



State of Oregon
Department of
Environmental
Quality

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Individual Permit
National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System
Phase II Individual Permit

Oregon Department of Environmental Quality
Stormwater Program
700 NE Multnomah St., Suite 600
Portland, OR 97232

Issued pursuant to Oregon Revised Statute 468B.050 and Section 402 of the Federal Clean Water Act

Issued to: City of Bend

Permit Number: 102901

File Number: 113602

Major Receiving Waterbodies: Deschutes River (approximately river mile 165)

Wasteload/Load Allocations (if any): There are no Total Maximum Daily Loads (TMDLs) that include Waste Load Allocations for urban stormwater for the Deschutes Subbasin at the time of permit issuance

Sources Covered By This Permit:

This permit covers all existing and new discharges of stormwater from the Municipal Separate Storm Sewer System (MS4) to waters of the state within the City of Bend, in accordance with the requirements, limitations and conditions set forth.

Christine Svetkovich
Water Quality Manager

December 15, 2021

Issuance Date:

January 1, 2022

Effective Date:

December 31, 2026

Expiration Date:

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge municipal stormwater to surface waters of the state only in conformance with the requirements, limitations and conditions set forth in the following schedules. Where conflict exists between specific conditions (found in Schedules A-D) and general conditions (Schedule F), the specific conditions supersede the general conditions.

Unless specifically authorized by this permit, by regulation issued by EPA, by another National Pollutant Discharge Elimination System permit, a Water Pollution Control Facilities permit, or by Oregon Administrative Rule, any other direct or indirect discharges to waters of the state are prohibited.

TABLE OF CONTENTS

SCHEDULE A - EFFLUENT LIMITATIONS, CONDITIONS, AND STORMWATER

MANAGEMENT PROGRAM	4
1. Authorized Discharges.....	4
a. Requirement to Reduce the Discharge of Pollutants.....	4
b. Water Quality Standards	4
c. Limitations of Coverage.....	5
d. Allowable Non-Stormwater Discharges	5
2. Permittee’s Responsibilities.....	6
a. Coordination Among Other Public Entities and Joint Agreements	6
b. Maintain Adequate Legal Authority	6
c. SWMP Document	7
d. SWMP Information and Metrics.....	7
e. SWMP Resources	7
f. Review and Modification of the SWMP Document	7
3. Stormwater Management Program Control Measures.....	8
a. Public Education and Outreach.....	8
b. Public Involvement and Participation	10
c. Illicit Discharge Detection and Elimination.....	11
d. Construction Site Runoff Control	16
e. Post-Construction Site Runoff for New Development and Redevelopment.....	18
f. Pollution Prevention and Good Housekeeping for Municipal Operations.....	22
SCHEDULE B - MONITORING AND REPORTING REQUIREMENTS	26
1. Compliance Evaluation	26
2. Annual Report.....	26
3. Monitoring Requirements	26
4. Submissions	27
5. Recordkeeping	28
a. Records Retention.....	28
b. Availability of Records	28
SCHEDULE C - COMPLIANCE CONDITIONS AND DATES.....	29
SCHEDULE D - SPECIAL CONDITIONS.....	30
1. Requirements for Discharges to Impaired Waterbodies	30
a. Applicability	30
b. Performance Measures.....	30
2. Definitions:	31
SCHEDULE F - NPDES PERMIT GENERAL (MS4).....	37

SCHEDULE A - EFFLUENT LIMITATIONS, CONDITIONS, AND STORMWATER MANAGEMENT PROGRAM

1. Authorized Discharges

Subject to the terms and conditions of this permit, the permittee is authorized to discharge municipal stormwater to surface waters of the state from its MS4, within the defined permit coverage area.

This permit also conditionally authorizes discharges from the permittee's MS4, which are categorized as allowable non-stormwater discharges in Schedule A.1.d.

a. Requirement to Reduce the Discharge of Pollutants

Pursuant to 40 CFR §122.34(a), the permittee must at a minimum develop, implement, adaptively manage and enforce a Stormwater Management Program (SWMP) designed to reduce pollutants from the MS4 to the maximum extent practicable, to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. This permit identifies the management practices, control techniques and system, and design and engineering methods necessary to meet this standard. Compliance with this permit and implementation of the DEQ-approved SWMP Document in accordance with Schedule A.2. establishes the MEP requirement, unless DEQ modifies the permit as provided in Oregon Administrative Rule (OAR) 340-045-0055 to require additional controls.

The permittee is responsible for compliance within their respective jurisdictions as identified in this permit, and are not responsible for compliance outside of their jurisdictions.

b. Water Quality Standards

Compliance with all permit requirements is deemed compliance with applicable water quality standards as established in OAR 340-041.

If the permittee or DEQ determines that a pollutant in the permittee's MS4 discharge is causing or contributing to an exceedance of an applicable water quality standard based on site-specific credible evidence, the permittee must take the following corrective actions:

- i. Within 48 hours of becoming aware of or being notified of the exceedance, the permittee must begin to investigate the cause of the exceedance;
- ii. Within 30 days of becoming aware of the exceedance, the permittee must notify DEQ in writing of the exceedance (for on-going or continuing exceedances, a single written notification will fulfill this requirement); and
- iii. Within 60 days of becoming aware of or being notified of the exceedance, the permittee must submit a report to DEQ that documents the following:
 - (A) The results of the investigation, including the date the exceedance was discovered or the date the permittee was notified by DEQ;
 - (B) A description of the conditions that are known or suspected to have caused or contributed to the exceedance; and
 - (C) Corrective actions taken or planned, including the date corrective action was completed or is expected to be completed.

DEQ will review the report submitted and either approve it or require modifications. The permittee must implement the corrective action(s) in accordance with the schedule approved by DEQ. DEQ may require a timeline and enforceable milestones for completion of the corrective action plan. The details of all corrective actions implemented associated with Schedule A.1.b.iii must be included in the subsequent annual report.

If the exceedance is due to an illicit discharge and the permittee confirms the required response per Schedule A.3.c.v (B) occurred, the requirements listed in Schedule A.1.b.i, ii and iii are not required, though the details of the illicit discharge and response must be included in the subsequent annual report.

If the permittee determines that the exceedance is already being addressed by actions associated with the implementation of a DEQ-approved Total Maximum Daily Load (TMDL) Implementation Plan, the permittee shall submit a report to DEQ with the next annual report that documents the following:

- i. The results of the investigation, including the date the exceedance was discovered;
- ii. A description of the conditions that are known or suspected to have caused or contributed to the exceedance; and
- iii. The applicable actions of the permittee's DEQ-approved TMDL Implementation Plan that were or are being implemented.

The details of all corrective actions implemented associated with Schedule A.1.b.iii must be included in the subsequent annual report.

c. Limitations of Coverage

The permit does not authorize:

- i. Stormwater discharges associated with industrial activities [as defined in 40 CFR §122.26(b)(14)] or stormwater associated with construction activities [as defined in 40 CFR §122.26(b)(14)(x) and (b)(15)]. Such discharges are regulated through DEQ's NPDES Industrial Stormwater General Permits and DEQ's NPDES Construction Stormwater General Permits; or another appropriate NPDES permit.
- ii. Stormwater discharges to underground injection control (UIC) systems.

d. Allowable Non-Stormwater Discharges

The permit does not authorize the discharge of non-stormwater from the MS4, except where such discharges satisfy one of the following conditions:

- i. The non-stormwater discharge is regulated under a separate NPDES permit.
- ii. The non-stormwater discharge originates from emergency firefighting activities.
- iii. The non-stormwater discharge is categorized as an authorized or allowable non-stormwater discharge listed below:
 - (A) Uncontaminated water line flushing.
 - (B) Landscape irrigation. For permittee owned or operated areas landscape irrigation will be considered allowable only if pesticides and fertilizers are applied in accordance with the manufacturer's instructions.
 - (C) Diverted stream flows.
 - (D) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers.
 - (E) Rising groundwaters.
 - (F) Uncontaminated pumped ground water.
 - (G) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
 - (H) Start up flushing of groundwater wells.
 - (I) Foundation, footing and crawlspace drains (where flows are not contaminated [i.e., process materials or other pollutant]).

- (J) Uncontaminated air conditioning or compressor condensate.
- (K) Irrigation water.
- (L) Springs.
- (M) Lawn watering.
- (N) Individual residential car washing.
- (O) Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).
- (P) Flows from riparian habitats and wetlands.
- (Q) Dechlorinated swimming pool discharges including hot tubs and decorative fountains (heated water must be cooled for at least 12 hours prior to discharge).
- (R) Fire hydrant flushing.
- (S) Street and pavement washwaters (provided that chemicals, soaps, detergents, steam or heated water are not used) The permittee should also consider requiring that areas to be washed first be swept prior to washing, and sweepings collected for proper disposal outside the MS4 system.
- (T) Routine external building wash-down (provided that chemicals, soaps, detergents, steam or heated water are not used).
- (U) Water associated with dye testing activity.
- (V) Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465.

If any of these allowable non-stormwater discharges are or become a significant source of pollutants, the permittee must prohibit that discharge or require implementation of appropriate BMPs to reduce the discharge of pollutants associated with the source before discharge to the MS4.

2. Permittee's Responsibilities

The permittee is responsible for permit compliance related to its permit coverage area, or where this permit requires the specific permittee to take an action.

a. Coordination Among Other Public Entities and Joint Agreements

- i. The permittee may work with or delegate implementation of one or more stormwater management program control measure to other regulated MS4's or entities. The permittee is responsible for compliance with any permit conditions that another entity fails to implement.
- ii. If a permittee elects to work with or delegate implementation of one or more SWMP control measures to another permittee or entity, there must be a written agreement between the permittee and the other entity memorializing the delegation. This agreement must be made available to DEQ upon request.

b. Maintain Adequate Legal Authority

No later than November 1, 2024 the permittee must adopt, update, and maintain adequate legal authority through ordinance(s), code(s), interagency agreement(s), contract(s), and/or other mechanisms to control pollutant discharges into and discharges from its MS4 and to implement and enforce the conditions of this permit, to the extent allowable pursuant to the respective authority granted under state law.

If existing ordinances or regulatory mechanisms are insufficient to meet the criteria required by this permit, the permittee must adopt new ordinances. If the permittee does not have the authority to adopt ordinances, the permittee must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable state law.

c. **SWMP Document**

The permittee must develop and maintain a written Stormwater Management Program Document (referred to as a SWMP Document), which describes in detail how the permittee implements the required control measures in this permit and reduce the discharge of pollutants. The SWMP Document must be maintained over the course of the permit term and must describe programs and BMPs or refer to publicly available documents detailing the permittee's schedules for implementation of any control measure components to be developed during the term of this permit. The SWMP Document is subject to approval by DEQ and is a requirement of this permit.

Documentation of the actions or activities required by this Permit or described in the SWMP Document must be submitted to DEQ upon request. If any requirement of this permit is being fulfilled by an agreement with another entity in accordance with Schedule A.2.a, the SWMP Document must describe how the requirement is being fulfilled and refer to or include any written agreements describing each party's role.

The permittee must make the first iteration of the SWMP Document available for public review prior to submission to DEQ, by at a minimum, posting to the publicly accessible website required in Schedule A.3.b.i. The SWMP Document is due to DEQ by November 1, 2023, after which DEQ will review and approve or require modification(s) of it. The final approved version of the SWMP Document must be made available to the public through the permittee's website. If DEQ notifies the permittee that changes to the SWMP Document are necessary pursuant to Schedule A.2.c or A.2.f, the notification will offer the permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. The permittee must implement the approved SWMP Document.

The DEQ-approved Stormwater Management Plan currently in effect at the time of this permit renewal should continue to be implemented until the updated SWMP Document has been approved by DEQ.

d. **SWMP Information and Metrics**

The permittee must track activities and document program implementation of the SWMP control measures (e.g., the number of inspections, enforcement actions, and/or types of public education actions, etc.), and cite relevant information and metrics, reflecting the specific reporting period, in each Annual Report. These metrics should be used by the permittee for adaptive management purposes, and where they indicate a trend of reduced effectiveness or performance (e.g., fewer citizens engaged by outreach efforts) the permittee is required to consider whether programmatic improvements can be made to reverse the trend.

e. **SWMP Resources**

The permittee must provide finances, staff, equipment and other support capabilities to implement the control measures and other requirements outlined in this permit.

f. **Review and Modification of the SWMP Document**

The permittee must continue to follow an adaptive management approach developed under the previous permit iteration in order to assess and modify, as necessary, any or all existing SWMP components and adopt new or revised SWMP components as necessary. The permittee may update actions and/or activities described in the approved SWMP Document for adaptive management purposes in accordance with the following procedures:

- i. Modifications that add elements to the approved SWMP document may be made by the permittee at any time. A description of any modifications shall be included in the annual report for that year.
- ii. Modifications to delete, adjust, or replace elements in the approved SWMP Document with an alternate action or activity may be made by the permittee at any time. Modification must

be supported by documentation to be submitted to DEQ with the subsequent annual report, which must include:

- (A) An analysis of why the original action or activity is ineffective, infeasible, or cost prohibitive;
- (B) Expectations on the effectiveness of the replacement action or activity; and,
- (C) An analysis of why the replacement action or activity is expected to better achieve the permit requirements.

3. Stormwater Management Program Control Measures

Until the SWMP Document required per Schedule A.2.c. is approved by DEQ, the permittee must continue to implement all existing SWMP control measures appropriate to their jurisdiction, and, after the effective date of the permit, must begin to revise their SWMP control measures, as needed, in order to implement any new control measure components required by this permit.

Table 1 identifies required due dates for new program control measures. DEQ may extend the due date(s) or implementation date(s) for any individual stormwater management plan control measure in the event of any extraordinary circumstances including but not limited to pandemic, wildfire, earthquake, flood or other natural disaster provided that the permittee requests an extension in advance and provides all documentation available regarding the specific impacts as to why the deadline cannot be met. In that circumstance, DEQ will respond to the extension request and will document any revised due date(s) when applicable.

Table 1. SWMP Control Measures Implementation Schedule

SWMP Control Measures	Implementation Deadline
Public Education and Outreach	November 1, 2023
Public Involvement and Participation	November 1, 2023
Illicit Discharge Detection and Elimination	November 1, 2023
Construction Site Runoff Control	November 1, 2024
Post-Construction Site Runoff for New Development and Redevelopment	November 1, 2025
Pollution Prevention and Good Housekeeping for Municipal Operations	November 1, 2024

a. Public Education and Outreach

The permittee must continue to implement a documented public education and outreach strategy to inform the public about the impacts of stormwater discharges on receiving waterbodies and the actions that they can take to reduce pollutants in stormwater runoff. The education and outreach strategy must identify pollutants of concern, the priority audience(s), specific education and/or activities, the entity or individual responsible for implementation, and be designed to address pollution from municipal stormwater within the permittee's communities. The strategy may incorporate elements of cooperative efforts undertaken with other regulated MS4s or efforts by

other groups or organizations and must be included in the SWMP Document directly or by reference and implemented no later than the due date of the SWMP Document.

i. Education and Outreach Program

The permittee's public education and outreach programs must include educational materials, activities and/or actions for the community. At a minimum, educational efforts should prioritize and focus on audience groups listed in Schedule A.3.a.iii, as applicable to the permittee's community and water quality concerns. The goal of the education and outreach program is to change the behaviors and practices by the public and the business community that cause or contribute to adverse stormwater impacts on receiving waters and to identify and remove barriers to adopting alternative behaviors and practices, if possible. The program should promote information and specific actions to:

- (A) Increase audience understanding of specific stormwater quality issues in the waterways of the community and which pollutants, products, and behaviors contribute to the problems;
- (B) Communicate and demonstrate how to reduce pollutant discharges in stormwater runoff;
- (C) Encourage participation by the public in the protection and enhancement of local waterways and wildlife, as well as responsibility in behaviors to prevent illicit discharge from entering the MS4 or impacting receiving waters; and,
- (D) Promote, publicize and facilitate reporting of illicit discharges.

To be considered adequate, the public education and outreach program must at a minimum include the activities in Schedule A.3.a.ii-iv below.

ii. Stormwater Education Activities

The permittee must contribute to, distribute, or offer educational messages and/or activities to or for the public at similar levels of effort as those associated with the previous permit.

Educational messages or activities may include printed materials (e.g., brochures or newsletters); electronic materials (e.g., social media, websites or e-newsletters); mass media (e.g., utility bill inserts, transit advertisements or signage in highly trafficked corridors, newspaper articles or public service announcements); workshops, or other educational events or formats.

The permittee may use existing materials if applicable. Giving consideration to the community's overall demographics and the prioritized audiences' demographics, the permittee must consider delivering messages in other languages and using other culturally relevant information and techniques to ensure diversity, equity and inclusion, as applicable.

iii. Priority Audiences and Topics

The permittee must at minimum, conduct, participate in, and/or contribute to education and outreach to the priority audiences identified below, as applicable to the permittee's community and water quality concerns. The permittee must focus efforts on conveying relevant messages using the priority topics identified below or stormwater issues of significance in their community.

- (A) Priority Audiences:
 1. General public (e.g., renters, homeowners, homeowner associations, youth, and other groups);
 2. Local elected officials, land use planners, engineers, developers, and/or employees of the permittee responsible for implementing the SWMP, as appropriate;
 3. Construction site operators (See Schedule A.3.a.iii.B.10 below);

4. Businesses; and,
5. Any other groups/entities as appropriate.

(B) Pollution Reduction Topics:

1. Impacts of illicit discharges on receiving waters and how to report them.
2. Appropriate practices or techniques to avoid adverse water quality impacts due to impervious surfaces.
3. BMPs for proper use, application, storage, and disposal of pesticides, herbicides, fertilizers, and other household chemicals.
4. BMPs to avoid or reduce discharge of litter and trash to the MS4 or surface waters.
5. BMPs for recycling programs.
6. BMPs to avoid discharges from power washing, carpet cleaning, and auto repair and maintenance.
7. Low-impact development and green infrastructure approaches.
8. Watershed awareness education, including how storm drains lead to local creeks and rivers, and potential impacts to fish and other wildlife.
9. Operation & Maintenance practices for privately owned stormwater quality management facilities.
10. Construction site control measures and BMPs, including information on where in-depth training on erosion prevention and sediment control can be obtained. Outreach to construction site operators must be conducted at least twice during the permit term.
11. Stormwater issues of significance identified by permittee.

iv. Tracking and Assessment

The permittee must describe the program in the SWMP Document and document implementation of the Public Education and Outreach requirements in each Annual Report. In each annual report, the permittee must summarize or report on metrics and/or tracking measures related to their implementation of the program (i.e., estimated number of members of each target audience reached with each educational activity or type of educational activity, measurable goals reached, etc.), as well as describe lessons learned and plans for the following year. Throughout the permit term, periodic reviews or assessments of the Public Education & Outreach program elements should be used to inform future stormwater education and outreach efforts in order to most effectively convey the educational material to the priority audience(s) and findings in the annual report.

b. Public Involvement and Participation

The permittee must continue to implement a public involvement and participation program that provides opportunities for effective public participation in the maintenance, further development, and/or adaptive management of the permittee's stormwater program. The permittee must comply with their public notice requirements, if any, when implementing a public involvement participation process.

i. Publicly Accessible Website

The permittee must maintain and promote a publicly accessible website with information on the permittee's SWMP implementation, the SWMP Document, contact information, and educational materials. The website must be maintained with current information, and be updated at least annually. The permittee's website must incorporate the following:

- (A) Illicit discharge complaint or report requirements (see Schedule A.3.c.v).

- (B) Drafts of documents listed in this permit as requiring public comment must be posted and available for public comment for a minimum of 30 days, and comments must be considered prior to final issuance. Final reports, plans and other documents relevant to the MS4 programs must also be posted, as appropriate.
- (C) Links to ordinances, policies and/or guidance documents related to the construction, post-construction, and commercial/industrial stormwater management control programs, including education, training, licensing, and permitting.
- (D) Contact information for relevant staff, including phone numbers, mailing addresses and email addresses.

ii. Stewardship Opportunity

The permittee must continue to create or partner in the development and/or implementation of stewardship opportunities to foster public involvement. The permittee shall provide at least two of the following stewardship opportunities in this permit term. The permittee may develop a more locally relevant equivalent:

- (A) Community watershed restoration or cleanup activities,
- (B) Storm drain marking or stenciling,
- (C) Volunteer monitoring,
- (D) Riparian plantings/facility enhancement,
- (E) Neighborhood low-impact development activities,
- (F) Adopt-A-Road or similar programs aimed at green infrastructure vegetation management,
- (G) Clean up events associated with waterways,
- (H) Community advisory committee, or
- (I) Other locally relevant opportunities.

iii. Tracking and Assessment

The permittee must describe the programs in the SWMP Document and document implementation in each Annual Report. In each corresponding Annual Report, the permittee must summarize or report on metrics or tracking measures related to implementation of the program.

c. **Illicit Discharge Detection and Elimination**

The permittee must continue to implement and enforce a comprehensive program to detect and eliminate illicit discharges into the MS4, to the extent allowable by state laws. In addition, the permittee must continue to implement procedures to prevent, contain, and respond to spills, as well as seepage from sanitary sewer system, which may discharge into the MS4 in accordance with all applicable federal and state laws, including proper notification to the Oregon Emergency Response System (OERS). An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Conditional exceptions are identified in Schedule A.1.d. Procedures and processes required below must be documented or referenced in the SWMP Document.

i. MS4 Map

(A) MS4 Map and Digital Inventory

The permittee must continue to maintain and update a current map of their MS4. The MS4 map may be a web-based or digital inventory and must include the location of outfalls and an outfall inventory, conveyance system and structural stormwater control locations, and chronic illicit discharges (see Schedule A.3.c.i.B-D, below), as well as

annual dry-weather priority screening sites as designated under Schedule A.3.c.v (Dry Weather Screening Program). The permittee must delineate its MS4 by storm sewer drainage basin or catchment area, as appropriate, and identify the location and characteristics of any ongoing dry weather flows.

(B) Outfall Inventory

The permittee must maintain inventories of all the known outfall locations, owned or operated by the permittee. The outfall location must include a unique identifier (e.g., alphanumeric code identifier), any geographic information (e.g., streets, manholes, or milepost markers) necessary to locate these outfalls in the field, and the name(s) of the receiving water(s). To the extent data are available, the permittee should include outfall characteristics such as presence of dry weather flows and details of the collection area for each (e.g., approximate acreage and relative proportions of land uses contributing to the outfall, impervious area contributing stormwater, tree cover, etc.).

(C) Conveyance System and Stormwater Control Locations

The permittee must continue to maintain maps of the MS4 collection system and all known structural stormwater controls. Where applicable, features must include a unique identifier (e.g., alphanumeric code identifier) and any geographic information (e.g., streets, manholes, or milepost markers) necessary to locate these features in the field.

(D) Chronic Illicit Discharges

The permittee must include the location(s) of known of chronic illicit discharge(s), as necessary for ongoing investigations or repeat/recurring issues in dense areas or commercial districts, for example, as applicable.

The permittee must submit or provide access to their complete and updated MS4 map that includes the appropriate descriptions with the initial SWMP Document no later than November 1, 2023, and thereafter must make map(s) and digital inventories available to DEQ upon request.

ii. Ordinance and/or Other Regulatory Mechanisms

The permittee must continue to prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Schedule A.1.d) through enforcement of an ordinance or other regulatory mechanism, to the extent allowable under state law. The permittee must implement appropriate enforcement procedures and actions to ensure compliance. The ordinance or other regulatory mechanism must also define the range of illicit discharges it covers including, but not limited to the following:

- (A) Septic, sewage, and dumping or disposal of liquids or materials other than stormwater into the MS4;
- (B) Discharges of washwater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
- (C) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
- (D) Discharges of washwater from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;
- (E) Discharges of washwater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas (including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or

- drinking areas, etc.) where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- (F) Discharges of runoff from material storage areas, which contain chemicals, fuels, grease, oil, or other hazardous materials from material storage areas;
 - (G) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
 - (H) Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other landscape or construction-related wastes;
 - (I) Discharges of trash, paints, stains, resins, or other household hazardous wastes; and
 - (J) Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin washwater, etc.).

iii. Enforcement Procedures

The permittee must continue to implement their enforcement and response procedures as developed under the previous permit. The SWMP Document must describe or reference the enforcement and response procedures. The procedures should describe how repeat violations are addressed; the timelines for compliance and consider factors such as the amount and type of pollutant discharged, and whether the discharge was intentional or accidental, if known, and whether the discharge could have been prevented.

iv. Program to Detect and Eliminate Illicit Discharges

At a minimum, the permittee's program to detect and eliminate illicit discharges must include the following activities:

(A) Illicit Discharge Complaints or Reports

The permittee must publicize a phone number, webpage, and/or other communication channel that the public can use to report illicit discharges. The complaint/reporting communication channel must be answered or responded to by trained staff during normal business hours and must include a system to record or capture incoming complaints or reports during non-business hours.

(B) Response to Complaints or Reports

The permittee must respond to all complaints or reports of illicit discharges that have the potential to impact receiving waters through the MS4s. For discharges, including spills, which constitute a threat to human health, welfare, or the environment, the permittee must respond within 24 hours or as soon as possible after becoming aware of it if notified during weekends or after hours. Spills, or other illicit discharges, that may endanger human health or the environment must be reported in accordance with all applicable federal and state laws, including notification to the OERS (at 800-452-0311). For all other reports of illicit discharges, the permittee must respond within an average of two working days, and no greater than four working days.

The permittee's complaint response and the associated investigation must at minimum, use the following timelines:

1. Initial Investigation or Evaluation

Conduct an initial investigation or evaluation within five working days or refer the complaint to the appropriate agency.

2. Ongoing Illicit Discharges

If the elimination of the illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the permittee must, within 20

working days of source identification, develop and begin implementation of an action plan to eliminate the illicit discharge in an expeditious manner.

Upon confirmation of an illicit connection, the permittee must use the Enforcement Procedures in a documented effort to eliminate the illicit connection within six months, unless otherwise approved by DEQ, to the extent allowable under state law. All known illicit connections to the MS4 must be eliminated.

3. Ongoing Illicit Discharges involving Capital Improvements

If the elimination of the illicit discharge involves the repair or replacement of the permittee's wastewater or storm sewer conveyance systems or other capital improvements, the permittee must remove the source of the illicit discharge within three years of the date of its identification.

(C) Notification of Other Authorities

If the illicit discharge originates from or discharges to outside the permittee's jurisdictional authority, the permittee must notify the proper jurisdictional authority as soon as practicable, and at least within one working day of becoming aware of the illicit discharge.

(D) Complaints Tracking

The permittee must continue to maintain a procedure or system to document all complaints or reports of illicit discharges into and from the MS4, and all associated investigation activities. The tracking system must be described in the SWMP Document, and complaint tracking information from each prior year must be summarized in each Annual Report.

v. Dry Weather Screening Program

The permittee must continue to conduct dry weather screening for priority outfalls annually. The permittee must conduct dry weather screening of at least 50% of their MS4 outfalls no later than September 30, 2023. The permittee must conduct dry weather screening at an additional 25% of their outfalls each year after. The permittee must review and update the prioritization criteria for dry weather screening locations as described below by the third year Annual Report, and if necessary as specified in Schedule A.2.f, report on criteria and procedures in an update to the SWMP Document. The annual field screening must include a portion or all of the permittee's identified priority locations and include a process for information sharing with maintenance staff responsible for the programs required under Schedule A.3.f.iii (Good Housekeeping and Pollution Prevention for Municipal Operations: Inspection, Maintenance, and Cleaning). The dry-weather field screening activities should occur after an antecedent dry period of at least 72-hours. The dry-weather field screening activities must be documented and include:

(A) Annual Field Screening of Priority Locations

Priority locations must, when possible, be located at an accessible location downstream of any source of suspected illegal or illicit activity or location as identified by the permittee. Priority location designations must be based on analyses of risk of potential for illicit discharge(s), accounting for factors such as hydrological conditions, percent of impervious surface area, total drainage area of the location, population density of the location, infrastructure access density, traffic density, development age (age of the infrastructure and structures or buildings in the area), history of the area, land use types, personnel safety, accessibility, historical complaints or other appropriate factors as identified by the permittee. Priority field screening locations must also be identified on the MS4 mapping and digital inventory when the

assessment is complete, and may change based on the above criteria if new information comes to light or if a new analysis is conducted.

(B) General Observations

General observations must include visual presence of flow, turbidity, oil sheen, trash, debris or scum, condition of conveyance system or outfall, color, odor and any other relevant observations related to the potential presence of non-storm water or illicit discharges.

(C) Field Screening and Analysis

If flow is observed, and the source is unknown, a field investigation must be conducted to determine the cause of the dry-weather flow. The field investigation procedures must consider sampling for pollutant parameters that are likely to be found based upon the suspected source of discharge or by other effective investigatory approaches or means to identify the source or cause of the suspected illicit discharge. Field screening pollutant parameter action levels, identified by the permittee in response to previous permit requirements and updated as necessary, must be considered where appropriate.

(D) Pollutant Parameter Action Levels

The permittee must continue to utilize pollutant parameter action levels as part of the field screening. The pollutant parameter action levels and rationale must be documented in an enforcement response plan (or similar document) and included or linked/referred to in the SWMP Document. Indicator constituents used by the permittee's procedures may include but need not be limited to the following: pH, total chlorine, turbidity, temperature, conductivity, easily tested-for indicators of human waste, and sensory indicators (odor, color, sheen, visible suds or other floatables, etc).

The permittee must include the Pollutant Parameter Action Levels or associated Monitoring Plan by inclusion or reference in the SWMP Document.

(E) Laboratory Analysis

If general observations and field screening indicate an illicit discharge and the presence of a suspected illicit discharge cannot be identified through other investigatory methods, the permittee must collect a water quality sample for laboratory analyses for ongoing discharges. The water quality sample must be analyzed for pollutant parameters or identifiers that will aid in the determination of the source of the illicit discharge. The types of pollutant parameters or identifiers may include, but are not limited to genetic markers, industry-specific toxic pollutants, or other pollutant parameters that may be specifically associated with a source type.

vi. Illicit Discharge Detection and Elimination Training and Education

The permittee must ensure that all persons responsible for investigating and eliminating illicit discharges and illicit connections into the MS4 are appropriately trained to conduct such activities. All staff directly responsible for conducting dry weather screening activities or responding to reports of illicit discharges and spills into the MS4 must be properly trained to conduct such activities, and training strategies and frequencies for staff must be documented and included or referenced in the SWMP Document.

vii. Tracking and Assessment

The permittee must track implementation of the IDDE program requirements. In each corresponding Annual Report, the permittee must summarize or report on metrics or tracking measures related to implementation of the program. The Annual Report should

include updates regarding any capital improvements needed or implemented associated with the IDDE program.

d. Construction Site Runoff Control

The permittee must implement and enforce a construction site runoff control program to reduce discharges of pollutants from construction sites in its coverage area. The permittee must continue to implement their construction site runoff program which includes maintaining the current thresholds, as they develop, and implement the requirements of Schedule A.3.d. The permittee must describe or refer to full documentation of its programs in the SWMP Document.

i. Ordinance and/or Other Regulatory Mechanism

Through ordinance or other regulatory mechanism, to the extent allowable under state law, the permittee must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects from initial clearing through final stabilization to reduce pollutants in stormwater discharges to the MS4 from construction sites.

The permittee must require construction site operators to complete and implement an Erosion and Sediment Control Plan (ESCP) for construction project sites that result in a minimum land disturbance of 5,000 square feet or more

The permittee must use appropriate enforcement procedures and actions to ensure compliance with Schedule A.3.d.ii-vi, below.

ii. Compliance with Other NPDES Permits

For construction projects that disturb one or more acres (or that disturb less than one acre, if it is part of a “common plan of development or sale” disturbing one or more acres), the permittee must refer project sites to DEQ, or the appropriate DEQ agent, to obtain NPDES Construction Stormwater Permit coverage. The NPDES Construction Stormwater General Permit requirements are in addition to the permittee’s construction site runoff control requirements identified in this permit (Schedule A.3.d.iv).

iii. Erosion and Sediment Control Plans

The permittee must continue to maintain written specifications that address the proper installation and maintenance of erosion and sediment controls during all phases of construction activity occurring in their coverage area. The written specifications must include an ESCP template, worksheet, checklist, or similar document for construction site operators to document how erosion, sediment, and waste material management controls for non-stormwater wastes (e.g., discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste) will be implemented and maintained at the construction project site. At a minimum, through ordinance or other regulatory mechanism the permittees must:

- (A) Provide the construction site operator an ESCP template prior to commencement of construction/land disturbance;
- (B) Require construction site operator to complete a site-specific ESCP prior to commencement of construction/land disturbance;
- (C) Require the ESCP be maintained and updated as site conditions change, or as needed; and
- (D) Require ESCPs to be kept on site and made available for review by the permittee, DEQ, or another administrating entity.

The ESCP must, at a minimum consist of sizing criteria, performance criteria, design specifications, and guidance on selection and placement of controls, and specifications for long term operation and maintenance, including appropriate inspection interval and self-inspection checklists for use by the construction site operator.

iv. Erosion and Sediment Control Plans Review

At a minimum, the permittee must review ESCPs from construction projects that will result in land disturbance of 5,000 square feet using a checklist or similar document to determine compliance with the ordinance or other regulatory mechanism required.

ESCP review procedures must include consideration of the construction activities' potential water quality impacts, and remain in accordance with applicable state and local public notice requirements.

v. Construction Site Inspections

The permittee must inspect construction sites to ensure compliance with Schedule A.3.d.iii-iv.

(A) Minimum Triggers for Inspection

At a minimum, the permittee must inspect construction sites if:

1. The construction activity will result in land disturbance of 5,000 square feet
Each site must be inspected at least once during the permit term;
2. Sediment is visible or reported in stormwater discharge or dewatering activities from the construction site; or
3. A complaint or report is received. At minimum, the permittee must respond to the initial complaint if more than one report or complaint is received.

(B) Minimum Inspection Documentation Requirements

If the permittee inspects a construction site, at a minimum the site inspection must include and document the following:

1. A review and evaluation of the ESCP to determine if the described control measures were installed, implemented and maintained properly.
2. An assessment of the site's compliance with the permittee's ordinances or requirements, including the implementation and maintenance of required control measures.
3. Visual observations and documentation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site. Documentation of recommendations to the construction site operator for follow-up.
4. If necessary, education or instruction provided to the construction site operator related to additional stormwater pollution prevention practices to comply with the approved ESCP.
5. A written or electronic inspection report, including documentation of all necessary follow-up actions (e.g., re-inspection, enforcement) to ensure compliance with their applicable requirements.

vi. Enforcement Procedures

The permittee must develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites and summarize or reference in the

SWMP Document. The procedure must address repeat violations through progressively stricter response, as needed, to achieve compliance. The escalating enforcement and response procedure must describe how the permittee will use enforcement techniques to ensure compliance. The enforcement procedures must include timelines for compliance and, when formulating response procedures, must consider factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental. The escalating enforcement procedure must be submitted with the third annual report or prior to this deadline if the procedure is completed earlier by the permittee.

vii. Construction Runoff Control Training and Education

The permittee must ensure that all staff responsible for ESCP reviews, site inspections, and enforcement of the permittee's requirements are trained or otherwise qualified to conduct such activities.

The permittee must provide orientation and training to all new staff working to implement the construction runoff control program within 30 days of their assignment to this program. The staff must be properly trained and knowledgeable in the technical understanding of erosion, sediment, and waste material management controls to conduct such ESCP reviews and inspections. All pertinent staff must receive training at least once during the permit term. The permittee must provide follow-up training as procedures and/or technology utilized in this program change.

viii. Tracking and Assessment

The permittee must track implementation of the construction site runoff program's required activities. In each corresponding annual report, the permittee must assess their progress toward implementing the construction site runoff program's control measures.

e. Post-Construction Site Runoff for New Development and Redevelopment

The permittee must continue to implement their post-construction stormwater pollutant and runoff control program which includes maintaining the current thresholds, as they develop, implement, and enforce the requirements of Schedule A.3.e to control stormwater runoff from new development and redevelopment project sites in its coverage area and reduce the discharge of pollutants. The permittee must describe or refer to full documentation of its programs in the SWMP Document.

i. Ordinance and/or Other Regulatory Mechanism

Through ordinance or other regulatory mechanism, to the extent allowable under state and federal law, the permittee must require the following for project sites discharging stormwater to the MS4 that create or replace 5,000 square feet or more of impervious surface area:

- (A) The use of structural stormwater controls at all qualifying sites.
- (B) A site-specific stormwater management approach that targets natural surface or pre-development hydrological function through the installation and long-term operation and maintenance of structural stormwater controls.
- (C) Long-term operation and maintenance of structural stormwater controls at project sites that are under the ownership of a private entity.

The permittee must use appropriate enforcement procedures and actions to ensure compliance with Schedule A.3.e.iv. The local ordinance or other regulatory mechanism adopted must meet the requirements of Schedule A.3.e.ii-vi.

ii. Prioritization of Low Impact Development & Green Infrastructure

The permittee must, by November 1, 2023, review and update or develop and begin implementation of a strategy to require to the maximum extent feasible, the use of Low Impact Development and Green Infrastructure (LID/GI) design, planning, and engineering strategies intended to minimize effective impervious area or surfaces and reduce the volume of stormwater discharge and the discharge of pollutants in stormwater runoff from development and redevelopment projects. This LID/GI strategy must be documented in the subsequent Annual Report and incorporated into or referenced in the SWMP Document after completion and DEQ approval. In development of this strategy, the permittee must review ordinance and development code for opportunities to reduce the volume of discharge by design, engineering, and planning methods that prioritize onsite retention, infiltration, and evapotranspiration and the option of reuse where feasible, in order to make LID/GI the preferred and commonly-used approach to site development. The permittee may include evapotranspiration and reuse of stormwater in accounting for retention volumes but are not required to exhaust those options prior to allowing treatment or offsite options as described below. Where LID/GI controls that infiltrate or otherwise retain stormwater onsite are infeasible, extended filtration shall be required.

The permittee must review ordinance, code and development standards for barriers that inhibit design and implementation techniques by September 1, 2023. If an ordinance, code or development standard barrier is identified at any time subsequent to September 1, 2023, the applicable ordinance, code or development standard must be modified within three years.

iii. Post-Construction Stormwater Management Requirements

The permittee must develop enforceable post-construction stormwater management requirements in ordinance or other regulatory mechanism that, at a minimum, include the following technical standards:

(A) Site Performance Standard

The permittee must establish a site performance standard with a Numeric Stormwater Retention Requirement (NSRR) to target natural surface or predevelopment hydrologic function to retain stormwater on-site and minimize the offsite discharge of pollutants in runoff utilizing structural stormwater controls that infiltrate, capture and/or evapotranspire stormwater. This NSRR volume must be determined by the use of one of the following:

1. Volume-based method (for example, the first inch of each storm event).
2. Storm event percentile-based method (for example, the 95th percentile storm event- 95% of the time the data is below this value).
3. Annual average runoff-based method (for example 80% of annual average runoff).

The site performance standard is met when 100% of the NSRR volume (determined by the method chosen above) from the project site is routed to one or more structural stormwater controls with sufficient capacity to accommodate this stormwater runoff and will fully infiltrate (after any necessary treatment), evapotranspire and/or be reused onsite without stormwater runoff discharging from the site. Evapotranspiration and reuse can be used to meet the retention requirements but are not required prior to pursuing treatment or alternative compliance options discussed below.

At sites where 100% of the NSRR volume cannot be retained due to technical infeasibility and/or site constraints, the permittee may develop an exception

process for the retention in the site performance standard by following the Step-Wise Alternative Compliance procedure outlined below (see Schedule A.3.e.iii.B and C). Such feasibility or site constraint factors may include, but are not limited to, shallow bedrock, high groundwater, groundwater contamination, soil instability as documented by geotechnical analysis, or a land use that is inconsistent with capture and infiltration of stormwater.

(B) Treatment Standard

1. For projects that are unable to fully meet the NSRR, the remainder of the rainfall/runoff associated with this retention requirement must be treated prior to discharge with a structural stormwater control. This stormwater structural control must be designed to remove a defined percentage of total suspended solids and may include an upper and lower bound to their treatment requirement that reflect the practical limitation of an engineered control (e.g., 80% removal of TSS for typical influent concentrations ranging from 100mg/L to 200 mg/L). Stormwater discharged offsite must target natural surface or predevelopment hydrology (as measured by rate, duration, and volume of discharge) to minimize the potential for hydromodification impacts, except in circumstances where the permittee can demonstrate that the risk of hydromodification impacts are negligible, (e.g. large tidally influenced waterways or flow-managed waterways). The permittee should establish treatment requirements that target the equivalent water quality benefits as onsite retention of stormwater from new development or redevelopment sites using a model, such as a continuous simulation model or other evaluation tool. The permittee should encourage the use of treatment trains of structural post-construction stormwater controls, and must give priority to implementing green infrastructure before considering hardscaped structural stormwater controls for stormwater treatment. Detention ponds are not a sufficient stand-alone treatment method and must be combined with other structural stormwater controls. Treating the volume of water that would otherwise be retained under the NSRR satisfies the retention requirement.

2. Structural Stormwater Control Design and Specifications

For sites that utilize the treatment option to satisfy the NSRR, the permittee must provide a description of all allowable structural stormwater controls including site-specific design requirements, design requirements that do not inhibit maintenance, conditions where each control applies, and operation and maintenance standards for each control. The permittee must identify conditions where the implementation of green infrastructure or equivalent approaches may be impracticable.

A permittee may adopt specifications created by another entity that complies with this requirement.

(C) Offsite Mitigation Alternative Compliance

For projects unable to fully meet the NSRR and/or treatment standard alternative, the permittee may choose to allow offsite alternatives for projects based on factors of technical infeasibility or site constraints. The determination that the NSRR and/or treatment standards cannot be achieved at the project site must be based on review criteria and cannot be based solely on increased cost. The offsite alternatives must account for retention or treatment at least equal to the NSRR volume not met onsite.

For project sites requesting alternative compliance, the permittee must require and subsequently evaluate the written technical justification documenting the infeasibility or site constraints, which prevent the onsite management of the runoff amount stipulated in the NSRR. The written technical justification must be in the form of a site-specific hydrologic or design analysis conducted and endorsed by an Oregon registered Professional Engineer or Oregon Certified Engineering Geologist.

If the permittee agrees that alternative compliance with the retention requirement is necessary, meaning retention of or treatment up to the NSRR volume is not feasible, the permittee must require that the site operator use one or more of the stormwater mitigation options outlined in the Offsite Stormwater Mitigation Options below for any portion of the NSRR not retained or treated.

(D) Offsite Stormwater Mitigation Options

If the permittee chooses to develop mitigation options for alternative compliance, such options may include, but are not limited to a payment-in lieu program or other option that matches the water quality goal of the NSRR at any given site. Before allowing offsite alternative compliance with the NSRR, the permittee must establish stormwater mitigation options for alternative compliance, including institutional standards and management systems to value, estimate, and account for how these mitigation projects address the unmet volume of the stormwater specified in this retention requirement. The mitigation project or site must be within the same subwatershed as the site undergoing development. Stormwater mitigation options must include one or more of the following for alternative compliance:

1. Offsite Mitigation

General offsite mitigation options may include meeting the retention requirement at another location, the use of a stormwater mitigation bank program, the use of stormwater payment-in-lieu program, or offsite treatment up to the NSRR.

2. Offsite Groundwater Replenishment Projects

Groundwater replenishment projects include implementing a project that the permittee has determined to provide an opportunity to replenish regional groundwater supplies.

iv. Post-Construction Site Runoff Plan Review

The ordinance or other regulatory mechanism must include procedures for the permittee's review and approval of structural stormwater control plans for new development and redevelopment projects.

At a minimum, the permittee must review and approve plans for structural stormwater control at new development and redevelopment sites that result from the creation or replacement of 5,000 square feet or more of impervious surface; and sites that use alternative compliance to meet the retention requirement, before the start of the project. The permittee must review plans for consistency with the ordinance/regulatory mechanism and specifications required by Schedule A.3.e.vi. The permittee must not approve or recommend for approval any plans for structural controls that do not meet minimum requirements to meet Schedule A.3.e.iii and Schedule A.3.e.v.

v. Long-Term Operation and Maintenance (O&M)

The permittee must maintain an inventory and implement a strategy to ensure that all structural stormwater controls installed in compliance with this permit are operated and maintained to meet the site performance standard in Schedule A.3.e.iii. This strategy must, at minimum, include the following:

- (A) Documented efforts to obtain legal authority to allow the permittee to inspect and require effective operation and maintenance of privately owned and operated structural stormwater controls that discharge to the MS4, to the extent allowable under state and federal law.
- (B) Inspection procedures and an inspection schedule ensuring compliance with the O&M requirements of each structural stormwater control operated by the permittee and by other private entities.
- (C) A tracking mechanism for documenting inspections and the O&M requirements for structural stormwater controls. This tracking mechanism must document enforcement actions and compliance response. For structural stormwater controls that include vegetation, the O&M requirements must at minimum include requirements to maintain and/or replace vegetation to ensure the functionality of the control. For structural stormwater controls that include soils in the treatment process, O&M requirements must at minimum include requirements to maintain soil permeability.
- (D) Reporting requirements for privately owned and operated structural stormwater controls that document compliance with O&M requirements.
- (E) The location of all public and private structural stormwater controls installed in compliance with this permit must be included with the MS4 Map.

vi. Training and Education

The permittee must ensure that staff responsible for performing post-construction runoff site plan reviews, administrating the post-construction program requirements and performing O&M practices or evaluating compliance with long-term O&M requirements are trained or otherwise qualified to conduct such activities.

The permittee must provide orientation and training to all new staff working to implement the post-construction runoff control program within 30 days of their assignment to this program. All staff working to implement the post-construction runoff control program must receive training at least once during the permit term. The Permittee must provide follow-up training as procedures and/or technology utilized in this program change.

vii. Tracking and Assessment

The permittee must maintain records for activities conducted to meet the requirements of the Post-Construction Site Runoff program and include a descriptive summary of their activities in the corresponding Annual Report.

f. Pollution Prevention and Good Housekeeping for Municipal Operations

The permittee must properly operate and maintain its facilities, using prudent pollution prevention and good housekeeping to reduce the discharge of pollutants through the MS4 to waters of the state. The permittee must describe or refer to full documentation of its programs in the SWMP Document.

i. Operation and Maintenance Strategy for Existing Structural Stormwater Controls

For existing structural stormwater controls installed or permitted by the permittee prior to the effective date of this permit, the permittee must develop and implement an operation and

maintenance strategy for both permittee-owned controls and controls owned and operated by other non-MS4 entities discharging to the permittee's MS4. The O&M strategy for existing structural stormwater controls must meet the long term O&M requirements in Schedule A.3.e.v but not the site performance standards outlined in Schedule A.3.e.iii.

ii. Inspection, Maintenance, and Cleaning of the MS4

The permittee must develop and implement a process for the inspection, maintenance, and cleaning of its MS4 and related structures (including, but not limited to, catch basins, storm drain inlets, water quality facilities, pipes, etc.) to maximize debris and pollutant removal, and verify proper operation of all its municipal structural treatment controls designed to reduce pollutants (including floatables) in storm water discharges to or from its MS4s and related drainage structures. Operation and maintenance activities may include, but are not limited to, the following:

- (A) Inspections of the MS4 and related structures;
- (B) Cleaning of the MS4 and related structures as needed; and
- (C) Proper disposal of materials removed from cleaning of the MS4.

The permittee must maintain records of inspection and cleaning activities, including but not limited to an estimated volume of debris removed during O&M activities as a total or by category or type of activity, if known, number of structures of each category inspected, number of structures of each category cleaned, linear feet of pipe cleaned, etc.), to facilitate adaptive management.

The inspection, maintenance, and cleaning schedule must ensure inspection of the permittee-owned or operated catch basins and inlets within the MS4 at least once every five years, unless an alternate schedule is established in the SWMP Document and approved by DEQ, and take all appropriate maintenance or cleaning action based on those inspections to ensure the catch basins and inlets continue to function as designed. The permittee may establish an inspection prioritization system for its catch basins and other structural MS4 elements, and adjust inspection frequency as needed for adaptive management, provided the permittee describes all relevant factors it uses to prioritize its inspections to specific geographic or land use areas of its MS4 in the SWMP Document or another document cited/referenced therein.

iii. Pollution Prevention in Facilities and Operations

The permittee must continue to conduct its municipal O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality. The permittee must review and update existing procedures and schedules for inspection and maintenance of the MS4, and describe or reference in the SWMP Document pollution prevention and good housekeeping related to:

- (A) Operation and maintenance of public streets, roads, bridges, highways, and associated stormwater controls, ditches, and pipes over which the permittee has authority;
- (B) Control and minimization of the use and application of pesticides, herbicides, and fertilizers on permittee-owned properties and facilities;
- (C) Control or minimization of stormwater runoff from municipal facilities that treat, store or transport municipal waste, such as yard waste or other municipal waste and are not already covered under an NPDES permit, a DEQ solid waste, or other permit designed to reduce the discharge of pollutants;
- (D) Control measures to limit or eliminate infiltration of seepage from the municipal sanitary sewer system to the MS4;
- (E) Municipal landscape maintenance;
- (F) Fleet maintenance and vehicle washing; and,

- (G) Management practices that prevent or control the release of materials related to fire-fighting training activities.
- iv. Permittee-owned NPDES Industrial Stormwater Permit Facilities
 Permittee-owned or operated facilities with industrial activity as defined in 40 CFR §122.26(b)(14) discharging stormwater to the waters of the state must have coverage under DEQ's NPDES Industrial Stormwater General Permit. The permittee may use the actions required in the NPDES Industrial Stormwater Permit to address the applicable facility requirements in Schedule A.3.f.iv.
- v. Winter Operations and Maintenance Program
 The permittee must document and include with or reference in the SWMP Document their Winter Maintenance and Operations Program for public roads, or cooperative agreement with others, that limits impacts to water quality to the degree practicable from O&M activities.
- (A) Winter Management Materials
 The permittee must ensure that all winter materials utilized by the permittee on roads for anti-icing and de-icing purposes (e.g., abrasives, sand, deicers including but not limited to MgCl₂, solid salt, etc.) are utilized and stored properly, according to most updated and accepted practices.
- (B) Winter Maintenance Strategy
 The permittee must provide or reference a Winter Maintenance Strategy with the SWMP Document. This document must describe how the permittee manages rights-of-way owned or operated by the permittee during inclement weather and what Best Management Practices are implemented.
- (C) Winter Maintenance Tracking and Reporting
 Winter Maintenance activities for streets and roads must be included as an element of the MS4 Annual Report required by this permit beginning in the second Annual Report. The information for each year must include but need not be limited to: a list of materials used, number of winter weather events where winter maintenance materials are used, quantities and general location of each material used in relation to distance (e.g. pounds per mile), and any other actions taken to protect waters of the state for areas where that data is available or becomes available during the permit term.
- vi. Requirements for Pesticide and Fertilizer Applications
 The permittee must develop or continue to implement practices based on integrated pest management principles to the extent practicable in order to reduce the discharge of pollutants to the MS4 associated with the application and storage of pesticides and fertilizers. At a minimum, such areas include the permittee's public right-of-ways, parks, recreational facilities, golf courses, and any other publicly owned landscaped areas owned or managed by the permittee. All employees or contractors of the permittee applying pesticides must follow all label requirements, including those regarding application methods, rates, number of applications allowed, and disposal of the pesticide, fertilizer and rinsate.
- vii. Litter Control
 The permittee must implement methods to reduce litter within its jurisdiction. The permittee may work cooperatively with other departments, organizations, or other entities to control litter on a regular basis and after major public events, in order to reduce the discharge of pollutants and litter to the MS4.
- viii. Materials Disposal

All collected material or pollutants removed in the course of maintenance, treatment, control of stormwater, or other wastewaters must be managed and disposed of in a manner to prevent such pollutants from entering the waters of the state in accordance with state and federal rules.

ix. Flood Control, Transportation, and Other Infrastructure

The permittee must continue to assess flood control, transportation, and other infrastructure projects during planning stages in order to identify and mitigate potential negative impacts on or to enhance benefits for the water quality of receiving water bodies. This permit does not require the permittee to take action with respect to flood control itself and does not seek to impose flood control responsibility on the permittee.

x. Stormwater Quality Retrofit Strategy

The permittee must develop a Stormwater Quality Retrofit Strategy that addresses areas identified by the permittee as having an impact on water quality, and that are underserved, difficult to maintain in its current design, or lacking stormwater quality controls.

- (A) The stormwater retrofit strategy must be based on a permittee-defined set of stormwater quality retrofit objectives and a comprehensive evaluation of a range of retrofit control measures and its appropriate use. The permittee-defined objectives must prioritize progress toward improving water quality.
- (B) The permittee must submit a stormwater retrofit strategy document with permittee-defined objectives with the fourth annual report.

xi. Stormwater Infrastructure Staff Training

The permittee must ensure that staff responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements or ensuring pollution prevention at facilities and during operations are trained or otherwise qualified to conduct such activities.

The permittee must provide orientation and training to all new staff working to implement the pollution prevention and good housekeeping for municipal operations program within 30 days of their assignment to this program and at least once during the permit term. The permittee must provide follow-up training as procedures and/or technology utilized in this program change.

xii. Tracking and Assessment

The permittee must maintain records for activities conducted to meet the requirements of the pollution prevention and good housekeeping for municipal operations program requirements and include a descriptive summary of their activities in the corresponding annual report.

SCHEDULE B - MONITORING AND REPORTING REQUIREMENTS

1. Compliance Evaluation

At least once per year, the permittee must evaluate their compliance with the requirements of this permit using the DEQ annual report template. This self-evaluation includes assessment of progress toward implementing the SWMP control measures in Schedule A, and implementation of actions to comply with any additional requirements identified pursuant to Schedule D.1 (Requirements for Discharges to Impaired Waterbodies).

2. Annual Report

No later than November 1 each year, beginning in 2022, the permittee must submit an annual report to DEQ. The permittee must use the annual report form provided by DEQ. The reporting period for the annual report is from July 1 through June 30 of the following year (for example, July 1, 2021 through June 30, 2022). Reporting periods for subsequent annual reports is specified in Table 2 below. The permittee must make all annual reports available to the public, including any required documents attached to the annual report, through the permittee's maintained website.

DEQ may extend the due date for the annual report in the event of extraordinary circumstances including, but not limited to, pandemic, wildfire, earthquake, flood, or other natural disaster provided the permittee requests an extension in writing and provides all documentation available regarding the specific impacts as to why the November 1 deadline cannot be met. In that circumstance, DEQ will respond to the extension request in writing and will document any revised annual report due date when applicable.

Table 2. Annual Report Deadlines

Annual Report	Reporting Period	Due Date
1st Year Annual Report	July 1, 2021 - June 30, 2022	Nov. 1, 2022
2nd Year Annual Report	July 1, 2022 - June 30, 2023	Nov. 1, 2023
3rd Year Annual Report	July 1, 2023 - June 30, 2024	Nov. 1, 2024
4th Year Annual Report	July 1, 2024 - June 30, 2025	Nov. 1, 2025
5th Year Annual Report	July 1, 2025 - June 30, 2026	Nov. 1, 2026

3. Monitoring Requirements

The permittee discharges to a waterbody listed on the 303(d) list, and must comply with all monitoring requirements under Schedule D.1. In addition, if the permittee performs municipal stormwater monitoring at outfall locations in the receiving waterbody or to demonstrate compliance with this permit, all monitoring data must be submitted to DEQ.

a. Monitoring Objectives

When the permittee conducts stormwater monitoring, the following objectives should be considered:

- i. Evaluate the source(s) of and means for reducing the pollutants of concern applicable to the permittee's permit area, including 2018/2020 303(d) listed pollutants, as applicable;
- ii. Evaluate the effectiveness of Best Management Practices (BMPs) in order to help determine BMP implementation priorities;

- iii. Characterize stormwater based on land use type, seasonality, geography or other catchment characteristics;
- iv. Evaluate status and long-term trends in receiving waters associated with MS4 stormwater discharges; and,
- v. Assess the chemical, biological, and physical effects of MS4 stormwater discharges on receiving waters

b. If the permittee conducts stormwater monitoring, the following must be conducted:

- i. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- ii. Sample collection, preservation, and analysis must be conducted according to methods and procedures outlined in 40 CFR § 136, unless otherwise approved by DEQ. Where an approved 40 CFR § 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from DEQ. Investigative monitoring of pollutants without an approved 40 CFR § 136 method in the area of the City served by UICs does not need prior approval from DEQ to comply with this permit.

c. Records of monitoring information must include:

- i.. The date, exact place, and time of sampling or measurements.
- ii. The names(s) of the individual(s) who performed the sampling or measurements.
- iii. The date(s) analyses were performed.
- iv. The names of the individuals who performed the analyses.
- v. The analytical techniques or methods used.

The results of such analyses must be included in the annual report.

4. Submissions

The permittee must provide DEQ with one hard copy and one electronic copy (on a portable electronic storage device or via email) of the annual report and any supplemental information required by the due date in Table 2, above. For electronic submittal of documents (i.e., e-Reporting), DEQ will provide the permittee with instructions for submittal when required. Once the permittee receives direction to submit electronically, it will no longer be required to submit such materials to DEQ in hardcopy.

All hardcopy annual reports, attachments, and other required submittals must be sent to DEQ at the following addresses:

Oregon Department of Environmental Quality
MS4 Stormwater Program, Attention: 7th Floor
700 NE Multnomah St., Suite 600
Portland, OR 97232

MS4Stormwater@deq.state.or.us

5. Recordkeeping

a. Records Retention

The permittee must retain records and copies of all information (for example, all monitoring, calibration, and maintenance records; all original strip chart recordings for any continuous monitoring instrumentation; copies of all reports required by this permit; annual reports; a copy of the NPDES permit; and, records of all data or information used in the development and implementation of the SWMP) for a period of at least five years from the start of the permit compliance action date or for the term of this permit, whichever is longer. This period may be extended at the request of DEQ at any time.

b. Availability of Records

The permittee must submit records to DEQ when requested. The permittee must also make all records described above available to the public, if requested to do so in writing. The public must be able to view the records during normal business hours.

SCHEDULE C - COMPLIANCE CONDITIONS AND DATES

Compliance conditions and dates are not included at this time.

SCHEDULE D - SPECIAL CONDITIONS

1. Requirements for Discharges to Impaired Waterbodies

a. Applicability

The requirements of this section apply to receiving waters listed as impaired on the 303(d) list without established TMDL waste load allocations to which the permittee's MS4 discharges. The permittee must:

- i. Review the applicable pollutants that are on the 2018/2020 Integrated Report's 303(d) list, or the most recent USEPA list if approved within three years of the issuance date of this permit, that are relevant to the permittee's MS4 discharges with the third annual report by November 1, 2024. Based on a review of the most current 303(d) list at the time, evaluate whether there is a reasonable likelihood for stormwater from the MS4 to cause or contribute to water quality degradation of receiving waters.
- ii. Evaluate whether the BMPs in the existing SWMP Document are effective in addressing and reducing the 303(d) pollutants. If the permittee determines that the BMPs in the existing SWMP Document are ineffective in addressing and reducing the applicable 303(d) pollutants, the permittee must describe how the SWMP will be modified or updated to address and reduce these pollutants to the MEP.
- iii. Submit a report summarizing the results of the review and evaluation, and identify any modifications or updates to the SWMP Document that are necessary to reduce applicable 303(d) pollutants to the MEP by November 1, 2024.

b. Performance Measures

DEQ incorporated performance measures in Schedule A.3.c,d,e and f to address water quality impairments and 303(d) listed pollutants to date.

2. Definitions:

- a. **Total Maximum Daily Load (TMDL) or applicable TMDL** is any TMDL, which has been approved by EPA on or before the issuance date of this permit.
- b. **Best Management Practices (BMPs)** means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also mean treatment requirements, operating procedures, and practices to control runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw material storages. See 40 CFR § 122.2 and 122.44(k). For the purposes of this permit, BMPs are synonymous with structural and non-structural stormwater controls and include the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution.
- c. **Bioretention** means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater runoff.
- d. **CFR** means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.
- e. **Chronic Illicit Discharges** are continuous illicit discharges resulting from sanitary/wastewater connections to an MS4, sanitary/wastewater inflows into a MS4 and unpermitted industrial wastewater discharges to the MS4.
- f. **Clean Water Act (CWA)** refers to what was formally called the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].
- g. **Common Plan of Development** means a contiguous construction project or projects where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan.
- h. **Construction Activity** includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of residential buildings and non-residential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).
- i. **Erosion and Sediment Control Plan** is a site-specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in storm water runoff. For the purposes of this permit, an ESCP means a document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable permit requirements.
- j. **Control Measure**, as used in this permit, refers to any action, activity, Best Management Practice or other method used to control the amount of pollutants in MS4 discharges.
- k. **Discharge of a pollutant** means any addition of any “pollutant” or combination of pollutants to “waters of the state” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the state from surface runoff, which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person, which do not lead to a treatment works; and discharges through

pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any “indirect discharger” [40 CFR §122.2].

- l. **Erosion** is the process of carrying away soil particles by the action of water, wind, or other process.
- m. **Evaporate** is rainfall that is changed or converted into a vapor.
- n. **Evapotranspiration** is the sum of evaporation and transpiration of water from the earth’s surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.
- o. **Final Stabilization** is determined by satisfying the following criteria: (1) there is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters; (2) construction materials and waste have been removed and disposed of properly. This includes any sediment that was being retained by the temporary erosion and sediment controls; (3) all temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements; (4) all soil disturbance activities have stopped and all stormwater discharges from construction activities that are authorized by this permit have ceased; (5) all disturbed or exposed areas of the site are covered by either final vegetative stabilization or permanent stabilization measures. However, temporary or permanent stabilization measures are not required for areas that are intended to be left unvegetated or unstabilized following construction (such as dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials), provided that measures are in place to eliminate or minimize erosion.
- p. **Green Infrastructure (GI)** is a specific type of stormwater control using vegetation, soils, and natural processes to manage stormwater. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems designed to mimic nature by reducing and/or storing stormwater through infiltration, evaporation, and transpiration. At the site level, such measures may include the use of plant or soil systems, permeable pavement or other pervious surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters. At the scale of city or county, green infrastructure refers to the patchwork of natural areas that provides flood protection and natural processes that remove pollutants from stormwater.
- q. **Impaired Water** means any waterbody that does not meet applicable water quality standards for one or more parameters as identified on Oregon’s 303(d) list.
- r. **Infiltration** is the process by which stormwater penetrates into soil.
- s. **Illicit Connections** include, but are not limited to, pipes, drains, open channels, or other conveyances that have the potential to result in an illicit discharge.
- t. **Illicit Discharge** is any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges authorized under Section A.1.d, discharges permitted by a NPDES permit or other state or federal permit, or otherwise authorized by DEQ.
- u. **Impervious Surface** is any surface resulting from development activities that prevents the infiltration of water. Common impervious surfaces include: building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily-compacted earthen materials.
- v. **Low Impact Development (LID)** is a stormwater management approach that seeks to mitigate the impacts of increased runoff and stormwater pollution using a set of planning, design and construction approaches and stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater, and can occur at a wide range of landscape scales (i.e., regional, community and site). Low impact development is a comprehensive land planning and engineering design approach to stormwater management with

a goal of mimicking the pre-development hydrologic regime of urban and developing watersheds.

- w. **Maintenance Activities**, as used in the definition of Redevelopment means activities such as pavement preservation projects; restoration of impervious surfaces disturbed by construction, maintenance or repair utilities; and roof replacement projects.
- x. **Maximum Extent Practicable (MEP)** is the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by Section 402(p)(3)(B)(iii) of the Clean Water Act [33 U.S.C §1342(p)(3)(B)(iii)].
- y. **Minimize** means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available, economically practicable, and achievable in light of best industry or municipal practices.
- z. **Municipal Separate Storm Sewer System (MS4)** is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the state; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works as defined at 40 CFR §122.2.
- aa. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act.
- bb. **National Pollutant Discharge Elimination System (NPDES)** is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of Clean Water Act [40 CFR §122.2].
- cc. **Non-structural Stormwater Controls** or **BMPs** are stormwater controls in the form of development standards or other regulatory mechanisms intended to minimize and treat stormwater by minimizing impervious surfaces and by using soil infiltration, evaporation, and transpiration. These controls may also take the form of procedural practices to prevent pollutants from contaminating stormwater. The use of this term in this permit is consistent with the discussion of non-structural stormwater BMPs in 64 Federal Register 68760 (December 9, 1999) which encompasses preventative actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive waterbodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about project designs that minimize water quality impacts; and (4) other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
- dd. **Outfall** is defined as a point source at the point where a municipal separate storm sewer discharges to waters of the State, and does not include open conveyances connecting two

- municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.
- ee. **Owner or Operator** is the owner or operator of any “facility or activity” subject to regulation under the NPDES program.
 - ff. **Pesticide** as used in this permit carries the same definition as used in the Federal Insecticide, Fungicide, and Rodenticide Act and is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Under FIFRA, a pest is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism
 - gg. **Plant Intercept** is the capture of precipitation by the plant canopy and its subsequent return to the atmosphere through evaporation or sublimation.
 - hh. **Pollutant** is dredged soil; solid waste; incinerator residue; sewage; garbage; sewerage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water.
 - ii. **Predevelopment Hydrologic Function** is the hydrology of a site reflecting the local rainfall patterns, soil characteristics, land cover, evapotranspiration, and topography. The term predevelopment as used in predevelopment hydrologic function is consistent with the term predevelopment as discussed in Federal Register Volume 64, Number 235 and refers to the runoff conditions that exist onsite immediately before the planned development activities occur. Predevelopment is not intended to be interpreted as the period before any human-induced land disturbance activity has occurred.
 - jj. **Post-Construction Site Runoff Plan** is a plan developed by a site owner or operator and/or their designer to demonstrate compliance with the post-construction stormwater management and long-term operation and maintenance requirements of this permit.
 - kk. **Redevelopment** means a project that entails Construction Activities, occurs on a previously developed site and results in the addition or replacement of impervious surface. To the extent allowable under federal law, Redevelopment does not include: Maintenance Activities; Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities within an existing footprint to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.
 - ll. **Regulated small MS4** is a municipal separate storm sewer that is not a medium or large MS4. A large MS4 is defined in 40 CFR §122.26(b)(4). A medium MS4 is defined in 40 CFR § 122.26(b)(7). For the purposes of this permit, a small MS4 is any municipal separate storm sewer system located within a Census-defined Urbanized Area. Regulated small MS4s are automatically designated as needing an NPDES permit pursuant to federal requirements found in 40 CFR § 122.30-37. A regulated small MS4 also means any MS4 designated by DEQ pursuant to 40 CFR §122.26((a)(1)(v) and/or 123.35 as needing a NPDES permit.
 - mm. **Small MS4**, is defined at 40 CFR § 122.26(b)(16) and (17), respectively, and means all separate storm sewers that are: (i) owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the state; (ii) not defined as “large” or “medium” municipal separate storm sewer systems pursuant to 40 CFR § 122.26(b)(4) and (b)(7), or designated under 40 CFR § 122.26(a)(1)(v); and (iii) includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and

highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

- nn. Stormwater or stormwater runoff** includes snow melt runoff, and surface runoff and drainage, and is defined in 40 CFR §122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.
- oo. Stormwater Control** refers to non-structural, structural stormwater controls and/or BMPs.
- pp. Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the SWMP consists of the actions and activities conducted by the permittee as required by the permit and described in the permittee’s SWMP Document.
- qq. A SWMP Document** is the written summary describing the unique and/or cooperative means by which an individual permittee or entity implements the specific stormwater management control measures required by the permit.
- rr. Stormwater Mitigation Bank Program** is a program for offsite compliance that establishes a market with an entity that tracks the life cycle of an offsite mitigation credit by certifying the credit, issuing a tradable credit to the seller, transferring the ownership of the credit from the seller to the buyer, and use or retirement of the credit to receive a benefit when the buyer of the credit is unable to meet a retention requirement on their site.
- ss. Stormwater Payment-in-Lieu Program** is a program for offsite compliance where the permittee or site owner/operator pays a fee in lieu of full compliance on the development site with this fee based on volume ratios (i.e., volume of stormwater to be retained onsite to the volume to be retained at the mitigation site) and a rate specified by the permittee. The permittee can aggregate fees and apply them to a public stormwater structural or non-structural control at a later point in time.
- tt. Structural Stormwater Controls or BMPs** are stormwater controls that are physically designed, installed, and maintained to prevent or reduce the discharge of pollutants in stormwater to minimize the impacts of stormwater on waterbodies. As noted in the 64 Federal Register 68760 (December 9, 1999), examples of structural stormwater controls or BMPs include: (1) storage practices such as wet ponds and extended-detention outlet structures; (2) filtration practices such as grassed swales, sand filters and filter strips; and, (3) infiltration practices such as infiltration basins and infiltration trenches.
- uu. Subwatershed** is a subdivision of a watershed and is the sixth-level 12-digit unit of the hydrologic unit hierarchy as defined by the National Watershed Boundary Dataset (USGS et al 2013).
- vv. Transpiration** means to release water vapor into the atmosphere through plant stomata or pores.
- ww. Uncontaminated**, for the purposes of this Permit, means that the MS4 discharge does not: result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or contribute to a violation or exceedance of an applicable Oregon water quality standard.
- xx. Waters of the State** means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not

combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the State, or within its jurisdiction.

SCHEDULE F - NPDES PERMIT GENERAL (MS4)

The general conditions in this schedule apply only to the extent they do not conflict with the requirements contained in Schedules A through E. If the permit requirements in Schedule A through D conflict with these general conditions, the permit requirements in Schedule A through D will control.

SECTION A. STANDARD CONDITIONS

A1. 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 Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$25,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and 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. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine up to \$250,000, imprisonment for not more than 10 years or both. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

A3. 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. In addition, upon request of DEQ, 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.

A4. 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.

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

A5. 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.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act 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.

A7. 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.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. 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.

B2. 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.

B3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which 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 and DEQ may take enforcement action against a permittee for bypass unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. 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
 - iii. The permittee submitted notices and requests as required under General Condition B3.c.
- (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when DEQ determines that it will meet the three conditions listed above in General Condition B3.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 DEQ 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 D5.

B4. 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 B4.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 cause(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 D5, hereof (24-hour notice); and
 - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. 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 federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal 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.

B6. Public Notification of Effluent Violation

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. 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.

B7. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
- b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
- c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials that will receive immediate notification;
- d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
- e. Provide emergency operations; and
- f. Ensure that DEQ is notified of the public notification steps taken.

B8. 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

C1. 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 DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. 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.

C3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

The federal 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.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. 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.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 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 (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

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

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and 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 must be retained 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 DEQ at any time.

C9. 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.

C10. Inspection and Entry

The permittee must allow DEQ or EPA 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.

C11. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

The permittee must comply with OAR 340-052, “Review of Plans and Specifications” and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, 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 DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

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

D3. 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 EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. 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.

D5. 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 from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

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

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

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- e. A description of noncompliance and its cause;
- f. The period of noncompliance, including exact dates and times;
- g. The estimated time noncompliance is expected to continue if it has not been corrected;
- h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
- i. Public notification steps taken, pursuant to General Condition B7.

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

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5, 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.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, 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 DEQ, it must promptly submit such facts or information.

D8. Signatory Requirements

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

D9. 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 \$125,000 per violation and up to 5 years in prison per ORS chapter

161. 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 will, 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.

D10. Changes to Discharges of Toxic Pollutant

The permittee must notify DEQ as soon as it knows or has reason to believe the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).
- b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

SECTION E. DEFINITIONS

- E1. *BOD* or *BOD₅* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD₅* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *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.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m³/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.