

From: [BACHMAN Jeff](#)
To: [ROOT Jenny](#)
Subject: FW: Action needed: Please review potential Div. 12 rule revisions by 9/17
Date: Tuesday, January 07, 2014 12:29:23 PM

Jeff Bachman
Office of Compliance and Enforcement
Oregon Dept. of Environmental Quality
(503) 229-5950

From: YELTON-BRAM Tiffany
Sent: Wednesday, September 12, 2012 8:42 AM
To: NOMURA Ranei; BACHMAN Jeff
Cc: BACHMAN Jeff
Subject: RE: Action needed: Please review potential Div. 12 rule revisions by 9/17

Thanks for the reply. I'll be interested to know if we can have this discussion in time for this rule making cycle.

From: NOMURA Ranei
Sent: Wednesday, September 12, 2012 8:36 AM
To: YELTON-BRAM Tiffany; BACHMAN Jeff
Cc: BACHMAN Jeff
Subject: RE: Action needed: Please review potential Div. 12 rule revisions by 9/17

Tiffany - Thanks! I think Mer is referring to language in Appendix O of the guidance, which could easily be fixed. Lyle's issue is more complex, however, and would require discussion amongst the regions. I will punt to Jeff for our time frame to see if we have time to work on it. I know the rule is not scheduled to be adopted until next Fall so we might have more time to flush this out. I will add it to the spreadsheet.

Jeff - What do you think? Should WQ work on this issue more? I was thinking we could add it to the conversation about bacteria but it will take more time to get necessary staff in the mix.

From: YELTON-BRAM Tiffany
Sent: Friday, September 07, 2012 5:06 PM
To: NOMURA Ranei
Cc: BACHMAN Jeff
Subject: RE: Action needed: Please review potential Div. 12 rule revisions by 9/17

Hi Ranei and Jeff
Oops!

I thought I had until end of today to forward Lyle's comments so I hadn't done that yet. I'll do it now. Mer replied directly to Jeff.

From Lyle:

Tiffany, the one area that has always been difficult for me is the straight % exceedance of BOD/TSS technology based effluent limitations. Hard for me to view a permit violation as a Class I violation when their basin standard monthly limitation is 10 mg/l and they have 16 mg/l putting them into

Class I. 16 mg/l is still pretty high quality effluent and well below secondary treatment which is 30 mg/l. Not sure what the best fix is but it seems that when straight % is used it is not recognizing what the initial limit may have been. Someone may have secondary treatment initial limits of 30 mg/l and discharge 46 mg/l and that is treated the same from a violation standpoint as the discharger at 16 mg/l because of the initial starting point. It is also particularly hard to look at BOD results with a lot of confidence when the known variability of that test is something like +/- 30%. Looking at that same 10 mg/l limit for a BOD can put someone at a Class II violation level (>20% but < 50%) for a measurement that falls within the known variability of the test.

Probably not something we can fix real easily but thought we should throw it out to the discussion at least.

Lyle 503 -229-5295

From Mer:

Jeff

It seems to me that I have seen some typos that affect meaning and are confusing. But right now the only one I can find is 0055 (1)(l).

At the end of the NPDES column for this item, I think it's supposed to be "Otherwise "B" - send WL. If violation..."

I often have a hard time finding the relevant cite but I can't think of any specific suggestions. Thanks for all you do

Thanks

Mer

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From: NOMURA Ranei
Sent: Friday, September 07, 2012 4:57 PM
To: [WQ] Managers
Cc: CARLOUGH Les; BROWN Courtney; BACHMAN Jeff

Subject: Action needed: Please review potential Div. 12 rule revisions by 9/17

Attached is the spreadsheet I've been using to keep track of potential revisions. I thought it would be better to just send it to you rather than send you the link to the folder it's in to avoid sharing issues or bad links.

Please let me know if you have anything to add to the list, have any comments or questions on my notes, or need me to dig anything up for you to answer your questions. If I haven't made progress on a particular issue, you will see a note to that effect. If you need more time, just let me know.

Also, just to recap... OCE started this effort to implement legislative direction that increases the cap on penalties from \$10,000 per day to \$25,000 per day of violation (base penalties may also increase or decrease during this rulemaking but it is too early to tell you what this might look like). OCE decided that this would also be a good time to scope out potential rule revisions from different programs, which is why you have been asked for input. This rulemaking effort will involve more internal discussion and meetings with an external advisory committee. The goal is to have the revisions adopted in late summer or fall after the legislative session.

I am out of the office next week at a conference but I will be checking email if you have any questions.

Thank you!

Ranei