



State of Oregon Department of Environmental Quality

Willamette Valley Mercury Variance Advisory Committee Meeting 4 ACWA Supplemental Comments

ACWA comments on the April 4, 2019 Mercury MDV advisory committee meeting topics

Prepared by Todd Miller, City of Springfield as ACWA representative on the advisory committee

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Context: the Mercury MDV is being prepared as a permit-mechanism backstop to the current Mercury TMDL development.¹ Should the TMDL implementation become subject to litigation or other delay, the Mercury MDV can provide an alternative pathway for issuance of timely, implementable NPDES permits. Therefore, since the MDV is not anticipated to be needed, the MDV should be made as simple as possible to meet Clean Water Act requirements and be guided by precedents set in other states' variance programs.

Opportunities to simplify the MDV process:

- Treat all WWTPs as a single category, regardless of secondary or advanced treatment status.
 - Rationale #1: ultimately all WWTPs end up at the same permitting strategy – HAC #3 – optimized treatment system operations with LCA-based effluent limit plus mercury minimization plan. The only variation on this pathway is a compliance schedule for advanced treatment implementation.
 - Rationale #2: Oregon data do not indicate significant difference in effluent concentrations between secondary and advanced treatment WWTPs.
 - Rationale #3: Wisconsin has set precedent for this single category approach.
 - Rationale #4: It is not clear what constitutes advanced treatment;² having a single category will avoid confusion and debate over what constitutes advanced treatment.
- Minor domestic WWTPs should retain the exception to the HAC requirements in line with the current draft mercury TMDL.
- Establish one pathway for permit compliance under the MDV: HAC #3, based on maintaining existing levels of treatment and implementing an MMP.
- Produce an updated MMP template in collaboration with ACWA; this is a work goal that has been sidelined more recently and should be revived.
 - A collaborative update to the template will ensure MMPs are appropriate, effective, and implementable in Oregon communities to target the source reduction strategies that will have meaningful impact on reducing the total mercury transmitted through Oregon's WWTPs.
 - The MMP is the key tool for compliance under the TMDL or MDV approach. Therefore, this is where the bulk of time and effort should be spent on the MDV process.

¹ The TMDL identifies wastewater treatment plants (WWTPs) as minor contributors of mercury in the Willamette basin and points to a 10% effluent concentration reduction goal for WWTPs. For major facilities, Mercury Minimization Plans (MMPs) are the identified mechanism for WWTP mercury concentration reductions. For minor facilities, no further permit requirements are to be added.

² Some WWTPs may have tertiary filters installed to meet certain water quality goals under specific environmental conditions; these filter systems are not designed for other reduction goals, such as mercury concentrations.

- 5-year effectiveness reviews can include data on WWTPs that have implemented technological changes or upgrades (e.g. lagoon system operational changes or advanced treatment) and mercury concentrations in influent and effluent streams before and after changes to compare with communities that have not made changes (but have implemented MMPs). That data will inform the process on whether significant mercury reductions are occurring due to technology.