GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204
Telephone: (503) 229-5279

Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

All Owners or Operators Of
Facilities Discharging Pollutants
That Are Covered By This Permit

SOURCES COVERED BY THIS PERMIT

Facilities storing, transferring, formulating and/or packaging bulk petroleum products or vegetable oils, and other facilities with oily storm water runoff and/or tank water bottoms. Facilities with discharges from oil/water separators that are also identified by 40 CFR §122.26 as needing an NPDES storm water permit may use this permit in place of the NPDES General Permit 1200 series of storm water permits if approved by the Department.

Michael T. Llewelyn, Administrator
Water Quality Division

Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control and/or disposal system, and discharge to public waters adequately treated wastewater only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

Unless authorized by another NPDES or WPCF permit, all other direct and indirect discharges to waters of the state is prohibited, including discharge to an underground injection control system.

SCHEDULE A

1. **Deminimus Activities**
The following activities do not require a 1300-J permit. However, any violation of water quality standards, including causing an oily sheen at the point of discharge to public waters, is not allowed. Any activity found to be adversely affecting water quality will be required to register for a permit. Such an activity would then be subject to all terms and conditions of this permit. In addition, if the activity is located at a facility subject to federal NPDES storm water regulations, a storm water discharge permit may still be required.

   Facilities where the only source(s) of discharge is(are) from:

   a) Storm water runoff that contacts oil-filled electrical equipment in transformer substations which are equipped with oil spill prevention measures such as containment areas and/or oil/water separators.

   b) Storm water runoff that contacts petroleum product receiving or dispensing areas or product dispensing equipment from which product is dispensed only to final users, whether or not the discharge is treated by an oil/water separator.*

   c) Storm water that collects in a secondary containment area at a petroleum product dispensing site, where the secondary containment area is associated with storage tanks from which product is dispensed only to final users, and the discharge from the containment area is treated by an oil/water separator.*

   d) Storm water that collects in a secondary containment area at a bulk petroleum product storage site, where the total storage capacity at the site does not exceed 150,000 gallons, and the discharge from the containment area is treated by an oil/water separator. A site with multiple containment areas is considered a single site for determining total storage capacity.

   * Conditions b and c apply only to retail or fleet fueling stations, including motor pools, where the only fuel dispensing that occurs is to the final user of the fuel; it is not intended to cover bulk storage facilities or facilities where product is transferred to delivery vehicles.

2. **Discharges from the Oil /Water Separator Shall Not Exceed the Following Limitations:**

Parameter	**Limitation**	
	Monthly Average mg/l	Daily Maximum mg/l
Oil & Grease	10	15
Oil & Grease	No visible sheen at any time	

3. **Bulk Petroleum and Vegetable Oil Storage Requirements**

   a) Where bulk petroleum or vegetable oil products are stored, a spill prevention and response contingency plan that describes methods to prevent spills along with clean-up procedures and notification procedures shall be in force at all times. The methods and procedures shall be made available to appropriate personnel. An adequate inventory of the required spill cleanup material and equipment must be on-site or readily available to areas where bulk petroleum or vegetable oil products are stored. A Spill Prevention Control and Countermeasure (SPCC) plan, if applicable, can be used to satisfy this requirement.

   b) All areas where bulk petroleum or vegetable oil tanks are located shall be bermed or adequately controlled to prevent discharge of product to surface waters or groundwater in the event of a tank

rupture or overfill. If an area which will control a spill has a drain, the drain must also be controlled to prevent loss of the material. The drain control method must include at a minimum one of the following: a shut-off valve; an oil/water separator; a tank; a non-discharging basin; or an area that includes containment with no discharge. A SPCC plan that conforms to 40 CFR §112 can be used to satisfy this permit condition.

c) All collected oily waters in product containment areas must be drained through an oil/water separation device prior to discharge to public waters or storm sewers leading to public waters.

d) Floating matter and settled matter shall be cleaned frequently from the oil/water separation devices to assure their continuously efficient operation. The facility must have a procedure that describes maintenance criteria for determining when the solids are at a level that requires cleaning. All floating matter and grit or other settled matter removed from the oil/water separator or otherwise collected on site shall be disposed in a manner that complies with all applicable water quality, hazardous waste, and solid waste rules for disposal of such solids.

Conditions 4 through 6 are additional requirements for storm water discharges from facilities identified by 40 CFR §122.26 as needing a NPDES permit.

4. **Limitations, Benchmarks, and Controls for Storm Water Discharges**

a) Specific storm water discharge limitations apply to each source discharge of storm water that is not controlled by an oil/water separator. Point source discharges controlled by an oil/water separator must meet the limitations in Schedule A.2.

Parameter	Limitation
Oil & Grease	Shall not exceed 10 mg/l
PH	Shall be between 6.0 and 9.0
Oil & Grease	No visible sheen

b) Storm water discharge benchmarks are guideline concentrations not limitations. They are designed to assist the permittee in determining if the implementation of their Storm Water Pollution Control Plan (SWPCP) is reducing pollutant concentrations to below levels of concern.

Parameter	Benchmark
Total Copper	0.1 mg/l
Total Lead	0.4 mg/l
Total Zinc	0.6 mg/l
Total Suspended Solids	130 mg/l
Floating Solids (associated with industrial activities)	No visible discharge

c) If limitations or benchmarks are not achieved, the permittee shall review their SWPCP within 60 days of receiving sampling results. The purpose of this review is to determine if the SWPCP is being followed and to identify any additional technically and economically feasible site controls that need to be implemented to further improve the quality of storm water discharges. These site controls include best management practices, spill prevention and response procedures, preventative maintenance, and employee education procedures as described in Schedule A.6.b.

i. SWPCP Revision Any newly identified site controls shall be implemented in a timely manner and incorporated into the SWPCP as an update. A new SWPCP is not required. If

no additional site controls are identified, the permittee shall state as such in an update to the SWPCP.

ii. SWPCP Revision Submittal Results of this review shall be submitted to the Department in accordance with Schedule B.4.e and made available upon request to government agencies responsible for storm water management in the permittee's area.

iii. Background or Natural Conditions If the permittee demonstrates that background or natural conditions not associated with industrial activities at the site cause an exceedance of a benchmark, then no further modifications to the SWPCP are required for that parameter. The demonstration of natural or background conditions must be through monitoring of the same storm event used to evaluate benchmarks. If the permittee is eligible the monitoring reduction requirements are outlined in Schedule B.3.

5. **Preparation and Implementation of the Storm Water Pollution Control Plan**

a) The SWPCP shall be prepared and implemented according to the time frames set forth in Schedule C.

b) The SWPCP shall be signed in accordance with 40 CFR §122.22. Updates and revisions to the SWPCP shall also be signed in this manner. The SWPCP shall be signed as follows:
   i. For a Corporation - By a responsible corporate officer;
   ii. For a Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively; or
   iii. For a Municipality, State, Federal, or other Public Facility - By either a principal executive officer or ranking elected official.

c) The SWPCP shall be kept current and updated as necessary to reflect any changes in facility operation.

d) The SWPCP and updates to the SWPCP shall be submitted to the Department in accordance with Schedule B.4.

e) A copy of the SWPCP shall be kept at the facility and made available upon request to government agencies responsible for storm water management in the permittee's area.

6. **Storm Water Pollution Control Plan Requirements**

a) **Site Description** The SWPCP shall contain the following information:

i. A description of the industrial activities conducted at the site. Include a description of the significant materials (see Schedule D., Definitions) that are stored, used, treated and/or disposed of in a manner that allows exposure to storm water. Also describe the methods of storage, usage, treatment and/or disposal.

ii. A general location map showing the location of the site in relation to surrounding properties, transportation routes, surface waters and other relevant features.

iii. A site map including the following:
   (1) drainage patterns
   (2) drainage and discharge structures
   (3) outline of the drainage area for each storm water outfall

(4) paved areas and buildings within each drainage area
(5) areas used for outdoor manufacturing, treatment, storage, and/or disposal of significant materials
(6) existing structural control measures for reducing pollutants in storm water runoff
(7) material loading and access areas
(8) hazardous waste treatment, storage and disposal facilities
(9) location of wells including waste injection wells, seepage pits, drywells, etc.
(10) location of springs, wetlands and other surface water bodies.

iv. Estimates of the amount of impervious surface area (including paved areas and building roofs) relative to the total area drained by each storm water outfall.

v. For each area of the site where a reasonable potential exists for contributing pollutants to storm water runoff, identify the potential pollutants that could be present in storm water discharges.

vi. The name(s) of the receiving water(s) for storm water drainage. If drainage is to a municipal storm sewer system, the name(s) of the ultimate receiving waters and the name of the municipality.

vii. Identification of the discharge outfall(s) and 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 (as allowed in Schedule B.2.b), a description supporting this approach shall also be included.

b) **Site Controls** The permittee shall maintain existing controls and/or develop new controls appropriate for the site. The purpose of these controls is to eliminate or minimize the exposure of pollutants to storm water. In developing a control strategy, the SWPCP shall have the following minimum components. A description of each component shall be included in the SWPCP.

i. *Storm Water Best Management Practices* If technically and economically feasible, the following best management practices shall be employed at the site. A schedule for implementation of these practices shall be included in the SWPCP if the practice has not already been accomplished. This schedule must be consistent with the requirements for developing and implementing the SWPCP in Schedule C of the permit.
(1) Containment - All hazardous materials (see Schedule D., Definitions) shall be stored within berms or other secondary containment devices to prevent leaks and spills from contaminating storm water. If the use of berms or secondary containment devices is not possible, then hazardous materials shall 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 shall be employed to eliminate or minimize oil and grease contamination of storm water discharges.
(3) Waste Chemicals and Material Disposal - Wastes shall be recycled or properly disposed of in a manner to eliminate or minimize exposure of pollutants to storm water. All waste contained in bins or dumpsters where there is a potential for drainage of storm water through the waste shall be covered to prevent exposure of storm water to these pollutants. Acceptable covers include, but are not limited to, storage 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 shall be employed to minimize erosion of soil at the site.

Sediment control methods such as detention facilities, sediment control fences, vegetated filter strips, bioswales, or grassy swales shall be employed to minimize sediment loads in storm water discharges. For activities that involve land disturbance, the permittee shall contact the local municipality to determine if there are other applicable requirements.

(5) Debris Control - Screens, booms, settling ponds, or other methods shall be employed to eliminate or minimize debris in storm water discharges.

(6) Storm Water Diversion - Storm water shall be diverted away from fueling, manufacturing, treatment, storage, and disposal areas to prevent exposure of uncontaminated storm water to potential pollutants.

(7) Covering Activities - Fueling, manufacturing, treatment, storage, and disposal areas shall be covered to prevent exposure of storm water 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 shall be kept clean. Sweeping, prompt clean up of spills and leaks, and proper maintenance of vehicles shall be employed to eliminate or minimize exposure of storm water to pollutants.

ii. *Spill Prevention and Response Procedures* Methods to prevent spills along with clean-up and notification procedures shall be included in the SWPCP. These methods and procedures shall be made available to appropriate personnel. The required clean up material shall be on-site or readily available. Spills prevention plans required by other regulations may be substituted for this provision providing that storm water management concerns are adequately addressed.

iii. *Preventative Maintenance* A preventative maintenance program shall be implemented to ensure the effective operation of all storm water best management practices. At a minimum the program shall include:

(1) Monthly inspections of areas where potential spills of significant materials or industrial activities could impact storm water runoff.

(2) Monthly inspections of storm water control measures, structures, catch basins, and treatment facilities.

(3) Cleaning, maintenance and/or repair of all materials handling and storage areas and all storm water control measures, structures, catch basins, and treatment facilities as needed upon discovery.

iv. *Employee Education* An employee orientation and education program shall be developed and maintained to inform personnel of the components and goals of the SWPCP. The education program shall also address spill response procedures and the necessity of good housekeeping practices. A schedule for employee education shall be included in the SWPCP.

c) **Record Keeping and Internal Reporting Procedures** The following information shall be recorded and maintained at the facility and provided to the Department and other government agencies upon request. This information does not need to be submitted as part of the SWPCP.

i. Inspection, maintenance, repair and education activities as required by the SWPCP.

ii. Spills or leaks of significant materials that impacted or had the potential to impact storm water 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 APPLICABLE TO ALL SOURCES

7. Any facility which collects, treats and discharges wastewater or storm water to a municipally owned "storm sewer" may require a permit or other approval from the municipality. No discharge is allowed by this permit without appropriate documentation of prior approval.

8. *Oregon Administrative Rule 340-41-26(3)(a)(D), Surface Water Temperature Management Plan* Individual discharges are expected to meet the appropriate applicable temperature standard. Compliance with this permit meets the requirement of OAR 340-41-26(3)(a)(D) to develop and implement a surface water temperature management plan. If it is determined that discharges in a particular basin are impacting a Total Maximum Daily Load for temperature, then permittees in this basin will be required to implement additional management practices to reduce the temperature of the discharges. These practices include, but are not limited to, increased vegetation to provide for shading, underground conveyance systems or detention vaults, and filter treatment systems to reduce detention times.

9. *Specific River Basin Requirements* The permittee shall comply with any Oregon Administrative Rule requirements specific to the applicable river basin.

10. *Water Quality Standards* Discharges must comply with water quality standards in OAR 340-41. In instances where a discharge adversely impacts water quality, the Department will require the facility to implement additional management practices, apply for an individual permit, or take other appropriate action.

11. Notwithstanding the effluent limitations established by this permit, except as provided in OAR 340-45-080, no wastes shall be discharged and no activities shall be conducted which will violate water quality standards as adopted in OAR Chapter 340 Division 41 except in the following defined mixing zone:

    The allowable mixing zone shall not extend beyond 25 feet from the point of each discharge to public waters. For discharges to storm sewers, the allowable mixing zone shall not extend beyond 25 feet from the point where the storm sewer intersects public waters.

12. Waste Load Allocation - If storm water monitoring or any other wastewater monitoring at the site indicates that a pollutant, for which the stream is water quality limited, is discharging in significant quantities, the permit may be terminated and application for an individual permit or different general permit may be required that would include waste load allocations.

13. Additional Limitations or Monitoring Required - If storm water monitoring or any other wastewater monitoring indicates that certain pollutants are being discharged in quantities which may violate water quality standards or impair the beneficial uses of the receiving stream, the permit may be reopened and additional effluent limits and/or monitoring requirements added.

SCHEDULE B
MONITORING AND REPORTING REQUIREMENTS

1. **Minimum Monitoring Requirements**

Item or Parameter	Minimum Frequency	Type of Sample
Oil and Grease	Twice/month* or weekly** when discharging	Grab
Oil/Water Separator	Daily	Visual observations***
Flow	Daily when discharging	Estimate
Oxygenated fuel additives****	Quarterly when discharging and on-site	Grab

* Facilities that only discharge storm water contaminated with oil and grease and/or fuel additives that are likely to be in the discharge where the discharge is treated with an oil/water separator. A monitoring reduction based on facility performance is allowed if the following conditions are met. If all twice/month monitoring results from October 1 to the end of February are in compliance then sampling once a month can commence. If any effluent violations occur the permittee shall revert back to twice/month monitoring until the conditions described above are again met. Sampling results reported under the previous permit or another general or individual permit for the most recent October 1999 through February 2000 period can be used to demonstrate compliance for the monitoring reduction.

** All other facilities covered by this permit that have discharges that may or may not be treated by an oil/water separator. A monitoring reduction based on facility performance is allowed if the following conditions are met. If all weekly monitoring results from October 1 to the end of February are in compliance then sampling once a month can commence. If any effluent violations occur the permittee shall revert back to weekly monitoring until the conditions described above are again met. Sampling results reported under the previous permit or another general or individual permit for the most recent October 1999 through February 2000 period can be used to demonstrate compliance for the monitoring reduction.

*** Daily observation should include observation of the runoff collection and treatment system, visual observation of discharge for any oil & grease sheen, as well as any discharge to public waters, where practicable.

****Oxygenated fuel additives means ethyl alcohol (ethanol) and/or Methyl-t-Butyl Ether (MTBE). Sampling for either or both of these compounds is required only during calendar quarters when either or both of these compounds is on-site in bulk quantities. Sampling need only be done for the specific oxygenated fuel additive(s) actually on-site in bulk quantities. Sampling for oxygenated fuel additives is not required if these compounds are on-site only in the form of a ready-to-use pre-blended fuel mixture.

Reporting Procedures

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports shall be submitted to the Department by the 15th day of the following month.

The monitoring reports shall also include dates when the oil/water separator is cleaned, the amount of material removed (in gallons for liquids and cubic feet for solids), and the location where waste materials were disposed.

The following conditions are in addition to condition 1 above, and apply to facilities identified by 40 CFR §122.26.

2. **Additional Monitoring Parameters** - The permittee shall analyze grab samples and make visual observations of all point source discharges for the following parameters:

GRAB SAMPLES OF STORM WATER	
Parameter	**Frequency**
Total Copper	Twice per year
Total Lead	Twice per year
Total Zinc	Twice per year
pH	Twice per year
Total Suspended Solids	Twice per year

VISUAL MONITORING OF STORM WATER	
Parameter	**Frequency**
Floating Solids (associated with industrial activities)	Once a month when discharging
Oil & Grease Sheen	Daily when discharging

a) **Grab Samples** Grab samples that are representative of the discharge shall be taken at least 60 days apart. It is preferred, but not required, that one sample be collected in the fall and one in the spring. Compositing of samples from different drainage areas is not allowed.

b) **Multiple Point Source Discharges** The permittee may reduce the number of storm water monitoring points provided the outfalls have substantially identical effluents. Substantially identical effluents are discharges from drainage areas serving similar activities where the discharges are expected to be similar in composition. Outfalls serving areas with no exposure of storm water to industrial activities are not required to be monitored.

c) **Monitoring Location** All samples shall be taken at monitoring points specified in the SWPCP before the storm water joins or is diluted by any other wastestream, body of water or substance.

d) **No Exposure** If there is no exposure of storm water to material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery at the site, monitoring is not required. The permittee shall submit an annual statement certifying as such in lieu of monitoring (refer to Schedule B.4.b). If exposure cannot be prevented, the permittee shall comply with Schedule B.

3. **Monitoring Reduction**

a) **Visual Observations** No reduction is allowed.

b) **Grab Samples** The permittee is not required to conduct sampling if the benchmarks specified in Schedule A.4.b are met, or if the exceedance is due to natural or background conditions for at least

four consecutive storm water monitoring events over 24 continuous months.

i. Results from sampling events cannot be averaged to meet the benchmarks.
ii. Monitoring waivers may be allowed for individual parameters.
iii. Parameters in exceedance or not previously sampled shall be monitored as required in Schedule B.2 until the monitoring waiver condition above is met.
iv. Monitoring data from the previous permit period may be used to meet the waiver requirement. This data shall be evaluated against the benchmarks specified in this permit.
v. Monitoring data from the same storm event shall be used to demonstrate that background or natural conditions not associated with industrial activities at the site are contributing to the exceedance of a benchmark.
vi. The permittee shall submit written notification to the Department when exercising the monitoring waiver condition (refer to Schedule B.4.c).

c) **Reinstatement of Monitoring Requirements**

i. The permittee shall conduct monitoring as specified in Schedule B.2 if changes to site conditions are expected to impact storm water discharge characteristics.
ii. The Department may reinstate monitoring requirements as specified in Schedule B.2 if prior monitoring efforts were improper or results were incorrect.
iii. Monitoring may also be reinstated if future sampling efforts indicate benchmarks are being exceeded.

4. **Reporting Requirements** The permittee shall submit the following to the appropriate DEQ regional office:

a) **Monitoring Data** The permittee shall submit monitoring results by the 15th day of the following month when grab sampling and visual monitoring data are collected. If there was insufficient rainfall to collect samples, the permittee shall provide notification in the appropriate monthly report.

b) **No Exposure Certification** The permittee shall submit an annual certification by July 15 of each year if monitoring is not required due to no exposure of storm water to industrial activities. The certification shall state that site conditions have been evaluated and the facility meets the requirements of Schedule B.2.d.

c) **Monitoring Reduction Notification** The permittee shall submit written notification when exercising the monitoring reduction condition in Schedule B.3.b.

d) **SWPCP Update/Completion** The permittee shall prepare or update the SWPCP in accordance with Schedule C of the permit. The permittee shall submit an updated or completed SWPCP within 14 days after completion.

e) **SWPCP Revision** The permittee shall submit any revisions to the SWPCP required by Schedule A.4.c. within 14 days after the SWPCP is revised. If the Department does not comment on the revised SWPCP within 30 days, the permittee shall implement the revisions as proposed.

SCHEDULE C
COMPLIANCE CONDITIONS AND SCHEDULES

The following conditions apply to facilities identified by 40 CFR §122.26 that need a NPDES permit for storm water discharges.

1. **Existing Facilities**

   a) No later than 90 days after receiving this permit, the permittee shall complete/revise and begin implementation of their SWPCP to meet any new permit requirements.

   b) Except for site controls that require capital improvements (see Schedule D., Definitions), the SWPCP shall be implemented within 90 days after completion/revision of SWPCP. Site control activities that require capital improvements shall be completed in accordance with the schedule set forth in the SWPCP.

2. **New Facility**

   a) Prior to starting operations, a new facility shall prepare their SWPCP.

   b) Except for site controls that require capital improvements (see Schedule D.3, Definitions), the SWPCP shall be implemented within 90 days after beginning operation. Site control activities that require capital improvements shall be completed in accordance with the schedule set forth in the SWPCP.

3. **New Storm Water Discharges to Clackamas River, McKenzie River above Hayden Bridge (River Mile 15) or North Santiam River**

   Not later than 180 days after receiving this permit, new permittees discharging to Clackamas River, McKenzie River above Hayden Bridge (river mile 15) or North Santiam River shall submit to the Department a monitoring and water quality evaluation program. This program shall be effective in evaluating the in-stream impacts of the discharge as required by OAR 340-41-470. Within 30 days after Department approval, the permittee shall implement the monitoring and water quality evaluation program. New permittees are defined to include potential or existing dischargers that did not have a permit.

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 shall be made available to government agencies responsible for storm water management in the permittee's area.

3. **Definitions:**

   a) *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, and detention/retention basins.
      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 utilized for collection and transfer of storm water to treatment systems.
      iv. Roofs and appropriate covers for manufacturing areas.

   b) *Hazardous Materials* as defined in 40 CFR §302 Designation, Reportable Quantities, and Notification.

   c) *Material Handling Activities* include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.

   d) *Point Source* means a discharge from any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit.

   e) *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.

   f) *Product Dispensing Equipment* includes the pump, hose, nozzle, and meter assembly used to dispense product.

   g) *Product Dispensing Site* is a site where product is dispensed for final use; e.g., a vehicle fueling station.

   h) *Secondary Containment Area* means a containment area for a tank or tanks, intended to prevent a release to the environment in the event of an accidental release of product.

   i) *Storm W*ater means storm water runoff, snow melt runoff, and surface runoff and drainage.

j) *Storm Water Discharge Associated with Industrial Activities [Edited version of 40 CFR §122.26(b)(14)]* means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR §122. For the categories of industries identified in 40 CFR §122.26(b)(14), the term includes, but is not limited to, storm water discharges from 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; refuse sites; sites used for the application or disposal of process waste waters [as defined at 40 CFR §401]; sites used for the storage and 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; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the categories of industries identified in 40 CFR §122.26, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery <u>are exposed to storm water</u>. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in 40 CFR §122.26) also include those facilities designated under the provisions of 40 CFR §122.26 (a)(1)(v).

SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply
The permittee 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.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $25,000 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.

3. Duty to Mitigate
The permittee shall 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 shall 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 for and have the permit renewed. The application shall 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.

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 shall 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 shall 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 shall, 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 shall not be 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 shall submit prior written notice, if possible at least ten days before the date of the bypass.
      (2) Unanticipated bypass. The permittee shall 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 shall 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 shall 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 shall 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 shall 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 shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall 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 shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall 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 shall 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 Part 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 shall, 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 shall be summarized each month on a Discharge Monitoring Report form approved by the Department. The reports shall 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 shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall 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 shall be recorded unless otherwise specified in this permit.

7. Averaging of Measurements
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean, except for bacteria which shall 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 shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall 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 shall 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 shall 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 shall comply with Oregon Administrative Rules (OAR) 340, Division 52, "Review of Plans and Specifications". Except where exempted under OAR 340-52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers shall be commenced until the plans and specifications are submitted to and approved by the Department. The permittee shall 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 shall 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 shall be transferred to a third party without prior written approval from the Director. The permittee shall 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 shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall 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 shall report any noncompliance which may endanger health or the environment. Any information shall 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 shall be called.

Outside of normal business hours, the Department shall be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission shall 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 shall 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 shall 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 shall report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports shall 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 shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall 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 shall promptly submit such facts or information.

8. Signatory Requirements

All applications, reports or information submitted to the Department shall 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.

10. Changes to Indirect Dischargers - **[Applicable to Publicly Owned Treatment Works (POTW) only]**

The permittee must provide adequate notice to the Department of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants and;
b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
c. For the purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of

effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

11. Changes to Discharges of Toxic Pollutant - **[Applicable to existing manufacturing, commercial, mining, and silvicultural dischargers only]**
The permittee must notify the Department as soon as they know or have reason to believe of the following:
    a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:
        (1) One hundred micrograms per liter (100 µg/l);
        (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
        (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
        (4) The level established by the Department in accordance with 40 CFR 122.44(f).

    b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
        (1) Five hundred micrograms per liter (500 µg/l);
        (2) One milligram per liter (1 mg/l) for antimony;
        (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
        (4) The level established by the Department in accordance with 40 CFR 122.44(f).

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. m^3/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 340-41.
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.