

From: [BACHMAN Jeff](#)
To: [ROOT Jenny](#)
Subject: FW: Division 12 feedback
Date: Tuesday, January 07, 2014 12:39:56 PM
Attachments: [FW Stormwater Guidance on failing to implement a plan.msg](#)

Jeff Bachman
Office of Compliance and Enforcement
Oregon Dept. of Environmental Quality
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From: BROWN Courtney
Sent: Friday, March 22, 2013 12:57 PM
To: BACHMAN Jeff
Subject: FW: Division 12 feedback

From: CARLOUGH Les
Sent: Friday, March 22, 2013 11:21 AM
To: LOBOY Zach; ADES Dennis R; NIGG Eric; JOHNSON Keith; NOMURA Ranei
Cc: BROWN Courtney
Subject: RE: Division 12 feedback

Thanks for following up about the meeting you guys had yesterday. I'd talked with Denny who explained that you wanted to discuss the issues among yourselves before talking with us again. That's fine of course, but we need to set up the follow-up meeting very soon because there is so little time left in our rulemaking schedule. You might not remember from my 3/6 email, but we sent our advisory committee the draft rules during the first week of March and included the Class I language we'd originally negotiated as a placeholder. We told the committee that there are still ongoing discussions internally about some things and will remind them of it when we meet with them on April 5.

I'll talk with Denny about when we might schedule the follow-up meeting. Is there someone Courtney might talk with before then to get a summary of what you see as the problems with the concept? I think that would really help our understanding of the issues. Also, it seems to me that some of the discussion we've had about the classification has also involved what to do with the guidance so it would be great to get your thoughts about whether the draft guidance Courtney sent implements your expectations. I've included the most recent drafts in the attached email.

Don't forget to include Courtney in emails as the OCE program lead.

From: LOBOY Zach
Sent: Thursday, March 21, 2013 4:10 PM
To: CARLOUGH Les
Cc: ADES Dennis R; NIGG Eric; JOHNSON Keith; NOMURA Ranei
Subject: Division 12 feedback

The stormwater managers met this afternoon to review the Div. 12 changes in the draft distributed Tuesday. Here is our feedback on the draft:

1. *Reclass of failure to implement stormwater pollution control plan (SWPCP) from Class II to Class 1*

We do not support the change at this time and would like the draft rules sent to the advisory committee to reflect the current classification rather than the proposal. In the meantime, we will continue the discussion of how best to address this issue and reach consensus.

2. *Penalty matrix change for land disturbance <1 acre and disturbance w/1200-C permit*

We are in agreement with the inclusion of new categories for the lower disturbance thresholds that do not require NPDES permit (\$1000 for residential, \$2500 for business). However, we do not support the increase of the 1200-C violations to the next higher penalty matrix. 1200-C projects between 1 and 5 acres are still quite small in nature and are appropriately categorized in the \$2500 matrix. We could support the addition of a category of 1200-C projects that are 20 or more acres in the highest matrix of \$8000 with the projects between 5 and 20 acres remaining in the \$6000 matrix.

I will be out on vacation leave until April 1st but if you have questions regarding this please feel free to contact Ranei or any of the stormwater managers. Thanks.

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