

# Stormwater Discussions 2015



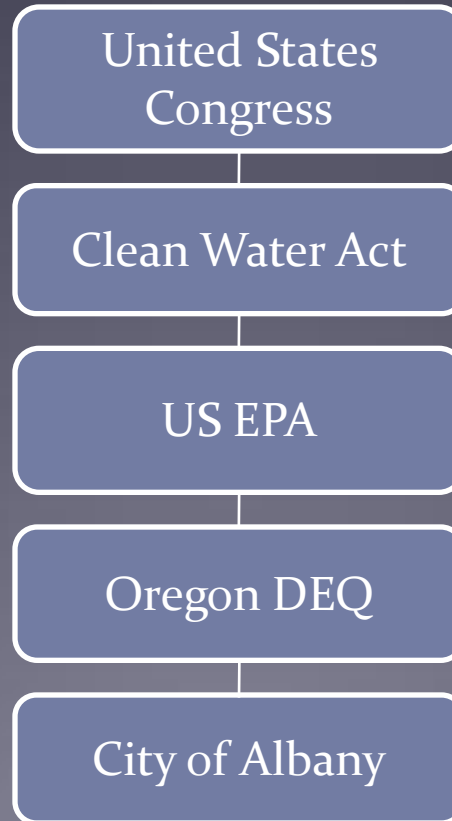
*Part 3 – Regulatory Framework*

# MEETING OBJECTIVES

- Continue Stormwater Discussions
- Provide Regulatory Overview
- Review Applicable Regulations
- Answer Questions



# PATHWAY TO REGULATION



# REGULATORY FRAMEWORK

- Two pathways to stormwater regulation:
  - Clean Water Act – 1972
    - Develop and implement water quality standards
    - Identify standards violations
    - Develop and implement TMDLs
  - Water Quality Act – 1987
    - Regulate stormwater discharges



# REGULATORY FRAMEWORK

- Clean Water Act – 1972
  - Restore and maintain integrity of nations waters
  - Water Quality Standards
  - Regulate discharge of pollutants (NPDES permits)
  - Construction grants program
  - Stormwater discharges exempted



# PATHWAY TO REGULATION

1972  
Clean Water Act

Oregon DEQ

Water Quality  
Limited Streams

Willamette Basin  
TMDL

Designated  
Management  
Agency

Water Quality  
Management Plan



# REGULATORY FRAMEWORK

- Water Quality Act – 1987
  - Municipal Separate Storm Sewer System (MS4)
  - 1990 - Phase I = > 100,000, > 5 Acres Construction
  - Maximum Extent Practicable (MEP)
  - Prohibits non SW discharges into MS4
  - Industrial SW discharges regulated
  - Phased out construction grants program
  - Agricultural SW discharges exempted



# PATHWAY TO REGULATION

1987  
Water Quality Act

EPA  
Stormwater Rules

Oregon DEQ

Industrial SW  
Permits

Albany Airport  
1200z Permit

Water Reclamation  
Facility

City of Albany

NPDES MS4

Six Minimum  
Control Measures





# FEDERAL REGULATORY FRAMEWORK

- Water Quality Act – 1987
  - 1999 - Phase II = > 50,000, > 1 Acres Construction
  - Maximum Extent Practicable (MEP)
  - Stormwater Management Plan (SWMP)
  - Six Minimum Control Measures
    - Public Education & Outreach
    - Public Involvement
    - Illicit Discharge Detection & Elimination
    - Construction Site Runoff Control
    - Post Construction Runoff Control
    - Pollution Prevention/Good Housekeeping
  - Best Management Practices (BMPs)



# OREGON'S REGULATORY FRAMEWORK

- Oregon accepts delegation from EPA
- Legislature passed laws – Oregon Revised Statutes (ORS)
  - Pollution policy – menace to public health
  - Pollution harmful to wildlife, fish, aquatic species
  - Pollution impairs beneficial uses (domestic, ag, etc.)
  - Prevent new pollution and abate existing pollution
  - ORS 468B.015, ORS 468B.020

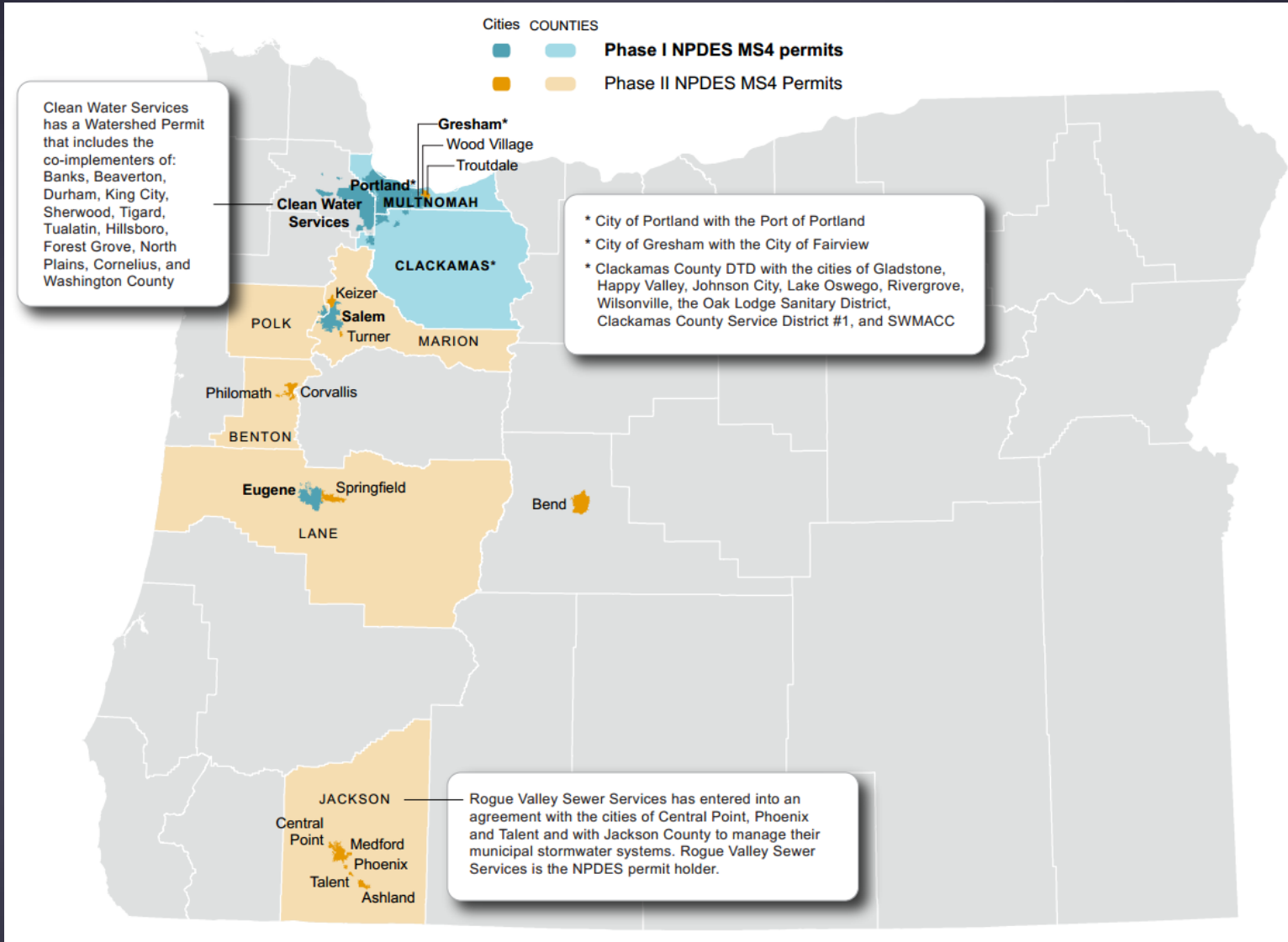


# OREGON'S REGULATORY FRAMEWORK

- Environmental Quality Commission rule authority
  - ORS 468B.010
- Oregon Department of Environmental Quality (DEQ)
  - Implements rules (OARs) adopted by Commission
  - OAR 340, Division 41 establishes WQ standard
  - OAR 340, Division 45 establishes permit regulations

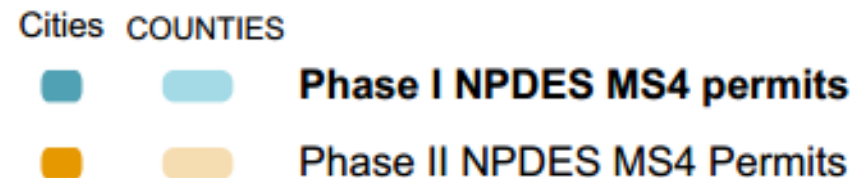


# STORMWATER PERMITS IN OREGON



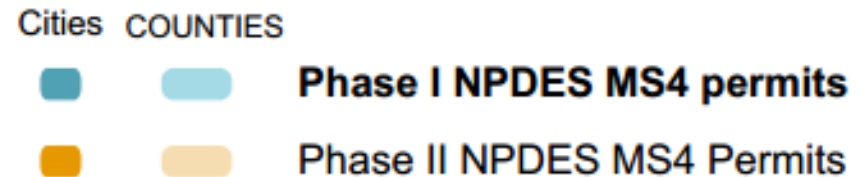
# Stormwater Permits in Oregon

Phase I MS4 Permittees	2010 Census
Clean Water Services	
CWS-Banks	1,777
CWS-Beaverton	89,803
CWS-Cornelius	11,869
CWS-Durham	1,351
CWS-Forest Grove	21,083
CWS-Hillsboro	91,611
CWS-King City	3,111
CWS-North Plains	1,947
CWS-Sherwood	18,194
CWS-Tigard	48,035
CWS-Tualatin	26,054
CWS-WA County	529,710



# Stormwater Permits in Oregon

Phase I MS4 Permittees	2010 Census
Gresham Group:	
Gresham	105,594
Fairview	8,920
Portland Group:	
Portland	588,776
Port of Portland	
City of Salem	154,637
City of Eugene	156,185
Multnomah County	735,334
ODOT	



# Stormwater Permits in Oregon

## Phase II

Phase II MS4 Permittees:	Pop 2010 Census
City of Ashland	20,078
City of Bend	76,639
Benton County	85,579
City of Corvallis	54,462
City of Keizer	36,478
Lane County	351,715
Marion County	315,335
City of Medford	74,907
City of Philomath	4,584
Polk County	75,403
Rouge Valley Sewer Services	
RVSS -City of Central Point	17,169
RVSS-City of Phoenix	4,538
RVSS-City of Talent	6,066
RVSS-Jackson County	203,206
City of Springfield	59,403
City of Troutdale	15,962
City of Turner	1,854
City of Wood Village	3,878





# Stormwater Permits in Oregon

<b>Waivers in 2003 Need Evaluation</b>	<b>Pop 2010 Census</b>
Coburg	1,035
Jacksonville	2,785
Maywood Park	752
Rainier	1,895
Deschutes County	157,733
Columbia County	49,351

<b>Newly identified jurisdictions in 2012</b>	<b>Pop 2010 Census</b>
Albany	50,158
Eagle Point	4797
Gold Hill	1073
Grants Pass	23,003
Jefferson	2487
Millersburg	651
Milton-Freewater	6470
Rogue River	1847
Tangent	933
Josephine County	82,713
Umatilla County	75,889



# STRICTER REGULATIONS?

- 2003 9<sup>th</sup> Circuit Ruling – EDC, NRDC v. EPA
  - Adequacy of Stormwater Controls
  - NPDES Permits for Logging/Forest Roads
- EPA Memorandum, November, 2014
  - Direction to Regions
  - Measurable Permit Requirements
  - Numeric Limits Where Feasible
- December, 2014 – EDC, NRDC v. EPA
  - 9<sup>th</sup> Circuit Petition
  - Revise Phase II Rules
  - Regulation of Forest Roads



# WHAT'S NEXT

- DEQ Develops Phase II MS4 General Permit
  - Advisory Committee - Stakeholders
  - Public Notice Draft – December, 2015
  - Public Notice Final – May, 2016
- Permit Term – 5 Years
  - Phased Implementation
  - Stormwater Management Plan (SWMP)
  - Implement Six Minimum Control Measures



# IN THE MEANTIME....

- Stormwater Master Plan Update
  - Data collection – Complete
  - Hydraulic Model Development – Complete
  - Identifying existing and buildout system deficiencies
- Willamette TMDL Implementation Plan
- Limited System Maintenance and Repairs
- Future Presentation – August 24
  - Current O&M Practices and Future Needs



# HOW ARE CURRENT EFFORTS FUNDED?

## No Dedicated Stormwater Funding



**Street Funds**



**Sewer Funds**

