

**WATER POLLUTION CONTROL FACILITIES PERMIT
FOR CLASS V STORMWATER UNDERGROUND INJECTION
CONTROL SYSTEMS
(TEMPLATE FOR LARGE and MODERATE SIZE MUNICIPALITIES)**

Department of Environmental Quality

Northwest Region
2020 SW Fourth Avenue, Suite 400, Portland, OR 97201
(503) 229.5263

Issued pursuant to ORS 468B.050 implementing the Federal Safe Drinking Water Act requirements

ISSUED TO:

[Name]
[Name]
[Address]
[City, State, Zip]

SOURCES COVERED BY THIS PERMIT:

Type of Waste: Stormwater, Incidental Non-Stormwater Fluids
Outfall: Multiple Individual Injection Systems
Method of Disposal: Class V Underground Injection Systems

SYSTEM TYPE:

Class V Underground
Injection Control Systems

RIVER BASIN INFORMATION:

Basin:
Subbasin:

SYSTEM LOCATIONS:

Multiple locations
within the {City or County} of _____

County:
Waters of the State: Groundwater

Effective Permit Issuance Date:
Permit Number:
Underground Injection Control Identification Number:
DEQ Northwest Region File Number:

This permit is issued based on the Land Use Compatibility Statement in the permit record.

Rodney Weick, Water Quality Manager
Stormwater and Underground Injection Control Programs
Northwest Region

Date

[Editorial Comment: Unlike DEQ's other WPCF permits, The UIC WPCF permits must meet federal Safe Drinking Water Act requirements. When necessary, the permit may include a Safe Drinking Water Act Compliance Schedule C for individual permits to correct specific conditions known or suspected at the time of permit issuance that complies with the requirements of 40 CFR 144.53. The conditions that trigger a Safe Drinking Water Act Schedule C compliance schedule are identified in Schedule D of this permit. This document *is not* a general permit, but

a template to help guide the issuance of an individual permit. As such, some or all conditions in this template may not apply to a specific individual permit applicant. All individual draft permits will undergo a 14-day applicant review, a public review and comment period. Prior to issuing an individual permit, all applicant review and public comments will be evaluated. The Department may amend final permit language based on the comments received. Upon issuance of the permit, the applicant may seek review of the permit as provided in OAR 340-045-0037.]

PERMITTED ACTIVITIES

The (City or County of _____) (permittee) owns and operates Underground Injection Control systems (underground injection systems) to manage stormwater. These underground injection systems are individual point sources that discharge stormwater and other incidental fluids below the ground surface.

As provided by 40 Code of Federal Regulations (CFR) 144.33, this is an area permit, which provides coverage for all individual permittee owned or operated underground injection systems on an area basis. Therefore, permit coverage includes all permittee owned or operated underground injection systems for stormwater and incidental fluids as authorized under this permit. Until this permit expires or is modified or is revoked, the permittee is authorized to construct, install, modify, operate, or close underground injection systems, and to discharge stormwater or other fluids specifically identified in this permit into underground injection systems that are under the permittee’s ownership or operation, or will be transferred to the permittee’s ownership or operation while the permit is in effect.

All underground injection activities authorized by this permit must protect groundwater quality and conform to the prohibitions, requirements, limitations, and conditions set forth in Oregon Administrative Rules Chapter 340, Division 40, Division 44, and Division 45, and 40 CFR Part 144.51, and this permit, including the attached schedules as follows:

Schedule A. Control and Limitation Conditions	3
Schedule B. Monitoring and Reporting Conditions	7
Schedule C. Safe Drinking Water Act Compliance Schedule.....	11
Schedule D. Special Conditions	13
Schedule F. General Conditions.....	18

This permit becomes effective on [Insert **Date**], and expires on [Insert **Date**] (**10 years**). This permit remains in full force and effect unless it is otherwise modified, terminated, revoked or reissued pursuant to State of Oregon law and regulations. The permittee has the burden of demonstrating compliance with the conditions of this permit.

**SCHEDULE A
CONTROL AND LIMITATION CONDITIONS**

- 1. Groundwater Protection.** The permittee shall not construct, operate, maintain, convert, plug or abandon an underground injection system or conduct any injection activity that allows the direct or indirect discharge of contaminants into groundwater if the discharge may cause a violation of any primary drinking water regulation under the federal Safe Drinking Water Act, or fails to comply with the groundwater protection requirements specified in OAR 340-040, or may otherwise adversely affect human health or the environment. Notwithstanding any other condition or requirement of this permit, all injection activities by the permittee shall conform to this limitation.
- 2. Permit Compliance with State Rules, Federal Regulations and Permit Conditions.** The permittee shall comply with the following regulations and conditions [*comment: specific references will be provided for the individual permits to comply with federal requirements*]:

 - a. OAR chapter 340, division 044 and OAR chapter 340, division 040;
 - b. Provisions of 40 CFR Parts 136 and 141 as they pertain to sample collection and analytical methods for parameters listed in this permit or that may be added to the permit under Schedule A.5;
 - c. Provisions of 40 CFR 144.51;
 - d. Federal regulations incorporated by reference in this permit; and
 - e. Conditions of this permit.
- 3. Authorized Discharges.** The permittee is authorized to discharge stormwater and other incidental non-stormwater fluids described in subsection (a) through (s), below, into underground injection system(s) as specifically authorized in this permit. The following non-stormwater discharges are considered incidental and presumed to not cause a violation of permit conditions or violate the antidegradation rule of OAR 340-040-0020(3) and are not prohibited by this permit. If any of these non-stormwater discharges are determined to be a significant source of pollutants, the permittee shall develop and implement appropriate actions to reduce or eliminate the discharge of pollutants associated with the source.

 - a. water line flushing;
 - b. landscape irrigation;
 - c. uncontaminated groundwater infiltration;
 - d. uncontaminated pumped groundwater;
 - e. discharges from potable water sources;
 - f. water from potable groundwater monitoring wells;
 - g. draining and flushing of dechlorinated municipal potable water storage reservoirs;
 - h. foundation drains;
 - i. air conditioning condensate;
 - j. springs;
 - k. water from crawl space pumps;
 - l. footing drains;
 - m. lawn watering;
 - n. individual residential car washing;
 - o. charity car washing;
 - p. dechlorinated swimming pool discharges;
 - q. street wash water;
 - r. discharges or flows from emergency fire fighting activities. The permittee shall take precautions, to the extent practicable, to protect underground injection systems during emergency firefighting activities. Wash down of spills into any underground injection system

is prohibited; and

- s. Other similar temporary discharges. For any other temporary discharge to be considered incidental, the permittee shall demonstrate in writing that the discharge is *de minimis* and complies with OAR 340-040-0020(3) and shall obtain written approval from the department prior to discharge. [[I don't think this is an antidegradation rule, at least not as the term is generally used.

4. Prohibited Discharges. Unless authorized by Schedule A.3 of this permit, any other discharge of pollutants into an underground injection system is prohibited.

5. Effluent Discharge Limits. Discharges must comply with effluent discharge limits established for Common Pollutants in Table A.5.1 and Screening Pollutants in Table A.5.2 below. Alternative effluent discharge limits or parameters may be proposed in accordance with Schedule A.5.b. Table A.5.1 or Table A.5.2 effluent discharge limits listed at the time of permit issuance will remain in effect until the alternative limits are approved in writing by the department.

- a. The permittee shall monitor according to Schedule B and demonstrate compliance with the effluent discharge limits listed in Table A.5.1 and Table A.5.2 or approved alternative limits. In the event effluent discharge limits are exceeded, the permittee shall comply with Schedule D.3 and Schedule D.4. The effluent discharge limits apply at the point of discharge into an underground injection system.
- b. The permittee may apply for a major permit modification to propose alternative effluent discharge limits or parameters to those listed in Table A.5.1 and Table A.5.2. The permit application must :
 - i. Propose alternative effluent discharge limits or parameters;
 - ii. Describe the pollutants expected to be present in the discharge authorized by the permit;
 - iii. Be supported by a scientifically valid analysis;
 - iv. Demonstrate in writing the proposed alternative discharge limit meets Schedule A.1.
- c. Once approved, the alternative effluent limits or parameters will be incorporated into the permit and must be included in the stormwater monitoring plan.

TABLE A.5.1 - Common Pollutants	
Effluent Discharge Limits	
Monitoring Parameter	Effluent Discharge Limit at Injection Point (µg/L)
Benzo(a)pyrene	0.2
Di(2-ethylhexyl)phthalate	6.0
Pentachlorophenol	1.0
Antimony(Total)	6.0
Arsenic(Total)	10.0
Cadmium(Total)	5.0
Copper (Total)	1300
Lead (Total)	50*
Zinc (Total)	5,000
*Total lead effluent discharge limit may be different in areas where the geologic materials do not have an affinity to adsorb pollutants.	

TABLE A.5.2 – Screening Pollutants Effluent Discharge Limits	
Monitoring Parameter	Effluent Discharge Limit at Injection Point (ug/L)
Barium (Total)	2000
Beryllium (Total)	4.0
Chromium(Total)	100
Cyanide (Total)	200
Mercury (Inorganic)	2.0
Selenium (Total)	50
Thallium (Total)	2.0
Total Nitrogen-N	10,000
Benzene	5.0
Toluene	1000
Ethylbenzene	700
Xylenes (Total)	10000
Diazinon	7.0
2,4 D	70
Dinoseb	7.0
Bis(2-chloroethyl) ether (DEHP)	0.3
Glyphosate	700

- 6. Site Control Measures and Best Management Practices.** The permittee shall implement and maintain applicable site control measures and Best Management Practices to reduce or eliminate pollutants. These include, but are not limited to:
- Specific site control measures and Best Management Practices in accordance with the department-approved underground injection system management plan described in Schedule D.9.
 - Routine underground injection system maintenance to keep the system functioning properly.
 - Use of site controls to eliminate stormwater to underground injection systems from loading docks, refueling areas, and areas of hazardous and toxic material storage or handling.
 - Use of site controls to eliminate or separate stormwater discharge from materials storage or handling areas, if that discharge may contain pollutants at levels of concern.
 - Operation of underground injection systems in a manner that protects groundwater from accidental spills or illicit disposal of wastes or contaminants.
 - All underground injection systems must allow discharge into the system to be blocked in the event of an accident, spill or emergency firefighting activity. New underground injection systems must be designed to allow blocking of discharge into the underground injection system. Existing underground injection systems that cannot meet this condition must be upgraded to meet this condition or decommissioned.
- 7. Direct Discharge to Groundwater Prohibited.** The direct discharge of stormwater into groundwater is prohibited. All underground injection systems that do not have a separation between the bottom of the injection system and the seasonal high water table are considered to discharge directly into groundwater. The system-wide assessment required in Schedule B.1 must identify the underground injection systems that discharge directly to groundwater. If there is a

direct discharge to groundwater **the permittee shall comply with the conditions of Schedule D.5.**

- 8. Underground Injection Systems - Vertical Separation and Horizontal Setbacks.** All underground injection systems must be constructed and operated in a manner that protects groundwater quality. Except as specifically provided in Schedules A.8.c(i), A.8.d, and A.8.e below, the vertical separation distance from groundwater described in Schedule A.10.a and horizontal setbacks described in Schedule A.10.b below are considered to be protective of groundwater quality.
- a. **Vertical separation to groundwater:**
 - i. Underground injection systems that are more than 5 feet deep and have a minimum vertical separation distance of 10 feet between the bottom of the underground injection system and the seasonal high water table.
 - ii. Underground injection systems less than or equal to 5 feet deep and have a minimum separation distance of 5 feet between the bottom of the injection system and the seasonal high water.
 - b. **Horizontal Setbacks.** Horizontal setbacks between underground injection systems and wells:
 - i. A minimum 500 feet setback from a domestic or irrigation well;
 - ii. A minimum 500 feet setback from a public water well serving a public water system if the system does not have a 2-year Time-of-Travel delineation approved by the Department of Human Services;
 - iii. Outside the 2-year Time-of-Travel approved by the Department of Human Services for public water wells.
 - c. For **existing underground injection systems** that do not have the vertical separation and horizontal setbacks described in Schedule A.8.a or Schedule A.8.b, the permittee shall do one of the following:
 - i. Provide the protectiveness demonstration described in Schedule D.6 to show that the existing underground injection system is protective of groundwater; or
 - ii. As described in Schedule D.6, retrofit or implement a variety of passive, structural and/or technological controls to reduce or eliminate pollutants to the underground injection system to provide protection; or
 - iii. As described in Schedule D.6, close the underground injection system in accordance with Schedule D.11.
 - d. The permittee may construct and operate **new underground injection systems inside a horizontal setback** provided the vertical separation distances in Schedule A.8.a are met and the permittee demonstrates that groundwater quality is protected through the following:
 - i. Underground injection system construction and best management practices and technologies, or
 - ii. Underground injection system construction and monitoring; or
 - iii. A combination of underground injection system construction, best management practices, technologies, and monitoring, whichever is more protective for the location of the underground injection system within the horizontal setback area.
 - e. The permittee may construct and operate **new underground injection systems not having vertical separation distance** to groundwater specified in Schedule A.8.a provided the permittee demonstrates that groundwater quality is protected.

**SCHEDULE B
MONITORING AND REPORTING CONDITIONS**

1. **System-wide Assessment.** By no later than (date), the permittee shall complete and submit to the department a system-wide assessment for all permittee owned and operated underground injection systems.
 - a. The system-wide assessment must comply with OAR 340-044-0018(3)(b) and must include, at a minimum:
 - i. An inventory of all permittee-owned or operated underground injection systems that receive stormwater or other fluids as allowed by this permit, including information specified in OAR 340-044-0020;
 - ii. An inventory of vehicle trips per day information for the area(s) drained by the underground injection systems;
 - iii. An inventory of all underground injection systems that discharge directly into groundwater;
 - iv. An inventory of all underground injection systems that do not meet the setbacks and separation distances listed in Schedule A.8.a and Schedule A.8.b;
 - v. An inventory of all injection systems that are prohibited by OAR 340-044-0017, which includes injection systems in vehicle maintenance areas, fuel dispensing areas, floor pits, floor drains at permittee's maintenance facilities other than vehicle maintenance, and fire station bay floor drains;
 - vi. An inventory of all of the permittee's materials that are hazardous or toxic or both and that exist in quantities that require registration under the federal Superfund Amendment and Reauthorization Act (SARA) Title III, including the location of such materials, potential for exposure to stormwater or other fluid, or which otherwise discharge to underground injection systems owned or operated by the permittee;
 - vii. An inventory of industrial and commercial properties that store, handle, or use materials that are hazardous or toxic or both and that exist in quantities that require registration under SARA Title III and have or may have stormwater or other fluid runoff to underground injection systems owned or operated by the permittee;
 - viii. An inventory of all facilities that have a department issued NPDES 1200Z permit, the facility's SIC code and activity, and have or may have stormwater or other fluid runoff to underground injection systems owned or operated by the permittee; and
 - ix. An inventory of all other industrial facilities and commercial properties with activities that have the potential to discharge to underground injection systems owned or operated by the permittee.
 - b. For any underground injection system discharging directly into groundwater identified by the system-wide assessment, the permittee shall comply with Schedule D.5.
 - c. For any underground injection system identified by the system-wide assessment as not meeting the general separation and setbacks described in Schedule A.8.a and Schedule A.8.b, the permittee shall comply with Schedule D.6.
 - d. For any prohibited underground injection system identified as part of the system-wide assessment, the permittee shall comply with the conditions of Schedule D.7.
 - e. **In the 5th year of the permit**, the permittee shall update the system-wide assessment and submit a revised system-wide assessment to the department by the end of the 5th year of the permit. If no changes have occurred, the 5th year assessment can be reported in the annual underground injection system report described in Schedule B.5.
2. **Stormwater Monitoring.**
 - a. **By not later than (date)**, the permittee shall prepare and submit to the department a stormwater monitoring plan that describes how the permittee will monitor stormwater and other fluid discharges allowed under Schedule A.3. The permittee may include the stormwater

monitoring plan in the underground injection system management plan described in Schedule D.9. At a minimum, the permittee shall:

- i. Sample the stormwater discharge to the underground injection system at the locations specified in the department approved stormwater monitoring plan.
 - ii. Comply with the sampling frequency established in the stormwater monitoring plan, unless circumstances beyond the permittee's reasonable control prevent monitoring in accordance with the plan and the permittee obtains a stormwater monitoring waiver in compliance with the conditions of Schedule B.3.
- b. **The stormwater monitoring plan must:**
- i. Be representative of the permittee's underground injection systems based on the results of the system-wide assessment. It must demonstrate how the permittee will comply with the effluent discharge limits in Table A.5.1 and Table A.5.2, or other approved alternative effluent discharge limits; and
 - ii. Include a sampling plan that establishes sampling locations and frequencies, and a quality assurance project plan.
- c. **Representative Monitoring.** Sampling and measurements taken for the purpose of monitoring must be representative of the monitored activity. All samples must be taken at the sampling locations and sample collection points specified in the department approved stormwater monitoring plan. Sampling locations or sample collection points must not be changed without prior written notification to and written approval from the department. To demonstrate representative monitoring of the permittee's underground injection systems, the permittee shall identify the compliance monitoring approach that will be used to insure compliance with permit specific effluent discharge limits. Monitoring approaches include the following:
- i. **Monitoring Approach 1 – Individual Underground Injection System Representative Monitoring:** Determine a statistically representative number of fixed underground injection systems to monitor for the duration of the permit and an equally statistically representative number of randomly selected underground injection systems to monitor on a rotating basis; or
 - ii. **Monitoring Approach 2 – Targeted Area Representative Monitoring:** Identify the high risk areas based on discharge pollutant factors including, but not limited to, traffic volume, nature and type of land uses draining to the drywells, and results of the system-wide assessment. Each year, determine a statistically representative number of underground injection systems to be monitored. Under this approach, each underground injection system identified for sampling during the annual monitoring period is sampled once. Compliance is determined by the annual mean of the collective results of each pollutant. Additionally, select a number of underground injection systems in the non-high risk area for on-going monitoring. The permittee shall apply the Best Management Practices employed in the targeted high risk area throughout the entire underground injection systems area authorized under the permit; or
 - iii. **Alternative Discharge Representative Monitoring Approach -** The permittee proposes an alternative stormwater monitoring plan. Any alternative stormwater monitoring plan must be representative of the permittee's entire underground injection systems covered under the permit, be based on the results of the system-wide assessment, and demonstrate how the permittee complies with effluent discharge limits of Table A.5.1 and Table A.5.2. An alternative stormwater monitoring approach may not be used unless it has been approved by department in a permit action subject to public notice and comment following the procedures used for a major permit modification.
- d. **Sample Collection.**
- i. **Sampling Locations -** At a minimum, the permittee shall sample the discharge at the underground injection system locations specified in the department approved stormwater monitoring plan.

- ii. **Sample Collection Points** - All samples must be collected at the end of pipe discharge into the underground injection system. Alternative sample collection points must be approved by the department prior to sampling.
 - iii. **Sampling Frequency** - The stormwater monitoring plan must include the following monitoring frequency.
 - (1) Sampling frequency for **Table A.5.1** parameters. The stormwater monitoring plan must specify the total number of sampling storm events and the minimum duration between sampling storm events. At a minimum, samples must represent “first flush” conditions to the extent practicable.
 - (a) **For Monitoring Approach 1**, each underground injection system identified for the annual monitoring period must be sampled at a frequency that provides a statistically valid geometric mean concentration during the monitoring period; or
 - (b) **For Monitoring Approach 2**, each underground injection system identified for monitoring is sampled once, but a sufficient number of systems are sampled to provide a statistically valid geometric mean.
 - (c) **For Alternative Stormwater Monitoring Approach**, each underground injection system identified for the annual monitoring period must be sampled at a frequency that provides a statistically valid approach to show compliance with effluent discharge limits during the monitoring period.
 - (2) Sampling frequency for **Table A.5.2** parameters. Sample at least once during the first 5 years of the permit and at least once during the second 5 years of the permit. Samples must be collected at the “first flush” storm event or be as representative of “first flush” condition as practicable. Samples for the first 5 year period and second five year period of the permit must not be collected in consecutive years.
 - e. **Analytical Procedures.** Monitoring stormwater discharge and groundwater must be in accordance with the following:
 - i. **Stormwater Discharge.** Monitoring must be conducted in accordance with EPA approved test methods as determined by EPA SW-846 methods, standard of industry practices, or use of best available technology that has been validated and demonstrated that it is appropriate for the intended use of the data; and
 - ii. **Groundwater.** Monitoring must be conducted according to EPA test methods under 40 CFR Parts 136 and 141.
 - iii. **Method Reporting Limits.** The method reporting limit (MRL) for each pollutant parameter identified in Table A.5.1 and Table A.5.2 of Schedule A must be sufficiently sensitive to demonstrate groundwater quality protection while discharging stormwater into the subsurface. The MRL for each pollutant must be identified in the stormwater monitoring plan.
 - f. **Monitoring Period.** The annual monitoring period is July 1 to June 30. [The monitoring period is flexible.]
 - g. **Monitoring Reports.** Monitoring results must be reported at the intervals specified elsewhere in the permit.
- 3. Stormwater Monitoring Waiver.** If any sampling event is missed, a permittee shall apply for a waiver and demonstrate that sampling was missed for reasons beyond its reasonable control.
- a. The permittee may request a sampling waiver for missed samples if one of the following criteria is met:
 - i. State or federal authorities declared the year a drought year. The permittee shall demonstrate that rainfall in the area where the permittee’s facility is located was 20% or more below the three-year average rainfall for that area.
 - ii. The permittee can demonstrate to the department’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.

- b. The sampling waiver request must be in writing and must accompany the annual discharge monitoring report for the monitoring year in which the missed sampling occurred.
 - c. The department will not grant a waiver where the permittee failed to exercise due diligence in sampling or failed to maintain the equipment.
 - d. When more than one sampling event is missed at any sampling point, re-sampling at that point must occur in accordance with the department-approved stormwater monitoring plan.
- 4. Groundwater Monitoring.** Groundwater monitoring is not required at the time of permit issuance. If effluent discharge limits established in the permit cannot be met, or other information indicates that background groundwater quality may be adversely impacted from discharge to underground injection systems authorized under this permit, the department may require the permittee to monitor groundwater in accordance with OAR 340-040-0030.
- 5. Annual Reporting Conditions. No later than (date) of each year,** the permittee shall submit an annual underground injection system report of the discharge monitoring and any actions taken to implement the underground injection system management plan and to manage the permittee's underground injection systems to ensure groundwater protection. The annual report must include, but is not limited to, the following information:
- a. Address and summarize the activities taken to comply with each element of the underground injection system management plan of Schedule D.9;
 - b. Summarize in tables the monitoring results for the monitoring period and include the analytical laboratory reports and describe actions taken when an effluent discharge limit was exceeded;
 - c. Discuss any Table A.5.1 effluent discharge limit exceedences and actions taken to address the exceedences;
 - d. Discuss any Table A.5.2 detections and actions taken to address the detection;
 - e. Identify any decommissioning, retrofitting, or new installation of underground injection systems the permittee will undertake during the next annual reporting period;
 - f. Provide a summary of the quarterly underground injection system updates required in Schedule B.6.
 - g. Provide at least 1 hard copy of the annual report with original signature and electronic copy in Adobe® portable document format (pdf) and summary of the laboratory data in an electronic spreadsheet format as determined by the department; and
 - h. The annual report must be signed in accordance with the condition of Schedule F.4.i.
- 6. Quarterly Underground Injection System Registration and Reporting.**
- a. The permittee shall submit electronic quarterly updates to the department in a format provided by the department of new, modified or decommissioned underground injection systems that occurred during the quarterly reporting period. In the annual report described in Schedule B.5, the permittee shall provide a summary of the quarterly updates.
 - b. Quarterly reporting periods are September–November, December-February, March-May, and June-August. The update must include all new, modified, abandoned, or decommissioned underground injection systems. Quarterly reports must be submitted in a department approved format on or before September 1, December 1, March 1 and June 1 of each year.

SCHEDULE C
SAFE DRINKING WATER ACT COMPLIANCE SCHEDULE

[Comment: The permit may, when appropriate, specify a compliance schedule leading to compliance with the Safe Drinking Water Act as expressed in 40 CFR 144.53. The Department identifies UICs that discharge directly into groundwater and are located within any horizontal setback for any water well as potentially posing a risk to human health. Therefore these UICs typically will be subject to the federal corrective action requirements of 40 CFR 144.53. Other conditions that would meet a federal compliance schedule condition under the Safe Drinking Water Act are permit-specific and will be evaluated on a case-by-case basis as the department issues permits.]

1. Safe Drinking Water Act Schedule of Compliance (40 CFR 144.53)

- a. General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with the SDWA and parts 144, 145, 146, and 124.
 - i. Time for compliance. Any schedules of compliance shall require compliance as soon as possible, and in no case later than 3 years after the effective date of the permit.
 - ii. Interim dates. Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.
 1. The time between interim dates shall not exceed 1 year.
 2. If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.
 - iii. Reporting. The permit shall be written to require that if paragraph (a)(1) of this section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.
- b. Alternative schedules of compliance. A permit applicant or permittee may cease conducting regulated activities (by plugging and abandonment) rather than continue to operate and meet permit requirements as follows:
 - i. If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:
 1. The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or
 2. The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.
 - ii. If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.
 - iii. If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:
 1. Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;
 2. One schedule shall lead to timely compliance with applicable requirements;

3. The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;
 4. Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.
- iv. The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of directors of a corporation.

SCHEDULE D SPECIAL CONDITIONS

1. **Legal Authority.** The permittee shall maintain, through ordinance or other means, adequate legal authority to implement and enforce the provisions of this permit. At a minimum, the legal authority must enable the permittee to:
 - a. Implement the department-approved stormwater monitoring plan and underground injection system management plan;
 - b. Limit or terminate a stormwater discharge to an underground injection system;
 - c. Prohibit discharge to an underground injection system from privately owned properties or facilities that may cause a violation of the conditions of this permit;
 - d. Implement the highest and best practicable methods in accordance with OAR 340-040-0020 to protect groundwater quality by reducing or eliminating the movement of pollutants carried in stormwater runoff to groundwater via an underground injection system;
 - e. Identify the legal and administrative procedures available to mandate compliance with the conditions of this permit and in ordinances, permits, contracts or orders that involve the discharge of fluids to an underground injection system;
 - f. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with the conditions of this permit.

2. **Permittee Personnel Responsible for Permit.** The permittee shall identify the key personnel positions and contact information responsible for establishing and maintaining compliance with all conditions of the permit. Contact information includes the employee's name, phone number, business section where the employee works, and the employee's area of responsibility for the permit. The permittee shall notify the department in writing of any changes to the key personnel or areas of responsibility for the permit.

3. **Exceedence of a Table A.5.1 Effluent Discharge Limit.** When a Table A.5.1 Common Pollutant effluent discharge limit or approved alternative discharge limit is exceeded, the permittee shall take the actions described below:
 - a. **Table A.5.1 Common Pollutant Individual Sampling Event Exceedence** – For an exceedence of a Table A.5.1 effluent discharge limit or approved alternative discharge limit during a single sampling event, the permittee shall:
 - i. Notify the department verbally within 24 hours after the permittee becomes aware of the laboratory report indicating the exceedence; and
 - ii. Provide written notice to the department within 5 working days after receiving the laboratory report indicating the exceedence. The written report must include the following information:
 - (1) Identify the pollutant and pollutant concentration that exceeded the Table A.5.1 concentration limit;
 - (2) Identify the underground injection system where the exceedence occurred;
 - (3) Identify the underground injection systems represented by the injection system where the exceedence occurred;
 - (4) Identify the potential sources, if possible, and the actions taken or will be taken to eliminate the exceedence; and
 - iii. In accordance with the monitoring plan frequency, the permittee shall continue to sample the pollutant in the affected underground injection system for the next monitoring year.
 - b. **Table A.5.1 Common Pollutant Annual Geometric Mean Exceedence:** If at the end of the annual monitoring period the annual geometric mean concentration for the monitoring period exceeds the effluent discharge limit of any Table A.5.1 parameter or approved alternative

discharge limit, the permittee shall:

- i. Provide written notification of the sampling results to the department no later than 15 days after receiving the laboratory report in which the annual geometric mean concentration of the reported pollutant exceeds the effluent discharge limit for that pollutant;
- ii. Provide a written report to the department within 90 days of the date of notification of the exceedence. The report must:
 - (1) Identify the pollutant that exceeded the Table A.5.1 effluent discharge limit;
 - (2) Identify the underground injection system where the exceedence occurred;
 - (3) Identify the underground injection systems represented by the injection system where the exceedence occurred [This pertains to representative monitoring where one injection system represents multiple systems.]; and
 - (4) Identify the corrective actions with time frames the permittee will undertake to correct the condition(s) causing the exceedence or provide a protectiveness demonstration to show that groundwater quality is protected.
- iii. Upon approval by the department, the permittee shall immediately implement the corrective actions identified in the written report of Schedule D.3.b.ii, above. All corrective actions must be completed within 3 years from the date the exceedence notification was submitted to the department. Corrective action progress reports must be included in the permittee's annual report until the corrective actions are completed;
- iv. In accordance with the monitoring plan frequency, the permittee shall sample the pollutant in the affected underground injection system until the corrective action is completed.

4. Detection of a Table A.5.2 Screening Pollutant. When a Table A.5.2 Screening Pollutant effluent discharge limit is exceeded, the permittee shall do the following:

- a. When a Table A.5.2 parameter is detected in an underground injection system, the permittee shall notify the department of the detection in writing within 15 days the permittee becoming aware of the laboratory results and take the action specified in Table D.4.1.
- b. For concentrations equal to or above the effluent discharge limit, the permittee shall submit a written report to the department within 90 days of the date of notification of the exceedence. The report must:
 - i. Identify the pollutant that exceeded the Table A.5.2 effluent discharge limit;
 - ii. Identify the underground injection system where the exceedence occurred;
 - iii. Identify the underground injection systems represented by the injection system where the exceedence occurred; and
 - iv. Identify the corrective actions with time frames the permittee will undertake to correct the condition(s) causing the exceedence or provide a protectiveness demonstration to show that groundwater quality is protected.
- c. Upon approval by the department, the permittee shall immediately implement the corrective actions identified in the written report of Schedule D.4.b.iv, above. All corrective actions must be completed within 3 years from the date the exceedence notification was submitted to the department. Corrective action progress reports must be included in the permittee's annual report until the corrective actions are completed;
- d. In accordance with the monitoring plan frequency, the permittee shall sample the pollutant in the affected underground injection system until the corrective action is completed.

Table D.4.1. Action Requirements for Screening Pollutant Detections	
Concentration Detected is	Response
>MRL*, but ≤50 % EDL**	No further action. Continue normal sampling frequency.
>50 % EDL, but < EDL	Increase monitoring for parameter in the injection system to the frequency established for Table A.5.1 pollutants, unless an alternative frequency is approved in writing by the department.
≥ EDL	<p>1. Resample the injection system to verify that the exceedence.</p> <p>2.a. If resampling verifies the exceedence, submit and implement department approved corrective action plan.</p> <p>2.b. If resampling does <u>not</u> verify the exceedence, increase monitoring for parameter in the UIC to the frequency established for Table A.5.1 pollutants, unless an alternative frequency is approved in writing by the department.</p>

*MRL is the Method Reporting Limit. **EDL is the Effluent Discharge Limit in Table A.5.2.

5. Underground Injection Systems that Discharge Directly into Groundwater.

- a. Underground injection systems that discharge directly into groundwater and are **within** a 500-foot setback for any water well without a Department of Human Services 2-year time of travel, or inside a Department of Human Services 2-year time of travel for a public water well setbacks from wells must comply with the Safe Drinking Water Act compliance schedule included in Schedule C of this permit and must meet the following conditions:
 - i. **If underground injection systems are known or suspected at the time of permit issuance or are discovered during the system-wide assessment** the permittee shall eliminate the direct discharge condition as soon as possible but no later than 3 years from permit issuance. The permittee shall comply with the conditions of Schedule C.
 - ii. **If underground injection systems are identified after the system-wide assessment** the permittee shall eliminate the direct discharge condition as soon as possible but no later than 3 years after discovery and the Schedule C conditions for interim reports and schedule apply.
- b. Underground injection systems that discharge directly to groundwater and are **outside** a 500-foot setback for any water well without a Department of Human Services 2-year time of travel, or inside a Department of Human Services 2-year time of travel for a public water well, the permittee shall:
 - i. Develop a work plan and schedule to eliminate the direct discharge conditions.
 - ii. Report progress in the permittee's annual report until the corrective actions are completed; and
 - iii. Complete the corrective actions as soon as possible but no later than 4 years after permit issuance date or date of discovery.

6. Underground Injection System Setbacks from Wells and Separation Distance to

Groundwater. Underground injection systems that do not provide adequate separation distance from groundwater or setbacks from water supply wells may pose a threat to naturally existing groundwater quality. For underground injection systems that do not have the setbacks and separation distances described in Schedule A.8.a and A.8.b, the permittee shall complete the

appropriate action described below:

- a. **Underground injection systems that have insufficient separation to groundwater AND inadequate setback from wells** - The permittee shall complete one or both of the following:
 - i. **Groundwater Protectiveness Demonstration** - The permittee shall demonstrate the use of the underground injection system protects groundwater no later than 3 years after the permit issuance date or date of discovery, whichever is earliest. If an underground injection system is determined to be protective, then the system can continued to be used. If it is not protective, the permittee shall upgrade or decommission the underground injection systems as described in Schedule D.6.a.ii below.
 - ii. **Decommissioning or Upgrading** – If any underground injection system is not protective the permittee shall upgrade or decommission and replace non-protective underground injection systems. The permittee shall categorize and prioritize the underground injection systems to insure the highest risk systems are addressed first. The work must be completed before the expiration date of the permit.
 - b. **Underground injection systems that have insufficient separation to groundwater OR underground injection systems that have inadequate setback from wells** - The permittee shall perform a protectiveness demonstration, or upgrade, or decommission and replace the underground injection systems. For decommissioning or upgrading, the permittee shall categorize and prioritize the underground injection systems to insure the highest risk systems are addressed first. The work must be completed before the expiration date of the permit.
 - c. For underground injection systems discovered after the completion of the system-wide assessment that do not meet setback or separation distances, or both, the permittee shall notify the department in writing no later than 30 days after discovery of the injection system then immediately implement the requirements of Schedule D.6.b.
- 7. Reporting and Corrective Actions for Underground Injection Systems Prohibited by OAR 340-044-0015.** Within in 10 days of discovery, the permittee shall report to the department in writing any underground injection systems prohibited under OAR 340-044-0015 (1), (2) and (3). The permittee shall take the following actions:
- a. The permittee shall cease injection activity.
 - b. The permittee shall close the prohibited underground injection systems as soon as possible but no later than one year after the date the prohibited underground injection system was reported to the department.
 - c. The permittee shall comply with OAR 340-044-040.
 - d. If the permittee cannot close a prohibited underground injection system within one year from the date the injection system was reported to the department, the permittee shall justify to the department in writing no later than 60 days after the date the injection system was reported to the department why the injection system cannot be closed within one year for department approval of the justification.
- 8. Underground Injection Systems Discovered During or After the System-Wide Assessment.** For any underground injection system discovered or identified during or after the system-wide assessment, the permittee shall:
- a. Submit the necessary information to the Department for adding the underground injection system to the UIC database;
 - b. Include the underground injection system in the first quarterly underground injection system database report after the date of discovery or identification;
 - c. Add the underground injection system to the stormwater monitoring plan; and
 - d. All underground injection systems must comply with the conditions of this permit.
- 9. Underground Injection System Management Plan.** No later than (date), the permittee shall prepare and submit to the department for approval an underground injection system management

plan (management plan). The management plan must include but not be limited to a stormwater monitoring plan, decommissioning plan, employee education, injection system operation and maintenance, spill prevention, best management practices, and housekeeping practices to protect groundwater quality. The management plan will specify annual reporting requirements, including but not limited to annual monitoring, maintenance actions taken, and corrective actions taken. The management plan must be reviewed and updated during the 5th year after permit issuance. The review and update must evaluate the effectiveness of the Best Management Practices employed by the permittee to protect groundwater from discharges into underground injection control systems. Upon department approval, the permittee shall implement the department-approved underground injection system management plan.

- 10. Incorporation of Rule Authorized Underground Injection Systems.** Previously approved underground injection systems that meet the requirements for authorization by rule under OAR 340-044 can be incorporated into the permit at the permittee's written request. The underground injection systems must comply with permit conditions and must be added to the sampling design plan of the stormwater monitoring plan.

- 11. Underground Injection Systems Closure and Decommissioning Fees.** When decommissioning (closing) any underground injection systems, the permittee shall submit a department pre-closure application and closure fee as established in ORS 468B.196 and comply with OAR 340-044-0040. The permittee may develop a decommissioning plan as part of the underground injection system management plan provided the decommissioning plan complies with OAR 340-044-0040.

SCHEDULE F GENERAL CONDITIONS

1. Standard Conditions.

- a. **Duty to Comply.** The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act, a violation of Oregon Revised Statutes (ORS) 468B.025, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under §144.34.
- b. **Penalties for Violations of Permit Conditions.** ORS 468.140 allows the Director to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit. ORS 468.943 creates the criminal offense of unlawful water pollution in the second degree, for the criminally negligent violation of ORS chapter 468B or any rule, standard, license, permit or order adopted or issued under ORS chapter 468B. In some situations, violations of a term, condition or requirement of the permit may also be a criminal offense, specifically unlawful water pollution in the first degree (a felony) or unlawful water pollution in the second degree (a misdemeanor). [ORS 468.943 and 468.946].
- c. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, the permittee shall correct any adverse impact on the environment or human health or safety resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
- d. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date of this permit, the permittee shall apply for and obtain a new permit. In accordance with OAR 340-045-0040(1), the application must be submitted at least 60 days before the expiration date of this permit. The Director may grant permission to submit an application less than 60 days in advance of the permit expiration date. The Director will not grant permission for a renewal application to be submitted later than the expiration date of the existing permit.
- e. **Permit Actions.**
 - i. This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - (1) Violation. The violation of any term, condition, or requirement of this permit, or a related state rule or statute, or a federal regulation related to underground injection control for injection wells;
 - (2) Misrepresentation. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
 - (3) Change of condition. A change of any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - ii. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - iii. A 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. The permit

may be modified, suspended, revoked and reissued, or terminated for cause:

- f. **Reference to Federal Law.** Underground Injection Control (UIC) is a federal program under the federal Safe Drinking Water Act (SDWA). Federal regulations governing or applicable to the UIC program are covered in 40 CFR Parts 136, 141, 144, and 146. The SDWA provides for states to operate the federal program. The Environmental Protection Agency has authorized the department to administer the UIC Program in Oregon. The department administers the program through Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), which meet the requirements of federal the regulations for the federal UIC program. This permit is issued pursuant to OAR Chapter 340, Division 44 (revised and adopted by the Environmental Quality Commission in September 2001), OAR Chapter 340, Division 40 and OAR Chapter 340, Division 45. In implementing the state UIC program, the department requires compliance with applicable state statutes and administrative rules applicable to the UIC program and department issued WPCF permits.
- g. **Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges.
- h. **Permit Reference.** All rules and statutes referred to in this permit are those in effect on the date this permit is issued, or the date permit has been modified as provided in OAR 340-045-0055 to incorporate the new provisions, whichever occurs later.
- i. **Penalties of False Information.** Under ORS 486.953, any person who supplies false information to the department commits a Class C felony. Under OAR 340-012-0053(1)(b), providing the department with false information is a Class 1 violation. Providing the department with false information includes the following:
 - i. Falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit;
 - ii. Makes any false material statement, representation or certification knowing it to be false, in any application, notice, plan, record, report or other document required by any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B;
 - iii. Omits any material or required information, knowing it to be required, from any document described in paragraph (a) of this subsection; or
 - iv. Alters, conceals or fails to file or maintain any document described in paragraph (a) of this subsection in knowing violation of any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B.
- j. **Duty to Provide Information.** The permittee shall furnish to the Director, within a time specified, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.
- k. **Retention of Records.** The permittee shall retain records of all monitoring and maintenance information, including all field notes, calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, all analyses of the data generated, 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 ten (10) years from the date of the sample, measurement, report, or application. The permittee shall make the records available to the department upon request.
- l. **Need to Halt or Reduce Activity not a Defense.** 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 the permit.
- m. **Requirements Prior to Commencing Injection.** Except for all new underground injection systems authorized by an area permit, the permittee shall not commence injection into a new injection well until construction is complete, and:
 - i. The permittee has submitted a notice of completion of construction to the Director; and

- The Director has inspected or otherwise reviewed the new underground injection system and finds it is in compliance with the conditions of the permit; or
- ii. The permittee has not received notice from the Director of his or her intent to inspect or otherwise review the new underground injection system within 13 days of the date of the notice of construction completion, in which case prior inspection or review is waived and the permittee may commence injection. The Director must include in his or her notice a reasonable time period in which the Director will inspect the injection system.
- n. **Notice prior to and Reporting of Conversion, Abandonment or Decommissioning of an Underground Injection System and Plugging.**
 - i. The permittee shall provide prior notice of conversion, abandonment or decommissioning of any underground injection system owned or operated by the permittee in accordance with notification requirements set forth in OAR 340-044-0040.
 - ii. The permittee shall comply with the decommissioning (abandonment) and conversion requirements for underground injection systems, including reporting requirements, as specified in OAR 340-044-0040.
 - iii. Fees, as authorized by Oregon Revised Statutes (ORS) 468.196(1)(e), apply for any abandonment or decommissioning of any underground injection system.
 - o. **Permit Modifications.** A permit modification can be requested by permittee or initiated by the department. Any modification to the permit shall be in accordance with the provisions of OAR 340-045-0055 and 40 CFR 144.41, as applicable.
2. **Operation and Maintenance.**
 - a. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
 - b. **Removed Substances.** The permittee shall dispose or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to a UIC in accordance with 40 CFR 144.82(b).
 3. **Monitoring and Records.** The permittee shall comply with monitoring requirements of 40 CFR 144.51(j) and this condition:
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. **Records Contents.** Records of monitoring information must include:
 - i. The date, exact place, time and methods of sampling or measurements;
 - ii. The name(s) of the individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The name(s) of the individual(s) who performed the analyses;
 - v. The analytical techniques or methods used;
 - vi. The results of such analyses;
 - vii. Calibration and maintenance records and all original strip chart recordings for continuous monitoring instruments, 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;
 - viii. The nature and composition of all injected fluids until three year as after completion of any plugging and abandonment procedures; and

- ix. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.
 - c. **Inspection and Entry.** The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - i. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - ii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - iii. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Safe Drinking Water Act or state law, any substances or parameters at any location.
- 4. Reporting and Signatory Requirements.** The permittee shall comply with the reporting requirements of 40 CFR 144.51(j) and this condition:
- a. **Planned changes.** The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
 - b. **Anticipated noncompliance.** The permittee shall give the Director advance notice of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
 - c. **Anticipated Violations.** The permittee shall give advance notice to the department of any planned changes in the permitted facilities or activities that may result in violations of permit requirements.
 - d. **Transfers** This permit is not transferrable to any person except after notice to the Director and the conditions of OAR 340-045-0045 are met. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the federal Safe Drinking Water Act (see 40 CFR 144.38; in some cases, modification or revocation and reissuance is mandatory).
 - e. **Compliance Schedule.** The permittee shall make compliance reports on all interim and final requirements contained in any compliance or implementation schedule included in this permit. The reports must be submitted no later than 30 days following each schedule date. The reports must explain the cause of any noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.
 - f. **Twenty-four Hour and Five Day Reporting.** Unless a different compliance schedule and reporting requirements are otherwise noted in this permit, the permittee shall report any non-compliance which endangers health or the environment in accordance with 40 CFR 144.51(1)(6). This includes any monitoring or other information that indicates that any contaminant may cause an endangerment of the naturally existing background groundwater quality; or any non-compliance with a permit condition or malfunction of the injection system that may cause fluid migration into groundwater; or a spill of any hazardous or toxic fluid which enters into an underground injection system. Any information of non-compliance that endangers health or the environment must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. The permittee shall submit a written report within 5 days of the time the permittee becomes aware of the circumstances. The written report must contain a description of the non-compliance and its cause, the period of the non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.
 - g. **Other Compliance.** In accordance with 40 CFR 144.51(1)(7), the permittee shall report all other instances of non-compliance not reported in (d) and (e) of this section at the time the annual reports are submitted. The reports must contain the information listed in (e)(iii) of this section.

- h. **Concentration Limit Variance** means a groundwater quality concentration limit which is granted by the Director or the EQC on a case-by-case basis as an alternative to a permit-specific concentration limit established under OAR 340-040-0030(3).
- i. **Contaminant** means any physical, chemical, biological, or radiological substance or matter in water.
- j. **De minimis** means an amount that either by low volume or low contaminant concentration will not significantly affect groundwater quality in accordance with OAR 340-040-0020(3).
- k. **Department** means Department of Environmental Quality.
- l. **Director** means Director of the Department of Environmental Quality.
- m. **Discharge or Disposal** means the placement of waste, including stormwater runoff, on land or otherwise into the environment in a manner that does or tends to affect quality of public waters.
- n. **Domestic well** means a water supply well used to serve no more than three residences for the purpose of supplying water for drinking, culinary, or household uses. Domestic wells include irrigation wells because irrigation wells can be used as drinking water supply wells without well modification or notification to the Oregon Water Resources Department, unless the permittee has adopted an enforceable regulatory mechanism that prevents the use of irrigation wells for domestic or public drinking water supply purposes.
- o. **Dry Season** means the calendar period from June 1 through September 30.
- p. **Drywell or Sump** means an injection well, other than a subsurface distribution system, completed so that its bottom and sides are typically dry except when receiving fluids.
- q. **EPA** means U.S. Environmental Protection Agency.
- r. **EQC** means Environmental Quality Commission.
- s. **Groundwater** means water below land surface in a zone of saturation, which may fluctuate seasonally and includes perched groundwater.
- t. **Grab sample** means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- u. **Industrial or Commercial Activities** for the purpose of underground stormwater injection control means, but is not limited to:
 - i. Manufacturing, processing, material handling, retail or wholesale business and those areas of an industrial facility or commercial property associated with such activities.
 - ii. Material handling activities include the storage, loading and unloading, transport or conveyance of any raw material, intermediate product, final product or waste product including hazardous substances, toxic materials and petroleum products.
- v. **Injection** means the emplacement or discharge of fluids into the subsurface.
- w. **Injection Point or Point of Injection or End-of-Pipe Discharge** means the last accessible

sampling point prior to waste fluids being released into the subsurface environment. For purposes of this permit, the point of injection is the end-of-pipe discharge into the injection well.

- x. ***Injection System or Underground Injection System*** means a well, improved sinkhole, sewage drainhole, subsurface fluid distribution system or groundwater point source used for the subsurface emplacement or discharge of fluids.
- y. ***Injection Well*** means a well into which fluids are being discharged for the purpose of subsurface emplacement.
- z. ***Irrigation well*** (See Domestic Well).
- aa. ***Method Reporting Limit (MRL)*** means the analytical method reporting limit to which the laboratory can confidently quantify the detected analyte concentration. The MRL is above the laboratory method detection limit.
- bb. ***mg/L*** means milligrams per liter.
- cc. ***ml/L*** means milliliters per liter.
- dd. ***MS4*** means a municipal separate storm sewer system.
- ee. ***Natural water quality*** means the water quality that would exist as a result of conditions unaffected by human-caused pollution.
- ff. ***New Facility*** means a facility or activity authorized to operate under a department approved permit for the first time after the effective date of OAR 340-040-0030. A new facility or activity includes changes in facility operations, disposal technique, or other alterations which justify new conditions to and necessitate major modifications of an existing permit.
- gg. ***NO₃*** means nitrate as nitrogen.
- hh. ***OAR*** means Oregon Administrative Rule.
- ii. ***ORS*** means Oregon Revised Statute.
- jj. ***Owner or Operator*** means any person or agency, municipality, organization, or corporation who alone, or jointly, or severally with others:
 - i. Owns, leases, operates, controls or exercises significant control over the operation of a facility; Owns, leases, operates, controls or exercised significant control over the operation of a facility;
 - ii. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, lessee or guardian of the estate of the holder of legal title; or
 - iii. Is the contract purchaser of real property.
- kk. ***Permit*** means the Wastewater Pollution Control Facility permit specified herein, authorizing the permittee listed on Page 1 of this permit to discharge to UICs.

- ll. **Permit action** means the issuance, modification, renewal or revocation by the department of a permit.
- mm. **Permittee** Under OAR 340-045-0010(12) means a person, which is defined as the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or any legal entity whatsoever.
- nn. **Pollutant** (see Contaminant).
- oo. **Pollution or water pollution** means such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses of livestock, wildlife, fish or other aquatic life or habitat thereof.
- pp. **Potable** means water that meets standards for drinking water set by OAR Chapter 333, Division 61, Public Water Systems.
- qq. **Public water system** means a system for the provision of piped water for human consumption, if such system has more than 3 service connections or supplies water to a public or commercial establishment which operates for a total of at least 60 days per year, and which is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly serves at least 25 people per day for at least 60 days per year. A public water system is a “community water system”, a “transient non-community water system”, a “non-transient non-community water system” or a “state regulated water system”.
- rr. **Public water system well or public water well** means a water supply well serving a public water system.
- ss. **Sanitary Waste** means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations and sinks or washing machines where food and beverage serving dishes, glasses and utensils are cleaned.
- tt. **Seasonally high groundwater level** means the highest level of the permanent groundwater table or perched groundwater may reach on a seasonal basis.
- uu. **Separation Distance** means the distance in the unsaturated zone, confinement barrier or engineered filtration medium between the bottom of the UIC and groundwater, and prevents contaminants from reaching groundwater. Under no circumstance shall a separation distance between groundwater and the bottom of the UIC be less than 5 feet, unless specifically authorized in writing by the department, that protects groundwater to primary drinking water regulations under the federal Safe Drinking Water Act (SDWA), or complies with the groundwater protection requirements specified in Oregon Administrative Rules

- (OAR) 340-40, including Concentration Limit Variances (CLVs) established as a permit condition under OAR 340-040-0030, or may protect human health.
- vv. ***Storm Water (or Stormwater)*** means water from precipitation or snow melt that collects on or runs off outdoor surfaces such as roofs, buildings, roads, or paved and unpaved land surfaces.
- ww. ***UIS Management Plan (or UISMP)*** means the plan developed by the permittee to satisfy OAR 340-044-0018 (3) (a), and approved by the department.
- xx. ***Subsurface Fluid Distribution System*** means an assemblage of perforated pipes, drain tiles or other mechanism intended to distribute fluids below the ground surface.
- yy. ***Surface Infiltration*** means fluid movement from the ground surface into underlying soil material without the use of a Subsurface Fluid Distribution System or injection system.
- zz. ***Time-of-Travel (TOT)*** means the amount of time it takes groundwater to flow within an aquifer to a given well.
- aaa. ***Underground Injection Control (UIC)*** means the Underground Injection Control program under part C of the federal Safe Drinking Water Act, including an “approved State program.” It also means an underground injection system regulated under the underground injection control program.
- bbb. ***Underground Injection System*** (see Injection System).
- ccc. ***Underground Source of Drinking Water*** means an aquifer or groundwater source that supplies or potentially could supply drinking water for human consumption.
- ddd. ***U.S.C.*** means United States Code.
- eee. ***Waste*** means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances which will or may cause pollution or tend to cause pollution of any waters of the state.
- fff. ***Water or waters of the state*** include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.
- ggg. ***Water Table*** means the upper surface of an unconfined water body, the surface of which is at atmospheric pressure and fluctuates seasonally. The water table is defined by the levels at which water stands in wells that penetrate the water body.
- hhh. ***Well*** means a bored, drilled, or driven shaft whose depth is greater than the largest dimension; or, a dug hole whose depth is greater than the largest surface dimension; or an improved sink hole; or a subsurface distribution system.

- iii. **Wet season** means the calendar period from October 1 through May 31.
- jjj. **WPCF** means a Wastewater Pollution Control Facilities permit as defined in OAR 340-045 to construct and operate a disposal system with no discharge to navigable waters.
- kkk. **Year** means calendar year, except where otherwise defined in the permit.