

Water Quality Standards



Willamette Basin Mercury Variance Rulemaking Federal and State Requirements

Nov. 1, 2018

DEQ Headquarters

Photo credit: Andrea Matzke

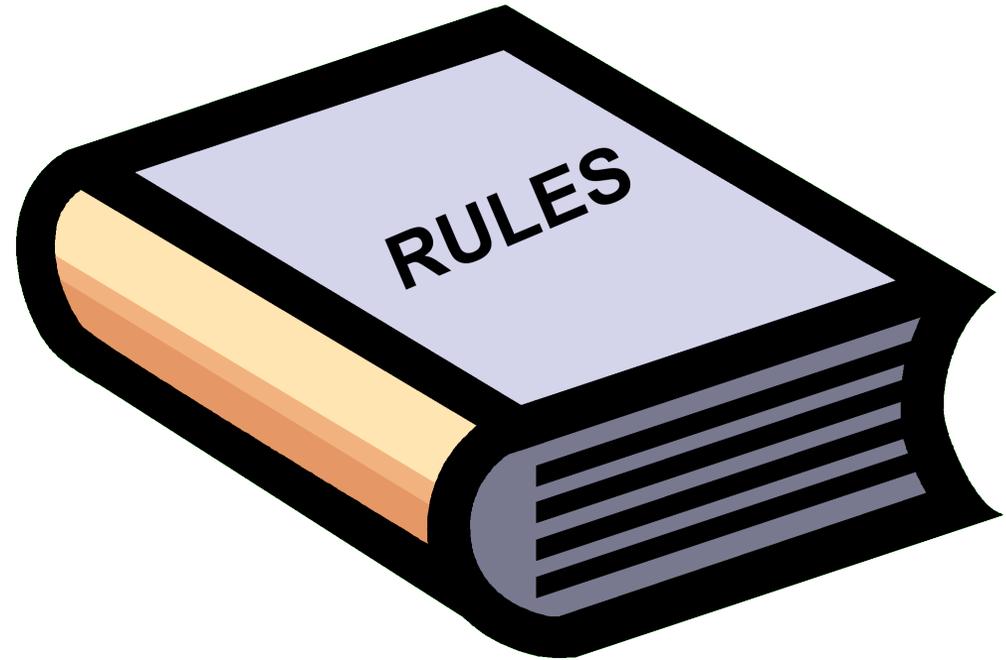
Topics

- What is a variance and what does it do?
- Variance justification
- Variance requirements
- Differences between federal and state rules



Federal regulations (2015)

- First federal regulations about variances
- How to justify the need for a variance
- Duration
- Highest attainable condition



What is a Variance?

Tool under CWA regulations

**Water quality standard not attainable;
WQBELs not achievable**

**Time limited alternative for
specified dischargers or
waterbody**

**Requires progress toward the
standard**

Variance Justification Factors

Naturally occurring
pollutant
concentrations

Natural, ephemeral,
intermittent or low
flow conditions

Human-caused
conditions or
pollutant sources

Dams, diversions, or
other hydrologic
modifications

Physical conditions
(e.g. substrate,
habitat features)

Substantial and
widespread
economic and social
impact

Highest Attainable Condition

Highest attainable interim criterion

or

Effluent condition with greatest pollutant reduction achievable

or

Effluent condition that optimizes current technology + pollutant reduction program

Colorado Analysis

Options (from most removal to least)	Technologically Feasible	Economically Feasible	Environmentally Feasible
Option #1	No	No	No
Option #2	Yes	No	No
Option #3	Yes	Yes	No
Option #4	Yes	No	Yes
Option #5	Yes	Yes	Yes

Permit Conditions (OAR 340-041-0059(5))

Interim Effluent Limit

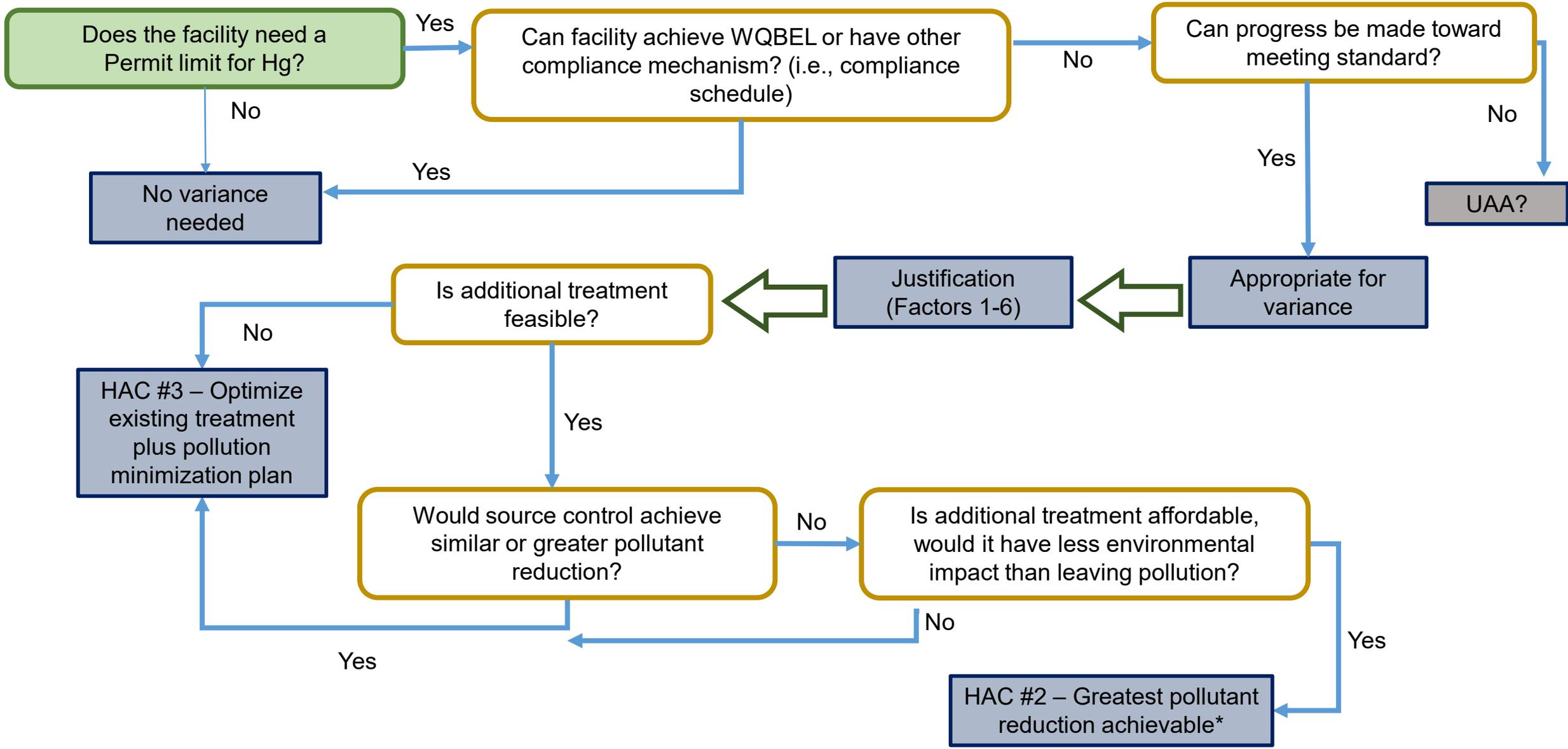
Pollutant Minimization Program

Monitoring

Progress Reports

Variance Duration

- ✓ State: term of the NPDES Permit
- ✓ Federal: As long as necessary to achieve HAC with re-evaluation if >5 years



* - may need compliance schedule

Questions?

