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

ISSUED: 11/16/2007 GEN12-Z COLUMBIA/NWR
File No: 106061 ORR0034690

ARMSTRONG WORLD INDUSTRIES, INC.
1645 Railroad Ave.
Saint Helens, OR97051-3100

Site: ARMSTRONG WORLD INDUSTRIES

SOURCES THAT ARE REQUIRED TO OBTAIN COVERAGE UNDER THIS PERMIT

Pursuant to 40 Code of Federal Regulation (CFR) §122.26(b)(14)(i - ix, xi) and OAR 340-045-0033(5), facilities identified in *Table 1: Sources Covered* on p. 3 below that may discharge stormwater from a point source to surface waters or to conveyance systems that discharge to surface waters. These facilities must complete the application and registration procedures to obtain coverage under the permit; see *Permit Coverage and Exclusion from Coverage* on p. 5 below.

Note:
1) Facilities may apply for conditional exclusion from the requirement to register for coverage under this permit if there is no exposure of industrial activities and materials to stormwater pursuant to 40 CFR §122.26(g); see *Permit Coverage and Exclusion from Coverage* on p. 5 below.

2) Sources meeting the description above, but that are excluded from this permit include: (i) Construction activities, asphalt mix batch plants, concrete batch plants and Standard Industrial Classification code 14, *Mining and Quarrying of Nonmetallic Minerals, Except Fuels*. These activities are regulated under separate general permits; and (ii) any source that has obtained a individual NPDES permit for the discharge.

Lauri Aunan , Administrator
Water Quality Division

Date: August 23, 2006

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permit registrant is authorized to construct, install, modify, or operate stormwater treatment or control facilities, and to discharge stormwater to public waters in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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| Permit Coverage and Exclusion From Coverage | | 5 |
| Schedule A - | Stormwater Pollution Control Plan, Additional Requirements, Limitations, and Benchmarks | 8 |
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Unless specifically authorized by this permit, by regulation issued by EPA, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control system.

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

| TABLE 1: SOURCES COVERED<br>Types of Industrial Sources required to obtain coverage under this permit. |
|---|
| Facilities with the following primary Standard Industrial Classification (SIC) codes:<br>10 Metal Mining<br>12 Coal Mining<br>13 Oil and Gas Extraction<br>20 Food and Kindred Products<br>21 Tobacco Products<br>22 Textile Mill Products<br>23 Apparel and Other Finished Products Made From Fabrics and Similar Material<br>24 Lumber and Wood Products, Except Furniture and 2491 Wood Preserving. (Activities with SIC 2411 Logging that are defined in 40 CFR §122.27 as silvicultural point source discharges are covered by this permit.)<br>25 Furniture and Fixtures<br>26 Paper and Allied Products<br>27 Printing, Publishing and Allied Industries<br>28 Chemicals and Allied Products (excluding 2874 Phosphate Fertilizer Manufacturing)<br>29 Petroleum Refining and Related Industries<br>30 Rubber and Miscellaneous Plastics Products<br>31 Leather and Leather Products<br>32 Stone, Clay, Glass, and Concrete Products<br>33 Primary Metal Industries<br>34 Fabricated Metal Products, Except Machinery and Transportation Equipment<br>35 Industrial and Commercial Machinery and Computer Equipment<br>36 Electronic and Other Electrical Equipment and Components, Except Computer Equipment<br>37 Transportation Equipment<br>38 Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks<br>39 Miscellaneous Manufacturing Industries<br>4221 Farm Product Warehousing and Storage<br>4222 Refrigerated Warehousing and Storage<br>4225 General Warehousing and Storage<br>5015 Motor Vehicle Parts, Used<br>5093 Scrap and Waste Materials |
| Facilities with the following primary SIC codes that have vehicle maintenance shops (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations:<br>40 Railroad Transportation<br>41 Local and Suburban Transit and Interurban Highway Passenger Transportation<br>42 Motor Freight Transportation and Warehousing (excluding 4221 Farm Product Warehousing and Storage, 4222 Refrigerated Warehousing and Storage, and 4225 General Warehousing and Storage)<br>43 United States Postal Service<br>44 Water Transportation<br>45 Transportation by Air<br>5171 Petroleum Bulk Stations and Terminals, except as provided in Note 1 below. |
| Facilities storing, transferring, formulating, or packaging bulk petroleum products or vegetable oils, except as provided in Note 1 below. |
| Steam Electric Power Generation including coal handling sites |
| Landfills, land application sites and open dumps (excluding landfills regulated by 40 CFR §445 that discharge "contaminated stormwater" (as defined by 40 CFR §445.2) to waters of the U.S.) |
| Hazardous Waste Treatment, Storage and Disposal Facilities [excluding hazardous waste landfills regulated by 40 CFR §445 that discharge "contaminated stormwater" (as defined by 40 CFR §445.2) to waters of the U.S.] |

| TABLE 1: SOURCES COVERED<br>Types of Industrial Sources required to obtain coverage under this permit. |
|---|
| Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, recycling, and reclamation of municipal or domestic sewage (including land dedicated to the disposal of sewage sludge that are located within the confines of the facility) with the design flow capacity of 1.0 mgd or more, or required to have a pretreatment program under 40 CFR §403. |

Note 1:
Permit registration is not required for a facility covered in Table 1 if discharges are only from:

a) Stormwater that contacts oil-filled electrical equipment in transformer substations that are equipped with properly functioning oil spill prevention measures such as containment areas or oil/water separators.
b) Stormwater that contacts petroleum product receiving or dispensing areas or product dispensing equipment from which product is dispensed to final users, whether or not the stormwater is treated by an oil/water separator.
c) Stormwater that collects in a secondary containment area at a petroleum product dispensing site, where the secondary containment area is associated with storage tanks from which product is dispensed only to final users, and the discharge from the containment area is treated by an oil/water separator.
d) Stormwater that collects in a secondary containment area at a bulk petroleum product storage site, where the total storage capacity at the site does not exceed 150,000 gallons, and the discharge from the containment area is treated by an oil/water separator. A site with multiple containment areas is considered a single site for determining total storage capacity.

## PERMIT COVERAGE AND EXCLUSION FROM COVERAGE

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

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

ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

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

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

4) **"No Exposure" Conditional Exclusion from Permit Coverage**
   a) An owner or operator that applies for a "no exposure" conditional exclusion from coverage under this permit must:
      i) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff, except as provided in the Environmental Protection Agency (EPA) *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on "No Exposure" of Industrial Activities to Stormwater* (EPA 833-B-00-001, June 2000). Storm resistant shelters with unsealed zinc or copper roofing materials are not eligible for the "no exposure" conditional exclusion.
      ii) Ensure that contaminated soil or materials from previous operations is not exposed.
      iii) Complete and sign a certification, on a form approved by the department, that there is no stormwater exposure to industrial materials and activities from the entire facility, except as provided in 40 CFR §122.26(g)(2). The EPA *Guidance Manual (*EPA 833-B-00-001) may be used to determine whether the no exposure criteria are met.
      iv) Submit the signed certification to the department or agent once every five years. If the department or agent does not comment on the "no exposure" certification within 30 days, the "no exposure" conditional exclusion is deemed approved. The department or agent may notify the applicant in writing or by email of its approval. The owner or operator must keep a copy of the certification on site and any notification of approval on site.
      v) Allow the department or agent to inspect the facility to determine compliance with the "no exposure" conditions, and allow the department or agent to make any "no exposure" inspection reports available to the public upon request.
      vi) Submit a copy of the "no exposure" certification to the municipal separate storm sewer system (MS4) operator (i.e., local municipality, district), upon their request, if facility discharges through an MS4; and allow inspection and public reporting by the MS4 operator.
   b) Limitations for obtaining or maintaining the exclusion:
      i) This exclusion is available on a facility-wide basis only, not for individual outfalls.

ii) If industrial materials or activities become exposed to rain, snow, snow melt, or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances must apply for and obtain permit coverage before the change of circumstances.

iii) The department or agent retains the authority to make a determination that the "no exposure" conditional exclusion no longer applies and require the owner or operator to obtain permit coverage.

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

## SCHEDULE A
## STORMWATER POLLUTION CONTROL PLAN

1. **Preparation and Implementation of Stormwater Pollution Control Plan (SWPCP)**
   a) The permit registrant 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 permit registrant's area.

2. **SWPCP Revisions and Actions Plans**
   a) After the permit registration is approved, if the permit registrant proposes to revise its SWPCP or the department or agent require revisions to the SWPCP, the permit registrant must clearly describe these revisions in an Action Plan.
   b) The Action Plan is considered an addendum to the SWPCP and must be prepared in compliance with condition A.1 above.
   c) Within 30 calendar days of making SWPCP revisions, permit registrant must submit an Action Plan to the department or agent for approval. If the department or agent 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) relative 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 permit registrant 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 permit registrant must include the following four (4) types of controls in the SWPCP and describe the specific components of each control:

i) *Stormwater Best Management Practices* - The permit registrant must employ the following types of best management practices that are appropriate for the site. 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 permit registrant 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* - Permit registrant must include in the SWPCP methods to prevent spills along with clean-up and notification procedures. These methods and procedures must be made available to appropriate personnel. The required clean-up material must be on-site or readily available and the location of materials must either be shown on 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* - Permit registrant must include in the SWPCP a preventative maintenance program to ensure the effective operation of all stormwater best management practices. At a minimum the program must include:

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

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

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

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

d) **Record Keeping and Internal Reporting Procedures** - Permit registrant must record and maintain at the facility the following information, which does not need to be submitted to the department, agent 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. **Non-Stormwater Discharges**
   a) The following non-stormwater discharges are authorized by this permit:
      i) Discharges from fire-fighting activities.
      ii) Fire hydrant flushings.
      iii) Potable water, including water line flushings.
      iv) Uncontaminated air conditioning condensate.
      v) Irrigation drainage.
      vi) Landscape watering, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions.
      vii) Pavement wash waters where no detergents or hot water are used, no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed), and surfaces are swept before washing.
      viii) Routine external building washdown that does not use detergents or hot water.
      ix) Uncontaminated ground water or spring water.
      x) Foundation or footing drains where flows are not contaminated with process materials.
      xi) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).
   b) Piping and drainage systems for interior floor drains and process wastewater discharge points must be separated from the storm drainage system to prevent inadvertent discharge of pollutants to waters of the state. Discharge from floor drains to the stormwater drainage system is a violation of this permit.
   c) Any other wastewater discharge or disposal, including stormwater mixed with wastewater, must be permitted in a separate permit, unless the wastewater is reused or recycled without discharge or disposal, or discharged to the sanitary sewer with approval from the local sanitary authority.

5. **Water Quality Standards**
   a) The permit registrant must not cause a violation of instream water quality standards as established in OAR 340-041.
   b) If the permit registrant develops, implements, and revises its SWPCP in compliance with Schedule A of this permit, the department presumes that the discharges authorized by this permit will comply with instream water quality standards unless the department obtains evidence to the contrary. Coincident samples of the discharge and at upstream and downstream locations in the receiving waterbody must be collected to establish a violation of an instream water quality standard is caused by the discharge.
   c) In instances where the department determines that the permit registrant's stormwater discharges are not complying with instream water quality standards, the department may take

enforcement action for violations of the permit and will require the permit registrant to do one or more of the following:

i) Develop and implement an Action Plan that describes additional effective BMPs to address the parameters of concern and their locations at the site;
ii) Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is meeting water quality standards; or
iii) Curtail stormwater pollutant discharges to the extent possible and submit an individual permit application.

6. **Discharges to Impaired Waterbodies** - 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.

**CODE OF FEDERAL REGULATION STORMWATER DISCHARGE LIMITATIONS**

7. **Effluent Limitations** - The permit registrant with the following activities must comply with the applicable limitations:

| CFR Industry | | Parameter | Limitation | |
|---|---|---|---|---|
| **Category** | **Subcategory** | | | |
| Cement manufacturing (40 CFR §411) | Materials storage piles runoff | pH | 6.0 - 9.0 SU | |
| | | Total Suspended Solids (TSS) | 50 mg/l | |
| Steam powered electric power generating (40 CFR §423) | Coal pile runoff | TSS | 50 mg/l, Daily Maximum | |
| Paving and roofing materials (tars and asphalt) (40 CFR §443) | Runoff from manufacturing of asphalt paving or roofing emulsion | Oil & Grease | 15 mg/l, Daily Maximum | 10 mg/l, 30 Day Average |
| | | pH | 6.0 - 9.0 SU | |

## STORMWATER DISCHARGE BENCHMARKS

8. **Benchmarks** - Benchmarks are guideline concentrations, not limitations. They are designed to assist the permit registrant 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 |
| E. coli** | 406 counts/100 ml |
| Floating Solids (associated with industrial activities) | No Visible Discharge |
| Oil & Grease Sheen | No Visible Sheen |

* See condition A.7 for list of facilities subject to federal limitations.

**The benchmark for E. coli applies only to landfills, if septage and sewage biosolids are disposed at the site, and sewage treatment plants.

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

d) If the permit registrant believes that the benchmark exceedance resulted from natural or background conditions, the Action Plan must propose a sampling plan and methodology for demonstrating that the elevated pollutant levels are due to background or natural conditions.
e) If the department or agent does not comment on the Action Plan within 10 business days of its receipt, it is deemed approved. The department or agent's approval of the Action Plan does not constitute compliance with this permit.
f) Upon approval, the permit registrant must implement the corrective actions identified in the Action Plan within 60 calendar days, unless otherwise approved by the department or agent.
g) If the department or agent affirms the assertion that background or natural conditions contributed to the benchmark exceedance, the permit registrant is not required to make this demonstration again during the term of this permit.

10. **Benchmark Compliance Evaluation**
a) By June 30th of the 4th year of permit coverage, the permit registrant must evaluate the last four samples collected from each outfall monitored and determine whether the geometric mean of the samples exceeds benchmark(s). This condition is not applicable to a permit registrant with a monitoring waiver as described in condition B.3.
b) The permit registrant must report this information in a Discharge Monitoring Report (DMR) and submit the DMR to the department or agent 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 will revoke the permit registrant's coverage under this permit and will require the permit registrant to apply for an individual permit pursuant to OAR 340-045-0033(10) and OAR 340-045-0060.

## SCHEDULE B
## MONITORING AND REPORTING REQUIREMENTS

1. **Minimum Monitoring Requirements** - All permit registrants must monitor stormwater associated with industrial activity 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 |
| E. coli*** | Four times per Year |

* For each outfall monitored, the permit registrant may collect a single grab sample or a series of equal volume grab samples. Samples must be collected from the same storm event.

** The permit registrant is allowed to collect more samples than the minimum frequency requires and must report this data.

***The monitoring for E. coli applies only to landfills, if septage and sewage biosolids are disposed at the site, and sewage treatment plants.

| 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, permit registrants must notify the department or agent and submit an Action Plan as described in condition A.2.c.

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

d) **Sampling Variance**

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

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

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

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

ii) Permit registrants must submit to the department or agent 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 permit registrant is not required to collect grab samples for the remainder of the permit term. Where the permit registrant demonstrates to the department or agent's satisfaction that a benchmark exceedance resulted from background or natural conditions as described in condition A.9, the department or agent will consider these samples as meeting the benchmark(s) for the purposes of granting a monitoring waiver. There is no reduction in monitoring allowed for 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 permit registrant must submit to the department or agent a request to exercise the monitoring waiver that includes the analytical results from the four sampling events. If the department or agent does not comment within 30 calendar days, the monitoring waiver is deemed approved.

c) **Revocation of Monitoring Waiver**

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

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

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

c) The department, agent or permit registrant conducts additional monitoring and the sampling results exceed benchmark(s).

ii) The department or agent will notify the permit registrant in writing if the monitoring waiver is revoked.

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

   a) **Monitoring Data** - The permit registrant must submit by July 31st of each year grab sampling and visual monitoring results for the previous monitoring period (July 1- June 30). The permit registrant 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 permit registrant must use a department-approved Discharge Monitoring Report (DMR) form for both visual and analytical monitoring results.

## SCHEDULE C
## COMPLIANCE CONDITIONS AND SCHEDULES

1. **An Existing Permit Registrant** that is either renewing or transferring coverage under the permit where there are no changes to operation or industrial type (for a facility operating under an NPDES stormwater discharge permit prior to July 1, 2007):

   a) Not later than 90 calendar days after renewing or transferring coverage under the permit, permit registrant must implement new site controls identified in the SWPCP to meet new permit requirements.

   b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of renewing or transferring coverage under this permit.

2. **A New Permit Registrant with an Existing Facility** (for a facility operating before July 1, 2007, without an NPDES stormwater discharge permit):

   a) Not later than 90 calendar days after obtaining permit coverage, the permit registrant must implement site controls identified in the SWPCP to meet the new permit requirements.

   b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

3. **A New Permit Registrant with a New Facility** (for a facility beginning operation after July 1, 2007 without an NPDES stormwater discharge permit):

   a) A permit registrant must begin implementation of the SWPCP before starting operations. Not later than 90 calendar days after obtaining permit coverage, the permit registrant must fully implement site controls identified in the SWPCP.

   b) Site controls that require capital improvements (see Schedule D.3, Definitions), must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

4. **A New Permit Registrant Discharging to Clackamas River, McKenzie River above Hayden Bridge (River Mile 15) or North Santiam River** (For potential or existing dischargers that did not have a permit prior to January 28, 1994, and existing dischargers that have a NPDES stormwater discharge permit but request an increased load limitation.)

   a) Not later than 180 calendar days after obtaining permit coverage, permit registrant must submit to the department a monitoring and water quality evaluation program. This program must be effective in evaluating the in-stream impacts of the discharge as required by OAR 340-041-0470.

b) Within 30 calendar days of department approval, the permit registrant must implement the monitoring and water quality evaluation program.

## SCHEDULE D
## SPECIAL CONDITIONS

1. **Releases in Excess of Reportable Quantities.** This permit does not relieve the permit registrant of the reporting requirements of 40 CFR §117 Determination of Reportable Quantities for Hazardous Substances and 40 CFR §302 Designation, Reportable Quantities, and Notification.

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

3. **Definitions**

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

   b) *Capital Improvements* means the following improvements that require capital expenditures:
      i) Treatment best management practices including but not limited to settling basins, oil/water separation equipment, catch basins, grassy swales, detention/retention basins, and media filtration devices.
      ii) Manufacturing modifications that incur capital expenditures, including process changes for reduction of pollutants or wastes at the source.
      iii) Concrete pads, dikes and conveyance or pumping systems 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 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.

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

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.

4. **Local Public Agencies Acting as the Department's Agent**
The department authorizes local public agencies to act as its agent in implementing this permit if they entered into a Memorandum of Agreement (MOA). The agent may be authorized to conduct the following activities, including but not limited to: application review and approval, inspections, monitoring data review, stormwater and wastewater monitoring, SWPCP review, and verification and approval of no-exposure certifications. Where the department has entered into such an agreement, the department or its agent must notify the permit registrant of where to submit no-exposure certifications, and other notifications or correspondence associated with this permit. Annual discharge monitoring reports, including analytical monitoring data and visual monitoring results, SWPCPs and Actions Plans must be submitted to both the department and the agent.

# SCHEDULE F
# NPDES GENERAL CONDITIONS – INDUSTRIAL FACILITIES

## 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 CFR 122.41(a) and is grounds for enforcement action; for permit termination, revocation, 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, modified by 40 CFR 19.4, provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed $32,500 per day of each violation.

Under ORS 468.943 and 40 CFR 122.41, modified by 40 CFR 19.4, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $32,500 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

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

3. Duty to Mitigate
The permit registrant must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the 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 to have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

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

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

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

The filing of a request by the permit registrant for a permit modification 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 Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit References
Except for effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

## SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance
The permit registrant must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the 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 which 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 include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
      (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

   b. Prohibition of bypass.
      (1) Bypass is prohibited unless:
         (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
         (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
         (c) The permit registrant submitted notices and requests as required under General Condition B.3.c.

(2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director determines that it will meet the three conditions listed above in General Condition B.3.b.(1).

c. Notice and request for bypass.
(1) Anticipated bypass. If the permit registrant knows in advance of the need for a bypass, it must submit prior written notice, if possible at least ten days before the date of the bypass.
(2) Unanticipated bypass. The 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. 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 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 Event
For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter must be treated as a single violation. A single operational event is an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational event does not include Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations
a. Definitions
(1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.
(2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.
(3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.

b. Prohibition of overflows. Overflows are prohibited unless:
(1) Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;
(2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and

(3) The overflows are the result of an upset as defined in General Condition B.4. and meeting all requirements of this condition.

c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.

d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled overflows must be reported orally to the Department within 24 hours from the time the 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 public waters, causing nuisance conditions, or creating a public health hazard.

## SECTION C. MONITORING AND RECORDS

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

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

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

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

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

6. Additional Monitoring by the Permit registrant
If the permit registrant monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR §136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data

submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

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

8. Retention of Records
Except for records of monitoring information required by this permit related to the permit registrant's sewage sludge use and disposal activities, which must be retained for a period of at least five years (or longer as required by 40 CFR §503), the permit registrant must retain records of all monitoring information, including all calibration and maintenance records of all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

9. Records Contents
Records of monitoring information must include:
   a. The date, exact place, time and methods of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

10. Inspection and Entry
The permit registrant must allow the Director, 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 Oregon Administrative Rules (OAR) 340, Division 052, "Review of Plans and Specifications". Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers must be commenced until the plans and specifications are submitted to and approved by the Department. The 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 Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers
This permit may be transferred to a new 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 must be transferred to a third party without prior written approval from the Director. 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 which may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the 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. If the permit registrant is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, and in which case if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission must contain:
a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected;
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
e. Public notification steps taken, pursuant to General Condition B.7.

The following must be included as information which must be reported within 24 hours under this paragraph:
a. Any unanticipated bypass which exceeds any effluent limitation in this permit.
b. Any upset which exceeds any effluent limitation in this permit.
c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

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

6. Other Noncompliance
The 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 which 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 failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

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

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

**SECTION E. DEFINITIONS**

1. BOD means five-day biochemical oxygen demand.
2. TSS means total suspended solids.
3. mg/l means milligrams per liter.
4. kg means kilograms.
5. $m^3/d$ means cubic meters per day.
6. MGD means million gallons per day.
7. Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
8. FC means fecal coliform bacteria.
9. Technology based permit effluent limitations means technology-based treatment requirements as defined in 40 CFR §125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
10. CBOD means five day carbonaceous biochemical oxygen demand.
11. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
12. Quarter means January through March, April through June, July through September, or October through December.
13. Month means calendar month.
14. Week means a calendar week of Sunday through Saturday.
15. Total residual chlorine means combined chlorine forms plus free residual chlorine.
16. The term "bacteria" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
17. POTW means a publicly owned treatment works.