GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER DISCHARGE PERMIT

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

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

REGISTERED TO: 11/13/2012
File No. 122685

City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Site: Adams Avenue North, Tualatin-Sherwood Road and Pacific Highway, Sherwood

SOURCES COVERED BY THIS PERMIT:

- Construction activities including clearing, grading, excavation, materials or equipment staging and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.
- Construction activities including clearing, grading, excavation, materials or equipment staging and stockpiling that will disturb less than one acre that are part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more and may discharge to surface waters or conveyance systems leading to surface waters of the state.
- This permit also authorizes discharges from any other construction activity (including construction activity that disturbs less than one acre and is not part of a common plan of development or sale) designated by DEQ, where DEQ makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the state.

This permit does not authorize the following:

- In-water or riparian work, which is regulated by other programs and agencies including the Federal Clean Water Act Section 404 permit program, the Oregon Department of State Lands, the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the U.S. Army Corp of Engineers, the National Marine Fisheries Service, and the Department of Environmental Quality Section 401 certification program.
- Post-construction stormwater discharges that originate from the site after completion of construction activities and final stabilization.
- Discharges to underground injection control (UIC) systems.

Neil Mullane

Neil Mullane, Administrator
Water Quality Division

Effective: December 1, 2010
Expiration Date: November 30, 2015

PERMITTED ACTIVITIES

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

Contents

SCHEDULE A
CONTROLS AND LIMITATIONS FOR STORMWATER DISCHARGES, AND EROSION AND SEDIMENT CONTROL PLAN

CONSTRUCTION ACTIVITIES REQUIRED TO REGISTER FOR PERMIT

An owner or operator of construction activities must register for coverage under this permit with DEQ before any soil disturbance occurs, if they are not automatically covered as described in the 1200-CN permit.

1. Registering New Construction Activities

a. Applicants seeking registration for coverage under this permit for construction activities that will disturb one or more acres must submit a complete application to DEQ or Agent at least 30 calendar days before the planned soil disturbance, unless otherwise approved by DEQ or Agent (see Schedule D for description of Agent). The application must include:
   i. A DEQ-approved application form;
   ii. One paper copy and one electronic copy (PDF) of an Erosion and Sediment Control Plan (ESCP);
   iii. A Land Use Compatibility Statement (LUCS) indicating that the proposed activities are compatible with the local government's acknowledged comprehensive plan; and
   iv. Applicable permit fees.

b. Applicants seeking registration for coverage under this permit for construction activities that will disturb less than one acre that are part of a larger common plan of development or sale must, at least 30 calendar days before the planned soil disturbance, submit:
   i. A DEQ-approved application form;
   ii. One copy of an Erosion and Sediment Control Plan that covers the individual lot(s); and
   iii. Applicable permit fees.

c. Applicants seeking registration for coverage under this permit for construction activities that disturb or are likely to disturb five (5) or more acres over the life of the project, are subject to a 14-calendar day public review period before permit registration is granted. The public review period will not begin if the application form or ESCP are incomplete. These applicants must submit to DEQ or Agent an additional paper copy of an ESCP (total of two paper copies and one PDF copy).

d. DEQ or Agent will notify the applicant in writing if registration is approved or denied. Permit coverage does not begin until the applicant receives written notice that the registration is approved. If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

2. Renewal Application for Permit Coverage

a. An owner or operator of construction activities registered under the 1200-C permit that expires on November 30, 2010 must submit to DEQ or Agent a complete renewal application, using a DEQ-approved renewal application form by November 30, 2010 to ensure uninterrupted permit coverage for construction stormwater discharges.

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

3. Transfer of Permit Registration

a. To transfer permit registration, the new owner or permit registrant must submit a DEQ-approved transfer form and applicable fees prior to permit expiration and within 30 calendar days of the planned transfer.

b. If ownership changes (through sale, foreclosure or other means) and the previous owner cannot be found:
   i. The new owner must register for coverage under the permit (Schedule A, Part II, condition 1) if the site is not stabilized.
   ii. The new owner must register for coverage under the permit (Schedule A, Part II, condition 1) prior to any additional soil disturbance.

iii. The new owner does not need to register for coverage under the permit if the site meets the conditions for termination (see Schedule B) and there is no ongoing or additional soil disturbance planned.
iv. DEQ will attempt to contact the previous owner at the address on record. If there is no response, after 60 days DEQ may terminate the previous owner's permit coverage.

4. Authorized Stormwater Discharges

Subject to compliance with the terms and conditions of this permit, and provided that all necessary controls are implemented to minimize sediment transport, the following stormwater discharges from construction sites are authorized (unless otherwise prohibited by local ordinances):

a. Stormwater associated with construction activity described in the "Sources Covered" section of the permit.
b. Stormwater from support activities at the construction site (for example, concrete or asphalt operations, equipment staging yards, material storage areas, excavated material disposal areas and borrow areas) provided:
   i. The support activity is directly related to the construction site covered by this NPDES permit;
   ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different permit registrants;
   iii. The support activity does not operate beyond the completion of the construction activity at the last construction project it supports; and
   iv. Appropriate control measures are used to ensure compliance with discharge and water quality requirements.

5. Authorized Non-Stormwater Discharges

Subject to compliance with the terms and conditions of this permit, and provided that all necessary controls are implemented to minimize sediment transport, the following non-stormwater discharges from construction sites are authorized (unless otherwise prohibited by local ordinances):

a. Potable water including uncontaminated water line flushing (refer to DEQ guidance);
b. Vehicle washing that does not use detergents or hot water;
c. External building wash down that does not use detergents or hot water;
d. Pavement wash waters where stockpiled material, spills or leaks of toxic or hazardous materials have not occurred (unless all stockpiled and spilled material has been removed) and where detergents or hot water are not used;
e. Construction dewatering activities (including groundwater dewatering and well drilling discharge associated with the registered construction activity), provided that:
   i. the water is land applied in a way that results in complete infiltration with no potential to discharge to a surface water of the state, or
   ii. Best Management Practices (BMPs) or an approved treatment system is used to ensure compliance with discharge and water quality requirements;
f. Foundation or footing drains where flows are not contaminated with process materials such as solvents; and
g. Landscape irrigation.

For other non-stormwater discharges, a separate permit may be needed. The disposal of wastes to surface waters or on-site are not authorized by this permit. The permit registrant must submit a separate permit application for such discharges.

6. Limitations on Coverage

The following discharges are not authorized by this permit:

a. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
c. Soaps or solvents used in vehicle and equipment washing.

7. Control Measures

The following controls and practices are required, if appropriate for the site.

a. Wet Weather BMPs.
   i. Avoid or minimize excavation and bare ground activities during wet weather.
b. Temporarily stabilize soils at the end of the shift before holidays and weekends, if needed. It is the owner/operator's responsibility to ensure that soils are stable during rain events at all times of the year. Erosion Prevention (Prevent or minimize the initial disturbance of sediment).
   i. Clearing and Grading.
   Phase clearing and grading to the maximum extent practical to prevent exposed inactive areas from becoming sources of erosion. Minimize erosion during and after soil disturbance using BMPs such as temporary seeding and planting, permanent seeding and planting, mulches, compost blankets, erosion control blankets and mats, and soil tackifiers.
   ii. Wind Erosion/Dust Control. Water or use a soil-binding agent or other dust control technique as needed to avoid wind-blown soil.
   iii. Vegetative Erosion Control.
      (1) Preserve existing vegetation and re-vegetate open areas when practical.
      (2) Do not remove temporary sediment control practices until permanent vegetation or other cover of exposed areas is established.
      (3) Identify the type of seed mix (percentages of the various seeds of annuals, perennials and clover) and other plantings.
c. Runoff Control (Divert, collect, convey or control flow; prevent or minimize scouring).
   Use BMPs such as diversion of run-on; trench drains, slope drains, french drains and subsurface drains that discharge to the surface; temporary diversion dikes; earth dikes; grass-lined channels (such as turf reinforcement mats); drainage swales; energy dissipaters; rock outlet protection; drop inlets; and check dams. Note that any underground injection must comply with OAR Chapter 340, Division 44.
d. Sediment Control (Retain and/or remove sediment through filtration and settling).
   i. Control sediment along the site perimeter and at all operational internal storm drain inlets at all times during construction. Retain and remove sediment both internally and at the site boundary by using BMPs such as sediment fences, vegetative buffer strips, sediment traps, rock filters, compost berms/compost socks, fiber rolls/ loose non-compacted straw wattles, storm drain inlet protection, and temporary or permanent sedimentation basins.
   ii. Sediment Tracking and Transport Control.
      (1) Prevent tracking of sediment onto public or private roads using BMPs such as:
         (a) Establish graveled (or paved) exits and parking areas prior to any land disturbing activities.
         (b) Gravel all unpaved roads located onsite.
         (c) Use an exit tire wash.
      (2) Cover all sediment loads leaving the site.
      (3) When trucking saturated soils from the site, either use water-tight trucks or drain loads on site.
e. Pollution Prevention and Control.
   i. Pollution Prevention.
      (1) Use BMPs to prevent pollution of stormwater or to treat flow from dewatering operations, ponded water management, paving operation controls, and temporary equipment bridge use.
      (2) Use BMPs to prevent or minimize stormwater from being exposed to pollutants from spills; vehicle and equipment fueling, maintenance, and storage; other cleaning and maintenance activities; and waste handling activities. These pollutants include fuel, hydraulic fluid, and other oils from vehicles and machinery, as well as debris, leftover paints, solvents, and glues from construction operations.

ii. Stockpile Erosion and Sediment Control Practices.
(1) Stockpiles located away from the construction activity but still under the control of the permit registrant must be protected to prevent significant amounts of sediment or turbid water from discharging to surface waters or conveyance systems leading to surface waters.
(2) At the end of each workday soil stockpiles must be stabilized or covered, or other BMPs must be implemented to prevent discharges to surface waters or conveyance systems leading to surface waters.
(3) In developing these practices, at a minimum the following must be considered: diversion of uncontaminated flows around stockpiles, use of cover over stockpiles, and installation of sediment fences (or other barriers that will prevent the discharge of sediment or turbidity) around stockpiles.

iii. Solid Waste and Hazardous Materials Management.
Implement the following BMPs when applicable: written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures, spill kits in all vehicles, regular maintenance schedule for vehicles and machinery, material delivery and storage controls, training and signage, and covered storage areas for waste and supplies.

f. Additional BMP Requirements During Inactive Periods.
i. If all construction activities cease at the site for thirty (30) days or more, the entire site must be stabilized using temporary seeding, vegetation, a heavy mulch layer, or another method.
ii. On any significant portion of the site, if construction activities cease for fourteen (14) calendar days or more, install temporary covering with blown straw and a tackifier, loose straw, or an adequate covering of compost mulch.

8. Implementation of Control Measures

a. All permit registrants must implement the ESCP (Paragraph A.12). Failure to implement any of the control measures or practices described in the ESCP is a violation of the permit.
b. All permit registrants must prevent the discharge of significant amounts of sediment to surface waters or conveyance systems leading to surface waters. The following conditions indicate that a significant amount of sediment has left or is likely to leave the site:
i. Earth slides or mud flows;
ii. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment;
iii. Sediment laden or turbid flows of stormwater that are not filtered or settled to remove sediments and turbidity;
iv. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or to catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to lack of maintenance or inadequate design are considered unprotected;
v. Deposits of sediment from the construction site on any property (including public and private streets) outside of the construction activity covered by this permit.
c. The permit registrant must ensure the control measures or practices described in the ESCP are implemented according to the following sequence:
i. Before Construction.
(1) Identify, mark, and protect (with construction fencing or other means) critical riparian areas and vegetation including important trees and associated rooting zones and vegetation areas to be preserved.
(2) Identify vegetative buffer zones between the site and sensitive areas (for example, wetlands), and other areas to be preserved, especially in perimeter areas.
(3) Hold a pre-construction meeting of project construction personnel that includes the inspector required by condition A.12.b.iii to discuss erosion and sediment control measures and construction limits.
(4) Stabilize site entrances and access roads including, but not limited to construction entrances, roadways and equipment parking areas (for example, using geotextile fabric underlay).

(5) Install perimeter sediment control, including storm drain inlet protection as well as all sediment basins, traps, and barriers.
(6) Establish concrete truck and other concrete equipment washout areas before beginning concrete work.
(7) Establish material and waste storage areas, and other non-stormwater controls.
(8) Stabilize stream banks and construct the primary runoff control measures to protect areas from concentrated flows.

ii. During Construction.

(1) Land Clearing, Grading and Roadways.
(a)Begin land clearing, excavation, trenching, cutting or grading only after installing applicable sediment and runoff control measures.
(b) Provide appropriate erosion and sediment control BMPs for all roadways including gravel roadways.
(c)Install additional control measures as work progresses as needed.
(d) Phase clearing and grading to the maximum extent practical to prevent exposed inactive areas from becoming a source of erosion.

(2) Surface Stabilization.
Apply temporary or permanent soil stabilization measures (for example, temporary and permanent seeding, or mulching) immediately on all disturbed areas as work is completed. Stabilization of disturbed areas must be initiated immediately whenever any earth disturbing activities have permanently ceased on any portion of the site.

(3) Construction and Paving.
Keep erosion and sediment control measures in place for the duration of construction, including protection for active storm drain inlets and appropriate non-stormwater pollution controls.

iii. Final Stabilization and Landscaping.

(1) Provide permanent erosion prevention measures on all exposed areas.
(2) Remove and properly dispose of construction materials and waste, including sediment retained by temporary BMPs.
(3) Remove all temporary control measures as areas are stabilized, unless doing so conflicts with local requirements.

9. BMP Maintenance

a. The permit registrant must establish and promptly implement procedures for maintenance and repair of erosion and sediment control measures.

b. General Site Maintenance.

i. Significant amounts of sediment that leave the site must be cleaned up within 24 hours, placed back on the site and stabilized, or disposed of properly. In addition, the source(s) of the sediment must be controlled to prevent continued discharge within 24 hours. Any in-stream cleanup of sediment must be performed according to requirements and timelines set by the Oregon Department of State Lands.

ii. Sediment must not be intentionally washed into storm sewers or drainage ways. Vacuuming or dry sweeping and material pickup must be used to cleanup released sediments.

iii. If fertilizers are used to establish vegetation, the application rates must follow manufacturer's guidelines and the application must be done in such a way to minimize discharge of nutrients to surface waters.

c. Maintenance of Erosion and Sediment Controls.

i. Sediment fence: remove trapped sediment before it reaches one third of the above ground fence height.

ii. Other sediment barriers (such as biobags): remove sediment before it reaches two inches depth above ground height.

iii. Catch basins: clean before sediment retention capacity has been reduced by fifty percent.

iv. Sediment basins: remove trapped sediments before design capacity has been reduced by fifty percent.

d. Stormwater Treatment Systems.

If a stormwater treatment system (for example, electro-coagulation, flocculation, filtration, etc.) for sediment or other pollutant removal is employed, submit an operation and maintenance plan (including system schematic, location of system, location of inlet, location of discharge, discharge dispersion device design, and a sampling plan and frequency) before operating the treatment system. The plan must be approved before operating the treatment system. The treatment system must be operated and maintained according to manufacturer's specifications.

10. In-stream Water Quality Standards

a. The permit registrant must not cause or contribute to a violation of in-stream water quality standards.

b. If the permit registrant develops, implements, and revises the control measures and practices described in the ESCP in compliance with Schedule A of this permit, DEQ assumes that the discharges authorized by this permit will not cause or contribute to a violation of water quality standards unless there is evidence to the contrary.

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

In addition to other applicable requirements of this permit, if a permit registrant's construction project has the potential to discharge to a portion of a waterbody that is listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that have an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity (available at www.deq.state.or.us/WQ/assessment/assessment.htm), the permit registrant must implement one or more of the BMPs listed below to control and treat sediment and turbidity. The selected BMP(s) must be identified in the ESCP as addressing this condition of the permit, and the rationale for choosing the selected BMP(s) must also be provided.

a. Compost berms, compost blankets, or compost socks;
b. Erosion control mats;
c. Tackifiers used in combination with perimeter sediment control BMPs;
d. Established vegetated buffers sized at 50 feet (horizontally) plus 25 feet (horizontally) per 5 degrees of slope;
e. Water treatment by electro-coagulation, flocculation, or filtration; and/or
f. Other substantially equivalent sediment or turbidity BMP approved by DEQ or Agent.

12. Erosion and Sediment Control Plan (ESCP)

a. Preparation.

i. The permit registrant must ensure that an ESCP is prepared and revised as necessary for the construction activity regulated by this permit and submitted to DEQ or Agent as required by this permit.

ii. Qualifications to Prepare ESCP.

(1) For construction activities disturbing 20 or more acres, the ESCP must be prepared and stamped by an Oregon Registered Professional Engineer, Oregon Registered Landscape Architect, Oregon Certified Engineering Geologist, or Certified Professional in Erosion and Sediment Control (Soil and Water Conservation Society).

(2) If engineered facilities such as sedimentation basins or diversion structures for erosion and sediment control are required, the ESCP must be prepared and stamped by an Oregon Registered Professional Engineer.

b. Required ESCP Elements

i. Name of the site.

ii. Local Government Requirements.

Include any procedures necessary to meet applicable local government erosion and sediment control or stormwater management requirements.

iii. Erosion and Sediment Control Inspector.

(1) Inspections must be conducted by a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality, is knowledgeable in the correct installation of the erosion and sediment controls, and is able to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

(2) Inspections must be conducted by a designated Erosion and Sediment Control Inspector.

(3) Provide the following for all personnel that will conduct inspections:

(e)Name and title;

(f) Contact phone number and, if available, e-mail address; and

(g) Description of experience and training.

iv. Narrative Site Description.

(1) Nature of the construction activity;

(2) Proposed timetable indicating when each erosion and sediment control BMP is to be installed and the duration that it is to remain in place;

(3) Estimates of the total area of the permitted site and the area of the site that is expected to undergo clearing, grading or excavation;

(4) Nature of the fill material to be used, and of the insitu soils; and

(5) Names of the receiving water(s) for stormwater runoff.

v. Site Map and Drawings.

(1) The site map and drawings must be kept on site and must represent the actual BMP controls being used onsite, particularly those BMPs identified in the most recent ESCP;

(2) The site map must show sufficient roads and features for DEQ or Agent to locate and access the site;

(3) The site map and drawings must include (but is not limited to) the following features (as applicable):

(a)Total property boundary including surface area of the development;

(b) Areas of soil disturbance (including, but not limited to, showing cut and fill areas and pre- and post-development elevation contours);

(c)Drainage patterns before and after finish grading;

(d) Discharge points;

(e)Areas used for the storage of soils or wastes;

(f) Areas where vegetative practices are to be implemented;

(g) All erosion and sediment control measures or structures;

(h) Impervious structures after construction is completed (including buildings, roads, parking lots and outdoor storage areas);

(i) Springs, wetlands and other surface waters on site or adjacent to the site;

(j) Temporary and permanent stormwater conveyance systems;

(k) Onsite water disposal locations (for example, for dewatering);

(l) Storm drain catch basins depicting inlet protection, and a description of the type of catch basins used (for example, field inlet, curb inlet, grated drain and combination);

(m) Septic drain fields;

(n) Existing or proposed drywells or other UICs;

(o) Drinking water wells on site or adjacent to the site;

(p) Planters;

(q) Sediment and erosion controls including installation techniques; and

(r) Detention ponds, storm drain piping, inflow and outflow details.

c. ESCP Revisions
   i. ESCP revisions must:
      (1) Clearly identify any changes (such as type or design) to the BMPs identified in the ESCP, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff.
      (2) Include contact information and any applicable certification, training and experience for changes in Erosion and Sediment Control Inspector.
   ii. Approval of the revisions by DEQ or Agent prior to implementation is not required.
   iii. Submission of all ESCP revisions is not required. ESCP revisions must be submitted only if they are made for any of the following reasons:
      (1) Part of a Corrective Action (A.13).
      (2) Change (increase or decrease) in the size of the project.
      (3) Change (increase or decrease) in the size or location of disturbed areas.
      (4) Change to BMPs (for example, type, design or location).
      (5) Change in erosion and sediment control inspector.
   iv. If submission of ESCP revisions is required, submit two paper copies and one electronic PDF to DEQ or Agent within 10 days of the revision. These revisions should be submitted as revised pages of the ESCP or drawings only; it is not necessary to submit the entire ESCP. If the permit registrant does not receive a response to the revisions from DEQ or Agent within 10 days of receipt, the proposed revisions are deemed accepted.
   v. DEQ or Agent may require the permit registrant to revise the ESCP at any time. The permit registrant must submit the revisions according to the timeframe specified by DEQ or Agent.

13. Corrective Actions

a. Corrective actions are required if any of the following occur:
   i. Significant amounts of sediment or turbidity (as described in A.8.b) are visibly detected in: 1) the discharge to a conveyance system leading to surface waters; 2) the discharge to surface waters 50 feet downstream; or 3) the discharge in surface waters at any location where more than one-half of the width of the receiving surface waters is affected.
   ii. The construction activity causes or contributes to a violation of in-stream water quality standards (A.10.a).
   iii. DEQ or the Agent requires the permit registrant to take corrective actions to prevent or control the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters.

b. If corrective actions are required, the registrant must:
   i. Immediately, but no later than 24 hours after initial detection, take corrective actions or implement additional effective BMPs until the significant amounts of sediment or turbidity are no longer visually detectable and to ensure that the requirements of Conditions A.8.b and A.10.a are met.
   ii. Document in the inspection records the corrective actions taken.
   iii. Evaluate the control measures and practices to determine the cause of the noncompliance. Submit a written report to DEQ or Agent within 10 days of identifying the need to take corrective action as required in condition 13.a above. This report must include:
      (1) The site common name and DEQ file number.
      (2) Identification of outfalls that were out of compliance.
      (3) Names of personnel conducting inspections.
      (4) A description of the noncompliance and its cause.
      (5) The period of noncompliance.
      (6) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance (such as specific BMPs that will be implemented or increased inspection frequency).
      (7) ESCP revisions, if revisions were required to prevent and control erosion and sediment discharges.

SCHEDULE B
MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS

1. Inspections

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

b. All ESCP controls and practices must be inspected visually according to the following schedule:

Site Condition	Minimum Frequency
1. Active period	Daily when stormwater runoff, including runoff from snow melt, is occurring. At least once every two (2) weeks, regardless of whether stormwater runoff is occurring.
2. Prior to the site becoming inactive or in anticipation of site inaccessibility	Once to ensure that erosion and sediment control measure are in working order. Any necessary maintenance and repair must be made prior to leaving the site.
3. Inactive periods greater than fourteen (14) consecutive calendar days	Once every two (2) weeks.
4. Periods during which the site is inaccessible due to inclement weather	If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location.

c. Documentation of inspections.
All inspections must be documented in writing as follows:
   i. Inspection date and inspector's name.
   ii. Observations for each discharge location. If a discharge location is inaccessible due to inclement weather, record the inspections noted at a relevant discharge point or downstream location if practical.
      (1) Where to make observations:
         (a) At the discharge location if the discharge is to a conveyance system leading to surface waters;
         (b) From the discharge point to 50 feet downstream if the discharge is to surface waters; and
         (c) At any location where more than one-half of the width of the receiving surface water is affected.
      (2) How to make observations:
         (a) For turbidity and color, describe any apparent color and the clarity of the discharge, and any apparent difference in comparison with the surface waters.
         (b) Describe any sheen or floating material, or record that it is absent. If present, it could indicate concern about a possible spill or leakage from vehicles or materials storage.

iii. Location(s) of BMPs that need to be maintained, inspections of all BMPs, including erosion and sediment controls, chemical and waste controls, locations where vehicles enter and exit the site, status of areas that employ temporary or final stabilization control, soil stockpile area, and non-stormwater pollution (for example, paints, oils, fuels, or adhesives) controls.
iv. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
v. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
vi. Corrective action required and implementation dates.

2. Recordkeeping

a. ESCP and All Revisions Retained Onsite. A copy of the ESCP and all revisions must be retained on site and made available on request to DEQ, Agent, or the local municipality. During inactive periods of greater than seven (7) consecutive calendar days, the ESCP must be retained by the permit registrant but does not need to be at the construction site.

b. Inspection Results.
i. All inspection records must be kept on site and maintained by the permit registrant.
ii. During inactive periods of greater than seven (7) consecutive calendar days, the inspection records must be retained by the permit registrant but do not need to be at the construction site.
iii. All inspection records must be made available to DEQ, Agent, or local municipality upon request; and must include:
(1) The construction site name as it appears on the registrant's permit and the file or site number.
(2) All revisions and documentation of reasons for changes or modifications to the ESCP and other corrective measures.
(3) Records must be delivered or made available to DEQ or Agent within three (3) working days of request.
iv. All inspection records must be retained by the permit registrant for at least three (3) years after project completion.

SCHEDULE D
SPECIAL CONDITIONS

1. Schedule Precedence

In the event of any inconsistency between Schedules A through D and F, Schedules A through D will apply.

2. Other Requirements

Registration under this permit does not relieve the permit registrant from all other permitting and licensing requirements. Prior to beginning construction activities, the permit registrant must obtain all other necessary approvals.

3. Termination of Permit Registration

a. If the project never started (there was no construction activity and no soil disturbance):
   i. Complete and submit a Notice of Termination form to DEQ or Agent.
b. For all construction activity, the following conditions must be met prior to termination:
   i. All portions of the site for which you are responsible must meet final stabilization criteria (B.3.c.i – B.3.c.vi); and
   ii. For a common plan of development or sale:
      (1) All portions of the original common plan of development or sale that have been sold must either meet final stabilization criteria (B.3.c.i – B.3.c.vi) or be covered by the 1200-C or 1200-CN; and
      (2) The owner/operator of the common plan must submit an update of the ESCP depicting new site boundaries (based on the sale of portions of the common plan).
c. Final stabilization is determined by satisfying the following criteria:
   i. There is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters.
   ii. 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.
   iii. All temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements.
   iv. All soil disturbance activities have stopped and all stormwater discharges from construction activities that are authorized by this permit have ceased.
   v. All disturbed or exposed areas of the site are fully stabilized as defined in condition D.5.l.
   vi. All outstanding compliance issues have been resolved.
d. To terminate permit registration:
   i. Submit photo-documentation that depicts site stabilization, unless the site has been inspected by DEQ or Agent; and
   ii. Complete and submit a Notice of Termination form to DEQ or Agent.

4. Local Public Agencies Acting as DEQ's Agent

DEQ authorizes local public agencies to act as its Agent in implementing this permit if they entered into a Memorandum of Agreement (MOA). The Agent may be authorized to conduct the following activities, including but not limited to: application and ESCP review, inspections, monitoring data review, stormwater monitoring.

5. Permit-specific Definitions

a. *Agent* means a governmental entity that has an agreement with DEQ to administer this general permit within their jurisdictional boundaries.
b. *Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, erosion and sediment control, source

control, and operating procedures and practices to control site runoff, spillage or leaks, and waste disposal.

c. *Borrow Area* means the area from which material is excavated to be used as fill material in another area.
d. *Clean Water Act or CWA* means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.
e. *Conveyance* System means a sewer, ditch, or swale that is designed to carry water; or any combination of such components.
f. *DEQ* means the Oregon Department of Environmental Quality.
g. *Detention* means the temporary storage of stormwater to improve quality or reduce the volumetric flow rate of discharge or both.
h. *Dewatering* means the removal and disposal of surface water or groundwater during site construction.
i. *Discharge Point* means the location where stormwater leaves the site. It includes the location where stormwater is discharged to surface water or a stormwater conveyance system.
j. *Erosion* means the movement of soil particles or rock fragments by water or wind.
k. *Erosion and Sediment Control BMPs* means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, sediment fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.
l. *Fully Stabilized* means the completion of all soil disturbing activities at the site by the permit registrant, and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) to prevent erosion.
m. *Hazardous Materials* means the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.
n. *Local Government* means any county, city, town, or service district.
o. *National Pollutant Discharge Elimination System or NPDES* means the national program under Section 402 of the Clean Water Act for regulation of point source discharges of pollutants to waters of the United States.
p. *Non-Stormwater Pollution Controls* means general site and materials management measures that directly or indirectly aid in minimizing the discharge of sediment and other construction related pollutants from the construction site.
q. *Owner or operator* means the owner or operator of any ''facility or activity'' subject to regulation under the NPDES program. Owners or operators may be individuals or other legal entities. Owners or operators of automatically covered construction activities are not permit registrants. Operator for the purpose of this permit and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:
    (1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
    (2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a ESCP for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the ESCP or comply with other permit conditions).
r. *Permanent Control Measures* means erosion prevention materials designed to provide long-term protection to underlying soils. This may include but not limited to buildings, paving. a uniform (evenly distributed, without large bare areas) perennial vegetative cover, riprap, gabions, or geotextiles.
s. *Permit Registrant* means the owner or operator of the construction activity regulated by this permit who has submitted an application and received notice of registration under this general permit by DEQ or Agent. Owners or operators of automatically covered construction activities are not permit registrants.
t. *Pollutant* as defined in 40 CFR §122.2 means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt and industrial, municipal, and agricultural waste discharge into water. It does not mean sewage from vessels

within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

u. *Pollution or Water Pollution* as defined by ORS 468B.005(3) means such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.
v. *Runoff Controls* means BMPs that are designed to control the peak volume and flow rate or to prevent scour due to concentrated flows.
w. *Sediment* means mineral or organic matter, typically deposited by water, air, or ice.
x. *Site* means the area where the construction activity is physically located or conducted.
y. *Stormwater Conveyance* means a sewer, ditch, or swale that is designed to carry stormwater; a stormwater conveyance may also be referred to as a storm drain or storm sewer.
z. *Stormwater as defined by 40 CFR §122.26(b)(13)* means stormwater runoff, snow melt runoff, and surface runoff and drainage.
aa. *Surface Runoff* means that portion of stormwater that does not infiltrate into the ground or evaporate, but instead flows onto adjacent land or watercourses or is routed to stormwater conveyance systems.
bb. *Surface Water* means all water naturally open to the atmosphere (for example, rivers, lakes, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).
cc. *Total Maximum Daily Load or TMDL* means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. Percentages of the TMDL are allocated by DEQ to the various pollutant sources.
dd. *Turbidity* means the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTUs) measured with a calibrated turbidity meter.
ee. *Underground Injection Control* means any system, structure, or activity that is created to place fluid below the ground or sub-surface (for example, sumps, infiltration galleries, drywells, trench drains, drill holes, etc.)
ff. *Water or Waters of the State as defined by ORS 468B.005(8)* means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

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

2. Penalties for Water Pollution and Permit Condition Violations
   ORS 468.140 allows the Director to impose civil penalties up to $25,000 per day for violation of a term, condition, or requirement of a permit. ORS 468.943 creates the criminal offense of unlawful water pollution in the second degree, for the criminally negligent violation of ORS chapter 468B or any rule, standard, license, permit or order adopted or issued under ORS chapter 468B. Unlawful water pollution in the second degree is punishable by a fine of up to $25,000 or imprisonment for not more than one year, or both. In addition, OAR 468.946, creates the offense of unlawful water pollution of the first degree, which is a Class B felony.

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

4. Duty to Reapply
   If the permit registrant wishes to continue an activity regulated by this permit after the expiration date of this permit, the permit registrant must apply for and have the permit registration renewed. The application must be submitted at least 180 days before the expiration date of this permit. The department may grant written permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions
   This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
   a. Violation of any term, condition, or requirement of this permit, a rule, or a statute
   b. Failure to pay fees when they are due
   c. Obtaining this permit by misrepresentation or failure to disclose fully all material facts
   d. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
   e. The permit registrant is identified as a Designated Management Agency or allocated a wasteload under a Total Maximum Daily Load (TMDL)
   f. New information or regulations
   g. Modification of compliance schedules
   h. Requirements of permit re-opener conditions
   i. Correction of technical mistakes made in determining permit conditions
   j. Determination that the permitted activity endangers human health or the environment
   k. Other causes as specified in 40 CFR §§122.62, 122.64, and 124.5

   DEQ will give permit registrant notice of the right to a contested case hearing in the event DEQ issues a Notice of Revocation, Suspension or Refusal to Renew the permit.

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

6. Toxic Pollutants
The permit registrant must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to persons of property or invasion of any other private rights, nor any infringement of federal, tribal, state, or local laws or regulations.

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

9. Permit Fees
The permit registrant must pay the fees required by OAR 340-045-0070 to 0075.
The permit registrant must pay annual compliance fees by the last day of the month prior to when the permit was issued. For example, if the permit was issued or last renewed in April, the due date will be March 31st. If the payment of annual fees is 30 days or more past due, the permit registrant must pay 9% interest per annum on the unpaid balance. Interest will accrue until the fees are paid in full. If DEQ does not receive payment of annual fees when they are due, DEQ will refer the account to the Department of Revenue or to a private collection agency for collection.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance
The permit registrant must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permit registrant to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permit registrant only when the operation is necessary to achieve compliance with the conditions of the permit.

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

3. Bypass of Treatment Facilities
   a. Definitions
      i. "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded,

provided the diversion is to allow essential maintenance to assure efficient operation or the diversion is due to nonuse of nonessential treatment units or processes at the treatment facility.

ii. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.
   i. Bypass is prohibited unless:
      (1) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
      (2) 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
      (3) The permit registrant submitted notices and requests as required under General Condition B.3.c.
   ii. The department may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the department determines that it will meet the three conditions listed above in General Condition B.3.b.(1).

c. Notice and request for bypass.
   i. Anticipated bypass. If the permit registrant knows in advance of the need for a bypass, a written notice must be submitted to the department at least ten days before the date of the bypass.
   ii. Unanticipated bypass. The permit registrant must submit notice of an unanticipated bypass as required in General Condition D.5.

4. Upset
   a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permit registrant. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
   b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B.4.c are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance is not final administrative action subject to judicial review.
   c. Conditions necessary for a demonstration of upset. A permit registrant who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      i. An upset occurred and that the permit registrant can identify the causes(s) of the upset;
      ii. The permitted facility was at the time being properly operated;
      iii. The permit registrant submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and
      iv. The permit registrant complied with any remedial measures required under General Condition A.3 hereof.
   d. Burden of proof. In any enforcement proceeding, the permit registrant seeking to establish the occurrence of an upset has the burden of proof.

5. Treatment of Single Operational Upset
   For purposes of this permit, A Single Operational Upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission),

temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

6. Overflows from Stormwater Conveyance Systems (privately owned)
   a. Definitions
      i. "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system through a designed overflow device or structure, other than discharges to the wastewater treatment facility.
      ii. "Severe property damage" means substantial physical damage to property, damage to the conveyance system which causes it to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.
      iii. "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure.
   b. Prohibition of overflows. Overflows are prohibited unless:
      i. Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;
      ii. There were no feasible alternatives to the overflows, such as the use of auxiliary conveyance systems, or maximization of conveyance system storage; and
      iii. The overflows are the result of an upset as defined in General Condition B.4 and meeting all requirements of this condition.
   c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.
   d. Reporting required. Unless otherwise specified in writing by the department, all overflows and uncontrolled overflows must be reported orally to the department within 24 hours from the time the permit registrant becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

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

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

SECTION C. MONITORING AND RECORDS

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

2. Flow Measurements
   Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the

measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

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

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

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

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

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

8. Retention of Records
The permit registrant must retain records of all monitoring information, including: all calibration, maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

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

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

SECTION D. REPORTING REQUIREMENTS

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

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

3. Transfers
This permit may be transferred to a new permit registrant provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit may be transferred to a third party without prior written approval from the department. The department may require modification, revocation, and reissuance of the permit to change the name of the permit registrant and incorporate such other requirements as may be necessary. The permit registrant must notify the department when a transfer of property interest takes place.

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

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

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

a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected;
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
e. Public notification steps taken, pursuant to General Condition B.7.

The following must be included as information that must be reported within 24 hours under this paragraph:
a. Any unanticipated bypass that exceeds any effluent limitation in this permit.
b. Any upset that exceeds any effluent limitation in this permit.
c. Violation of maximum daily discharge limitation for any of the pollutants listed by the department in this permit.
d. Any noncompliance that may endanger human health or the environment.

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

6. Other Noncompliance
The permit registrant must report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports must contain:
a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

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

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

9. Falsification of Information
Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $100,000 per violation and up to 5 years in prison. Additionally, according to 40 CFR §122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
10. Changes to Discharges of Toxic Pollutant
The permit registrant must notify the department as soon as it knows or have reason to believe of the following:

a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:
   i. One hundred micrograms per liter (100 µg/l);
   ii. 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;
   iii. 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
   iv. The level established by the department in accordance with 40 CFR §122.44(f).
b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
   i. Five hundred micrograms per liter (500 µg/l);
   ii. One milligram per liter (1 mg/l) for antimony;
   iii. 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
   iv. The level established by the department in accordance with 40 CFR §122.44(f).

SECTION E. DEFINITIONS

1. Technology based permit effluent limitations means technology-based treatment requirements as defined in 40 CFR §125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
2. mg/l means milligrams per liter.
3. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
4. Month means calendar month.
5. Week means a calendar week of Sunday through Saturday.