

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGE PERMIT
Department of Environmental Quality
811 S.W. Sixth Avenue, Portland, OR 97204
Telephone: (503) 229-5630 or 1-800-452-4011 toll free in Oregon
Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

SOURCES THAT ARE REQUIRED TO OBTAIN COVERAGE UNDER THIS PERMIT

Facilities with primary Standard Industrial Classification code 14, Mining and Quarrying of Nonmetallic Minerals, Except Fuels, that may discharge stormwater from a point source to surface waters or conveyance systems that discharge to surface waters. Also, asphalt mix batch plants and concrete batch plants, including mobile operations of this type, are required to obtain coverage under the permit. This permit may cover multiple non-metallic mining and quarrying sites under single ownership, each of less than 10 disturbed acres where only mining activities are conducted. These facilities must complete the application and registration procedures to obtain coverage under this permit, see *Permit Coverage* on p. 3 below.

Date: August 23, 2006

Lauri Aunan, Administrator
Water Quality Division

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permit registrant is authorized to construct, install, modify, or operate an on-site wastewater disposal system, storm water treatment and/or control facilities, and to discharge uncontaminated excavation dewatering water and storm water to public waters in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	<u>Page</u>
Permit Coverage.....	3
Schedule A Storm Water Pollution Control Plan, Additional Requirements, Limitations, and Benchmarks.....	5
-	
Schedule B Monitoring and Reporting Requirements.....	13
-	
Schedule C Compliance Conditions and Schedules	17
-	
Schedule D Special Conditions	18
-	
Schedule F General Conditions.....	20

-

Unless specifically authorized by this permit, by regulation issued by EPA, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control system.

Schedule F contains General Conditions that are included in all general permits issued by DEQ. Should conflicts arise between Schedule F and any other schedule of the permit, the requirements in Schedule F will not apply.

PERMIT COVERAGE

1. New Application for Permit Coverage

- a) An owner or operator of new facility or existing facility that is required to be covered under this permit must:
 - i) *New facility* - Submit a complete application, which includes a copy of the department-approved application form; a Stormwater Pollution Control Plan (SWPCP); and applicable permit fees, to the department or the Department of Geology and Mineral Industries (DOGAMI), at least 60 days before the planned activity that requires permit coverage, unless otherwise approved by the department or DOGAMI. If DOGAMI is receiving the application materials, submit two copies of the SWPCP.
 - ii) *Existing facility operating without coverage under the permit* - Submit a complete application, which includes a department-approved application form; a SWPCP; and applicable permit fees, to the department or DOGAMI immediately. If DOGAMI is receiving the application materials, submit two copies of the SWPCP.
 - iii) *Existing facility operating under permit coverage that intends to change industrial processes* - Submit a complete application, which includes a department-approved application form; a SWPCP; and applicable permit fees, to the department or DOGAMI at least 60 calendar days before the planned change, unless otherwise approved by the department or DOGAMI. If DOGAMI is receiving the application materials, submit two copies of the SWPCP.
- b) Public Review Period on new application and SWPCP*
 - i) The application form and SWPCP are subject to a 14-calendar day public review period before permit registration is granted by the department.
 - ii) The public review period will not begin if the application form or SWPCP are incomplete.
- c) Registration
 - i) The department or DOGAMI will notify the applicant in writing if registration is approved or denied. Permit coverage does not begin until the applicant receives written notice from the department or DOGAMI that the registration is approved.
 - ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

2. Renewal Application for Permit Coverage

- a) An owner or operator of a facility registered under the 1200-A permit that expires on June 30, 2007 must submit a complete renewal application, which includes a department-approved renewal application form; an updated SWPCP, if revisions to the SWPCP are necessary to address changed conditions or meet new permit requirements of this permit; and applicable permit fees, to the department or DOGAMI by January 30, 2007 to ensure uninterrupted permit coverage for industrial stormwater discharges. If a revised SWPCP is not submitted, the department will use the existing SWPCP for public notice purposes.
- b) Public Review Period on renewal application and SWPCP*
 - i) The renewal application and SWPCP are subject to a 14-calendar day public review period before permit coverage may be renewed by the department or DOGAMI.
 - ii) The public review period will not begin if the renewal application or SWPCP are incomplete.
- c) Registration
 - i) The department or DOGAMI will notify the applicant in writing if registration is approved or denied.
 - ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

* The public review period described in conditions 1.b and 2.b above do not apply to registration applications and accompanying SWPCPs for new or existing facilities that were subject to public notice and comment requirements prior to July 1, 2007.

3. Name Change or Transfer of Permit Coverage

- a) For a name change or transfer of permit coverage between legal entities with no industrial process changes at the site, the owner or operator must submit a complete copy of the department-approved Name Change or Permit Transfer application form with a revised SWPCP, if revisions are necessary to address changed conditions; and all applicable fees, to the department or DOGAMI within 30 calendar days of the name change or planned transfer. If submittal is made to DOGAMI, two copies of the SWPCP are required.
- b) The department will transfer coverage under the permit after the department approves the application. The department or DOGAMI will notify the applicant in writing if the transfer is approved or denied.
- c) For a name change or transfer of permit coverage between legal entities that intend to change industrial processes, the owner or operator must submit a new application for coverage under this permit as required in condition 1.a.iii above.

4. Revocation of Permit Coverage - The department may revoke a permit registrant's coverage under the permit pursuant to OAR 340-045-033(10).

**SCHEDULE A
STORMWATER POLLUTION CONTROL PLAN**

1. **Preparation and Implementation of the Storm Water Pollution Control Plan (SWPCP)**
 - a) The permit registrant must ensure that the SWPCP contains the applicable information described in condition A.3.
 - b) SWPCP must be prepared by a person knowledgeable in storm water management and familiar with the facility.
 - c) The name of the person(s) preparing the SWPCP must be included in the plan.
 - d) The SWPCP must be signed and certified in accordance with 40 CFR §122.22.
 - e) The SWPCP must be implemented according to the conditions in A.3.c and Schedule C. Failure to implement any portion of the SWPCP constitutes a violation of the permit.
 - f) The SWPCP must be kept current and updated as necessary to reflect any changes in facility operation.
 - g) A copy of the SWPCP must be kept at the facility and made available upon request to government agencies responsible for storm water management in the permit registrant's area.
 - h) Mobile asphalt mix batch plants and concrete batch plants covered by this permit must provide written notification to the department prior to relocating their operation.

2. **SWPCP Revisions and Actions Plans**
 - a) After the permit registration is approved, if the permit registrant proposes to revise its SWPCP or the department or DOGAMI requires revisions to the SWPCP, the permit registrant must clearly describe these revisions in an Action Plan.
 - b) The Action Plan is considered an addendum to the SWPCP and must be prepared in compliance with condition A.1 above. Failure to implement any portion of the Action Plan constitutes a violation of the permit.
 - c) Within 30 calendar days of making SWPCP revisions, permit registrant must submit the Action Plan to the department or DOGAMI for approval. If the department or DOGAMI does not comment within 10 business days of receiving the Action Plan, it is deemed approved.

3. **Required SWPCP Elements** - If permit registrant's DOGAMI operating permit and reclamation plan contains all the required SWPCP elements as described in condition A.3 then the DOGAMI plan may be substituted for the SWPCP required by this permit. Otherwise, the SWPCP must contain the following elements:
 - a) **Title Page** - The title page of the SWPCP must contain the following information:
 - i) Name of the site.
 - ii) Name of the site operator or owner.
 - iii) Site or file number as indicated on the permit.
 - iv) Contact person's name and telephone number.
 - v) Physical address, including county, and mailing address if different.

 - b) **Site Description** - The SWPCP must contain the following information:
 - i) The legal and common names for the permit registrant and the site, the DEQ file/site number, the DOGAMI site number, and the county the site is located in.
 - ii) A description of the mining and processing activities to take place on site. Describe the material to be mined, mining method, type(s) of on-site processing, and area to be affected. List any hazardous or significant materials (see Schedule D.3, Definitions) that are stored, used, treated and/or disposed of in a manner that allows exposure to stormwater.

- iii) A general location map showing the location of the site in relation to surrounding properties, transportation routes, surface waters and other relevant features.
 - iv) A site map including the following:
 - (1) drainage patterns;
 - (2) drainage and discharge structures;
 - (3) outline of the drainage area for each stormwater outfall;
 - (4) paved areas and buildings within each drainage area;
 - (5) site permit boundary;
 - (6) area to be affected by mining, mineral processing, and stockpiles;
 - (7) areas used for outdoor manufacturing, treatment, storage, and/or disposal of significant materials;
 - (8) operating equipment areas, including any area where a concrete or asphalt batch plant may be located;
 - (9) existing structural control measures for reducing pollutants in stormwater runoff
 - (10) material loading and access areas;
 - (11) used oil, hazardous material, and waste treatment, storage and disposal facilities;
 - (12) location of wells including waste injection wells, seepage pits, drywells, infiltration galleries and other similar structures, and
 - (13) location of springs, wetlands and other surface waterbodies both onsite and adjacent to the site.
 - v) Estimate the maximum amount of surface area that, within the next five (5) years, will be stripped of vegetation and could contribute to stormwater discharges relative to the total area drained by each stormwater outfall. Of the total area to be disturbed, estimate the percentage that will be impervious and will not absorb rainfall into the ground.
 - vi) For each area of the site where a reasonable potential exists for contributing pollutants to stormwater runoff, identify the potential pollutants, in addition to soils and rock materials, that could be present in stormwater discharges.
 - vii) The name(s) of the receiving water(s) for stormwater drainage. If drainage is to a municipal storm sewer system, the name(s) of the ultimate receiving waters and the name of the municipal storm sewer system operator (e.g., city, county, special district, or state).
 - viii) Identification of the discharge outfall(s), identification of the sampling points if different from the outfalls, and identification of the point(s) where storm water monitoring will occur as required by Schedule B. If multiple discharge outfalls exist but will not all be monitored, include a description of the outfalls and data or analysis supporting that the outfalls are representative as described in condition B.2.b.
 - ix) The period of expected use of the site. If the site is not operated on a year-round basis, steps must be identified to secure the site during prolonged periods of inactivity.
- b) **Site Controls** - The permit registrant must develop, implement and maintain controls that are appropriate for the site. The purpose of these controls is to eliminate or minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater before it discharges to surface waters. In developing a control strategy, the permit registrant must include the following four (4) types of controls in the SWPCP and describe the specific components of each control:
- i) *Stormwater Best Management Practices* - The permit registrant must employ the following types of best management practices that are appropriate for the site. Permanent best management practices (BMPs) should be used, rather than temporary BMPs such as sediment fencing or straw bales. A schedule for implementation of these practices must be included in the SWPCP if the practice has not already been

accomplished. This schedule must be consistent with the requirements for implementing the SWPCP in Schedule C of the permit.

- (1) Containment - All hazardous substances (see Schedule D.3, Definitions) must be stored within berms or other secondary containment devices to prevent leaks and spills from contaminating stormwater. If the use of berms or secondary containment devices is not possible, then hazardous substances must be stored in areas that do not drain to the storm sewer system.
 - (2) Oil and Grease - Oil/water separators, booms, skimmers or other methods must be employed to eliminate or minimize oil and grease contamination of stormwater discharges.
 - (3) Waste Chemicals and Material Disposal - Wastes must be recycled or properly disposed of in a manner to eliminate or minimize exposure of pollutants to stormwater. All waste contained in bins or dumpsters where there is a potential for drainage of stormwater through the waste must be covered to prevent exposure of stormwater to these pollutants. Acceptable covers include, but are not limited to, storage of bins or dumpsters under roofed areas and use of lids or temporary covers such as tarps.
 - (4) Erosion and Sediment Control - Erosion control methods such as vegetating exposed areas, graveling or paving must be employed to minimize erosion of soil at the site. Sediment control methods such as detention facilities, sediment control fences, storm drain inlet protection devices, vegetated filter strips, bioswales, or grassy swales must be employed to minimize sediment loads in stormwater discharges. For activities that involve land disturbance for construction purposes, the permit registrant must contact the department and the local government agency responsible for erosion and sediment control to determine if there are other applicable requirements.
 - (5) Debris Control - Screens, booms, settling ponds, or other methods must be employed to eliminate or minimize debris in stormwater discharges.
 - (6) Stormwater Diversion - Stormwater must be diverted away from fueling, manufacturing, treatment, storage, and disposal areas to prevent exposure of uncontaminated stormwater to potential pollutants. Examples of diversions include berms, curbs, and grading to channel runoff from industrial materials and activities.
 - (7) Covering Activities - Fueling, manufacturing, treatment, storage, and disposal areas must be covered to prevent exposure of stormwater to potential pollutants. Acceptable covers include, but are not limited to, permanent structures such as roofs or buildings and temporary covers such as tarps.
 - (8) Housekeeping - Areas that may contribute pollutants to storm water must be kept clean. Sweeping, litter pick-up, prompt clean up of spills and leaks, and proper maintenance of vehicles must be employed to eliminate or minimize exposure of stormwater to pollutants.
- ii) *Spill Prevention and Response Procedure* - Permit registrant must include in the SWPCP methods to prevent spills along with clean-up and notification procedures. These methods and procedures must be made available to appropriate personnel. The required clean-up material must be on-site or readily available and the location of materials must either be shown on site drawings or indicated in the text of the SWPCP. Spills prevention plans required by other regulations may be substituted for this provision providing that stormwater management concerns are adequately addressed.

- iii) *Preventative Maintenance* - Permit registrant must include in the SWPCP a preventative maintenance program to ensure the effective operation of all stormwater best management practices. At a minimum the program must include:
 - (1) Monthly inspections of areas where potential spills of significant materials or industrial activities could impact stormwater runoff.
 - (2) Monthly inspections of stormwater control measures, structures, catch basins, and treatment facilities.
 - (3) Cleaning, maintenance or repair of all materials handling and storage areas and all stormwater control measures, structures, catch basins, and treatment facilities as needed upon discovery. Cleaning, maintenance, and repair of such systems must be performed in such a manner as to prevent the discharge of pollution.
 - (4) An annual evaluation of areas that can be revegetated to minimize the size of the disturbed areas. Revegetation must take place prior to the onset of rain. Mulching or other stormwater management practices must be implemented to minimize erosion of vegetated areas until the vegetation is established.
 - (5) Developing and following a mining program that eliminates removal and stockpiling of overburden and other materials that easily erode during wet weather.
 - (6) An annual inspection of the stormwater control facilities and drainage systems prior to the wet weather period.
 - (7) A plan to remove material accumulated in settling ponds, catch basins, and similar facilities at least annually, and to store the material in a location that will prevent erosion or discharge to surface waters.

- iv) *Employee Education* - Permit registrant must develop and maintain an employee orientation and education program to inform personnel of the components and goals of the SWPCP. The program must also address spill response procedures and the necessity of good housekeeping practices. A schedule for employee education must be included in the SWPCP. The education and training must occur within 30 calendar days of hiring an employee who works in areas where stormwater is exposed to industrial activities or conducts duties related to the implementation of the SWPCP, and annually thereafter.

- d) **Record Keeping and Internal Reporting Procedures** - Permit registrant must record and maintain at the facility the following information, which does not need to be submitted to the department, DOGAMI or other government agencies, unless it is requested.
 - i) Inspection, maintenance, cleanout, repair and education activities as required by the SWPCP.
 - ii) Spills or leaks of significant materials (see condition D.3, Definitions) that impacted or had the potential to impact stormwater or surface waters. Include the corrective actions to clean up the spill or leak as well as measures to prevent future problems of the same nature.

ADDITIONAL REQUIREMENTS

- 4. **Controls and Limitations for Process Wastewater, Excavation Dewatering Activities, Settling Ponds, Spoils, and Sanitary Waste**

- a) No discharge of process wastewater to surface waters of the state is permitted. All process wastewater must be adequately controlled by settling, recirculation, controlled seepage, irrigation or use for dust control. Discharge of process wastewater to surface waters will require an application for and the issuance of an individual NPDES permit. Process wastewater includes the following: process wastewater and waste solids from aggregate washing activities; wastewater and waste solids derived from air scrubber equipment; concrete mixer washout wastewater and waste solids; excavation dewatering water that has been mixed with process or other wastewater; and storm water that has mixed with process or other wastewater.
- b) Uncontaminated excavation dewatering water may be discharged under this permit provided the discharge does not violate water quality standards.
- c) No activities may be conducted that could adversely affect groundwater. If adverse groundwater effects are suspected, the department may require the permit registrant to perform a groundwater investigation.
- d) For facilities adjacent to streams, mining activities and wastewater seepage must be controlled such that no visible turbidity increase occurs within the stream.
- e) All settling pond spoils and other waste solids must be used or disposed of in a manner which will prevent their entry into waterways of the state, except for adequately treated stormwater allowed by this permit.
- f) The pH of wastewater in concrete mixer washout seepage ponds must be kept between 6 and 9 (SU). If necessary, either dilution water or buffering agents must be added to make the necessary pH adjustments. If concrete trucks are washed out into an unsealed pond, it is likely that pH adjustments will be necessary in order to keep the pH below 9.
- g) Each wastewater ponds must be maintained with a minimum freeboard of one (1) foot, as measured from the lowest elevation of the top of the pond containment dikes. In situations where the minimum freeboard requirement cannot be met, the permit registrant must cease the discharge of wastewater into that pond.
- h) This permit does not authorize the disposal of sanitary wastes.

5. Water Quality Standards

- a) The permit registrant must not cause a violation of instream water quality standards as established in OAR 340-041.
- b) If the permit registrant develops, implements, and revises its SWPCP in compliance with Schedule A of this permit, the department presumes that the discharges authorized by this permit will comply with instream water quality standards unless the department obtains evidence to the contrary. Coincident samples of the discharge and at upstream and downstream locations in the receiving waterbody must be collected to establish a violation of an instream water quality standard is caused by the discharge.
- c) In instances where the department determines that the permit registrant's stormwater discharges are not complying with instream water quality standards, the department may take enforcement action for violations of the permit and will require the permit registrant to do one or more of the following:
 - i) Develop and implement an Action Plan that describes additional effective BMPs to address the parameters of concern and their locations at the site;
 - ii) Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is meeting water quality standards; or
 - iii) Curtail stormwater pollutant discharges to the extent possible and submit an individual permit application.

6. Discharges to Impaired Waterbodies - In addition to other applicable requirements of this permit, if sediment or turbid water from a permit registrant's site has the potential to discharge into

waterbodies that are listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that have an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity, the permit registrant must implement one of the two following sets of actions.

- a) **Option #1:** Collect and analyze samples for turbidity in stormwater runoff from the site as required by condition B.3 and compare the results to the benchmark value of 160 Nephelometric Turbidity Units (NTUs). The benchmark is used to determine if the BMPs are effective; it is not an effluent limit. If any stormwater sample exceeds the benchmark, then the permit registrant must evaluate the BMPs and the adequacy of the SWPCP, take corrective actions and submit an Action Plan as described in condition A.2.c if revisions to the SWPCP are made. If after such actions have been implemented and sample results still exceed the 160 NTU benchmark, the requirements of Option #2 below must be followed, and the permit registrant must submit an Action Plan as described in condition A.2 to the department or DOGAMI identifying the selected BMP(s) that will be implemented and the rationale for choosing the BMP(s).
- b) **Option #2:** In addition to the applicable BMPs required by condition A.3.c, implement one or more of the following BMPs to control and treat sediment and turbidity:
 - i) Compost berms, compost blankets, or compost socks;
 - ii) Established vegetated buffers sized at 50 feet plus 25 feet per 5 degrees of slope;
 - iii) Constructed wetlands and swales;
 - iv) Water treatment by electro-coagulation, chemical flocculation, filtration; or
 - v) Other substantially equivalent sediment or turbidity BMP approved by the department.

Permit registrant must identify in the SWPCP the selected BMP(s) that will be implemented to address this condition and provide the rationale for choosing the selected BMP(s).

7. Performance Requirements

- a) *Prevent Discharge of Significant Amounts of Sediment.* The permit registrant must prevent the discharge of significant amounts of sediment to surface waters or conveyance systems leading to surface waters. Significant amounts of sediment result from the actions or inactions of the permit registrant at a site and result in visual indications that sediment has left or is likely to leave the site. The following conditions describe significant amounts of sediment:
 - i) Earth slides or mud flows;
 - ii) Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered or settled to remove sediment;
 - iii) Turbid flows of stormwater that are not filtered or settled to remove turbidity;
 - iv) Deposits of sediment at the aggregate mining site in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to lack of maintenance or inadequate design are considered unprotected;
 - v) Deposits of sediment from the site on public or private streets outside of the permitted mining site; or
 - vi) Deposits of sediment from the site on any adjacent property outside of the permitted mining site.
- b) *Corrective Actions* - If significant amounts of sediment or turbidity (as described in condition A.7.a above) are visibly detected in: 1) the discharge to a conveyance system leading to surface waters; 2) the discharge to surface waters 50 feet downstream; or 3) the discharge in surface

waters at any location where more than one-half of the width of the receiving surface waters is affected, the permit registrant must:

- i) Immediately, but no later than 24 hours after initial detection, take corrective actions or implement additional effective BMPs until the significant amounts of sediment or turbidity are no longer visually detectable.
- ii) Evaluate the SWPCP and the BMPs used on the site to determine the cause of the discharge.
- iii) Document in the inspection records the corrective actions taken.
- iv) If revisions to the SWPCP are necessary, submit an Action Plan within 10 business days identifying the correction actions taken to cease the discharge to the department or DOGAMI. Approval of the Action Plan by the department or DOGAMI prior to implementation of corrective actions is not required.

STORMWATER DISCHARGE BENCHMARKS

8. **Benchmarks** - Benchmarks are guideline concentrations, not limitations. They are designed to assist the permit registrant in determining their SWPCP is effectively reducing pollutant concentrations in stormwater discharged from the site. The following benchmarks apply to each point source discharge of stormwater associated with industrial activities covered under this permit:

Parameter	Benchmark
pH	5.5 – 9.0 SU
Total Suspended Solids	130 mg/l
Settleable Solids	0.2 ml/l
Total Oil & Grease	10 mg/l
Oil & Grease Sheen	No Visible Sheen
Turbidity*	160 NTU

* Applies only to permit registrants discharging stormwater to 303(d) or TMDL waterbodies listed for turbidity or sedimentation who select Option #1 as described in condition A.6.a.

9. **Response to Benchmark Exceedance**

- a) If a stormwater sampling result exceeds any of the benchmark values, the permit registrant must, within 30 calendar days of receiving the sampling results, investigate the cause of the elevated pollutant levels, review the SWPCP and submit an Action Plan for department or DOGAMI approval.
- b) The purpose of this review is to determine if:
 - i) The SWPCP is being followed;
 - ii) There are alternative methods for implementing the existing site controls identified in the SWPCP;
 - iii) The benchmark exceedance resulted from background or natural conditions not associated with industrial activities at the site; and
 - iv) Additional effective site controls are needed to address the parameters of concern.
- c) The Action Plan must contain the following, unless condition A.9.d applies:
 - i) The results of the review;

- ii) The corrective actions the permit registrant will take to address the benchmark exceedance; and
- iii) An implementation schedule including alternative methods for implementing existing site controls or methods for implementing additional effective site controls, if the site controls have not already been implemented.
- d) If the permit registrant believes that the benchmark exceedance resulted from natural or background conditions, the Action Plan must propose a sampling plan and methodology for demonstrating that the elevated pollutant levels are due to background or natural conditions.
- e) If the department or DOGAMI does not comment on the Action Plan within 10 business days of its receipt, it is deemed approved. The department or DOGAMI's approval of the Action Plan does not constitute compliance with this permit.
- f) Upon approval, the permit registrant must implement the corrective actions identified in the Action Plan within 60 calendar days, unless otherwise approved by the department or DOGAMI.
- g) If the department or DOGAMI affirms the assertion that background or natural conditions contributed to the benchmark exceedance, the permit registrant is not required to make this demonstration again during the term of this permit.

10. Benchmark Compliance Evaluation

- a) By June 30th of the 4th year of permit coverage, the permit registrant must evaluate the last four samples collected of each outfall monitored and determine whether the geometric mean of the samples exceeds benchmark(s). This condition is not applicable to a permit registrant with a monitoring waiver as described in condition B.2.e.
- b) The permit registrant must report this information in a Discharge Monitoring Report (DMR) and submit the DMR to the department or DOGAMI by July 31st of the 4th year of permit coverage as described in condition B.5.a.
- c) If the geometric mean of the samples exceeds benchmark(s), the department will revoke the permit registrant's coverage under this permit and will require the permit registrant to apply for an individual permit pursuant to OAR 340-045-0033(10) and OAR 340-045-0060.

**SCHEDULE B
 MONITORING AND REPORTING REQUIREMENTS**

1. **Minimum Monitoring Requirements** - All permit registrants must monitor stormwater associated with industrial activity covered under this permit for the following:

GRAB SAMPLES OF STORMWATER	
Parameter*	Minimum Frequency**
Total Suspended Solids	Four times per Year
Total Oil & Grease	Four times per Year
pH***	Four times per Year
Settleable Solids	Four times per Year
* For each outfall monitored, the permit registrant may collect a single grab sample or a series of equal volume grab samples. Samples must be collected from the same storm event.	
** The permit registrant is allowed to collect more samples than the minimum frequency requires and must report this data.	
*** Fresh litmus paper that has the capability of determining pH to one-tenths (0.1) standard units or a properly calibrated portable pH meter may be used to make field measurements of pH.	

VISUAL MONITORING OF STORMWATER	
Parameter	Frequency
Turbidity	Once per Month (when discharging)
Oil & Grease Sheen	Once per Month (when discharging)

2. **Grab Sampling and Visual Monitoring Procedures and Locations** - The following requirements apply to monitoring conducted in compliance with condition B.1 above.
- a) **Grab Sampling and Visual Monitoring Methodology** - The monitoring period is from July 1st to June 30th. Grab samples must be representative of the discharge and must be taken at least 14 calendar days apart. Two samples must be collected before December 31, and two samples must be collected after January 1st. Time or flow-weighted compositing of samples may be used as an alternative to grab samples, except when monitoring for pH, oil and grease, and E. coli. Visual monitoring must occur at outfall(s) or discharge point(s) identified in the SWPCP as outfall(s) or point(s) where stormwater monitoring will occur.
- b) **Multiple Point Source Discharges** - Each stormwater outfall must be monitored unless:
- i) The outfall serves an area with no exposure of stormwater to industrial activities; or
 - ii) The outfall has effluent that is substantially similar to the effluent(s) of a monitored outfall and the same BMPs are implemented and maintained at the similar outfalls or drainage areas that lead to the outfalls. Substantially similar effluent(s) are discharges from drainage areas serving comparable activities where the discharges are expected to be similar in composition. The determination of substantial similarity or effluent(s) must be based on past monitoring or an analysis of industrial activities and site

characteristics. The data or analysis supporting that the outfalls are representative must be included in the SWPCP as described in condition A.3.b.viii.

- iii) If sampling points are modified, permit registrants must notify the department or DOAMI and submit an Action Plan as described in condition A.2.c.

- c) **Monitoring Location** - All samples must be taken at monitoring points specified in the SWPCP before the stormwater joins or is diluted by any other wastestream, body of water or substance unless otherwise approved in writing by the department.

- d) **Sampling Variance**
 - i) Permit registrants may request a sampling variance for missed samples if one of the following criteria is met:
 - (1) State or federal authorities declared the year a drought year.
 - (2) Demonstrate that rainfall in the area where the permit registrant's facility is located was 20% or more below the three-year average rainfall for that area.
 - (3) Demonstrate to the department or DOGAMI's satisfaction that samples were unable to be collected due to the infrequency of storm events of sufficient magnitude to produce run-off. Supporting data and analysis must be submitted to the department or DOGAMI.
 - ii) Permit registrants must submit to the department or DOGAMI a written request for a sampling variance by July 31st of the monitoring year in which the missed sampling occurred.
 - iii) The department or DOGAMI may grant additional variances on a case-by-case basis. Additional data and analysis would be required to support variance requests.

- e) **Monitoring Waiver**
 - i) **Visual Observations** - There is no reduction allowed of the required visual observations.
 - ii) **Grab Samples** - If at least four consecutive sampling results meet the benchmarks specified in condition A.8, the permit registrant is not required to collect grab samples for the remainder of the permit term. Where the permit registrant demonstrates to the department or DOGAMI's satisfaction that a benchmark exceedance resulted from background or natural conditions as described in condition A.9, the department or DOGAMI will consider these samples as meeting the benchmark(s) for the purposes of granting a monitoring waiver.
 - (1) Results from sampling events cannot be averaged to meet the benchmarks.
 - (2) Monitoring waivers may be allowed for individual parameters.
 - (3) The permit registrant must submit to the department or DOGAMI a request to exercise the monitoring waiver that includes the analytical results from the four sampling events. If the department or DOGAMI does not comment within 30 calendar days, the monitoring waiver is deemed approved.
 - iii) **Revocation of Monitoring Waiver**
 - (1) The permit registrant must conduct monitoring as specified in condition B.1 if:
 - (a) The department or DOGAMI determines that prior monitoring efforts used to establish the monitoring waiver were improper or sampling results were incorrect;
 - (b) The department, DOGAMI or permit registrant determines that changes to site conditions are likely to affect stormwater discharge characteristics; or

- (c) The department, DOGAMI or permit registrant conducts additional monitoring and the sampling results exceed benchmark(s).
- (2) The department or DOGAMI will notify the permit registrant in writing if the monitoring waiver is revoked.

3. **Turbidity Monitoring Requirements for TMDL and 303(d) Listed Waterbodies** - In addition to the monitoring requirements in condition B.1, a permit registrant that has elected to implement Option #1 of condition A.6 must conduct the following monitoring:

Parameter	Minimum Frequency	Monitoring Points	Type of Sample ¹	Test Method ²
Turbidity (NTU)	At a minimum one stormwater sample that represents the flow and characteristics of the stormwater discharge must be collected at each monitoring point on a <u>monthly</u> basis when stormwater runoff is detectable.	All stormwater discharge points indicated on the site map.	Grab	Field turbidimeter

¹ Occurring during regular working hours at the site.

² The permit registrant must use sampling procedures, testing methods and turbidity meter calibration methods approved by the department for use by NPDES permittees in Oregon.

4. **Treatment and Disposal Facility Monitoring** - All permit registrants must monitor the operation and efficiency of wastewater treatment and disposal facilities in accordance with the following (when a site is inaccessible due to adverse weather conditions, monitoring is not required; the permit registrant must make note of the adverse weather condition in its inspection records):

Parameter	Frequency	Type
Inspect dikes, containment system, and pond freeboard*	Daily when operating	Record
Inspect all streams within 300 feet of an active seepage pond	3/week, at different times in the day, when operating	Record the time of inspection, hours of operation before inspection, and results
pH**	Weekly if concrete trucks are washed out into the pond during that week	Grab

* Pond freeboard may be monitored on a weekly basis if the facility has an alarm system or a float valve discharging to an overflow pond.

** Fresh litmus paper that has the capability of determining pH to one-tenths (0.1) standard units or a properly calibrated portable pH meter may be used to make field measurement of pH.

5. **Monitoring Reporting Requirements** - The permit registrant must submit the following to the appropriate DEQ regional office or to DOGAMI:

- a) **Monitoring Data** - The permit registrant must submit by July 31st of each year grab sampling, on-site monitoring and visual monitoring results for the previous monitoring period (July 1- June 30). The permittee must also report the minimum detection levels and analytical methods for the parameters analyzed. Non-detections must be reported as “ND” with the detection limit

in mg/L parentheses, e.g., ND (0.005 mg/L). In calculating the geometric mean as described in condition A.10, one-half the detection limits must be used for non-detections.

- b) **Report Forms** - The permit registrant must use a department-approved Discharge Monitoring Report (DMR) form for both visual and analytical monitoring results.

**SCHEDULE C
COMPLIANCE CONDITIONS AND SCHEDULES**

1. **An Existing Permit Registrant** that is either renewing coverage under this permit or transferring permit registration where there are no changes to operation or industrial type:
 - a) Not later than 90 calendar days after renewing or transferring coverage under this permit, permit registrant must implement new site controls identified in the SWPCP to meet any new permit requirements.
 - b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years after renewing or transferring coverage under this permit.

2. **A New Permit Registrant with Existing Facility** (for a facility operating prior to July 1, 2007, without an NPDES stormwater discharge permit):
 - a) Not later than 90 calendar days after obtaining permit coverage, the permit registrant must implement site controls identified in the SWPCP to meet new permit requirements.
 - b) Site controls that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years after obtaining coverage under this permit.

3. **A New Permit Registrant with a New Facility** (for a facility beginning operation after July 1, 2007):
 - a) A permit registrant must begin implementation of the SWPCP prior to starting operations.
 - b) Not later than 90 calendar days after obtaining permit coverage, the permit registrant must implement site controls identified in the SWPCP to meet new permit requirements.
 - c) Site control activities that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining coverage under this permit.

4. **A New Permit Registrant Discharging to Clackamas River, McKenzie River above Hayden Bridge (River Mile 15) or North Santiam River.** (For potential or existing dischargers that did not have a permit prior to January 28, 1994, and existing dischargers that have a permit but request an increased load limitation)
 - a) Not later than 180 calendar days after obtaining coverage under this permit, permit registrant must submit to the department a monitoring and water quality evaluation program. This program must be effective in evaluating the in-stream impacts of the discharge as required by OAR 340-041-0470.
 - b) Within 30 calendar days after department approval, the permittee must implement the monitoring and water quality evaluation program. .

**SCHEDULE D
SPECIAL CONDITIONS**

1. **Releases in Excess of Reportable Quantities.** This permit does not relieve the permittee of the reporting requirements of 40 CFR §117 Determination of Reportable Quantities for Hazardous Substances and 40 CFR §302 Designation, Reportable Quantities, and Notification.
2. **Availability of SWPCP and Monitoring Data.** The Storm Water Pollution Control Plan and/or storm water monitoring data must be made available to government agencies responsible for storm water management in the permittee's area.
3. **Definitions**
 - a) *Action Plan* means an addendum to the SWPCP developed in response to modification to the SWPCP or in response to a benchmark exceedance.
 - b) *Capital Improvements* means the following improvements that require capital expenditures:
 - i) Treatment best management practices including but not limited to settling basins, oil/water separation equipment, catch basins, grassy swales, detention/retention basins, and media filtration devices.
 - ii) Manufacturing modifications that incur capital expenditures, including process changes for reduction of pollutants or wastes at the source.
 - iii) Concrete pads, dikes and conveyance or pumping systems used for collection and transfer of storm water to treatment systems.
 - iv) Roofs and appropriate covers for manufacturing areas.
 - c) *Hazardous Substances* as defined in 40 CFR §302 Designation, Reportable Quantities, and Notification.
 - d) *Material Handling Activities* include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.
 - e) *Point Source Discharge* means a discharge from any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit.
 - f) *Significant Materials* includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical that a facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with storm water discharges.
 - g) *Site Controls* is analogous to Best Management Practices.
 - h) *Stormwater Conveyance* means a sewer, ditch, or swale that is designed to carry stormwater; a stormwater conveyance may also be referred to as a storm drain or storm sewer.
 - i) *Stormwater Associated With Industrial Activity* includes, but is not limited to, stormwater discharges from the following:

- Industrial plant yards
- Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility
- Material handling sites (Material handling activities include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.)
- Refuse sites
- Sites used for the application or disposal of process waste waters (as defined in 40 CFR § 401)
- Sites used for storage or maintenance of material handling equipment
- Sites used for residual treatment, storage, or disposal; shipping and receiving areas
- Manufacturing buildings
- Storage areas (including tank farms) for raw materials, and intermediate and finished products
- Areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical that a facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.

j) *Total Maximum Daily Load or TMDL* means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. Percentages of the TMDL are allocated by the department to various pollutant sources. The TMDL calculations must include a “margin of safety” to ensure that the waterbody can be protected in case there are unforeseen events or unknown sources of the pollutant. The calculation must also account for seasonable variation in water quality.

4. **DOGAMI and Local Public Agencies Acting as the Department’s Agent**

The department authorizes DOGAMI and local public agencies to act as its agent in implementing this permit if they entered into a Memorandum of Agreement (MOA). DOGAMI may be authorized to conduct the following activities, including but not limited to: application review and approval, inspections, monitoring data review, storm water and wastewater monitoring, SWPCP review, and verification and approval of no-exposure certifications. Where the department has entered into such an agreement, the department or agent will notify the permit registrant of where to submit monitoring data and visual monitoring results, SWPCPs and Action Plans, no-exposure certifications, and other notifications or correspondence associated with this permit.

SCHEDULE F NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permit registrant must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; for permit termination, suspension, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

Oregon Law (ORS 468.140) allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. Additionally, 40 CFR 122.41, modified by 40 CFR 19.4, provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed \$32,500 per day of each violation.

Under ORS 468.943 and ORS 40 CFR 122.41(a), unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$32,500 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state, is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison. Additionally, under 40 CFR §122.41(a) any person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a federal civil penalty not to exceed \$100,000, and up to 6 years in prison.

3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply to have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions

This permit may be modified, suspended, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permit registrant is identified as a Designated Management Agency or allocated a wasteload under a Total Maximum Daily Load (TMDL);
- e. New information or regulations;
- f. Modification of compliance schedules;
- g. Requirements of permit re-opener conditions;
- h. Correction of technical mistakes made in determining permit conditions;
- i. Determination that the permitted activity endangers human health or the environment, or
- j. Other causes as specified in 40 CFR §§122.62, 122.64, and 124.5.

The filing of a request by the permittee for a permit modification or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants
The permittee must comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
7. Property Rights
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.
8. Permit References
Except for effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance
The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. Duty to Halt or Reduce Activity
For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
3. Bypass of Treatment Facilities
 - a. Definitions
 - (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality and/or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. Prohibition of bypass.
 - (1) Bypass is prohibited unless:
 - (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The permittee submitted notices and requests as required under General Condition B.3.c.
 - (2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director determines that it will meet the three conditions listed above in General Condition B.3.b.(1).
 - c. Notice and request for bypass.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D.5.

4. Upset

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of General Condition B.4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and
 - (4) The permittee complied with any remedial measures required under General Condition A.3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Treatment of Single Operational Event

For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter must be treated as a single violation. A single operational event is an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational event does not include Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

- a. Definitions
 - (1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.
 - (3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.
- b. Prohibition of overflows. Overflows are prohibited unless:
 - (1) Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and
 - (3) The overflows are the result of an upset as defined in General Condition B.4. and meeting all requirements of this condition.
- c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.
- d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled overflows must be reported orally to the Department within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs, upon request by the Department, the permittee must take such steps as are necessary to alert the public about the extent and nature of the discharge. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

8. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering public waters, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR §136, unless other test procedures have been specified in this permit.

4. Penalties of Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit must, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years or both.

5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR §136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

7. Averaging of Measurements

Calculations for all limitations which require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

8. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which must be retained for a period of at least five years (or longer as required by 40 CFR §503), the permittee must retain records of all monitoring information, including all calibration and maintenance records of all original strip chart recordings for

continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

9. Records Contents

Records of monitoring information must include:

- a. The date, exact place, time and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

10. Inspection and Entry

The permittee must allow the Director, or an authorized representative upon the presentation of credentials to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee must comply with Oregon Administrative Rules (OAR) 340, Division 052, "Review of Plans and Specifications". Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers must be commenced until the plans and specifications are submitted to and approved by the Department. The permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permittee must give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit must be transferred to a third party without prior written approval from the Director. The permittee must notify the Department when a transfer of property interest takes place.

4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

5. Twenty-Four Hour Reporting

The permittee must report any noncompliance which may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. If the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, and in which case

if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
- e. Public notification steps taken, pursuant to General Condition B.7.

The following must be included as information which must be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass which exceeds any effluent limitation in this permit.
- b. Any upset which exceeds any effluent limitation in this permit.
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

7. Duty to Provide Information

The permittee must furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee must also furnish to the Department, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

8. Signatory Requirements

All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR §122.22.

9. Falsification of Reports

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$100,000 per violation and up to 5 years in prison.

SECTION E. DEFINITIONS

1. BOD means five-day biochemical oxygen demand.
2. TSS means total suspended solids.
3. mg/l means milligrams per liter.
4. kg means kilograms.
5. m³/d means cubic meters per day.
6. MGD means million gallons per day.
7. Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
8. FC means fecal coliform bacteria.
9. Technology based permit effluent limitations means technology-based treatment requirements as defined in 40 CFR §125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
10. CBOD means five day carbonaceous biochemical oxygen demand.
11. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
12. Quarter means January through March, April through June, July through September, or October through December.
13. Month means calendar month.

14. Week means a calendar week of Sunday through Saturday.
15. Total residual chlorine means combined chlorine forms plus free residual chlorine.
16. The term "bacteria" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
17. POTW means a publicly owned treatment works.