

Permit Number: 101822
Expiration Date: 5/31/2005
File Number: 110870

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGE PERMIT**

Department of Environmental Quality
811 S.W. Sixth Avenue
Portland, OR 97204
Telephone: (503) 229-5696

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

ISSUED TO:

Oregon Department Of Transportation
800 Airport Road SE
Salem, OR 97310

SOURCES COVERED BY THIS PERMIT:

All Existing and New Discharges of Storm Water From the Municipal Separate Storm Sewer System associated with the Oregon Department of Transportation owned and maintained facilities and properties located within the highway right-of-way and maintenance facilities.

RECEIVING STREAMS INFORMATION:

Basin: All basins in Oregon



Michael Llewellyn, Division Administrator
Water Quality Division

June 9, 2000
Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to implement a storm water management program to reduce the contribution of pollutants in storm water to the maximum extent practicable and to discharge storm water to public waters in conformance with all the requirements and conditions set forth in the attached schedules as follows:

	<u>Page</u>
Schedule A - Controls and Limitations.....	2
Schedule B - Minimum Monitoring and Reporting Requirements.....	5
Schedule C - Compliance Conditions and Schedules.....	6
Schedule D - Special Conditions.....	7
Schedule F - General Conditions.....	8

Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharge to an underground injection control system.

SCHEDULE A

Controls and Limitations for Storm Water Discharges from Municipal Separate Storm Sewer Systems

1. The permittee must maintain compliance with this permit and implement its Storm Water Management Plan (SWMP) in order to comply with the following conditions required by the Clean Water Act:
 - a. Reduce the discharge of pollutants to the maximum extent practicable to storm water discharges from the Municipal Separate Storm Sewer System (MS4).
 - b. Effectively prohibit non-storm water discharges into the MS4 unless such discharges are otherwise permitted by an existing National Pollutant Discharge Elimination System (NPDES) permit or by mutual agreement and order pursuant to OAR 340-45-0062. The following non-storm water discharges need not be prohibited from entering the MS4, provided appropriate control measures (if needed) to minimize the impacts of such sources, are developed under the SWMP: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and discharges or flows from emergency fire fighting activities.

The permittee will be deemed to be in compliance with (a) and (b) above by implementing the SWMP as submitted in the National Pollutant Discharge Elimination System (NPDES) permit renewal and expansion application, including amendments and attachments (Application). The SWMP and Application are hereby incorporated into this permit by reference. In addition to the submitted information, the permittee must submit the supplemental information on program elements as required in Condition 2, Schedule A of this permit.

2. Supplemental Program Elements

The following elements must be completed as required in Schedule C, and made part of the SWMP:

a. Source Identification Program

i. Outfall Inventory

The permittee must complete and maintain an inventory and map of major outfalls, as defined in 40 CFR §122.26 (b) (5) within urban growth boundaries (UGBs) of municipalities in Oregon that have a population of 10,000 or greater, and any area designated by DEQ as making a significant contribution of storm water pollution to waters of the State. At a minimum, the inventory must identify the location of the outfall by latitude and longitude, highway number and mile point; receiving water; outfall size; and predominant land use in the drainage.

ii. Inventory of Structural Improvements

The permittee must complete and maintain an inventory and map of the highway segments where structural improvements for storm water management have been implemented. Examples of structural improvements include, but are not limited to, retention ponds, sedimentation catch basins, bioswales, and vegetative filter strips. At a minimum, the inventory will identify the stretch of highway or the maintenance yard by longitude and latitude, highway number and mile points, the drainage area, the receiving water, and the type of treatment facility.

- iii. Maintenance Facility Inventory
The permittee must complete and maintain an inventory and map of the permittee's maintenance facilities. At a minimum, the inventory will identify the location of the facility by longitude and latitude, highway number and mile point, the receiving water, materials storage, and maintenance activities.
- b. **Illicit Discharge Elimination Program**
 - i. Major Outfall Inspection Program
The permittee must inspect all major outfalls previously identified or identified in the inventory of major outfalls as described in the SWMP. The inspection will be conducted during dry weather to detect illicit discharges of non-storm water to the permittee's MS4.
 - ii. Complaint Response
The permittee must investigate all complaints and reports about potential illicit discharges to the permittee's MS4, and respond as appropriate to eliminate the discharge.
 - iii. Ditch Inspection Plan
The permittee must develop a plan for inspecting all open roadside ditches within the permittee's jurisdiction. The plan will, at a minimum, address inspection procedure, documentation, reporting procedure, and inspection frequency.
- c. **Storm Water Data Collection Program**
 - i. Storm Water Quality and Traffic Volume
The permittee must prepare and submit for Department approval, a plan to evaluate the relationship between traffic volume and storm water pollution quantity and quality. The plan must be scientifically defensible and at a minimum specify investigation objectives, data quality objectives, investigation design, analytical methods, data analysis methods, and a schedule for completion. Existing data or data from other research projects may be used provided the data meets the preceding specifications.
 - ii. Maintenance Yard Storm Water Investigation
The permittee must prepare and submit for Department approval, a plan to evaluate the quantity and quality of storm water pollution at the permittee's maintenance yards. The plan must be scientifically defensible and at a minimum specify investigation objectives, data quality objectives, investigation design, analytical methods, data analysis methods, and a schedule for completion.
- d. **Implementation and Maintenance Program for Structural and Non-structural BMPs**
 - i. The permittee must implement a policy for conducting a storm water treatment evaluation as part of the development process for all new projects, redevelopment and restoration projects. Maintenance for all BMP will be conducted as described in the Oregon Department of Transportation, Routine Road Maintenance, Water Quality and Habitat Guide, Best Management Practices, July 1999, submitted with the Application and hereby incorporated into this permit by reference.
 - ii. The permittee must prepare and submit for Department approval, a program of management practices and implementation plan for the permittee's maintenance yards designed to reduce

and prevent water quality violations. The discharge points for each maintenance yard must be identified in this plan.

e. **Public Education and Outreach**

- i. The permittee will continue to make training opportunities available to other public agencies, particularly for training sessions related to storm water management, erosion control, vegetation management, and storm water facility design. The permittee will also continue to actively promote the “Adopt a Highway Program” and “Adopt a Landscape Program”.

3. **Oregon Administrative Rule 340-41-26(3)(a)(D), Surface Water Temperature Management Plan.** Individual storm water discharges are not expected to cause a measurable increase in stream temperature. Compliance with this permit meets the requirements of OAR 340-41-26(3)(a)(D) to develop and implement a surface water temperature management plan. If it is determined that storm water discharges in a particular basin are impacting a Total Maximum Daily Load for temperature, then permittees in this basin will be required to implement additional management practices to reduce the temperature of the discharges. These practices include, but are not limited to, increased vegetation to provide for shading, underground conveyance systems or detention vaults, and filter treatment systems to reduce detention times.
4. **The Department has developed or will be developing Total Maximum Daily Loads (TMDLs)** including an implementation program for water quality limited streams in Oregon. The permittee will implement the statewide SWMP to address the quality of storm water from the permittee’s facilities. If additional requirements are identified as individual TMDLs are established, the Department will enter into a memorandum of agreement (MOA) with the permittee that describes the additional activities the permittee must complete and the time frames for completion of these activities. The MOAs and this permit are the regulatory tools to insure compliance with the storm water component of the TMDL program. Compliance with the storm water component of the MOA will constitute compliance with the TMDL provision of this permit.

SCHEDULE B

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

1. Monitoring Requirements

The permittee must conduct monitoring as specified in the SWMP. Monitoring includes analytical sampling and visual inspections.

2. Reporting Requirements

The permittee must submit by April 1 of each year three copies of a coordinated system-wide report for the calendar year, January 1 to December 31, containing:

- a. A description of the activities undertaken to implement the components of the SWMP;
- b. A description of any changes made, initiated or proposed to the SWMP;
- c. A summary of data, including monitoring data required by SWMP, and quality assurance/quality control information, that is accumulated throughout the reporting year; and
- d. Any water quality improvements or degradation that have been identified.

SCHEDULE C

Compliance Conditions and Schedules

1. Within three years of the effective date of this permit, the permittee must submit to the Department, three copies of an inventory and map of major outfalls inside UGBs of municipalities that have populations of 10,000 or greater, and any area designated by DEQ as making a significant contribution of storm water pollution to waters of the State, as described in Schedule A of this permit.
2. Within two year of the effective date of this permit, the permittee must submit to the Department, three copies of an inventory and map of the highway segments where best management practices (BMPs) for storm water management have been implemented as described in Schedule A of this permit.
3. Within three months of the effective date of this permit, the permittee must submit to the Department three copies of an inventory and map of the permittee's maintenance facilities as described in Schedule A of this permit.
4. Within four years of the effective date of this permit, the permittee must submit to the Department for approval, three copies of a plan for inspecting all open roadside ditches within the permittee's jurisdiction.
5. By September 1, 2000 the permittee must prepare and submit for Department approval, three copies of a plan to evaluate the relationship between traffic density and storm water pollution as described in Schedule A of this permit.
6. By August 1, 2001 the permittee must prepare and submit for Department approval, three copies of a plan to evaluate the quantity and quality of storm water pollution at the permittee's maintenance yards as described in Schedule A of this permit.
7. Within one year of the effective date of this permit, the permittee must implement a policy for conducting a storm water treatment evaluation as part of the development process for all construction and renovation projects.

SCHEDULE D

Special Conditions

1. The permittee must maintain, through ordinance, interagency agreement or other means, adequate legal authority to implement and enforce the provisions of this permit.
2. The permittee must manage storm water within that permittee's jurisdiction in accordance with the current SWMP approved by the Department. No significant changes will be made in storm water management activities as described in the approved SWMP without the prior written approval of the Department. Insignificant changes to management activities as described in the approved SWMP may be made without written approval of the Department. Insignificant changes are modifications of implementation tasks within a management activity that do not change the intent or overall implementation schedule of that activity.
3. All changes to the SWMP will be summarized in the annual report required by Schedule B.

**DRAFT SCHEDULE F
NPDES PERMIT GENERAL CONDITIONS
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

SECTION A. STANDARD CONDITIONS

1. Duty to Comply

Each permittee listed on page 1 must comply with all applicable conditions of this permit. Any permit non-compliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; permit termination, suspension or modification; or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

ORS 468.140 allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. In addition, a person who unlawfully pollutes water as specified in ORS 468.943 or ORS 468.946 is subject to criminal prosecution.

3. Duty to Mitigate

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

4. Duty to Reapply

If any or all of the permittees wish to continue the discharge of storm water regulated by this permit after the permit expiration date, the permittee(s) must apply to have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

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

5. Permit Actions

This permit may be modified, suspended, revoked and reissued, or terminated with respect to a permittee for cause including, but not limited to, the following:

- a. The 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; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by any or all of the permittees for a permit modification or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

6. Toxic Pollutants

The permittees must comply with any applicable effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants in storm water 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 privileges.

8. Permit Reference

Except for effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all MS4 facilities and systems of treatment and control (and related appurtenances) within the permittee's jurisdiction which 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.

2. Removed Substances

Solids and other pollutants removed in the course of maintaining the MS4 must be recycled, reused and/or disposed of in such a manner as to prevent pollutants entering public waters, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the monitored activity. All samples must be taken at the monitoring points specified in this permit. Monitoring points must not be changed without notification to and the approval of the Department.

2. Monitoring Procedures

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

3. Penalties of Tampering

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit must, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

4. Additional Monitoring by the Permittee

If a permittee monitors any pollutant specified in Schedule B at any sample point specified in Schedule B of this permit more frequently than required by this permit, using test procedures approved under 40 CFR §136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the annual report required by Schedule B. The increased frequency must also be indicated.

5. Retention of Records

The permittee must retain records of all monitoring information, including all calibration and maintenance records, and 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.

6. Content of Records

Records of monitoring information must include:

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

7. Inspection and Entry

The permittee must allow the Department, or an authorized representative upon the presentation of credentials, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by State Law, any substances or parameters at any location within the MS4.

SECTION D. REPORTING REQUIREMENTS

1. Anticipated Non-compliance

The permittee(s) must give advance notice to the Department of any planned changes in the permitted facilities or activities which may result in non-compliance with permit requirements.

2. Transfers

This permit may be transferred to a new permittee(s) provided the transferee(s) 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 will be transferred to a third party without prior written approval from the Director or designated representative. The permittee must notify the Department when a transfer of property interest takes place which results in a change of permittee(s).

3. Compliance Schedule

Reports of compliance or non-compliance 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 non-compliance must include the cause of non-compliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

4. Duty to Provide Information

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

When a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

5. Signatory Requirements

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

6. Falsification of Reports

A person who supplies the Department with false information, or omits material or required information, as specified in ORS 468.953 is subject to criminal prosecution.

SECTION E. DEFINITIONS AND ACRONYMS

1. *CFR* means Code of Federal Regulations

2. *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; 33 U.S.C. 1251 et seq.

3. *Department* means Department of Environmental Quality.

4. *Director* means Director of the Department of Environmental Quality.

5. *Illicit Discharge* means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except such non-storm water discharges as described in Schedule A, subsection 1.b. of this permit.

6. *Major Outfall* means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activities (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with

a drainage area of 2 acres or more).

7. *mg/L* means milligrams per liter.
8. *mL/L* means milliliters per liter.
9. *MS4* means a municipal separate storm sewer system.
10. *Municipal Separate Storm Sewer (MS4)* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
 - a) Owned or operated by a State, city, town, county, district, or other public body (created 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 a designated and approved management agency under §208 of the CWA that discharges to waters of the United States;
 - b) Designed or used for collection or conveying storm water;
 - c) Which is not a combined sewer; and
 - d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined by 40 CFR §122.2.
11. *Outfall* means a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States 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 United States and are used to convey waters of the United States.
12. *Permit* means the NPDES Municipal Permit specified herein, authorizing the permittee(s) listed on Page 1 of this permit to discharge from the MS4.
13. *Permittee* means the single permittee or co-permittees listed on page 1 of this permit.
14. *Storm Water* means storm water runoff, snow melt runoff, and surface runoff and drainage.
15. *Storm Water Management Program (or SWMP)* means a program designed to reduce the discharge of pollutants from your municipal separate storm sewer system to the maximum extent practicable, and approved by the Department.
16. *Year* means calendar year except where otherwise defined.