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**Date:** Oct. 25, 2019

**To:** Environmental Quality Commission

**From:** Richard Whitman, Director

**Subject:** Item J: 1200-Z Industrial Stormwater Discharge Permit Renewal Rulemaking (Informational)  
Nov. 14-15, 2019, EQC meeting

**Why this is important** DEQ will inform the commission about the work associated with the 1200-Z Industrial Stormwater Discharge Permit Renewal Rulemaking as preparation for a request for EQC action in early 2021.

**Prior EQC involvement** This is the first water quality general permit that DEQ is renewing via rule since the authorizing statute (ORS. 468B.050) was updated in 2005 to explicitly allow general permits to be issued by DEQ order or rule.

**Background** DEQ's 1200-Z industrial stormwater general permit regulates stormwater discharges from industrial facilities that may reach Oregon waterways, directly or through conveyance system such as ditches or storm drains. There are currently over 850 facilities throughout Oregon with this type of permit coverage.

The current permit framework requires all facilities to monitor their stormwater, develop and keep up to date a pollution control plan specific to their facility and install additional pollution controls if sampling does not meet targets. The permit also has specific requirements for different industrial activities based on Standard Industrial Code, which is adopted from the federal permit.

In August 2017, DEQ renewed the 1200-Z industrial stormwater general permit for a five-year term. DEQ subsequently received a petition to reconsider the permit from the Oregon Industrial Stormwater Group, a diverse group of permitted industries. In addition, a petition was filed in Multnomah County Circuit Court by the Columbia Riverkeeper and the Northwest Environmental Defense Center.

As a result, on Aug. 17, 2018, DEQ entered into a Consent Judgement and a Settlement Agreement with Northwest Environmental Defense Center, Columbia

Riverkeeper, and Oregon Industrial Stormwater Group as an intervener regarding the 1200-Z industrial stormwater general permit renewal.

In summary, DEQ committed to:

- By Oct. 31, 2018, DEQ will issue a final revised 1200-Z permit in accordance with ORS 183.484(4) that affirms or modifies the 1200-Z issued on Aug. 1, 2017;
- By Oct. 30, 2020, DEQ will release for public review and comment a revised draft 1200-Z permit and;
- By March 30, 2021, DEQ will issue a final revised 1200-Z permit along with written responses to public comments received on the draft revised 1200-Z permit.

On Oct. 22, 2018, DEQ reissued the 1200-Z incorporating several short-term changes from the Settlement Agreement signed by the parties in August 2018. The remaining terms of Settlement Agreement are being considered as DEQ works on the permit renewal. DEQ has committed to including the following as part of the permit renewal process:

- Consideration of including numeric technology-based effluent limitations, or, alternatively, proposed numeric technology-based benchmarks for the pollutants copper, lead, zinc, and total suspended solids;
- Consideration of one or more proposed site-specific, TMDL-specific, or state-wide numeric water quality-based effluent limitations, related to industrial stormwater discharges into impaired waters; and
- Development of appropriate monitoring and reporting requirements to ensure and verify compliance at discharge point(s) identified in each permit registrant's stormwater pollution control plan.

DEQ established an Advisory Committee to provide input on the elements of the 1200-Z industrial stormwater general permit renewal associated with the Settlement Agreement. Specifically, DEQ is seeking input on the evaluations, methodologies, and appropriate scale for considering numeric water quality-based effluent limitations for impaired waters and numeric technology-based effluent limitations or benchmarks for copper, lead, zinc and total suspended solids. The committee will also consider appropriate monitoring and reporting requirements in relation to effluent limitations or benchmarks.

DEQ intends to use the input from the advisory committee to develop a high quality, protective, implementable and legally defensible 1200-Z industrial stormwater general permit that is appropriate for Oregon.

EPA is currently working on the renewal of the federal industrial stormwater general permit. Depending on the timing, the federal permit may inform DEQ's considerations on the topics under consideration in Oregon

**EQC  
involvement**

DEQ intends to bring periodic updates to the commission throughout the rulemaking process as requested. DEQ intends to bring final rules for EQC action in early 2021.

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