

## Oregon's Phase II Municipal Stormwater Program

### Background

Beginning in 1990, the U.S. Environmental Protection Agency (EPA) required large municipalities to obtain National Pollutant Discharge Elimination System (NPDES) permits for their municipal separate storm sewer systems (MS4). A MS4 is a system of conveyances, including roads, ditches, gutters, catch basins and storm drains that are owned or operated by a public body. Known as "Phase I", the program required communities of 100,000 or more to obtain a permit to discharge stormwater. The permits require communities to implement programs and practices that reduce the amount of stormwater pollutants discharged into local rivers and streams. DEQ began issuing Phase I stormwater permits in 1995.

In December 1999, EPA adopted rules to implement "Phase II" of the stormwater program. Phase II expanded the stormwater permitting program to include smaller communities located in U.S. census-defined urban areas. Phase II rules require communities to develop, implement and enforce stormwater management programs that address six minimum control measures, discussed below.

Phase II stormwater permits will require a number of communities to implement measures to reduce the impacts of stormwater pollution discharged through their MS4, resulting in significant reductions in pollutants being discharged into Oregon's rivers and streams.

### Who is regulated under the program?

DEQ intends to issue Phase II MS4 permits to 18 communities in Oregon. For a detailed list of these communities, see DEQ's Web site at: <http://www.deq.state.or.us/wq/stormwater/docs/p11ms4list.pdf>. The 18 communities, and a handful of others, were initially designated by EPA for inclusion in the program. The following communities applied for and received waivers from Phase II permit requirements: Deschutes and Columbia Counties; and the Cities of Maywood Park, Adair Village, Coburg, and Rainier.

### What will the permits require?

The proposed permits require communities to implement a stormwater management program and to develop measurable goals to evaluate success in the following six areas:

- **Public Education and Outreach**  
Distributing educational materials to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.
- **Public Participation/Involvement**  
Providing opportunities for citizens to participate in program development and implementation.
- **Unlawful Discharge Detection and Elimination**  
Implementing a plan to detect and eliminate unlawful discharges to the storm sewer system (includes developing a system map and informing the community about unlawful discharges and improper disposal of waste).
- **Construction Site Runoff Control**  
Implementing an erosion and sediment control program for construction activities that disturb one or more acres of land.
- **Post-Construction Runoff Control**  
Implementing a program to address stormwater discharges from new development and redevelopment areas. Applicable controls could include preventive actions such as protecting sensitive areas or the use of structural controls such as grassed swales or porous pavement.
- **Pollution Prevention/Good Housekeeping**  
Implementing a program aimed at preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures.

Fact sheets describing each of the six areas can be found on EPA's Web site:

<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/>

### What kind of program assessment is required?

Individual communities have the flexibility to determine the practices and measurable goals that are most appropriate for their system. The chosen practices and measurable goals, submitted to DEQ as part of the permit application, become the required stormwater management program. Communities need to



State of Oregon  
Department of  
Environmental  
Quality

**Water Quality Division  
Stormwater Program**  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-6991  
(800) 452-4011  
Fax: (503) 229-5408  
Contact: [Greg Geist](mailto:Greg.Geist@deq.state.or.us)  
[www.deq.state.or.us](http://www.deq.state.or.us)

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By: Greg Geist

evaluate the effectiveness of their stormwater management practices to determine whether they are reducing the discharge of pollutants from their systems to the “maximum extent practicable.” Permittees are also required to assess their progress in achieving their program’s measurable goals. If there is an indication of a need for improved controls, permittees are expected to revise their mix of practices to create a more effective program.

### **How are water quality limited streams and TMDLs addressed in these permits?**

A Total Maximum Daily Load (TMDL) is a detailed evaluation that determines the amount of pollution a water body can assimilate while maintaining compliance with water quality standards.

Where a TMDL is established for a water body, and waste load allocations are assigned to urban stormwater, the permits will require the contributing MS4 communities to develop benchmarks and performance measures for the pollutants identified in the TMDL.

Although discharges of stormwater pollutants into water quality-limited streams are authorized by the proposed permits, the applicants must develop and implement plans designed to reduce the overall pollutant loads from their storm sewer systems. These expected reductions in pollutants allow DEQ to authorize discharges from MS4s without causing additional adverse impacts to water quality-limited water bodies.

### **How does the permit assure that water quality is not degraded?**

DEQ believes existing water quality will not be degraded by issuing these permits. These permits will reduce the current level of pollution discharged from Phase II communities. DEQ also expects the pollution reduction measures

implemented by permitted communities to offset any expansion of stormwater conveyance systems and outfalls. Over the five-year term, communities will implement and enhance broad range of pollution reduction measures to address impacts from new development and significant redevelopment.

Through an adaptive management process, the permitted communities are required to regularly review and refine their programs to reduce pollutants to the maximum extent practicable. The goal is a net reduction in pollutant loadings over the five-year permit term.

### **Does the permit cover discharges to underground injection control facilities?**

The permit does not cover any stormwater discharged to underground injection control (UIC) systems. Some communities discharge stormwater to both surface waters and into the ground via UICs. Discharges to UICs are regulated through a separate set of rules derived from the Safe Drinking Water Act. For more information on UIC rules and regulations, see DEQ’s Web site at:

<http://www.deq.state.or.us/wq/groundwa/uichome.htm>

### **For more information**

For more information about the Phase II Municipal Stormwater Program, contact Greg Geist of DEQ’s Surface Water Management Program, Portland, at (503) 229-6991, or call toll-free in Oregon at 1-800-452-4011, ext. 6991

### **Alternative formats**

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ’s Office of Communications & Outreach, Portland, at (503) 229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696.