duration, magnitude (concentration), frequency – how often we can meet or exceed that criteria and not cause lasting effects to aquatic life – we concentrate on duration and magnitude
- For toxic criteria – acute and chronic
- Stormwater are short duration – most states and EPA have determined chronic and human healthy not appropriate for stormwater this gets down to the duration for stormwater is one hour –
- Chronic is expressed in 4 day duration- rare to have stormwater discharge that lasts that long
- Human health a life time exposure - absolutely inappropriate for stormwater discharge to establish sampling based on human health water quality criteria
- Acute criteria is appropriate for stormwater
- Pathogen complicated – will talk about that later
- For instance from table 30 – pollutant no. 26 is lead – formula driven acute and chronic criteria for acute and chronic and salt and fresh
- Wasteload Allocation – term can be used 2 ways: 1) TMDL; @) maximum allowable pollutant concentration that can be in a discharge and still achieve compliance/meet water quality criteria downstream - – we need to figure this out
- This can be more complicated with dilution – no assimilative capacity with impaired waterbodies – dilution is not an option – i.e. we have to meet criteria end of pipe – if we were to allow exceedances at end of pipe then we are causing or contributing and NOT being protective
- Slide 9- WQ based benchmarks and dilution of 5:1 – it may be appropriate for benchmarks but concerns with the 5:1 – because benchmarks don't have to be protective of water quality in all cases – WQBEL have to be protective of water quality criteria and if dealing with discharges to impaired waterbodies there is no assimilative
- What can come out of discharge and still comply with WQ criteria downstream?

- Slide 10- When establishing WQBEL we don't just plug in one-hour and 4-day criteria as the effluent limit– we are required to establish effluent limitation as a max daily and monthly value – caveat: unless impractical –
- 30-day limit for stormwater is not impractical – average monthly limit for stormwater is impractical so dealing with maximum daily limits ONLY – even though calling it max day, it's really a one hour effluent limit
- How we typically develop limits – we will take the WLA and we can figure out long-term average to calculate max daily
- Slide 12 – reminder of the variability that exists in stormwater (from meeting 3 presentation on coefficient variables numeric TBEL presentation) –coefficient variable as high as 42
- Typical procedures for calculating WQBELs – we won't be applying that here
- Slide 14 - Limits must be protective of our criteria at all times – and unlike benchmarks new level of rigor to ensure protective of WQ criteria at all times – we are saying if you meet these limits you are going to be achieving the necessary pollutant reduction requirements in order to protect water quality
- Permit will be a shield ; so if we can't develop the numeric then narrative make sense; in some cases numeric makes sense; in some cases narrative makes sense so if not protective we can require additional steps to be protective
- Tried to concentrate on states more enviro aggressive
- Slide 16 – Summary of findings – vast majority of states assume compliance with TBEL – best management practices (BMP) and other permit conditions without establishing numeric WQBELs

MC: lots of questions but maybe Dan should finish

DC: summary of findings throughout nation:

- Majority of states assume compliance with permit conditions – that this will result in achieving compliance with WQS – those required additional measure if exceedances
- If WQS cannot be achieved them will require an individual NPDES permit
- Slide 17 – we did find numeric WQBEL established – EPA 2020 MSGP, a portion for areas that have specific requirements – Fond du Lac require numeric WQBEL at 2 x ambient concentration for ammonia, arsenic, chromium, total phosphorus and zinc
- Idaho for pH and arsenic and zinc (based on acute criteria) – Hawaii numeric WQBELs for all dischargers, but they are trying to remove numeric WQBELs
- Slide 18 – recap EPA and ID.
- Slide 19 Washington – spent a lot of time trying to evaluate their methodologies – still some unknowns; for pH - if impaired on lower level of pH them you have to meet lower level and can go up to higher level – daily max based on acute for other parameters – they also establish TSS limit based on “best professional judgment” – I have a lot of questions about that – not much of a technical justification – 30 mg/L is pretty low – not clear how they made determination that this would be protective; phosphorous and turbidity – unknown how they establish these limits

AF: 25 NTU is the industrial permit's benchmark for turbidity

Ada: I think it is more applicable as a benchmark – some of these are non-scientific numbers

DC: Hawaii, slide 20, does have numeric WQBEL applicable to all dischargers – instantaneous maximums
– I work a lot with Hawaii and I know they are in process of removing numeric limits – they don't think the general permit is an appropriate tool for establishing WQBEL for those parameters

– Slide 21 – recommendations for the metals: we think the limit should be based on acute criteria metals are site-specific, has to be consideration how to develop appropriate limit that factors in the site specific – e.g.. Hardness for basins

– We recommend no numeric WQBEL for iron – iron does not have an acute criteria – recommend control by narrative permit conditions

– Directly apply acute criteria for metals as a 1-hr average – do not establish numeric limit for iron

– Slide 22 – we understand criteria is established as dissolved – federal requirements require permits to be expressed as total recoverable – use of total recoverable is the only way to be protective of instream criteria - limits need to be expressed total recoverable and this is the only way to account for dissolved

Questions? None

– Slide 23 – review of OR water quality standards for bacteria: OR regulation specify the freshwater limit to be used in permit for E. coli criteria is a 90-day geomean 35/100mL, but the water quality standard establishes a monthly 126/100mL– the water quality standard does not specify fecal limits in regulation – just a criterion

– Slide 24 – standards dictate the limits but some don't make sense for stormwater – numeric limits for bacteria – should use 5 samples – must be cognizant of whether its freshwater or coastal – sampling frequency and – a lot of limitations for establishing a numeric limit for bacteria

– Slide 25 – practical or not to establish a numeric limit? Not appropriately for bacteria – a single sample maximum could – but with permit shield – if they are contributing to an exceedance of the monthly geomean in the criteria then nothing we can do – no recourse – E. coli: to have a technically rigorous limit need something more akin to a watershed analysis

– Bacteria recommendation: no numeric WQBEL – recommend do a narrative similar to what WA did

– Slide 26: turbidity – WQS no more than 10% cumulative increase in natural stream turbidity may be allowed, as measured relative to a control point immediately upstream of the turbidity causing activity - site specific assessment – define natural stream turbidity – need a control point upstream to find it – issues associated with this – requires in-stream monitoring – also when is that monitored? Need a reference location, then expresses as a delta – too cumbersome

Suggest monitor during the dry season for upstream turbidity

– Slide 27 – sedimentation/TSS- no defined criteria – TMDLs reference other turbidity standards TSS is correlated but need site specific correlation – then can be used as a surrogate but doesn't apply on a statewide basis – unknown how WA determined 30 mg/L is protective of water quality

– Slide 28 – from an OR TMDL trying to target 30 NTU – illustrates there is not a strong statewide correlation between TSS and turbidity

– Slide 29: pH- relatively simple establish at water quality criteria - basin specific; marine waters: 7.0-8.5

Questions/comments:

MC: presentation of all the various nuances of this issue – struggling with how the Advisory Committee provides meaningful input on this – question back to DEQ on context we are envisioning? – the settlement agreement requires a methodology be developed – depending on how it is used to develop a numeric WQBEL in a general permit looks very different than if you are doing this at the end of a Tier III process; because of the large number of stormwater sources, Dan has shown how difficult it can be – data intensive setting a limit can be; you end up with default hardness for instance; small industrial discharger having more stringent limits than a larger discharger – I guess push the question back to how the methodology would be used?

KR: I would like to continue with the Tier III concept – taking into account escalating response at site-specific – allowing facility to make a site-specific evaluation – including escalation into a numeric WQBEL

MC: I think that would dial down the concerns. 2 topics that are related - I agree if the receiving water is not meeting standard then dilution cannot be considered – in stormwater context but end of pipe may be end of facility's pipe not the municipality's stormwater system– discharges may combine – so don't exclude dilution considerations – we also assume Category 5 on the 303d list impaired for that stormwater discharge – I don't think Jennifer Wigal is on the call so she is not here to counter what I am saying but I have heard her say many times, just because a waterbody is impaired it can be reassessed for permitting purposes - number of water bodies on the Cat 5 list are barely and are listed based 20 year old data– don't assume that if it's Cat 5 for the purposes of establishing a WQBEL, that dilution is not appropriate

Norma: nothing to add

Jamie: I found Dan's presentation to be very compelling – I think when you combine his presentation today with impairment analysis from meetings ago it makes a very strong case for immediate need for numeric limits for dischargers of impaired pollutants to impaired water bodies; I do not see how DEQ can do the Tier III process and not include a limit for that small subset of those facilities – re: dilution: I would disagree with Jenifer Wigal – in absence of site-specific data on receiving water, it is reasonable to assume the background impaired water condition is representative – Dan said in some case it may be appropriate to stick with narrative WQBEL; I think DEQ has the data to make reasonable and conservative assumptions about things like hardness to derive limits; current permit doesn't really have a narrative WQBEL it has the “may not cause or contribute” – has very little value to permittee or agency; urge DEQ not to rely on lack of site-specific data to avoid setting limits now; there are some assumptions that can be made now; also we are talking about 303(d) listed waters but what about those that are not impaired but stormwater dischargers are contributing

KNV: NWPPA concurs with Michael – narrative criteria have magnitude, duration elements in them and stormwater is episodic, disagree with previous speaker – you take unknown and go the other direction

Debbie – no comment

CR: concur with KVN and MC – highlight that there are real challenges coming up with statewide approaches; we already have Tier I, Tier II and now Tier III processes – really difficult to paint that year-round or regional basis; already is an adaptive management approach that we could strengthen

Ada: I do support narrative criteria for iron and E. coli; if we do end up coming up with a WQBEL for copper with no dilution and with conservative dissolved translator values we may come up with a number that is below detection limits and not treatable with any available treatment technology; might set the stage for a number that is not achievable

Alan: impairment monitoring pollutants; my concern is with language and naming, I propose changing the name and not call these Tier III – impairment monitoring is a different thing we are trying to accomplish and call it impairment monitoring corrective action – don't say Tier III, implies escalation from Tier II

Informal public comment:

Last name A-C:

Louis Cruz – materials presented?

MM: all materials are currently posted on the website

Jack Carter, Weyerhaeuser – in the mark-up of the 1200-Z I am not seeing mark-up regarding part of the permit for SWPCPs, there are some things that are repetitive that need work; 3 different places that refer to the same stuff, confusing, inefficient; will anyone at DEQ tackle some of that section of the permit to clean it up?

DEQ: The draft permit that goes out for comment later in 2020 will be DEQ's best efforts to ensure the SWPCP is as clear as possible. We look forward to all comments to ensure that is the case.

Last name D-F:

Jason Davendonis with Waste Management: re: iron and removing it – is that being looked at for removing iron as an impairment pollutant from a receiving body – research shows iron does not have an acute effect on wildlife

DEQ: DEQ is looking at the appropriate requirements for all impairment pollutants based on the draft 2018-20 water quality assessment as well as the best available information regarding sources and implementation options.

G-J: None

K-N: None

O-Q: None

R-T: None

U-Z: None

KR: Slide 12 supplemental 3, Schedule B

- This is Schedule B, all monitoring tables moved here – we have not applied saltwater criteria historically but we want to add that;
- List of 8 impairment parameters proposed – we want to limit this based on PG presentation; so proposing to narrow the list for impairment monitoring for existing and new dischargers
- Table 5 has impairment sampling in dissolved fractions, based on Dan's presentation we should be assigning this based on translator conversions; using total instead of dissolve
- Comments?

SH: fine with limited impairment parameter list but more needs to be required of new dischargers; legacy pollutant issue; I support not having dissolved;

Ada: thinking that field filtering was too onerous? I think they got the hang of it now

KR: it was never appropriate for a NPDES permit end-of-pipe compliance to sample in dissolved - because that's not how we would set at numeric WQBEL

Ada: one of Dan's presentation— a lot less exceedances of dissolved criteria than the total; seem to be less of an issue when we were monitoring for the bioavailable form of metals – I do think ultimately dissolved it is a better measure, especially for dissolved copper and lead – but I understand the limitation for permitting

DC: implication that dissolved is better but if goal and requirement is to establish numeric WQBEL that are protective of receiving waters by sampling total - there is no other way unless we account for speciation

- Supplemental sheet 4 – linkage between proposed conditions and how to affect the sampling and waivers
- Supplemental 5

MC: not sure which sheet we should be commenting on; Stacy alluded to first issue: for facilities that infiltrate design storm looks like they have to apply for a variance each period, I would support making that a waiver, would be more straightforward; a lot of frustration with monitoring waiver requests and having to wait to get approval from DEQ rather than getting default approval; given staff constraints and straightforward calculations a default approval makes sense

CR: supplemental sheet 5, “immediately” – brings challenges – highlight that waivers need to have some self-implementing mechanism; for bacteria or E. coli needs to be a reasonable off-ramp if source can demonstrate not from an industrial activity

KR – any heartburn on the waiver condition of one sample being required fall 2024? (none)

SH: quarterly DMRs? Plugging for semi-annual DMRs, we are getting blank DMRs; under record-keeping keep documentation needed to substantiate implementation of SWPCP

KR: Electronic system will have a tickler/reminder – sticking with quarterly right now

KVN: I would concur with (Chris) Rich and Michael's comments – re: bacteria sometimes you can have things that mimic bacteria in forest products – I'd like DEQ to consider – I would like to think about the problems with the webinar crowding the work on the permit itself and our robust discussion

AF: for facilities that installed mass load reduction above and beyond design storm– should be expanded to treatment systems that are above and beyond – should be offered a waiver from sampling the overflows – alternative is to not require them to design to a specific design storm and allow them to design for a smaller storm if required to monitor anyway

CS: information in the supplemental sheet #6 – apologize for technical difficulties – AT&T had a system-wide outage

KR: plan is to have a draft of something similar to the public notice draft – so please send any other comments, cc all advisory committee members; looking at charter and settlement terms I believe we've addressed all topics we committed to

Jamie – I don't have a comment now but will review it more closely again

KR: Slide 26 – we are doing benchmark work, hope to have a redline version of all monitoring including, copper based on BLM for consideration –

MC: in addition to redline – share your thinking about the revised revisions – not white paper level

KR: these meetings are intended to give some of our background and thinking – but thank you for that suggestion