Multiple Discharger Variance for Mercury in the Willamette Basin

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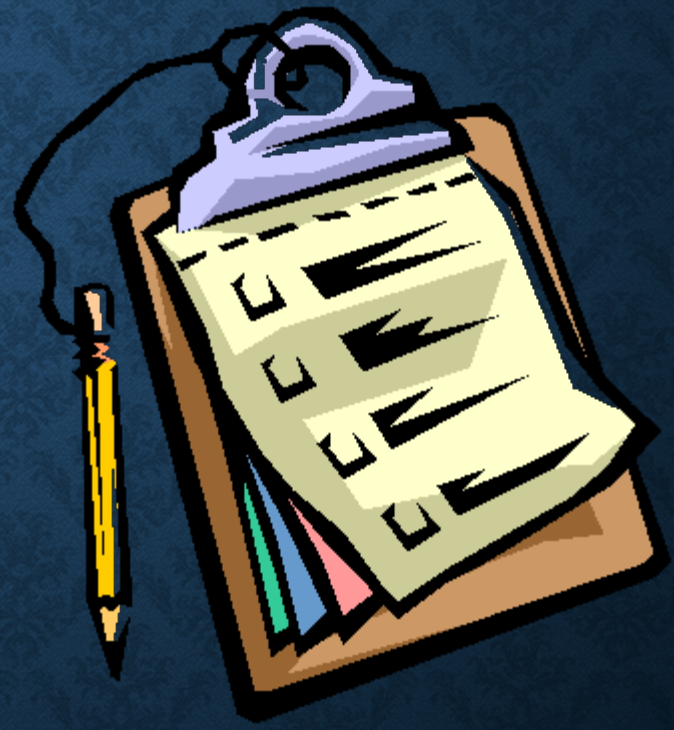
Willamette Basin Mercury MDV

- The Oregon Mercury Story
- Factor 3 Variances
- HAC
- Eligibility vs. listing dischargers
- MMPs
- Takeaways



The Willamette Basin Mercury Story

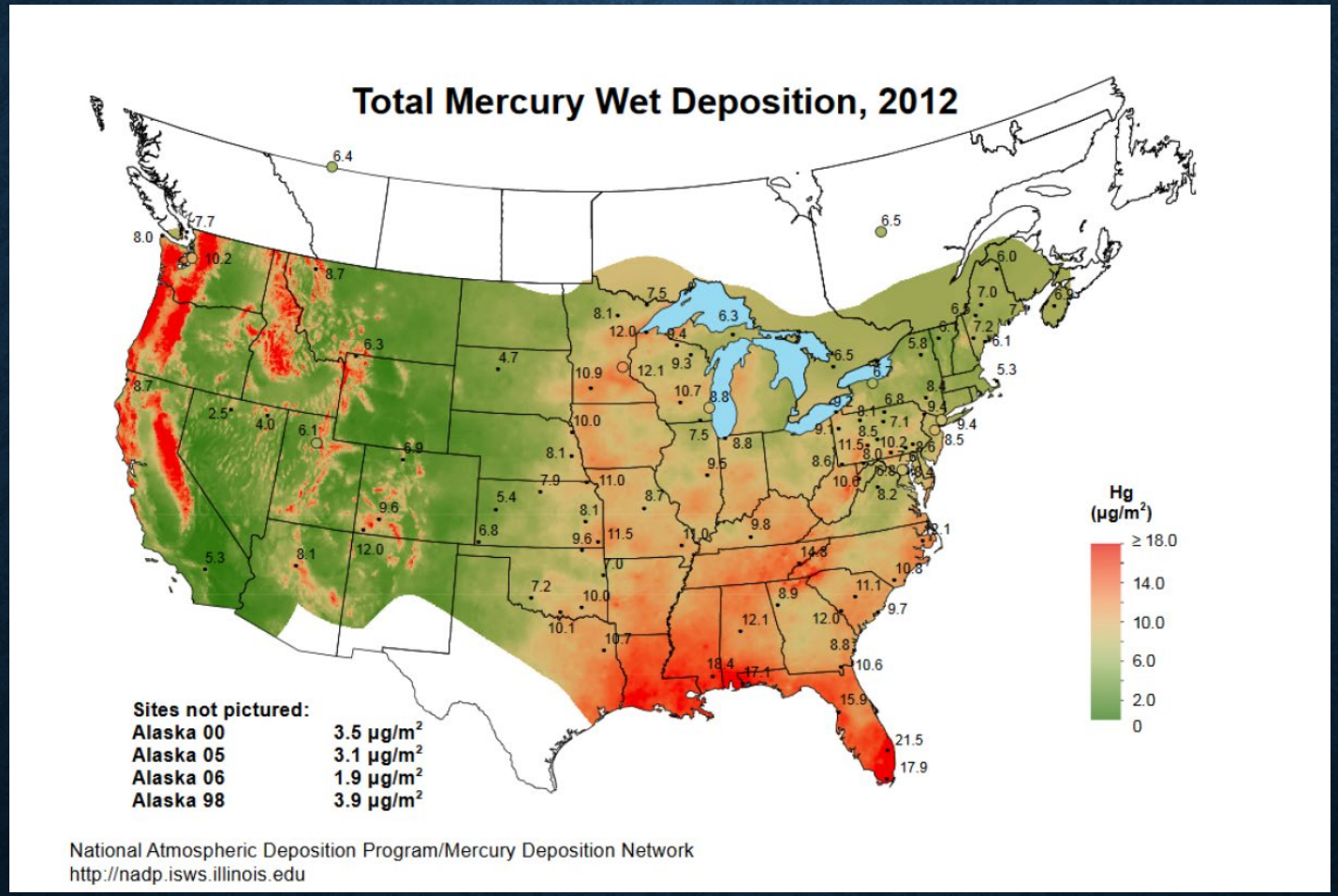
- 2006 Mercury TMDL with BAF to address fish advisories
- 2011: Human health criteria with high consumption rate (0.04 mg/kg)
- 2019: TMDL Update
  - 0.14 ng/L target to meet MeHg criterion

Northern Pikeminnow

Unachievable permit limits

No proven technology can achieve (or measure) 0.14 ng/L effluent limit.

Deposition of global mercury



Factor 3 Variance

"Human-caused conditions or sources of pollution prevent the attainment of the use *and* cannot be remedied *or* would cause more environmental damage to correct than leave in place."

To boldly go to Factor 3

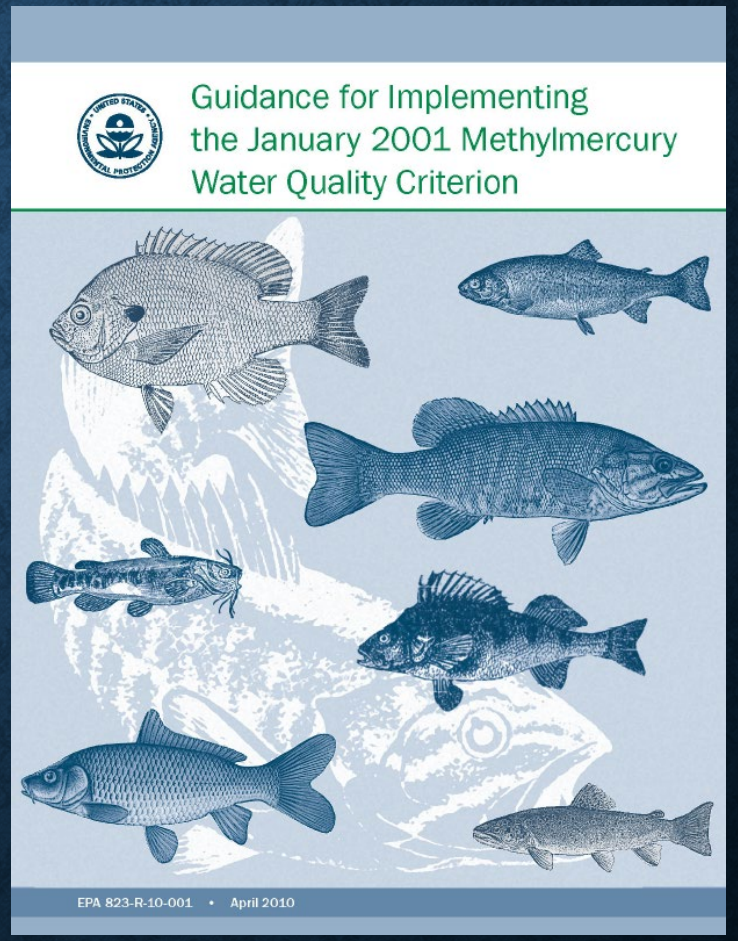
- No guidance and no examples for successful Factor 3 variances since 2015.
- Cannot be remedied by discharger…or the state.
  - Consider impact of nonpoint source controls.
  - Cannot be attained during the term of the variance (20 years).

Highest Attainable Condition

- ***(1)*** The highest attainable interim criterion; or
- ***(2)*** The interim effluent condition that reflects the greatest pollutant reduction achievable; or
- ***(3)*** **If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time the State adopts the WQS variance, and the adoption and implementation of a Pollutant Minimization Program.**

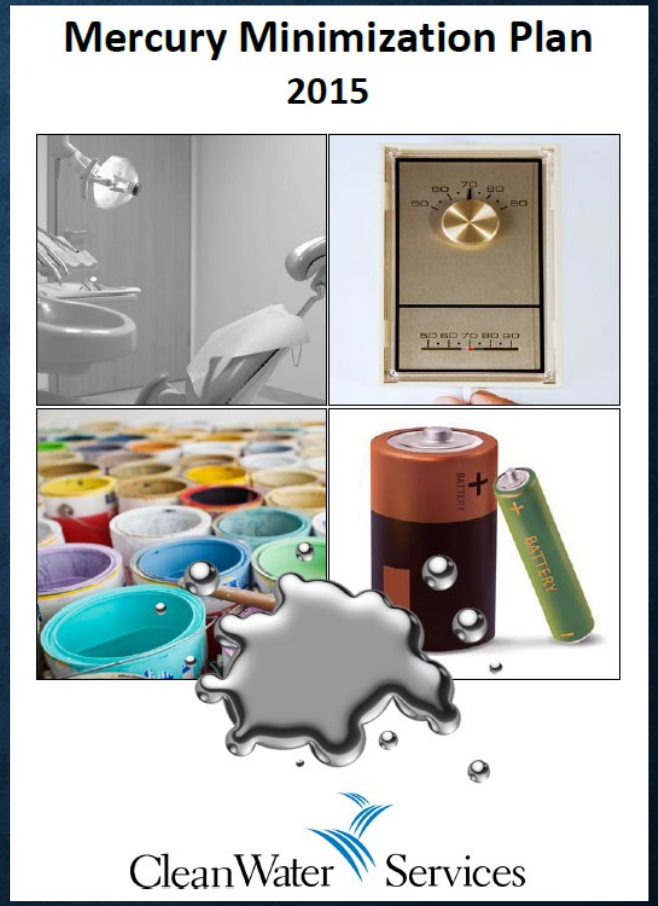
Highest Attainable Condition

- Hg levels highly variable in treatment.
- Rather than target specific effluent condition (concentration), focus on EPA 2010 Guidance.
- Source control preferred over treatment.
- LCA – 95th percentile of previous 2-5 years of data.



Mercury Minimization Programs

- Included typical MMP elements for munis and industrials.
- BMPs for nonpoint sources, at discretion of discharger.
- Offsite pollution control activities.



"Waterbody" variances

- Comment - "waterbody variance," not discharger-specific variance.
- Waterbody variances require documentation of nonpoint BMPs.
- Listed eligibility criteria in draft rule.
- Listed dischargers in final rule.

Lessons Learned

- EPA - review time and communication
- Factor Six>Factors 1-5
- Messaging – variances make all feasible progress toward the standard.

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