Oregon
Theodore R. Kulongoski, Governor

Department of Environmental Quality
Northwest Region Portland Office
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Portland, OR 97201-4987
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23 January 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 0710 0000 1655 2625

Mr. Carlton Morris
US Army Corps of Engineers
Bonneville Lock and Dam
PO Box 150
Cascade Locks OR 97014

Re: NPDES Permit
File No. 112236
Bonneville Lock and Dam
Multnomah County

Dear Mr. Morris:

We have completed our review of your permit application and the comments received regarding the preliminary draft permit which was mailed to you for review 20 November 2007, and have issued the enclosed National Pollutant Discharge Elimination System Permit.

This permit will be considered the final action on permit application number 973830.

If you are dissatisfied with the conditions or limitations of this permit, you have 20 days to request a hearing before the Environmental Quality Commission or its authorized representative. Any such request shall be made in writing to the Director and shall clearly state the grounds for the request.

You are urged to carefully read the permit and take all possible steps to comply with conditions established.

Should you have any questions regarding this permit, please contact Elliot Zais at 503/ 229-5292.

Sincerely,

Beth Moore

Beth Moore, Acting Manager
Water Quality Source Control
Northwest Region

Enclosures: NPDES permit
cc: File

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

WASTE DISCHARGE PERMIT
Department of Environmental Quality
Northwest Region Office
2020 Southwest Fourth Avenue, Portland, OR 97201-4987
Telephone: (503) 229-5263

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

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ISSUED TO:

US Army Corps of Engineers
Bonneville Lock and Dam
PO Box 150
Cascade Locks, Oregon

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Oil/water separator discharge		
Stormwater	001	RM 145.2

PLANT TYPE AND LOCATION:

Hydroelectric dam

RECEIVING STREAM INFORMATION:

Basin: Sandy
Sub-Basin: Sandy
Stream: Columbia River
LLID: 1240483462464/RM141.4
County: Multnomah

EPA REFERENCE NUMBER: OR003435-5

Issued in response to Application No. 973830 received 19 October 2007

This permit is issued based on the land use findings in the permit record.

Beth Moore
Beth Moore, Acting Manager
Water Quality Source Control, Northwest Region

JAN 24, 2008
Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify or operate a waste water collection, treatment, control and disposal system and discharge to public waters adequately treated waste waters 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:

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Schedule A - Waste Discharge Limitations not to be Exceeded	2
Schedule B - Minimum Monitoring and Reporting Requirements	7
Schedule C - Compliance Conditions and Schedules	---
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Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge of waste is prohibited, including discharge to waters of the state or an underground injection control system.

SCHEDULE A
Waste Discharge Limitations not to be Exceeded After Permit Issuance Date

1. Waste Discharge Limitations not to be Exceeded After Permit Issuance Date

   a. Outfall Number 001 Oil water separator at Powerhouse I

Parameter	Limitation
Oil and grease	Shall not exceed 10 mg/L
pH	Shall be between 6.5 and 8.5

2. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR 340-041.

3. Stormwater Provisions

STORM WATER POLLUTION CONTROL PLAN

1. Preparation and Implementation of Stormwater Pollution Control Plan (SWPCP)

a) The permittee must ensure that the SWPCP contains the applicable information described in condition A.3.
b) The SWPCP must be prepared by a person knowledgeable in stormwater management and familiar with the facility.
c) The name of the person(s) preparing the SWPCP must be included in the plan.
d) The SWPCP must be signed and certified in accordance with 40 CFR § 122.22.
e) The SWPCP must be implemented according to conditions A.3 .c and Schedule C. Failure to implement any portion of the SWPCP constitutes a violation of the permit.
f) The SWPCP must be kept current and updated as necessary to reflect any changes in facility operation.
g) A copy of the SWPCP must be kept at the facility and made available upon request to government agencies responsible for stormwater management in the permittee's area.

2. SWPCP Revisions and Actions Plans

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

3. Required SWPCP Elements

a) **Title Page** - The title page of the SWPCP must contain the following information:
   i) Name of the site.
   ii) Name of the site operator or owner.
   iii) Site or file number as indicated on the permit.
   iv) Contact person's name and telephone number.
   v) Physical address, including county, and mailing address if different.

b) **Site Description** - The SWPCP must contain the following information:

i) A description of the industrial activities conducted at the site. Include a description of the significant materials (see condition D.3, Definitions) that are stored, used, treated or disposed of in a manner that allows exposure to stormwater. Also describe the methods of storage, usage, treatment 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 (piping, ditches, etc.);
(3) outline of the drainage area for each stormwater outfall;
(4) paved areas and buildings within each drainage area;
(5) areas used for outdoor manufacturing, treatment, storage, or disposal of significant materials;
(6) existing structural control measures for reducing pollutants in stormwater 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., and
(10) location of springs, wetlands and other surface waterbodies both on site and adjacent to the site.

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

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

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

vii) Identification of the discharge outfall(s) and the point(s) where stormwater monitoring will occur as required by Schedule B. If multiple discharge outfalls exist but will not all be monitored, include a description of the outfalls and data or analysis supporting that the outfalls are representative as described in condition B.2.b.

c) **Site Controls** - The permittee must develop, implement, and maintain the controls that are appropriate for the site. The purpose of these controls is to eliminate or minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater before it discharges to surface waters. In developing a control strategy, the permittee must include the following four (4) types of controls in the SWPCP and describe the specific components of each control:

i) *Stormwater Best Management Practices* - The permittee must employ the following types of best management practices that are appropriate for the site. A schedule for implementation of these practices must be included in the SWPCP if the practice has not already been accomplished. This schedule must be consistent with the requirements for implementing the SWPCP in Schedule C of this permit.

(1) Containment - All hazardous substances (see condition D.3, Definitions) must be stored within berms or other secondary containment devices to prevent leaks and spills from contaminating stormwater. If the use of berms or secondary containment devices is not possible, then hazardous substances must be stored in areas that do not drain to the storm sewer system.

(2) Oil and Grease - Oil/water separators, booms, skimmers or other methods must be employed to eliminate or minimize oil and grease contamination of stormwater discharges.

(3) Waste Chemicals and Material Disposal - Wastes must be recycled or properly disposed of in a manner to eliminate or minimize exposure of pollutants to stormwater. All waste contained in bins or dumpsters where there is a potential for drainage of stormwater through the waste must be covered to prevent exposure of stormwater to these pollutants. Acceptable covers include, but are not limited to, storage of bins or dumpsters under roofed areas and use of lids or temporary covers such as tarps.

(4) Erosion and Sediment Control - Erosion control methods such as vegetating exposed areas,

graveling or paving must be employed to minimize erosion of soil at the site. Sediment control methods such as detention facilities, vegetated filter strips, bioswales, or other permanent erosion or sediment controls must be employed to minimize sediment loads in stormwater discharges. For activities that involve land disturbance, the permittee must contact the local municipality to determine if there are other applicable requirements.

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

(6) Stormwater Diversion - Stormwater must be diverted away from fueling, manufacturing, treatment, storage, and disposal areas to prevent exposure of uncontaminated stormwater to potential pollutants.

(7) Covering Activities – Fixed fueling, manufacturing, treatment, storage, and disposal areas must be covered to prevent exposure of stormwater to potential pollutants. Acceptable covers include, but are not limited to, permanent structures such as roofs or buildings and temporary covers such as tarps.

(8) Housekeeping - Areas that may contribute pollutants to stormwater must be kept clean. Sweeping, litter pick-up, prompt clean up of spills and leaks, and proper maintenance of vehicles must be employed to eliminate or minimize exposure of stormwater to pollutants.

ii) *Spill Prevention and Response Procedure* - Permittee must include in the SWPCP methods to prevent spills along with clean-up and notification procedures. These methods and procedures must be made available to appropriate personnel. The required clean-up material must be on-site or readily available and the location of materials must either be shown on the site drawings or indicated in the text of the SWPCP. Spills prevention plans required by other regulations may be substituted for this provision providing that stormwater management concerns are adequately addressed.

iii) *Preventative Maintenance* - Permittee must include in the SWPCP a preventative maintenance program to ensure the effective operation of all stormwater best management practices. At a minimum the program must include:

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

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

(3) Cleaning, maintenance or repair of all materials handling and storage areas and all stormwater control measures, structures, catch basins, and treatment facilities as needed upon discovery. Cleaning, maintenance, and repair of such systems must be performed in such a manner as to prevent the discharge of pollution.

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

d) **Record Keeping and Internal Reporting Procedures -** Permittee must record and maintain at the facility the following information, which does not need to be submitted to the department or other government agencies, unless it is requested.

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

ii) Spills or leaks of significant materials (See condition D.3, Definitions) that impacted or had the potential to impact stormwater or surface waters. Include the corrective actions to clean up the spill or leak as well as measures to prevent future problems of the same nature.

ADDITIONAL REQUIREMENTS

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

5. **Discharges to Impaired Waterbodies -** If a Total Maximum Daily Load (TMDL) Order (see condition D.3, Definitions) is established and the discharge from a permitted source is assigned a waste load allocation or is required to meet other conditions in the TMDL Order, then an application for an individual or different general permit or other appropriate tools may be required to address the allocation or other requirements.

6. **Benchmarks -** Benchmarks are guideline concentrations, not limitations. They are designed to assist the permittee in determining whether their SWPCP is effectively reducing pollutant concentrations in stormwater discharged from the site. For facilities that are subject to federal limitations, benchmarks apply to only those pollutants that are not limited by the federal regulations. See condition A.7 for a list of facilities subject to federal limitations.

   The following benchmarks apply to each point source discharge of stormwater associated with industrial activity:

Parameter	Benchmark
Total Copper	0.1 mg/l
Total Lead	0.4 mg/l
Total Zinc	0.6 mg/l
pH	5.5 – 9.0 SU
Total Suspended Solids	130 mg/l
Total Oil & Grease	10 mg/l
Floating Solids (associated with industrial activities)	No Visible Discharge
Oil & Grease Sheen	No Visible Sheen

7. **Response to a Benchmark Exceedance**
   a) If a stormwater sampling result exceeds any of the benchmark values, the permittee must, within 30 calendar days of receiving the sampling results, investigate the cause of the elevated pollutant levels, review the SWPCP and submit an Action Plan for department approval.
   b) The purpose of this review is to determine if:
      i) The SWPCP is being followed;

ii) There are alternative methods for implementing the existing site controls identified in the SWPCP;

iii) The benchmark exceedance resulted from background or natural conditions not associated with industrial activities at the site; and

iv) Additional effective site controls are needed to address the parameters of concern.

c) The Action Plan must contain the following, unless condition A.9.d applies:

i) The results of the review;

ii) The corrective actions the permittee will take to address the benchmark exceedance; and

iii) An implementation schedule including alternative methods for implementing existing site controls or methods for implementing additional effective site controls, if the site controls have not already been implemented.

d) If the permittee believes that the benchmark exceedance resulted from natural or background conditions, the Action Plan must propose a sampling plan and methodology for demonstrating that the elevated pollutant levels are due to background or natural conditions.

e) If the department does not comment on the Action Plan within 10 business days of its receipt, it is deemed approved. The department's approval of the Action Plan does not constitute compliance with this permit.

f) Upon approval, the permittee must implement the corrective actions identified in the Action Plan within 60 calendar days, unless otherwise approved by the department.

g) If the department affirms the assertion that background or natural conditions contributed to the benchmark exceedance, the permittee is not required to make this demonstration again during the term of this permit.

8. **Benchmark Compliance Evaluation**

a) By June 30th of the 4th year of permit coverage, the permittee must evaluate the last four samples collected from each outfall monitored and determine whether the geometric mean of the samples exceeds benchmark(s). This condition is not applicable to a permittee with a monitoring waiver as described in condition B.3.

b) The permittee must report this information in a Discharge Monitoring Report (DMR) and submit the DMR to the department by July 31st of the 4th year of permit coverage as described in condition B.4.a.

c) If the geometric mean of the samples exceeds benchmark(s), the department may reopen the permit and propose a permit modification which will include effluent limits to replace the exceeded benchmarks.

SCHEDULE B
Minimum Monitoring and Reporting Requirements (unless otherwise approved in writing by the Department)

Outfall Number 001

Item or Parameter	Minimum Frequency	Type of Sample
Oil and grease	Continuously	In-line monitor
Oil and grease *	Daily	Visual observation
pH	Monthly	Grab
Temperature	Continuously	In-line monitor

* Observance of visible sheen shall trigger a response to boom or otherwise appropriately deal with the sheen and discover why it appeared.

STORMWATER MONITORING AND REPORTING REQUIREMENTS

1. **Minimum Monitoring Requirements -** The facility must monitor stormwater associated with industrial activity for the following:

GRAB SAMPLES OF STORMWATER*	
Parameter	**Frequency****
Total Copper	Four times per Year
Total Lead	Four times per Year
Total Zinc	Four times per Year
pH	Four times per Year
Total Suspended Solids	Four times per Year
Total Oil & Grease	Four times per Year

* For each outfall monitored, the permittee may collect a single grab sample or a series of equal volume grab samples. Samples must be collected from the same storm event.
** The permittee is allowed to collect more samples than the minimum frequency requires and must report this data.

VISUAL MONITORING OF STORMWATER	
Parameter	**Frequency**
Floating Solids (associated with industrial activities)	Once per Month (when discharging)
Oil & Grease Sheen	Once per Month (when discharging)

2. **Grab Sampling and Visual Monitoring Procedures and Locations -** The following requirements apply to monitoring conducted in compliance with condition B. 1 above.
   a) **Grab Sampling and Visual Monitoring Methodology -** The monitoring period is from July 1 to June 30th. Grab samples must be representative of the discharge and must be taken at least 14

calendar days apart. Two samples must be collected before December 31, and two samples must be collected after January 1. Time or flow-weighted compositing of samples may be used as an alternative to grab samples, except when monitoring for pH, oil and grease, and E. coli. Visual monitoring must occur at outfall(s) or discharge point(s) identified in the SWPCP as outfall(s) or point(s) where stormwater monitoring will occur.

b) **Multiple Point Source Discharges** - Each stormwater outfall must be monitored unless:

i) The outfall serves an area with no exposure of stormwater to industrial activities; or

ii) The outfall has effluent that is substantially similar to the effluent(s) of a monitored outfall and the same BMPs are implemented and maintained at the similar outfalls or drainage areas that lead to the outfalls. Substantially similar effluent(s) are discharges from drainage areas serving comparable activities where the discharges are expected to be similar in composition. The determination of substantial similarity or effluent(s) must be based on past monitoring or an analysis of industrial activities and site characteristics. The data or analysis supporting that the outfalls are representative must be included in the SWPCP as described in A.3.b.vii.

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

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

d) **Sampling Variance**

i) Permittee may request a sampling variance for missed samples if one of the following criteria is met:

a) State or federal authorities declared the year a drought year.

b) Demonstrate that rainfall in the area where the permittee's facility is located was 20% or more below the three-year average rainfall for that area.

c) Demonstrate to the department's satisfaction that samples were unable to be collected due to the infrequency of storm events of sufficient magnitude to produce run-off. Supporting data and analysis must be submitted to the department.

ii) Permittee must submit to the department a written request for a sampling variance by July 31st of the monitoring year in which the missed sampling occurred.

3. **Monitoring Waiver**

a) **Visual Observations** - There is no reduction allowed of the required visual observations.

b) **Grab Samples** - If at least four consecutive sampling results meet the benchmarks specified in condition A.8, the permittee is not required to collect grab samples for the remainder of the permit term. Where the permittee demonstrates to the department's satisfaction that a benchmark exceedance resulted from background or natural conditions as described in condition A.9, the department will consider these samples as meeting the benchmark(s) for the purposes of granting a monitoring waiver. There is no reduction in monitoring allowed f or facilities subject to CFR limitations as described in condition A.7.

i) Results from sampling events cannot be averaged to meet the benchmarks.

ii) Monitoring waivers may be allowed for individual parameters.

iii) The permittee must submit to the department a request to exercise the monitoring waiver that includes the analytical results from the four sampling events. If the department does not comment within 30 calendar days, the monitoring waiver is deemed approved.

c) **Revocation of Monitoring Waiver**

i) The permittee must conduct monitoring as specified in condition B. 1 if:

a) The department determines that prior monitoring efforts used to establish the monitoring waiver were improper or sampling results were incorrect;

SCHEDULE D
Special Conditions

1. Not later than 90 calendar days after issuance of this permit, USACOE must implement site controls identified in the SWPCP to meet the new permit requirements. Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

2. **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.

3. **Availability of SWPCP and Monitoring Data.** The Stormwater Pollution Control Plan (SWPCP) or stormwater monitoring data must be made available to government agencies responsible for stormwater management in the permittee's area.

4. **Definitions**

   a) *Action Plan* means an addendum to the SWPCP developed in response to modification to the SWPCP or in response to a benchmark exceedance.

   b) *Capital Improvements* means the following improvements that require capital expenditures:

      i) Treatment best management practices including but not limited to settling basins, oil/water separation equipment, catch basins, grassy swales, detention/retention basins, and media filtration devices.

      ii) Manufacturing modifications that incur capital expenditures, including process changes for reduction of pollutants or wastes at the source.

      iii) Concrete pads, dikes and conveyance or pumping systems utilized for collection and transfer of stormwater to treatment systems.

      iv) Roofs and appropriate covers for manufacturing areas.

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

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

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

   f) *Significant Materials* includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 10 1(14) of CERCLA; any chemical that a facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.

   g) *Site Controls* is analogous to Best Management Practices.

   h) *Stormwater Associated With Industrial Activity* includes, but is not limited to, stormwater discharges from the following:

      - Industrial plant yards
      - Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility

b) The department or permittee determines that changes to site conditions are likely to affect stormwater discharge characteristics, or

c) The department or permittee conducts additional monitoring and the sampling results exceed benchmark(s).

ii) The department will notify the permittee in writing if the monitoring waiver is revoked.

4. **Monitoring Reporting Requirements** - The permittee must submit the following:

a) Monitoring Data - The permittee must submit by July 31st of each year grab sampling and visual monitoring results for the previous monitoring period (July 1- June 30). The permittee must also report the minimum detection levels and analytical methods for the parameters analyzed. Non-detections must be reported as "ND" with the detection limit in mg/L parentheses, e.g., ND (0.005 mg/L). In calculating the geometric mean as described in condition A. 10, one-half of the detection limits must be used for non-detections.

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

product, by-product or waste product.)

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

i) *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.

j) *Total Maximum Daily Load (TMDL)* is the sum of the individual Waste Load Allocations (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and background. If a receiving water body has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit
The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the Clean Water Act, Oregon Revised Statutes (ORS) 468B.025, and 40 Code of Federal Regulations (CFR) Section 122.41(a), and grounds for an enforcement action. Failure to comply is also grounds for the Department to modify, revoke, or deny renewal of a permit.

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 permittee 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 permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply 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 permittee 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 reopener 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 permittee 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 permittee 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 and Other Legal Requirements
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or 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 340-041-0033for 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 permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance
The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that 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 that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense
For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions
(1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not 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 permittee 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 permittee 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 permittee must submit notice of an unanticipated bypass as required in General Condition D.5.

4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B.4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
(1) An upset occurred and that the permittee can identify the causes(s) of the upset;
(2) The permitted facility was at the time being properly operated;
(3) The permittee submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and

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

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

5. Treatment of Single Operational 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 Wastewater Conveyance Systems

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 permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

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

8. Removed Substances
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering 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 Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 part CFR 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

7. Averaging of Measurements
Calculations for all limitations 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 permittee 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 permittee must allow the Department or an authorized representative upon the presentation of credentials to:

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

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
The permittee must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (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 permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance
The permittee must give advance notice to the 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 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 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 permittee and incorporate such other requirements as may be necessary under the Clean Water Act (see 40 CFR Section 122.61; in some cases, modification or revocation and reissuance is mandatory). The permittee must notify the Department when a transfer of property interest takes place.

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

5. Twenty-Four Hour Reporting
The permittee must report any noncompliance 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 permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. Pursuant to ORS 468.959 (3) (a), if the permittee 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 permittee 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:

f. Any unanticipated bypass that exceeds any effluent limitation in this permit;
g. Any upset that exceeds any effluent limitation in this permit;
h. Violation of maximum daily discharge limitation for any of the pollutants listed by the Department in this permit; and
i. 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 permittee must report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports must contain:
a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

Other Information: When the permittee becomes aware that it 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 Section 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 permittee 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 Section 122.21(g)(7); or
   (4) The level established by the Department in accordance with 40 CFR Section 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 Section 122.21(g)(7); or
   (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).

SECTION E. DEFINITIONS

1. *BOD* means five-day biochemical oxygen demand.
2. *TSS* means total suspended solids.

3. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
4. *FC* means fecal coliform bacteria.
5. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
6. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR Section 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR Chapter 340, Division 41.
7. *mg/l* means milligrams per liter.
8. *kg* means kilograms.
9. m^3/d means cubic meters per day.
10. *MGD* means million gallons per day.
11. 24-hour *Composite sample* means a combination of at least six discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. Four (rather than six) aliquots should be collected for volatile organics analyses. The composite must be flow or time proportional, whichever is more appropriate. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
12. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
13. *Quarter* means January through March, April through June, July through September, or October through December.
14. *Month* means calendar month.
15. *Week* means a calendar week of Sunday through Saturday.