

# Stormwater Regulations

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## Background

In November 1990, the Environmental Protection Agency (EPA) adopted regulations requiring National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges from certain industrial sites. In Oregon, the Department of Environmental Quality (DEQ) is responsible for issuing and administering the stormwater permit program. The City of Portland (City) has entered into a Memorandum of Agreement with the DEQ to administer the 1200Z and 1200COLS permits for facilities within the City. This was done as part of the City's NPDES Stormwater permit. The following questions and answers are meant to give the reader an overview of the requirements. Since the regulations are very complex, please contact your local DEQ office or the City for information specific to your situation.

## Who needs a permit?

The EPA stormwater regulations state that certain stormwater discharges "associated with industrial activity" need permits. This definition is complex and sometimes confusing. In general, you may need an NPDES permit if:

- Your industry is listed by EPA. (Please see the accompanying list of categories and Standard Industrial Classification (SIC) codes at the end of this fact sheet); and stormwater from rain or snow melt leaves your site

through a "point source" and reaches surface waters either directly or through storm drainage. A point source discharge refers to a natural or human-made conveyance of water through such things as pipes, culverts, ditches, catch basins, or any other type of channel.

- If the industrial activities are not exposed to rainfall and stormwater runoff, you may be exempt from the permit by certifying that a condition of no exposure exists. A copy of this form with instructions is available from the DEQ and/or City websites cited at the end of this document.
- In addition, in the Columbia Slough watershed a permit may be required for certain site activities as noted in the "Regulated Industries" section of this document.
- In addition, you may need a permit if you are involved in construction activities including clearing, grading and excavation that disturb one or more acres of land.

## What permits are required?

DEQ has developed a series of six permits to address the particular industrial activities specified by EPA. These permits are grouped by activities:

- 1200-C for construction activities that disturb one or more acres.
- 1200-CA for public agencies that are involved in construction activities that disturb one or more acres.
- 1200-A for non-mineral mining activities.



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Sam Adams, Commissioner  
Dean Marriott, Director

- 1200-COLS covers industrial activities in the Columbia Slough watershed.
- 1200-Z covers industrial activities in the remaining watersheds of the state.
- WPCF 1000 for sand, gravel and other non-metallic quarrying and mining operations that dispose of all process wastewater and stormwater by recirculation, evaporation, and/or controlled seepage with no discharge to surface waters.

A permit was not developed for wood treating businesses. These facilities will have to obtain an individual permit.

### **What does a permit require?**

All the industrial general permits, except for construction activities and WPCF 1000 Permits, have the same basic requirements. You must:

- Submit and implement a Stormwater Pollution Control Plan for your site with your permit application. For more information on how to develop a plan and what management practices to consider, see the DEQ website cited at the end of this document.
- Monitor stormwater by taking “grab” samples four times a year for contaminants specified in the permit.
- Strive to meet stormwater discharge benchmarks in the permit.
- Submit an Action Plan when benchmarks are exceeded.
- Construction projects must have a DEQ approved erosion control plan prior to any on-site activities.

### **How much does a permit cost?**

The application fee for the stormwater general permits is \$771. You will also be billed an annual compliance fee of \$391 for each subsequent year to maintain the permit.

### **What is the application procedure?**

All industries requiring a stormwater permit must apply immediately. Contact your local DEQ office or the websites cited at the end of this document to obtain an application. In Portland, applications are submitted to the City.

The application for industrial activities will ask for the following:

- Latitude and longitude of your site.
- Description of site activities.
- Evaluation of your site for discharges other than stormwater.
- Site drainage map.
- Land use compatibility statement (LUCS) signed by the local land use authority.
- Stormwater Pollution Control Plan

### **Regulated industries**

The following list of industries is meant to guide you in determining if you must apply for an NPDES stormwater permit or file a No Exposure Certification. If you are unsure or cannot locate your SIC code, please check with your insurance company or accountant. SIC codes are typically used on their forms. You may also contact your local DEQ office. They will be glad to assist you.

- Facilities subject to EPA promulgated stormwater effluent limitations, new source performance standards, or toxic pollutant effluent standards. These include fertilizer and pesticide manufacturers, petroleum refining operations, etc. A more complete list is available from DEQ.
- Facilities under codes 24, 26, 28, 29, 311, 32, 33, 3441, and 373 with a few exceptions. These codes generally include: pulp and paper mills; timber products; chemical manufacturing; petroleum refining; rubber products; leather products; stone, clay, and concrete products; fabricated structural metal; and ship and boat building and repair.
- SIC codes 10 through 14 that generally include mining and mineral extraction.
- Hazardous waste treatment, storage, or disposal facilities.
- Landfills, land application sites, and open dumps.
- SIC codes 5015 and 5093 that include facilities involved in recycling of material including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards.
- Steam electric power generating facilities, including coal handling sites.
- Transportation facilities with SIC codes 40, 41, 42, 43, 44, 45 and 5171 (except 4221-4225) that have vehicle maintenance activities, equipment cleaning operations, or airport de-icing operations.

- Sewage treatment plants with a design flow of one million gallons per day, or plants that require an approved pre-treatment program.
- Construction activities including clearing, grading, and excavation that disturb five acres or more of land.
- Facilities under SIC codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25, only if stormwater is exposed to material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery. These categories generally include: food products; tobacco products; textiles; furniture; drugs; paper/paperboard products; miscellaneous plastic products; printing; leather products; fabricated metal products and equipment; electronic equipment; and certain warehousing and storage facilities.

For the 1200-COLS Permit additional activities that may be contributing to pollutants of concern identified in the TMDL are:

- Vehicle, machinery, equipment, and trailer maintenance including repairs, servicing, washing, and painting;
- Vehicle, machinery, equipment, and trailer storage including rental, sales, wrecked vehicles, fleet, and general storage (Note: Disposal/refuse [garbage, etc.] containers are considered equipment and, when stored by a disposal/refuse contractor/vendor, are industrial activities covered by this permit.);
- Materials storage including raw materials, bulk fuels, chemicals, detergents, plastic pellets, finished materials, lumber and food products, wholesale gravel, sand, and soil stockpiles, and bulk liquids other than water;
- Waste handling, including recycled product storage, composting, tires, and bulk hazardous waste;
- Commercial animal operations such as kennels, race tracks, veterinarians not covered under a Confined Animal Feeding Operation permit; and
- Fuel distribution and sales including bulk stations, fuel oil dealers, retail stations (staffed and unstaffed), fleet fueling, mobile fueling, and truck stops.

### **SIC code short title**

- 10 Metal Mining
- 12 Coal Mining
- 13 Oil and Gas Extraction
- 14 Nonmetallic Minerals, Except Fuels
- 20 Food and Kindred Products
- 21 Tobacco Products
- 22 Textile Mill Products
- 23 Apparel and Other Textile Products
- 24 Lumber and Wood Products
- 25 Furniture and Fixtures
- 26 Paper and Allied Products
- 27 Printing and Publishing
- 28 Chemicals and Allied Products including Compost
- 29 Petroleum and Coal Products
- 30 Rubber and Miscellaneous Plastics Products
- 31 Leather and Leather Products
- 32 Stone, Clay, and Glass Products
- 33 Primary Metal Industries
- 34 Fabricated Metal Products
- 35 Industrial Machinery and Equipment
- 37 Transportation Equipment
- 38 Instruments and Related Products
- 39 Miscellaneous Manufacturing Industries
- 40 Railroad Transportation
- 41 Local and Interurban Passenger Transit
- 42 Trucking and Warehousing
- 43 U.S. Postal Service
- 45 Transportation by Air
- 5015 Motor Vehicle Parts, Used
- 5093 Scrap and Waste Materials
- 5171 Petroleum Bulk Stations and Terminals

### **For Further Assistance**

More information on the DEQ industrial stormwater program can be found at [www.deq.state.or.us/wq/stormwater/industrial.htm](http://www.deq.state.or.us/wq/stormwater/industrial.htm).

If you have specific questions, the City of Portland, Environmental Services, Industrial Stormwater Program can also help.

They can be contacted at 503-823-5320. The City also has information and pertinent links on their website at

[www.portlandonline.com/bes/index.cfm?c=31844](http://www.portlandonline.com/bes/index.cfm?c=31844).

To help ensure equal access to city programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-7740 with such requests.