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

ISSUED TO: City of Corvallis

MAJOR RECEIVING STREAMS: Willamette River (RM 131), Marys River, Oak Creek, Dunawi Creek, Dixon Creek, Stewart Slough

WASTE LOAD ALLOCATIONS (if any): A Total Maximum Daily Load (TMDL) that includes Waste Load Allocations for urban stormwater has been established for the Willamette Subbasin. The TMDL was approved by EPA on September 29, 2006. Waste Load Allocations for urban stormwater are addressed in Schedule D of this permit.

SOURCES COVERED BY THIS PERMIT:

All existing and new discharges of stormwater from the municipal separate storm sewer system to waters of the state within the City of Corvallis.

Issued in response to Application No. 982304 received March 10, 2003. EPA reference # ORS113605

John J. Ruscigno, Water Quality Manager
Western Region North

Issued: May 8, 2007

PERMITTED ACTIVITIES:

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

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Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control system. This permit is issued based on the land use findings in the permit record.

Schedule A
DISCHARGE LIMITATIONS AND STORMWATER MANAGEMENT PROGRAM

1. **Prohibition of Non-stormwater Discharges**
The permittee must effectively prohibit non-stormwater discharges into the MS4 unless such discharges are otherwise permitted by an existing NPDES permit. Unless identified by the permittee, or the Department, the following non-stormwater discharges need not be addressed by the permittee's illicit discharge program, 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 groundwater; discharges from potable water sources; start up flushing of groundwater wells; aquifer storage and recovery wells; potable groundwater monitoring wells; draining and flushing of municipal potable water storage reservoirs; 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; discharges or flows from emergency fire fighting activities; discharges of treated water from investigation, removal and remedial actions selected or approved by the Department pursuant to Oregon Revised Statute (ORS) Chapter 465, the state's environmental cleanup law.

2. **Stormwater Management Program Requirements**
   a. The permittee must develop, implement, enforce, and measure the effectiveness of a Stormwater Management Program (SWMP) designed to implement the requirements of the federal Clean Water Act and Oregon administrative rules and protect water quality by requiring controls to reduce the discharge of pollutants to the maximum extent practicable. The SWMP must include management practices, control techniques, and provisions for the control of pollutants.

   b. The SWMP must include the following information for each of the six minimum control measures described in condition A(4) of this permit:
      i. The structural and non-structural best management practices (BMPs) that the permittee or another entity will implement for each of the stormwater minimum control measures;
      ii. The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action;
      iii. The position or positions responsible for implementing or coordinating the BMPs for the permittee's SWMP; and
      iv. The rationale for how and why the permittee selected each of the BMPs and measurable goals for the permittee's SWMP.

   c. The permittee must implement all applicable provisions in the SWMP. Applicable provisions are those relating to requirements, programs and operations of the MS4 over which the permittee has jurisdiction or control. For the permit, the SWMP is located in DEQ File Number 113605. The SWMP, and any Department-approved amendments thereto, is hereby incorporated into the permit by reference.

3. Adaptive Management

Adaptive management is the process for assessing and implementing new opportunities for improving program effectiveness in controlling stormwater pollution to the maximum extent practicable. The permittee is required to use adaptive management to assess options for improving controls on stormwater discharges. The City will conduct an evaluation of its program and assess options for improving its program in accordance with Schedule A, 6. In assessing these options, the permittee must use the monitoring information and analyses as described in the Department-approved SWMP, as well as applicable information from other sources in the adaptive management process.

Adaptive management requires the permittee to assess and modify, as necessary, any or all existing SWMP components and adopt new SWMP components to optimize reductions in stormwater pollutants to the maximum extent practicable, through an iterative process. The iterative process includes an annual assessment of the need to further reduce stormwater impacts and protect beneficial uses, review of available technologies and practices to accomplish the needed improvement, and evaluation of resources available to implement the technologies and practices.

4. Minimum Control Measures

The permittee must address the following six minimum control measures in its SWMP:

a. *Public Education and Outreach on Stormwater Impacts*

The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

b. *Public Involvement/Participation*

The permittee must adopt a public participation process as a part of their on-going stormwater management program. The public participation process must provide opportunities for members of the public to participate in program development and implementation.

c. *Illicit Discharge Detection and Elimination*

The permittee must:

i. Develop, implement and enforce a program to detect and eliminate illicit discharges into the permittee's small MS4;
ii. Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names of all waterbodies that receive discharges from those outfalls;
iii. To the extent allowable under State or local law, and as provided in Schedule A, 1., effectively prohibit, through ordinance, or other regulatory mechanism, non-stormwater discharges into the permittee's storm sewer system and implement appropriate enforcement procedures and actions.
iv. Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, to the permittee's system;
v. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
vi. Develop a process to respond to and document complaints relating to illicit discharges.

d. *Construction Site Stormwater Runoff Control*

The permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the permittee's small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from

construction activity disturbing less than one acre must be included in the permittee's program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The permittee's program must include the development and implementation of, at a minimum:

i. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
ii. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
iii. Requirements for construction site operators to prevent or control waste that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site;
iv. Procedures for site plan review that incorporate measures to prevent or control potential water quality impacts;
v. Procedures for receipt and consideration of information submitted by the public; and
vi. Procedures for site inspection and enforcement of control measures.

e. *Post-Construction Stormwater Management in New Development and Redevelopment*

The permittee must:

i. Develop, implement, and enforce a program to address pollutants in stormwater runoff from new development and redevelopment projects that disturb one acre or more, or less than one acre if they are part of a larger common plan of development or sale, and discharge into the permittee's small MS4. The permittee's program must ensure that controls are in place that would prevent or minimize water quality impacts.
ii. Develop and implement strategies that include a combination of structural or non-structural BMPs appropriate for the permittee's community, and
   (1) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
   (2) Ensure adequate long-term operation and maintenance of BMPs; and
   (3) Ensure adequate enforcement of ordinance or alternative regulatory program.

f. *Pollution Prevention in Municipal Operations*

i. The permittee must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
ii. Using training materials that are available from the Department, EPA, or other organizations, the program must include employee training to prevent and reduce stormwater pollution from activities including, but not limited to, park and open space maintenance, fleet and building maintenance, new municipal facility construction and related land disturbances, design and construction of street and storm drain systems, and stormwater system maintenance.

5. Sharing Responsibility

Implementation of one or more of the minimum measures may be shared with another entity or may be fully taken over by another entity. The permittee may rely on another entity only if:

a. The other entity implements the control measure.
b. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.
c. The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the

description of the permittee's Stormwater Management Program. If the other entity fails to implement the control measure on the permittee's behalf, then the permittee remains liable for any discharges due to that failure to implement.

6. Reviewing and Updating Stormwater Management Program (SWMP) and Modifying Permit

a. *SWMP Review:* The permittee must conduct an annual review of its SWMP in conjunction with preparation of the annual report required under condition B(2).

b. *SWMP Updates Proposed by Permittee:* The permittee may change its SWMP during the permit term in accordance with the following procedures:

i. Changes adding, but not subtracting or replacing, components, controls, or requirements to the SMWP may be made at any time. The Department must be notified of such changes in the subsequent annual report, as required in condition B(2)(d).

ii. The permittee must submit a written request to the Department to discontinue or replace a BMP specifically identified in the SWMP. A discontinued or replaced BMP must be replaced with a BMP that is at least as effective. Unless denied by the Department, changes proposed in accordance with the criteria below will be deemed approved and may be implemented 60 days from submittal of the request. If a request is denied, the Department will send the permittee a written response giving a reason for the decision. The permittee's request must include the following:

(1) An explanation of why the existing BMP is less effective or infeasible,

(2) Proposed replacement BMP(s) and schedule for implementation, and

(3) An explanation of how the replacement BMP is expected to better achieve the goals of the existing BMP.

iii. Change requests or notifications must be made in writing and signed in accordance with condition F(D)(6).

c. *SWMP Changes Proposed by Department*: Changes requested by the Department will be made in writing, set forth the time schedule for the permittee to develop the changes, and offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Department will be made in accordance with 40 CFR §§124.5, 122.62 or 122.63 as appropriate.

d. *Permit Modifications*: Changes to the SWMP are considered a part of adaptive management and do not require modification of this permit unless the Department determines that the magnitude of proposed SWMP revisions substantially changes the nature or scope of the SWMP. The Department will conduct this permit modification process in accordance with OAR 340-045-0040 and 0055.

e. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* The permittee must implement its SWMP in all new areas added to the permittee's portion of the MS4 (or areas for which the permittee becomes responsible for SWMP implementation) as expeditiously as practicable, but not later than one year from addition of the new areas. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing its SWMP on all affected areas. The plan must include schedules for implementation.

Schedule B
MONITORING AND REPORTING REQUIREMENTS

1. **Minimum Monitoring Requirements**
The permittee must evaluate program compliance, the appropriateness of identified best management practices (BMPs), and progress toward achieving identified measurable goals. If stormwater outfall or in-stream monitoring is conducted as part of a permittee's program evaluation efforts, the requirements described in condition F(C)(1) and (C)(2) must be followed. The types of monitoring information that must be maintained in such cases are specified in condition F(C)(6).

2. **Annual Reporting Requirements**
The permittee must submit an annual report to the Department by November 1 of each year for the time period July 1 through June 30. The first annual report is due November 1, 2007. The annual reports must contain:
   a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
   b. Results of information collected and analyzed, if any, during the reporting period, including evaluation criteria used to assess the success of the program at reducing the discharge of pollutants to the MEP;
   c. Based on the review required in Schedule A. 6., A summary of the stormwater activities the permittee plans to undertake during the next reporting cycle, including a schedule for implementation;
   d. Based on the review required in Schedule A. 6., A description of changes made to the SWMP, including changes to BMPs or measurable goals identified in the SWMP;
   e. Information on all new additions or removals of annexed areas that result in an expansion or contraction of the MS4's boundaries;
   f. Notice that the permittee is relying on another government entity to satisfy some of the permittee's permit obligations (if applicable); and
   g. Number and nature of enforcement actions taken.

3. **Permit Renewal Submittal**
To continue permit coverage for stormwater discharges, the MS4 must submit a permit renewal package 180 days prior to permit expiration. This renewal application package must incorporate the implementation findings from the current permit term to support the proposed SWMP for the renewal permit. Application documents must evaluate the adequacy of the SWMP in reducing pollutants to the maximum extent practicable. This application must contain the following specific components:
   a. A completed permit renewal application form supplied by the Department, signed in accordance with the signatory requirements of condition F(D)(6).
   b. A completed and signed land use compatibility statement (LUCS) form and associated land use goal findings.
   c. An updated SWMP, including proposed changes to the plan and the underlying rationale for the proposal(s).
   d. The information required by condition D(2)(c) of the permit if TMDL wasteload allocations were established at the time of permit issuance or if these allocations were established within three (3) years of permit issuance.

Schedule C
COMPLIANCE CONDITIONS AND SCHEDULES

1. **Initial Implementation of SWMP**
   The permittee must begin implementation of the approved SWMP within 180 days of issuance of this permit. The 180-day time period will allow for the permittee to adopt the SWMP if it has not already done so and to incorporate any revisions required by the department in response to public comments or the Department's own review.

2. **Full Implementation of SWMP**
   The permittee must fully implement its SWMP, as defined by the measurable goals established by the permittee's SWMP, within five years of obtaining permit coverage. To adequately fulfill this requirement, the permittee must implement the BMPs it has proposed to address the six minimum measures described in condition A(4).

Schedule D
SPECIAL CONDITIONS

1. **Legal Authority**
The permittee must maintain, through ordinance, interagency agreement or other means, adequate legal authority to implement and enforce the provisions of this permit.

2. **Total Maximum Daily Load Requirements**
The requirements of this section apply to MS4 discharges to receiving waters with established TMDLs and associated wasteload allocations as noted on the cover page of this permit or if the permittee becomes subject to an approved TMDL, and following notice of such by the Department. If the permittee reduces applicable pollutant discharges for the parameters listed in the TMDL to the maximum extent practicable, this reduction is deemed to be adequate progress toward achieving assigned TMDL wasteload allocations (WLAs).

   a. Progress towards reducing TMDL pollutant loads will be evaluated, in subsequent permit terms, by the permittee through the use of performance measures and pollutant load reduction benchmarks developed and listed in the SWMP.
      1) Performance measures are estimates of the effectiveness of various best management practices (BMPs) implemented by the permittee as per the SWMP; and are not numeric effluent limits. Performance measures must, where appropriate, be pollutant reduction estimates. If appropriate, the performance measures for the BMPs addressing TMDL pollutants may be based on the same metrics developed to determine progress towards measurable goals, as described in the SWMP.
      2) A pollutant load reduction benchmark is an estimate for each parameter or surrogate, where applicable, for which a WLA is established. A benchmark is used to measure the overall effectiveness of the stormwater management program in making progress toward the WLA (this estimate will be related to the statistical variability of the underlying data and may be stated as a range), and is intended to be a tool for guiding adaptive management activities. A benchmark is not a numeric effluent limit; rather it is a goal. The permittee must provide the rationale for the proposed benchmark, which includes an explanation of the relationship between the benchmarks and the TMDL wasteload allocations. Any limiting factors related to the development of a benchmark, such as data availability and data quality, must also be included in this rationale.

   b. The permittee must use adaptive management, as described in condition A(3), to focus and refine SWMP elements to address TMDL wasteload allocation(s) over the course of this permit cycle.

   c. If, at the time of permit issuance or within three years of permit issuance, a TMDL establishes municipal stormwater wasteload allocations for pollutant parameters associated with the MS4's discharges, the permittee must develop and propose to the Department specific performance measures and pollutant load reduction benchmarks, as described in condition D(2)(a). Performance measures and pollutant load reduction benchmarks must be submitted to the Department as part of the permit renewal package described in condition B(3).

3. Definitions

a. **Best Management Practices (BMPs):** The schedule of activities, prohibition of practices, maintenance procedures and other management practices to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures and practices to control stormwater runoff.

b. **Maximum Extent Practicable (MEP)**: The statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve. This standard is considered met if the conditions of the permit are met and the six minimum measures, outlined in this permit, are implemented *(December 8, 1999 Federal Register, Vol. 64, No. 235, Page 68754).*

c. **Measurable Goals**: BMP design objectives or targets that quantify the progress of Plan implementation and the performance of BMPs.

d. **Operator of Small MS4**: An operator is the governmental entity (e.g., city, county, special district) that owns the storm sewer system or has direct responsibility for the functioning of the system. For the purposes of this permit, the operator cannot be a private contractor.

e. **Small Municipal Separate Storm Sewer System (Small MS4)**: All separate storm sewers that:

1) Meet the definition of an MS4 provided in Schedule F, Section E.
2) Are not defined as a "medium" or "large" municipal separate storm sewer system pursuant to 40 CFR §126.26(b)(4) and (b)(7), or designated under 40 CFR §126.26(a)(1)(v).

This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewer in very discrete areas, such as individual buildings.

f. **Waters of the State:** Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.

Schedule F
NPDES PERMIT GENERAL CONDITIONS
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS

SECTION A. STANDARD CONDITIONS

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

2. Penalties for Water Pollution and Permit Condition Violations
ORS 468.140 allows the Department to impose civil penalties up to $10,000 per day for violation of a term, condition, or requirement of a permit. Additionally 40 CFR 122.41 (A) provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed $25,000 per day for each violation.

Under ORS 468.943 and 40 CFR 122.41(a), unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $25,000 imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

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

3. Duty to Mitigate
The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

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

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

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

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

7. Property Rights and Other Legal Requirements
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

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

9. Permit Fees
The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

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

2. Need to Halt or Reduce Activity Not a Defense
It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

3. Removed Substances
Solids or other pollutants removed in the course of maintaining the MS4 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 of the Department.

2. 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 or subsequent permit actions.

3. 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.

4. Additional Monitoring by the Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in annual reports required by Schedule B. Such increased frequency must also be indicated.

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

6. 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.

7. Inspection and Entry
The permittee must allow the Department representative upon the presentation of credentials to:
a. Enter upon a 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. Planned Changes
The permittee must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (1). Except where exempted under OAR chapter 340, division 52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by the Department. The permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

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

3. Transfers
This permit may be transferred to a new co-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 may be transferred to a third party without prior written approval from the Department. The Department may require modification, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act (see 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory). The permittee must notify the Department when a transfer of property interest takes place that results in a change of co-permittee(s).

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

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

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

7. 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.

SECTION E. DEFINITIONS

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. Flow-Weighted Composite Sample means a sample formed by collection and mixing discrete samples taken periodically and based on flow.
6. Grab Sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
7. Illicit Discharges means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
8. 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 stormwater 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).
9. mg/L means milligrams per liter.
10. mL/L means milliliters per liter.
11. MS4 means a municipal separate storm sewer system.
12. Municipal Separate Storm Sewer 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, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian Tribal organization, or a designated and approved management agency under §208 of the CWA that discharges to waters of the United States;
    b. Designed or used for collection or conveying stormwater;
    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.
13. 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.
14. Permit means the NPDES municipal separate storm sewer system (MS4) permit specified herein, authorizing the permittee listed on Page 1 of this permit to discharge from the MS4.
15. Stormwater means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
16. Year means calendar year except where otherwise defined.