

**GENERAL PERMIT  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
STORMWATER DISCHARGE PERMIT**

Oregon Department of Environmental Quality  
811 SW Sixth Avenue, Portland OR 97204  
Telephone: (503) 229-5279 or 1-800-452-4011 (toll free in Oregon)

**Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act**

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**REGISTERED TO:**

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**SOURCES COVERED BY THIS PERMIT:**

Construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state. Also included are activities that disturb less than one acre that are part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more and may discharge to surface waters or conveyance systems leading to surface waters of the state. Oregon Administrative Rules (OAR) 340-045-0015 and 0033(5) require all owners or operators responsible for these sources to register under this permit or obtain an individual permit.

This permit does not authorize in-water or riparian work regulated by the Federal Clean Water Act Section 404 permit program. These types of activities are regulated by the Oregon Department of State Lands, U.S. Army Corp of Engineers, and the Department of Environmental Quality Section 401 certification program. Unless specifically authorized by this permit, by another National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facilities (WPCF) permit, or by OAR, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control (UIC) system.

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Lauri Aunan, Administrator  
Water Quality Division

Issued: December 28, 2005  
Expiration Date: November 30, 2010

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**PERMITTED ACTIVITIES**

Until this permit expires, is modified or revoked, the permit registrant is authorized to construct, install, modify, or operate erosion and sediment control measures and stormwater treatment and control facilities, and to discharge stormwater and certain specified non-stormwater discharges to surface waters of the state in conformance with all the requirements, limitations, and conditions set forth in the permit including attached schedules as follows:

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## **PERMIT REGISTRATION**

### **1. Renewal Requirements**

- a. Activities Registered Under the Previous 1200-C Permit (issued February 2001).
  - i. Permit registrants must submit a complete permit renewal application to the department prior to the permit expiration date of December 31, 2005 to ensure uninterrupted permit coverage under this permit for construction activities continuing beyond December 31, 2005.
  - ii. An Erosion and Sediment Control Plan (ESCP) submitted prior to December 31, 2005 is not required to be resubmitted to the department or Agent except as required in Schedule C.
  - iii. Permit registrants that do not submit a renewal application by the previous 1200-C expiration date must submit a new application for coverage under this permit and follow Condition 2 below.
- b. Renewal of Permit Registration under this Permit (December, 2005).
  - i. To maintain continuous permit registration during the renewal process, a permit registrant must submit a complete renewal application with a revised ESCP, if applicable, to the department 180 days prior to this permit expiration unless otherwise approved by the department.
  - ii. If the department fails to act on the application by the expiration date, permit registration is administratively extended until the department takes action on the application.
  - iii. If registration under the renewed permit is not required or appropriate, the department will notify the applicant.

### **2. New Construction Activities**

- a. Applicants seeking registration under this permit must:
  - i. Submit a complete department-approved application form with an ESCP that complies with the permit requirements to the department or Agent at least thirty (30) days prior to the planned soil disturbance unless otherwise approved by the department.
  - ii. Prior to beginning any soil disturbance activity, receive written notice from the department or Agent that permit registration has been approved.
- b. The department or Agent will register the applicant after the ESCP has been approved by the department or Agent. For construction activities that disturb five (5) or more acres, a public notice period is required as provided in Condition 4 below. The ESCP is approved when the department or Agent provides written notice of approval.
- c. If the application for registration is denied by the department or Agent, a construction activity cannot be registered under this permit, or if the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

### **3. Transfer of Permit Registration**

To transfer permit registration, an owner or permit registrant must submit a department-approved transfer form prior to permit expiration and prior to transfer of ownership or operation.

### **4. Public Review Period on Application and ESCP**

Permit registrants that submit an application and ESCP for construction activities that disturb five (5) or more acres after June 1, 2006 will be subject to a 14-day public review period before permit registration by the department or Agent. The public review period will begin after the department or Agent has determined that the application is complete.

**SCHEDULE A**  
**LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES**

**1. Water Quality Standards**

- a. The permit registrant must not cause a violation of instream water quality standards.
- b. If the permit registrant develops, implements, and revises its ESCP in compliance with Schedule A of this permit, the department assumes that the discharges authorized by this permit will not cause a violation of water quality standards unless the department obtains evidence to the contrary.
- c. In instances where the department determines that the permit registrant's stormwater discharges are causing a violation of water quality standards, the department may take enforcement action for violations of the permit and will require the permit registrant to do one or more of the following:
  - i. Develop and implement an Action Plan, which is considered an addendum to the ESCP, describing ESCP modifications that are necessary to prevent and control erosion and sediment discharges to meet water quality standards;
  - ii. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is meeting water quality standards; or
  - iii. Curtail stormwater pollutant discharges to the extent possible and submit an individual permit application.

**2. Water Quality Requirements for TMDL and 303(d) Listed Waterbodies**

In addition to other applicable requirements of this permit, if sediment or turbid water from a permit registrant's construction project has the potential to discharge into waterbodies that are listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that have an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity, the permit registrant must implement one of the two following sets of actions, in accordance with Schedule C.

- a. Option #1: Collect and analyze samples for turbidity in stormwater runoff from the construction site as required by Condition B.2. (p. 12) and compare the results to the benchmark value of 160 Nephelometric Turbidity Units (NTUs). The benchmark is used to determine if best management practices are effective; it is not an effluent limit. If any stormwater sample exceeds the benchmark, then the permit registrant must evaluate the best management practices (BMPs) and the adequacy of the ESCP and take corrective actions. If after such actions have been implemented and sample results still exceed the 160 NTU benchmark, the requirements of Option #2 below must be followed, and the permit registrant must submit an Action Plan to the department identifying the selected BMP(s) that will be implemented and the rationale for choosing the selected BMP(s).
- b. Option #2: In addition to the applicable BMPs required by Condition A.7., implement one or more of the following BMPs to control and treat sediment and turbidity:
  - i. Compost berms, compost blankets, or compost socks;
  - ii. Erosion control mats (rolled or blown);
  - iii. Tackifiers used in combination with perimeter sediment control BMPs;
  - iv. Established vegetated buffers sized at 50 feet plus 25 feet per 5 degrees of slope;
  - v. Water treatment by electro-coagulation, chemical flocculation, or filtration; or
  - vi. Other substantially equivalent sediment or turbidity BMP approved by the department.

The selected BMP(s) must be specifically identified in the ESCP as addressing this condition of the permit, and the rationale for choosing the selected BMP(s) must also be provided.

### 3. Performance Requirements

- a. Prevent Discharge of Significant Amounts of Sediment. The permit registrant must prevent the discharge of significant amounts of sediment to surface waters or conveyance systems leading to surface waters. Significant amounts of sediment result from the actions or inactions of the permit registrant at a site and result in visual indications that sediment has left or is likely to leave the site. The following conditions describe significant amounts of sediment:
  - i. Earth slides or mud flows;
  - ii. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered or settled to remove sediment;
  - iii. Turbid flows of stormwater that are not filtered or settled to remove turbidity;
  - iv. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to lack of maintenance or inadequate design are considered unprotected;
  - v. Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity; or
  - vi. Deposits of sediment from the construction site on any adjacent property outside of the permitted construction activity.
  
- b. Corrective Action. If significant amounts of sediment or turbidity (as described in A.3.a. above) are visibly detected in: 1) the discharge to a conveyance system leading to surface waters; 2) the discharge to surface waters 50 feet downstream; or 3) the discharge in surface waters at any location where more than one-half of the width of the receiving surface waters is affected, the permit registrant must:
  - i. Immediately, but no later than 24 hours after initial detection, take corrective actions or implement additional effective BMPs until the significant amounts of sediment or turbidity are no longer visually detectable and to ensure that the requirements of Conditions A.1. and A.3.a. are met.
  - ii. Evaluate the ESCP to determine the cause of the discharge.
  - iii. Document in the inspection records the corrective actions taken.
  - iv. Submit an Action Plan to the department within ten (10) calendar days of the discharge identifying the correction actions taken to cease the discharge, if such actions require a change to the ESCP or a change in the method(s) of implementing the ESCP, (e.g., increased inspection frequency). Approval of the Action Plan by the department prior to implementation of corrective actions is not required. The Action Plan must be kept onsite as per Condition B.3., p. 13.
  
- c. Authorized Stormwater Discharges. Subject to compliance with the terms and conditions of this permit, the permit registrant is authorized to discharge the following:
  - i. Stormwater associated with construction activity that is authorized by this permit.
  - ii. Stormwater from support activities at the construction site (e.g., concrete or asphalt operations, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
    - (1) The support activity is directly related to the construction site required to have NPDES permit coverage for discharges of stormwater associated with construction activity;
    - (2) The support activity is not a commercial operation serving multiple unrelated construction projects by different permit registrants, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
    - (3) Appropriate controls and measures are identified in an ESCP covering the discharges from the support activity areas.

- d. Allowable Non-Stormwater Discharges. This permit authorizes the following non-stormwater discharges to surface water provided they are identified in the ESCP and all necessary controls are implemented to minimize sediment transport:
- i. Discharges from fire-fighting activities;
  - ii. Fire hydrant and potable water flushing (refer to department guidance);
  - iii. Waters used to wash vehicles where detergents or hot water are not used;
  - iv. Potable water including uncontaminated water line flushing;
  - v. Routine external building wash down that does not use detergents or hot water;
  - vi. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents or hot water are not used;
  - vii. Uncontaminated air conditioning or compressor condensate;
  - viii. Construction dewatering activities;
  - ix. Foundation or footing drains where flows are not contaminated with process materials such as solvents; and
  - x. Landscape irrigation.

For other non-stormwater discharges, the permit registrant may ask the department to determine if another permit is needed. The disposal of wastes to surface water or onsite is not authorized by this permit. The permit registrant must submit a separate permit application for such discharges.

#### **4. Erosion and Sediment Control Plan (ESCP) and Action Plan Preparation and Submittal**

- a. Responsibilities of Permit Registrant. The permit registrant must ensure that an ESCP is prepared and revised as necessary for the construction activity regulated by this permit and submitted to the department or Agent as required by this permit.
- b. Qualifications to Prepare ESCP.
  - i. For construction activities disturbing 20 or more acres, the ESCP must be prepared and stamped by an Oregon Registered Professional Engineer, Oregon Registered Landscape Architect, or Certified Professional in Erosion and Sediment Control (Soil and Water Conservation Society).
  - ii. If engineered facilities such as sedimentation basins or diversion structures for erosion and sediment control are required, the ESCP must be prepared and stamped by an Oregon Registered Professional Engineer.
- c. Submittal of ESCP and if Required, Action Plans.
  - i. The permit registrant must submit the ESCP to the department or Agent prior to obtaining registration under this permit (see Permit Registration, Condition 2 of this permit, p. 2).
  - ii. If ESCP revisions are made after permit registration is approved, the permit registrant must submit revisions to the ESCP in the form of an Action Plan to the department, or if corrective actions are required by A.3.b., p. 4, within 24 hours of initial detection of the stormwater discharge.
    - (1) The Action Plan is considered an addendum to the ESCP.
    - (2) Approval of the Action Plan by the department prior to implementation of corrective actions is not required.
    - (3) An Action Plan may be required due to changes in the project design, local conditions, project schedule (e.g., schedule delays postpone earthwork to wet weather season so additional controls are needed), weather conditions or other appropriate reasons.
    - (4) The Action Plan must clearly identify any necessary changes (such as type or design) to the BMPs identified in the ESCP, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff.

- iii. If the permit registrant does not receive a response on the Action Plan from the department or Agent within ten (10) days of the Action Plan receipt, the proposed revisions are deemed approved.
- iv. The department or Agent may require the permit registrant to submit an Action Plan at any time if the ESCP is inadequate to prevent the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters. The permit registrant must submit the Action Plan according to the timeframe specified by the department or Agent.

## 5. ESCP Implementation

- a. The permit registrant must ensure that the ESCP is implemented for the construction activity regulated by this permit. Failure to implement any portion of the ESCP constitutes violation of the permit on the part of the permit registrant.
- b. The permit registrant must ensure that the ESCP is implemented according to the following sequence:
  - i. Before Construction.
    - (1) Identify, mark, and protect (by fencing off or other means) critical riparian areas and vegetation including important trees and associated rooting zones and vegetation areas to be preserved.
    - (2) Identify vegetative buffer zones between the site and sensitive areas (e.g., wetlands), and other areas to be preserved, especially in perimeter areas.
    - (3) Hold a pre-construction meeting of project construction personnel that includes the inspector required by Condition A.6.b. to discuss of erosion and sediment control measures and construction limits.
  - ii. During and After Construction.
    - (1) Site Access Areas (construction entrances, roadways, equipment parking areas, etc.).  
Stabilize site entrances and access roads prior to earthwork.
    - (2) Install Sediment Control Measures.  
Install perimeter sediment control, including storm drain inlet protection as well as all sediment basins, traps, and barriers which must be in place before vegetation is disturbed.
    - (3) Non-Stormwater Pollution Control Measures.  
Concurrent with establishing construction access controls and sediment controls, the permit registrant must establish material and waste storage areas, concrete truck and other concrete equipment washout areas and other non-stormwater controls prior to the start of construction activities.
    - (4) Runoff Control.  
Stabilize stream banks and construct the primary runoff control measures to protect areas from concentrated flows.
    - (5) Land Clearing, Grading and Roadways.
      - (a) Begin land clearing, excavation, trenching, cutting or grading after installing applicable sediment and runoff control measures.
      - (b) Provide appropriate erosion and sediment control BMPs for all roadways including gravel roadways.
      - (c) Install additional control measures as work progresses as needed.
    - (6) Surface Stabilization (temporary and permanent seeding, mulching).  
Apply temporary or permanent soil stabilization measures immediately on all disturbed areas as grading progresses.
    - (7) Construction and Paving (install utilities, buildings, paving, etc.).  
Erosion and sediment control measures must remain in place for the duration of construction, including protection for active storm drain inlets and appropriate non-stormwater pollution controls.

(8) Final Stabilization and Landscaping.

Provide permanent erosion prevention measures on all exposed areas and remove all temporary control measures as areas are stabilized.

**6. ESCP Elements**

The permit registrant must ensure that the ESCP contains the following elements:

- a. Local Government Requirements. Include any procedures necessary to meet applicable local government erosion and sediment control or stormwater management requirements.
- b. Inspections.
  - i. Inspections must be conducted by a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality, is knowledgeable in the correct installation of the erosion and sediment controls, and is able to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.
  - ii. Identify the person(s) or title and experience of the personnel that will conduct inspections. Provide the following for each person:
    - (1) Name;
    - (2) Contact phone number and, if available, e-mail address; and
    - (3) Description of experience and training.
- c. Narrative Site Description.
  - i. Nature of the construction activity, including a proposed timetable for major activities;
  - ii. Estimates of the total area of the permitted site and the area of the site that is expected to undergo clearing, grading or excavation;
  - iii. Nature of the fill material to be used, the insitu soils, and the erosion potential of such soils; and
  - iv. Names of the receiving water(s) for stormwater runoff.
- d. Site Map.
  - i. The site map kept on site must represent the actual BMP controls being used onsite, particularly those BMPs identified in the most recent Action Plan(s);
  - ii. The site map must show sufficient roads and features for the department or Agent to locate and access the site;
  - iii. Total property boundary including surface area of the development;
  - iv. Areas of total soil disturbance (including, but not limited to, showing cut and fill areas and pre and post development elevation contours);
  - v. Drainage patterns before and after finish grading;
  - vi. Location(s), size, and type of discharge point(s);
  - vii. Areas used for the storage of soils or wastes;
  - viii. Areas where vegetative practices are to be implemented;
  - ix. Location of all erosion and sediment control measures or structures;
  - x. Location of impervious structures after construction is completed. Include buildings, roads, parking lots, outdoor storage areas, etc., if any;
  - xi. Springs, wetlands and other surface waters located on-site;
  - xii. Boundaries of 100-year floodplains if determined and easily available;
  - xiii. Location of stormwater discharge points to receiving water(s) or stormwater conveyance systems if applicable;

- xiv. Location of storm drain catch basins and the location of catch basins with inlet protection, if applicable and a description of the type of catch basins used (e.g., curb inlet, field inlet, grated drain, combination, etc.);
- xv. Location of septic drain fields if applicable;
- xvi. Location of existing or proposed drywells or other UICs if applicable;
- xvii. Location of drinking water wells;
- xviii. Details of sediment and erosion controls including installation techniques; and
- xix. Details of detention ponds, storm drain piping, inflow and outflow details.

e. Implementation Schedule and Description of BMPs

Include in the ESCP the implementation schedule and description of BMPs to be used at the site. See Condition A.5. for implementation requirements and Conditions A.7. and A.8. for minimum BMP requirements.

## 7. Required BMPs

The following controls and practices, if appropriate for the site, are required in the ESCP and must be implemented according to the schedule in the ESCP. If the permit registrant determines that any of these controls or practices is not appropriate, the rationale for the change must be provided in the ESCP.

a. Wet Weather BMPs.

- i. Generally construction activities must avoid or minimize excavation and bare ground activities that occur on slopes greater than five (5) percent during the period of October 1 through May 31.
- ii. Temporary stabilization of soils must be installed at the end of the shift before a holiday or weekend if needed based on weather forecast.

b. Runoff Controls.

In developing runoff control practices, at a minimum the following BMPs must be considered: slope drains, energy dissipaters, diversion of run-on, temporary diversion dikes, grass-lined channel (turf reinforcement mats), trench drains, drop inlets, and check dams.

c. Erosion Prevention Methods.

In developing erosion prevention methods, at a minimum the following BMPs must be considered:

i. Clearing and Grading Practices.

- (1) Provide structural erosion prevention during grading and earthwork-surface roughening and prevent erosion on graded surfaces.
- (2) Top-soiling, temporary seeding and planting, permanent seeding and planting, mycorrhizae/biofertilizers, mulches, compost blankets, erosion control blankets and mats, soil binders, soil tackifiers, sodding vegetative buffer strips, and protection of trees with protective construction fences.

ii. Wind Erosion/Dust Control.

- (1) All erosion and sediment controls not in the direct path of work must be installed before any land disturbance.
- (2) Whenever practicable, clearing and grading must be done in a phased manner to prevent exposed inactive areas from becoming a source of erosion.

iii. Vegetative Erosion Control Practices.

- (1) Preserve existing vegetation and re-vegetate open areas when practicable before and after grading or construction.



- (2) Biotechnical erosion control measures: live staking, live fascines and brush wattles, stabilization mats, pole planting, brush box, fascines with sub-drains, live pole drains, and brush packing or live gully fill repair.
- (3) All temporary sediment control practices must not be removed until permanent vegetation or other cover of exposed areas is established.
- (4) If vegetative seed mix is used, identify the type of seed mix (percentages of the various seeds of annuals, perennials and clover).

d. Sediment Controls.

i. Peripheral Erosion and Sediment Controls.

- (1) Sediment control must be provided along the site perimeter and at all operational internal storm drain inlets at all times during construction.
- (2) Active inlets must be considered part of the site perimeter because they provide an avenue for sediment and other pollutants to leave the site.

ii. Erosion Control Practices.

In developing sediment control practices, include in the ESCP installation details and at a minimum the following must be considered: sediment fences, sand bag barrier, gravel bag berm, earth dikes, drainage swales, check dams, subsurface drains which daylight to the surface, pipe slope drains, rock outlet protection, sediment traps, rock and brush filters, compost berm/compost sock, fiber rolls/wattles, storm drain inlet protection, and temporary or permanent sedimentation basins.

iii. Reducing Sediment Tracking.

- (1) Prior to any land disturbing activities each site must have graveled, paved, or constructed entrances, exits and parking areas with exit tire wash to reduce the tracking of sediment onto public or private roads.
- (2) All unpaved roads located onsite must be graveled. Other effective erosion and sediment control measures either on the road or down gradient may be used in place of graveling.
- (3) When trucking saturated soils from the site, either water-tight trucks must be used or loads must be drained on-site until dripping has been reduced to minimize spillage on roads.

e. Non-Stormwater Pollution Controls.

Non-Stormwater Pollution Controls BMPs must be in-place throughout the grading and construction phases. In developing non-stormwater pollution control practices, at a minimum the following must be considered:

i. Pollution Prevention.

- (1) BMPs used to prevent pollution of stormwater or to treat stormwater from the following activities: dewatering and ponded water management, paving operation controls, temporary equipment bridge, illicit connection, and illegal discharge.
- (2) BMPs that will be used to prevent or minimize stormwater from being exposed to pollutants from spills, no discharge of concrete truck wash water, vehicle and equipment cleaning, vehicle and equipment fueling, maintenance, and storage, other cleaning and maintenance activities, and waste handling activities. These pollutants include fuel, hydraulic fluid, and other oils from vehicles and machinery, as well as debris, leftover paints, solvents, and glues from construction operations.

ii. Stockpile Erosion and Sediment Control Practices.

- (1) Stockpiles located away from the construction activity but still under the control of the permit registrant must also be protected to prevent significant amounts of sediment or turbid water from discharging to surface waters.
- (2) At the end of each workday the soil stockpiles must be stabilized, covered or other BMPs must be implemented to prevent discharges to surface waters.

- (3) In developing these practices, at a minimum the following must be considered: diversion of uncontaminated flows around stockpiles, use of cover over stockpiles, and installation of sediment fences around stockpiles
- iii. Solid Waste and Hazardous Materials Management.
  - (1) The department encourages the permit registrant to reuse and recycle construction wastes.
  - (2) Any use of toxic or other hazardous materials must include proper storage, application, and disposal.
  - (3) In developing these practices, at a minimum the following must be described in the ESCP and implemented where practical: written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures; regular maintenance schedule for vehicles and machinery; and material delivery and storage controls, training and signage, material use, covered storage areas for waste and supplies.
  - (4) The permit registrant must manage hazardous wastes, used oils, contaminated soils, concrete management, sanitary waste management, liquid waste management, or other toxic substances discovered or generated during construction activities in accordance with state and federal regulations. In some cases, department approval for management and disposal may be required.
- f. Inspection and Maintenance.

To provide for continued performance, BMPs must be inspected before, during, and after significant storm events. During grading and construction, the permit registrant is responsible for maintaining the stormwater pollution control BMPs. The permit registrant must establish and promptly implement procedures for maintenance and repair of erosion and sediment control measures.

  - i. General Site Maintenance.
    - (1) Significant amounts of sediment that leave the site must be cleaned up within 24 hours and placed back on the site and stabilized or disposed of properly. In addition, the source(s) of the sediment must be controlled to prevent continued discharge within 24 hours. Any instream clean up of sediment must be preformed according to requirements and timelines set by the Oregon Department of State Lands.
    - (2) Sediment must not be intentionally washed into storm sewers or drainage ways. Vacuuming or dry sweeping must be used to clean up released sediments.
    - (3) If fertilizers are used to establish vegetation, the application rates must follow manufacturer's guidelines and the application must be done in such a way to minimize nutrients discharging to surface waters.
  - ii. Maintenance of Erosion and Sediment Controls.
    - (1) For a sediment fence, the trapped sediment must be removed before it reaches one third of the above ground fence height.
    - (2) Other sediment barriers (e.g., biobags): the sediment must be removed before it reaches two inches of accumulation in any area above the sediment barrier(s).
    - (3) For catch basin protection, cleaning must occur when sediment retention capacity has been reduced by fifty percent.
    - (4) For a sediment basin, removal of trapped sediments must occur when design capacity has been reduced by fifty percent.
  - iii. Stormwater Treatment System Requirement.

If a stormwater treatment system (e.g., electro-coagulation, chemical flocculation, filtration, etc.) for sediment removal is employed, an operation and maintenance plan must be submitted to the department for approval before start up of the treatment system. Upon department approval of the plan, the permit registrant must implement the plan.

**8. Additional BMP Requirements During Inactive Periods**

- a. If all construction activities cease at the site for thirty (30) days or more, the entire site must be stabilized using vegetation or a heavy mulch layer, temporary seeding, or another method that does not require germination to control erosion.
- b. On any significant portion of the site, if construction activities cease for fifteen (15) days or more, temporary covering with straw or compost mulch or other covering that is tackified to prevent soil or wind erosion must occur until work resumes.

**SCHEDULE B  
 MINIMUM MONITORING REQUIREMENTS**

**1. Visual Monitoring Requirement**

- a. The following must be inspected by the permit registrant:
  - i. All areas of the site disturbed by construction activity to ensure that BMPs are in working order.
  - ii. Discharge point(s) identified in the ESCP for evidence of or the potential for the discharge of pollutants, and to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to surface waters. Where discharge points are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable.
  - iii. BMPs identified in the ESCP and any ESCP revisions documented in Action Plan(s) to assess whether they are functioning properly.
  - iv. Locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
  - v. Areas used for storage of materials that are exposed to precipitation for evidence of spillage or other potential to contaminate stormwater runoff.
  
- b. All ESCP controls and practices must be inspected visually according to the following schedule:

Site Condition	Minimum Frequency
1. Active period.	Daily when stormwater runoff, including runoff from snow melt, is occurring.
2. Prior to the site becoming inactive or in anticipation of site inaccessibility.	Once to ensure that erosion and sediment control measures are in working order. Any necessary maintenance and repair must be made prior to leaving the site.
3. Inactive periods greater than seven (7) consecutive calendar days.	Once every two (2) weeks.
4. Periods during which the site is inaccessible due to inclement weather.	If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location.

**2. Turbidity Monitoring Requirements for TMDL and 303(d) Listed Waterbodies per Option #1 in Condition A.2.a., p. 3**

In addition to the requirements in Condition B.1. above, permit registrants discharging into waterbodies that are listed for turbidity or sedimentation on the most recently EPA approved Oregon 303(d) list or have an established TMDL for sedimentation or turbidity are subject to the following requirements if Option #1 (Condition A.2.a.) is being followed:

Parameter	Minimum Frequency	Monitoring Points	Type of Sample <sup>1</sup>	Test Method <sup>2</sup>
Turbidity (NTU)	At a minimum one stormwater sample that represents the flow and characteristics of the stormwater discharge must be collected at each monitoring point on a weekly basis when stormwater runoff is detectable.	All stormwater discharge points indicated on the site map see A.6.d.xiii., p. 7.	Grab	Field turbidimeter

<sup>1</sup> Occurring during regular working hours at the construction site.

<sup>2</sup> The permit registrant must use sampling procedures, testing methods and turbidity meter calibration methods approved by the department.

### 3. Recordkeeping Requirements

- a. Documentation of Visual Inspection. All visual inspections must be documented in writing as follows:
  - i. Inspection date and inspector's name.
  - ii. At the designated discharge location(s) inspections of the quality of the discharge for any turbidity, color, sheen, or floating materials.
    - (1) Inspect and record color and turbidity or clarity in: 1) the discharge to a conveyance system leading to surface waters, 2) the discharge to surface waters 50 feet downstream, or 3) the discharge in surface waters at any location where more than one-half of the width of the receiving surface waters is affected.
    - (2) For turbidity and color, describe any apparent color and the clarity of the discharge, and any apparent difference in comparison with the surface waters. For a sheen or floating material, describe whether this is present or absent. If present, it could indicate concern about a possible spill or leakage from vehicles or materials storage.
  - iii. If a site is inaccessible due to inclement weather, record the inspections noted at a relevant discharge point or downstream location, if practical.
  - iv. Location(s) of BMPs that need to be maintained, inspections of all BMPs, including erosion and sediment controls, chemical and waste controls, locations where vehicles enter and exit the site, status of areas that employ temporary or final stabilization control, soil stockpile area, and non-stormwater pollution (e.g., paints, oils, fuels, adhesives) controls.
  - v. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
  - vi. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
  - vii. Corrective action required and implementation dates.
- b. ESCP including Action Plan(s) Retained Onsite. A copy of the ESCP and the Action Plan must be retained on-site and made available on request to the department, Agent, or the local municipality. During inactive periods of greater than seven (7) consecutive calendar days, the ESCP must be retained by the permit registrant but does not need to be at the construction site.
- c. Inspection and Monitoring Results. All inspection records and monitoring results must be kept on-site and maintained by the permit registrant, made available to the department, Agent, or local municipality upon request, and must include:
  - i. The construction site name as it appears on the registrant's permit and the file or site number.
  - ii. All Action Plans that describe reasons for required changes or modifications to the ESCP and/or other corrective measures implemented during the previous reporting period.
  - iii. Turbidity sampling results required by Condition B.2., p. 12 if applicable.
- d. Retention of Inspection and Monitoring Results for Three (3) Years.
  - i. All inspection records and monitoring results must be retained for at least three (3) years after project completion.
  - ii. In addition, these records must be delivered or made available to the department within three (3) working days of request.

### **SCHEDULE C COMPLIANCE SCHEDULE**

Potential discharges into waterbodies that are on the most recent EPA-approved Oregon 303(d) list for turbidity or sedimentation or have a TMDL for turbidity or sedimentation

**1. Permit registrants who obtained permit coverage prior to October 1, 2006 must:**

- a. For EPA-approved TMDLs or 303(d) listings existing at the time permit application is made, comply with the requirements in Condition A.2. by October 1, 2006.
- b. For future TMDLS or 303(d) listings approved by EPA after permit application is made, comply with the requirements in Condition A.2. no later than ninety (90) days after EPA-approval of the TMDL or 303(d) list.

**2. Permit registrants obtaining coverage after October 1, 2006 must:**

- a. For EPA-approved TMDLs or 303(d) listings existing at the time permit application is made, comply with the requirements of Condition A.2. upon obtaining coverage under the permit. If Option #2 is selected, the BMP(s) must be specifically identified in the ESCP as addressing this condition of the permit and the rationale for choosing the selected BMP(s) must also be provided.
- b. For future TMDLS or 303(d) listings approved by EPA after permit application is made, comply with the requirements in Condition A.2. no later than ninety (90) days after EPA-approval of the TMDL or 303(d) list.

## SCHEDULE D SPECIAL CONDITIONS

1. In the event of any inconsistency between Schedules A through D and F, Schedules A through D will apply.
2. Registration under this permit does not relieve the permit registrant from all other permitting and licensing requirements. Prior to beginning construction activities, the permit registrant must obtain all other necessary approvals.
3. **Required Actions Prior to Termination of Permit Registration**
  - a. The following conditions must be met before permit registration is terminated:
    - i. There is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters.
    - ii. Construction materials, waste, and temporary erosion and sediment controls have been removed and disposed of properly. This includes any sediment that was being retained by the temporary erosion and sediment controls.
    - iii. All soil disturbance activities by the permittee have been completed and all stormwater discharges from construction activities that are authorized by this permit are eliminated.
    - iv. All temporary erosion and sediment controls have been removed and properly disposed.
    - v. All disturbed or exposed areas of the site must be fully stabilized as defined in Condition D.4.m. below.
  - b. The permit registrant must complete and submit a Notice of Termination form to the department or Agent after the conditions in D.3.a. above have been satisfied. The department or Agent will not act on a request for termination until all outstanding compliance issues are resolved.
4. **Permit-specific Definitions**
  - a. *Action Plan* means an addendum to the ESCP that describes ESCP modifications.
  - b. *Agent* means a governmental entity that has an agreement with the department to assist with implementation of this general permit.
  - c. *Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, erosion and sediment control, source control, and operating procedures and practices to control site runoff, spillage or leaks, and waste disposal.
  - d. *Borrow Area* means the area from which material is excavated to be used as fill material in another area.
  - e. *Clean Water Act or CWA* means the Federal Water Pollution Control Act (FWPCA) enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et. seq.
  - f. *Department or DEQ* means the Oregon Department of Environmental Quality.
  - g. *Detention* means the temporary storage of stormwater to improve quality or reduce the volumetric flow rate of discharge or both.
  - h. *Dewatering* means the removal and disposal of surface water or groundwater for purposes of preparing a site for construction.
  - i. *Discharge Point* means the location where stormwater leaves the site. It includes the location where stormwater is discharged to surface water or a stormwater conveyance system.
  - j. *Erosion* means the movement of soil particles or rock fragments by water or wind.
  - k. *Erosion and Sediment Control BMPs* means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering,

filter fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

- l. *Erosion Prevention Methods* means a wide range of erosion prevention practices, materials and methods to be applied during earthwork activities including structural methods, techniques to prevent erosion on already graded surfaces, and biotechnical erosion control methods. The best way to control the discharge of sediment and related pollutants from a construction site is to prevent erosion from occurring in the first place.
- m. *Final Stabilization or Fully Stabilized* means the completion of all soil disturbing activities at the site by the permit registrant, and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measure(s) (such as riprap, gabions or geotextiles) to prevent erosion.
- n. *Hazardous Materials* means the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.
- o. *Local Government* means any county, city, town, or service district.
- p. *National Pollutant Discharge Elimination System or NPDES* means the national program under Section 402 of the Federal Clean Water Act for regulation of point source discharges of pollutants to waters of the United States.
- q. *Non-Stormwater Pollution Controls* means general site and materials management measures that directly or indirectly aid in minimizing the discharge of sediment and other construction related pollutants from the construction site.
- r. *Permit Registrant* means the owner or operator of the construction activity regulated by this permit who receives notice of registration under this general permit. Owners or operators may be individuals or other legal entities.
- s. *Pollutant* as defined in 40 CFR §122.2 means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt and industrial, municipal, and agricultural waste discharge into water. It does not mean sewage from vessels within the meaning of Section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under Section 404 of the FWPCA.
- t. *Pollution or Water Pollution* as defined by ORS 468B.005(3) 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 or to livestock, wildlife, fish or other aquatic life or the habitat thereof.
- u. *Runoff Controls* means BMPs that are designed to control the peak volume and flow rate and to prevent scour due to concentrated flows.
- v. *Sediment* means solid unconsolidated rock and mineral fragments that come from the weathering of rocks and are transported by water, air, or ice and form layers on the earth's surface. Sediments can also result from chemical precipitation or secretion by organisms.
- w. *Site* means the area where the construction activity is physically located or conducted.
- x. *Source Control BMPs* means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.
- y. *Stormwater Conveyance* means a sewer, ditch, or swale that is designed to carry stormwater; a stormwater conveyance may also be referred to as a storm drain or storm sewer.



- z. *Stormwater* as defined by 40 CFR §122.26(b)(13) means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- aa. *Surface Runoff* means that portion of stormwater that does not infiltrate into the ground or evaporates, but instead flows onto adjacent land or watercourses or is routed to stormwater conveyance systems.
- bb. *Surface Water* means all water naturally open to the atmosphere (e.g., rivers, lakes, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).
- cc. *Total Maximum Daily Load or TMDL* means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. Percentages of the TMDL are allocated by the department to the various pollutant sources. The TMDL calculations must include a "margin of safety" to ensure that the waterbody can be protected in case there are unforeseen events or unknown sources of the pollutant. The calculation must also account for seasonable variation in water quality.
- dd. *Turbidity* means the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTUs) measured with a calibrated turbidity meter.
- ee. *Underground Injection Control or UIC* means any system, structure, or activity that is created to place fluid below the ground or sub-surface (e.g., sumps, infiltration galleries, drywells, trench drains, drill holes, etc.).
- ff. *Water or Waters of the State* as defined by ORS 468B.005(8) means 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.

## SCHEDULE F NPDES GENERAL CONDITIONS

### SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permit registrant must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025, and 40 Code of Federal Regulations (CFR) §122.41(a), and is grounds for enforcement action; for permit termination, revocation or reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

ORS 468.140 allows the department to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. Additionally 40 CFR §122.41 (A) provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed \$25,000 per day for each violation.

Under ORS 468.943 and 40 CFR §122.41(a), unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000 imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

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

3. Duty to Mitigate

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

4. Duty to Reapply

If the permit registrant wishes to continue an activity regulated by this permit after the expiration date of this permit, the permit registrant must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit. The department 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, 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
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
- d. The permit registrant is identified as a Designated Management Agency or allocated a wasteload under a Total Maximum Daily Load (TMDL)
- e. New information or regulations
- f. Modification of compliance schedules
- g. Requirements of permit re-opener conditions
- h. Correction of technical mistakes made in determining permit conditions
- i. Determination that the permitted activity endangers human health or the environment
- j. Other causes as specified in 40 CFR §§122.62, 122.64, and 124.5

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

6. Toxic Pollutants

The permit registrant must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 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, nor does it authorize any injury to persons of property or invasion of any other private rights, nor any infringement of federal, tribal, state, or local laws or regulations.

8. Permit References

Except for effluent standards or prohibitions established under Section 307(a) of the Clean Water Act and OAR 340-041-0033 for toxic pollutants, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

9. Permit Fees

The permit registrant must pay the fees required by OAR 340-045-0070 to 0075.

## **SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. Proper Operation and Maintenance

The permit registrant must 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 permit registrant 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 that are installed by a permit registrant 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 permit registrant must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permit registrant 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 apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation or the diversion is due to nonuse of nonessential treatment units or processes at the treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes that causes them to become inoperable, or substantial and permanent loss of natural resources that 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 that occurred during normal periods of equipment downtime or preventative maintenance; and

(c) The permit registrant submitted notices and requests as required under General Condition B.3.c.

(2) The department may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the department 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 permit registrant knows in advance of the need for a bypass, a written notice must be submitted to the department at least ten days before the date of the bypass.

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

#### 4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permit registrant. 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. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance is not final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permit registrant who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permit registrant can identify the causes(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permit registrant submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and

(4) The permit registrant complied with any remedial measures required under General Condition A.3 hereof.

d. Burden of proof. In any enforcement proceeding, the permit registrant seeking to establish the occurrence of an upset has the burden of proof.

#### 5. Treatment of Single Operational Upset

For purposes of this permit, A Single Operational Upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that 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 upset 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 upset is a violation.

#### 6. Overflows from Stormwater Conveyance Systems (privately owned)

a. Definitions

(1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system 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 which causes it 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.

- 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 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 permit registrant 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 permit registrant must take such steps as are necessary to alert the public about the extent and nature of the discharge. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

8. Removed Substances

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

**SECTION C. MONITORING AND RECORDS**

1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and 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 may not be changed without notification to and the approval from the department.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than  $\pm 10$  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 may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

5. Reporting of Monitoring Results

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

6. Additional Monitoring by the Permit registrant

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

7. Averaging of Measurements

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

8. Retention of Records

The permit registrant must retain records of all monitoring information, including: all calibration, maintenance records, 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 department at any time.

9. Records Contents

Records of monitoring information must include:

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

10. Inspection and Entry

The permit registrant must allow the department or an authorized representative upon the presentation of credentials to:

- a. Enter upon the permit registrant'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 permit registrant must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR §122.41(i)(1). Except where exempted under OAR chapter 340, division 52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by the department. The permit registrant must give notice to the department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permit registrant must give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Transfers

This permit may be transferred to a new permit registrant 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 may be transferred to a third party without prior written approval from the department. The department may require modification, revocation, and reissuance of the permit to change the name of the permit registrant and incorporate such other requirements as may be necessary. The permit registrant must notify the department when a transfer of property interest takes place.

4. Compliance Schedule

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

5. Twenty-Four Hour Reporting

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

A written submission must also be provided within 5 days of the time the permit registrant becomes aware of the circumstances. Pursuant to ORS 468.959 (3) (a), if the permit registrant is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, delivered written notice must be made to the department or other agency with regulatory jurisdiction within 4 (four) calendar days of the time the permit registrant becomes aware of the circumstances. The written submission must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
- e. Public notification steps taken, pursuant to General Condition B.6

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

- a. Any unanticipated bypass that exceeds any effluent limitation in this permit.
- b. Any upset that exceeds any effluent limitation in this permit.
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by the department in this permit.
- d. Any noncompliance that may endanger human health or the environment.

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

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

7. Duty to Provide Information

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

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

8. Signatory Requirements

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

9. Falsification of Information

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. Additionally, according to 40 CFR §122.41(k)(2), 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 non-compliance shall, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

10. Changes to Discharges of Toxic Pollutant

The permit registrant must notify the department as soon as it knows or have reason to believe of the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that 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 that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that 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. Technology based permit effluent limitations means technology-based treatment requirements as defined in 40 CFR §125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
2. mg/l means milligrams per liter.
3. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
4. Month means calendar month.
5. Week means a calendar week of Sunday through Saturday.