Industrial Stormwater Program

1200-Z Permit Rulemaking

Advisory Committee Meeting No. 5

Agenda

Apr.16, 2020
8:30 am – 3:30 pm

This meeting will be held by webinar only. Please use the call-in number and webinar link below. Contact Michele Martin at martin.michele@deq.state.or.us or cell: 971-219-5049 with questions.

Call in number: **888-363-4734**
USA Caller/International: 215-446-3656
Participant Code: **1910322**
Participant webinar link: Webinar Login (use call in number and participant code)
Link to webinar Instructions: Teleconference/Webinar Instructions

Time	Topic	Presenter
8:30 am	Welcome and logistics	Michele Martin
8:45 am	Follow-up from meeting No. 4 *DEQ Meeting 5 presentation*	Christine Svetkovich
9:00 am	Presentation *DEQ Meeting 5 presentation and Supplemental Sheets 1 through 5*	Krista Ratliff
10:30 am	Break	
10:45 am	PG Environmental presentation – Columbia Slough BOD Benchmark	PG Environmental
11:45 am	Lunch	
12:30 pm	PG Environmental presentation – Sector-specific and impairment monitoring recommendations, surrogate pollutant assessment, water quality-effluent limit methodology	PG Environmental
2:15 pm	Break	
2:30 pm	Presentation and discussion *DEQ Meeting 5 presentation*	Krista Ratliff
3:00 pm	Informal public comment opportunity	Michele Martin
3:10 pm	Discussion: Committee members' written permit recommendations received *Supplemental Sheet 6*	Christine Svetkovich
3:25 pm	Next steps	Krista Ratliff
3:30 pm	Adjourn	

Supplemental Sheets 1 through 6 will be used for this meeting.

Alternative formats DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

State of Oregon
Department of Environmental Quality

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DEQ is a leader in restoring, maintaining, and enhancing the quality of Oregon's air, land, and water.

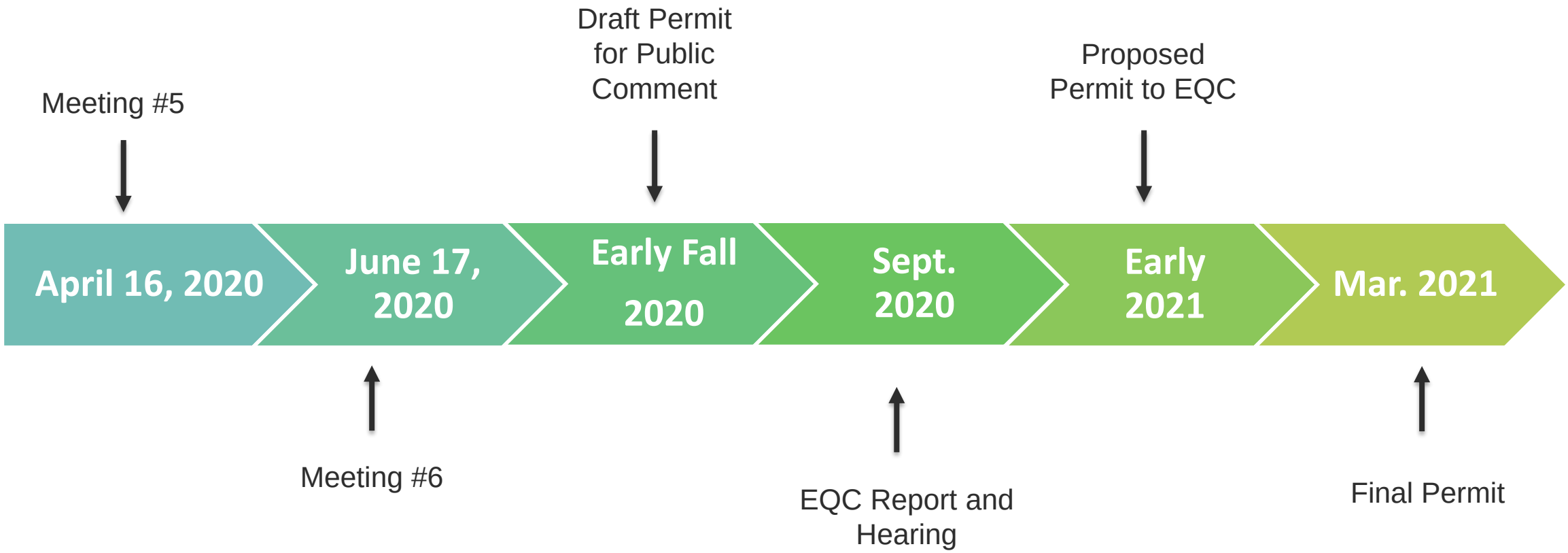
1200-Z Industrial Stormwater Permit Rulemaking

Advisory Committee Meeting No. 5

DEQ Webinar
April 16, 2020
8:30 a.m. - 3:30 p.m.

Meeting No.4 Follow-up Items

Timelines 2019-2021



EPA Proposed 2020 Permit

Important Dates:

- Released: Feb. 12, 2020
- 60-day comment period ends: May 1, 2020
- Public hearing: None scheduled
- Webinars: March 10, 2020 & April 9, 2020
- 2015 permit expires: June 4, 2020

EPA Proposed 2020 Permit

- Universal benchmarks - COD, pH, TSS
- Impairment monitoring assessment
- Suspend iron monitoring due to lack of acute aquatic life effects
- Industrial specific fact sheet checklists

EPA Proposed 2020 Permit

Proposed Language

- EPA: Impaired Waters
- Only monitor pollutants that are causing impairment and associated with industrial activity (benchmarks)

• Self determination	• Discontinue sampling
• Annual sampling	1. Non-detects three consecutive years 2. Solely caused natural background 3. Run-on source

EPA Proposed 2020 Permit

National Academies of Science Report Recommendations:

EPA Proposed Adoption

- Infeasible to set numeric technology-based effluent limit
- Promote infiltration and capture
- Natural Background – no net contribution
- Additional Implementation Measures (AIM)

EPA Proposed 2020 Permit

Natural Background Allowance:

Exemption applicable to sector-specific benchmarks, impairment pollutants and corrective action

How has it changed?

- Subtract net contribution
- Determined by sampling reference site or historical data

EPA Proposed 2020 Permit

Run-on Allowance:

Exemption applicable to sector-specific benchmarks, impairment pollutants and corrective action

How has it changed?

- Must notify the source of run-on
- If source of run-on does not choose to take action – may submit to EPA

1200-Z Draft Permit Language

Schedule A (Supplemental Sheet 1)

- Control Measures
- Water Quality Standards
- Discharge to Impaired Waters
- Stormwater Discharge

1200-Z Draft Permit Language

Schedule A (Supplemental Sheet 2)

- Corrective Actions:
  - Tier I – exclude impairment exceedance
  - Tier II apply to sector-specific monitoring
  - Background Waiver
  - Tier III – impairment monitoring corrective action proposal

1200-Z Draft Permit Language

Schedule B (Supplemental Sheet 3)

- Monitoring Requirements:
    - All monitoring tables (not shown on supplemental)
    - Impairment parameters list
    - Impairment monitoring proposal

1200-Z Draft Permit Language

Schedule B (Supplemental Sheet 4)

- Monitoring Requirements:
  - Sampling procedures
  - Monitoring frequency table revision
  - Monitoring variance
  - Monitoring waiver

1200-Z Draft Permit Language

Schedule B (Supplemental Sheet 5)

- Inspections
- DMR submission
- Reporting requirements

1200-Z Draft Permit Language

Re-visit Follow-up Topics

- Water quality-based effluent limit proposal – Tier III
- Mass reduction waiver sampling/permit changes
- Limit impairments based on reasonable potential
- Iron and bacteria proposals

Break 10:30 to 10:45 am

PG Environmental Benchmarks Presentation
Columbia Slough

Lunch Break - 11:45-12:30

PG Environmental Benchmarks Presentation
Water quality-based effluent limits

Break – 2:15 - 2:30 pm

Saltwater Water Quality Standards

Retention Standards

Permit Registrant Technical Assistance

Public Input

Continued Discussion

Committee members' written permit recommendations

(Supplemental Sheet 6)

Next Meeting: Final Meeting

June 17, 2020

- Benchmark results
- Refined draft permit language
- Financial Impact Statement
- Any parking lot items

Thank you

Krista Ratliff

541-633-2033

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Documents posted on:

https://ordeq.org/1200-Z-Rulemaking

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

State of Oregon Department of Environmental Quality

1200-Z Permit Rulemaking Advisory Committee Meeting No. 5

Supplemental Information Sheet 1

Supplemental Sheet 1

1200-Z Industrial Stormwater Permit Renewal Advisory Committee Meeting No.5

Draft permit language for discussion
April 16, 2020

Current permit pages 13-15

SCHEDULE A

~~3~~2. Control Measures for Numeric and Narrative Technology-~~-~~Based Effluent Limits

a. The permit registrant must select, design, install, implement and maintain control measures, including all best management practices, (BMPs), to meet the narrative and numeric technology-based effluent limits in Schedule A.1, ~~A.2~~ and ~~Schedule E~~ Table 3 of this permit and describe these measures, maintenance schedules and frequency of housekeeping measures in the SWPCP.

b. For narrative and numeric technology-based effluent limits that require permit registrants to minimize pollutants in the discharge, permit registrants must reduce or eliminate pollutants to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

c. The term "minimize" means reduce or eliminate, or both, to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. The term "feasible" means technologically possible and economically practicable and achievable in light of best industry practice. In selecting the appropriate control measures to meet these limits, permit registrant may consider the age of the equipment and facilities involved, the processes employed, the engineering aspects of the application of various types of control techniques, the pollutant reductions likely to be achieved, any adverse environmental or energy effects of potential measures, and the costs of achieving pollutant reductions.

d. The permit registrant must install, implement and maintain the control measures in accordance with good engineering practices and manufacturers' specifications. Justify any deviation from the manufacturer's specifications in the SWPCP.

e. DEQ or agent may require the permit registrant to take corrective actions to meet the narrative technology-based ~~and numeric~~ effluent limits in Schedule A.1~~, A.2 and Schedule E~~ of this permit.

~~i. If the permit registrant is failing to implement the control measures in the SWPCP, they must take corrective actions and implement the measures before the next storm event if practicable, unless otherwise approved by DEQ or agent.~~

f. ~~If~~ M~~m~~odifications to the control measures ~~are necessary~~must be made as soon as practicable, no later than 30 days of becoming aware of the requirement. ~~to meet technology-based effluent limits in this permit, the permit registrant must revise the SWPCP no later than 30 calendar days from completion of the modifications, unless otherwise approved by DEQ or agent. Permit registrant must implement the corrective actions before the next storm event if practicable or no~~

~~later than 60 calendar days from discovering the violation, unless DEQ or agent approved a later date.~~

WATER QUALITY-BASED EFFLUENT LIMITATIONS

~~4.~~3. Water Quality Standards

a. The permit registrant must not cause or contribute to an exceedance ~~violation~~ of ~~instream~~ water quality standards as established in OAR 340-041.

b. If at any time the permit registrant becomes aware, or DEQ or agent determines, that the discharge causes or contributes to an ~~excursion~~ exceedance of water quality standards permit registrant must take the following corrective actions:

   i. No later than 24-hours of discovering the ~~violation~~exceedance:

      (1) Investigate the conditions that triggered the ~~violation~~exceedance; and

      (2) Review the SWPCP and the selection, design, installation and implementation of control measures to ensure compliance with this permit.

   ii. No later than 30 calendar days after ~~receiving the monitoring results~~the determination, ~~submit~~ provide a Water Quality Standards Corrective Action report to DEQ or agent that documents the following:

      (1) The results of the investigation, including the date the ~~violation~~ exceedance was discovered and a brief description of the conditions that triggered the ~~violation~~exceedance;

      (2) Corrective actions taken or to be taken, including the date the corrective action was completed or is expected to be completed; and

      (3) Document whether SWPCP revisions are necessary. If permit registrant determines that SWPCP revisions are necessary based on the corrective action review, provide~~submit~~ a revised SWPCP to DEQ or agent with the report.

   iii. Permit registrant must implement the corrective action before the next storm event, if possible, or no later than 30 calendar days after discovering the determination~~violation~~, whichever comes first, unless DEQ or agent approves~~d~~ a later date.

c. DEQ ~~or agent~~ may impose additional monitoring, site controls or compliance schedules on a site-specific basis, or require the permit registrant to obtain coverage under an individual permit, if information in the application, required reports, or from other sources indicates that the discharge is causing or contributing to an exceedance ~~violation~~ of water quality standards, either in the receiving waterbody or a downstream waterbody. If DEQ ~~or agent~~ determines that additional site specific requirements are necessary, DEQ ~~or agent~~ will require the permit registrant to revise the SWPCP. DEQ will ~~hold a 30 calendar day public review period on the~~post the revised SWPCP for a 30 calendar day public notice.

4. ~~5~~ Discharges to Impaired Waters

a. Discharger to an Impaired Water without a TMDL for Pollutant(s) ~~-~~

   i. Existing p~~P~~ermit registrant that discharges to an impaired water without a TMDL, based on the EPA-approved Category 5 ~~303(d) list~~ (~~Category 5~~303(d)) listed waters that is in effect upon permit renewal must comply with Schedule B.1.c.~~on May 1, 2017, for the pollutant(s) must meet Schedule A.4 and B.1.b of this permit.~~

   ii. ~~New Discharger to an Impaired Water –~~New discharges to impaired waters authorized to discharge under this permit must implement and maintain any control measures or conditions on the site that enabled the permit registrant to become eligible for permit coverage per

Condition 1.1 and modify such measures or conditions as necessary pursuant to corrective action requirements in this permit.

iii. An exceedance of an impaired waters reference concentration may be used in conjunction with other information to demonstrate an exceedance of state water quality standards.

iii. Impairment pollutants requirements apply to facilities that discharge directly into a Category 5 (303(d)) listed waters or indirectly through a storm sewer system or other conveyance which lead to these waters. Discharges into an impaired watershed unit, the listing will only be applied if there is a hydrologic connection to the assessed water body causing the impairment.

~~a.~~b. Existing Discharger to an Impaired Water with an EPA-approved TMDL

i. Must comply with all applicable requirements of the Category 4A, EPA-approved TMDL(s). If a TMDL establishes wasteload allocation(s) for industrial stormwater discharges, DEQ will list the permit registrant's requirements to comply with this condition in the permit assignment letter notification. If DEQ determines that additional monitoring, site controls or compliance schedules are necessary to comply with applicable TMDL wasteload allocations for industrial stormwater discharges, DEQ will include such requirements in the permit assignment letter notification and require a SWPCP revision. DEQ will post the ~~hold a 30 calendar day public review period on the~~ revised SWPCP to a 30 day calendar public notice.

c. If the permit assignment ~~letter~~ notification does not establish additional requirements, monitoring is not required.

d. For the purposes of this permit, ~~impaired waters~~Category 5 (303(d)) listed waters and Category 4A, EPA-approved TMDLs will be based on those in effect as of ~~May 1, 2017~~March 31, 2021.

STORMWATER DISCHARGE

5. Statewide and Sector-Specific Benchmarks

a. Benchmarks ~~and reference concentrations for impairment pollutants~~ are guideline concentrations, not numeric effluent limits. A benchmark ~~or reference concentration~~ exceedance, therefore, is not a permit violation. ~~Benchmark monitoring assist the permit registrant in determining whether site controls are effectively reducing pollutant concentrations in stormwater discharged from the site~~

b. Benchmark monitoring assist the permit registrant in determining whether site controls are effectively reducing pollutant concentrations in stormwater discharge.

c. Statewide benchmarks reflect the regional characteristics of Oregon's waters and stormwater effluent data. Schedule E sector-specific benchmarks take into account specific pollutants likely to be mobilized based on industrial sectors or activities.

6. Numeric Effluent Limits

a. Unlike benchmarks, an exceedance of a numeric effluent limit is a permit violation.

b. Table 3 includes technology-based limitation guidelines under federal regulations 40 CFR, Subchapter N.

c. Water quality-based numeric effluent limits apply to facilities:

i. Subject to sampling requirements based on discharges to Category 5 (303(d)) listed waters; and

ii. Discharges which exceed reference concentrations in accordance to Tier III corrective action;

iii. Applicable wasteload allocations established by an EPA-approved TMDL.

State of Oregon Department of Environmental Quality

1200-Z Permit Rulemaking Advisory Committee Meeting No. 5

Supplemental Information Sheet 2

Supplemental Sheet 2

1200-Z Industrial Stormwater Permit Renewal Advisory Committee Meeting No.5

Draft permit language for discussion
April 16, 2020

Current permit pages 19-21

SCHEDULE A

CORRECTIVE ACTIONS FOR IMPAIRMENT POLLUTANT AND BENCHMARK EXCEEDANCES

9. Tier I Corrective Action Response to Exceedances of ~~Impairment Pollutants and~~ Benchmarks:

a. If stormwater monitoring results exceed any of the applicable statewide benchmarks in ~~Schedule A.9~~Table 4 of this permit~~,~~ and sector-specific benchmarks in Schedule E of this permit~~, or reference concentrations for impairment pollutants~~ identified in the ~~permit assignment letter~~permit assignment letter notification, the permit registrant must, no later than 30 calendar days after receiving the monitoring results or visual observations show signs of pollution:

i. Investigate the cause of the elevated pollutant levels, including conducting, commencing or planning for any needed pollutant source tracing activities. Develop a plan to ensure that known or discovered significant materials from previous operations are controlled, removed or otherwise not exposed.

ii. Review the SWPCP and the selection, design, installation and implementation of control measures to ensure compliance with this permit and manufacturers' specifications. Evaluate whether any previous removal or pollutant source isolation actions are complete and whether additional removal or modifications to pollutant source isolation are necessary.

~~ii.~~iii. Evaluate any treatment measures, including if they were properly installed, maintained and implemented and whether maintenance, corrections, or modifications ~~to treatment measures~~ are necessary.

iv. If permit registrant determines that additional control measures or other changes are necessary based on corrective action review,~~,~~ permit registrant must:

(1) ~~revise the SWPCP and submit the revised pages of the SWPCP to DEQ or agent~~Follow Schedules A.7 and A.9, SWPCP procedures, including a schedule for implementing the control measures; and~~.~~

~~(1)~~(2) Assess and implemented applicable corrective action responses on all substantially similar discharge points.

~~iii.~~v. Tier I report - Summarize the following information in a Tier I report:

(1) The results of the investigation referred to in condition ~~10~~9.a.i, above.

(2) Corrective actions taken or to be taken, including date corrective action completed or expected to be completed. Where the permit registrant determines that corrective action is not necessary, provide the basis for this determination.

(3) Document whether SWPCP revisions are necessary.

v. The Tier I report must be kept on site, and a copy provided to DEQ or agent upon request. ~~In the event of an exceedance of a reference concentration for any impairment pollutant identified in the permit assignment letter, the Tier I report must be submitted to DEQ or agent no later than 60 calendar days after receiving monitoring results.~~

b. Implement corrective actions before the next storm event, if possible, or no later than 30 calendar days after receiving the monitoring results, whichever comes first. If permit registrant fails to complete the corrective action within this time frame, the reasoning should be documented in the Tier 1 Report, and corrective actions must be completed as soon as practicable.

c. Permit registrants are exempt from the Tier I investigation and reporting requirements for:

i. E~~e~~xceedances of benchmark parameter(s) addressed by proposed Tier II corrective action requirements in Schedule A.10~~1~~. The exemption applies from the end of second monitoring year through the Tier II implementation deadline only. Tier I investigation and reporting must resume once Tier II is implemented.

ii. Properly installed and maintained mass load reduction devices, infiltrating at or above DEQ-approved design storm.

10. Tier II Corrective Action Response based on second year Geometric Mean Benchmark Evaluation:

a. Permit registrants must evaluate the sampling results collected during the second monitoring year of permit coverage and determine if the geometric mean of the qualifying samples collected at each monitored discharge point exceeds any applicable statewide benchmarks in ~~Schedule A.9~~Table 4 and sector-specific benchmarks in Schedule E of this permit.

b. DEQ or agent will identify in the ~~permit assignment letter~~permit assignment letter notification the registrant's Tier II evaluation year. The permit registrant must report the geometric mean of qualifying samples in the 4th quarter Discharge Monitoring Report due on August 15 of the second monitoring year of permit coverage.

~~a.~~c. Permit registrants are not required to conduct this evaluation for the benchmark parameter(s) for which DEQ or agent has granted a monitoring waiver in accordance with Schedule B.4 of this permit.

~~b.~~d. For the pH benchmark, Tier II corrective action requirements are triggered if 50 percent or more of qualifying samples during the first two monitoring years of permit coverage are outside of the pH benchmark range.

~~c. For permit registrants that received new coverage under a previous industrial stormwater general permit (that is, the 1200-COLS, 1200-COLSB or 1200-Z) on or after July 1, 2016, time spent covered under the previous permit is included in determining the second year of permit coverage and other Tier II deadlines.~~

e. The permit registrant must use all qualifying samples to calculate the geometric mean.

~~d.~~f. Sampling results from properly installed and maintained mass load reduction devices, infiltrating at or above DEQ-approved design storm are not subject to Tier II evaluation.

~~e.~~g. If fewer than four qualifying samples were collected during the second monitoring year of permit coverage, qualifying sample results from the previous monitoring year may be used to obtain four consecutive values for the Tier II calculation.

~~f.~~h. If the geometric mean of the qualifying sampling results for any monitored discharge point exceeds any applicable ~~statewide~~ benchmark(s) ~~in Schedule A.9 of this permit~~ (or if 50 percent or more of any pH sampling results for any monitored discharge point are outside of the pH

benchmark range), permit registrant must submit a SWPCP appendix including: Tier II report, a Tier II mass reduction waiver request, or a Tier II ~~natural~~ background waiver request, ~~along with associated revisions of the SWPCP,~~ to DEQ or agent no later than December 31 of the third year of permit coverage, unless a later date is approved ~~in writing~~ by DEQ or agent. DEQ or agent will notify permit registrant within 60 calendar days of receipt if the Tier II corrective action response is accepted or denied.

~~g.~~i. Tier II corrective action(s) or mass reduction action(s) must be installed and implemented no later than June 30 of the fourth monitoring year, unless DEQ or agent approved a later date ~~in writing~~. If the permit registrant changes the specifics of the corrective actions before implementation, revisions must be submitted and accepted by DEQ or agent before implementation. Corrective action revisions do not change the implementation deadline.

~~h.~~j. No later than 30 calendar days from implementing all Tier II corrective actions or mass reduction measures, the permit registrant must submit a revised ~~submit written confirmation to DEQ or agent with the date Tier II corrective action response was implemented in accordance with the revised approved~~ SWPCP incorporating control measures and any associated changes to monitoring locations.

~~i.~~k. Properly apply and size approved Tier II corrective action responses and mass reduction measures to all substantially similar discharge points.

l. Tier II Report

i. The Tier II report must include a proposal for active or passive treatment. This may include a combination of source removal, control and treatment measures, with the goal of achieving the benchmark(s) ~~in Schedule A.9~~ of this permit. The report must include the rationale for the selection of the control and treatment measures, the projected reduction of pollutant concentration(s) and the schedule for implementing these measures.

ii. An Oregon registered professional engineer (PE) must design and stamp the portion of the SWPCP that addresses these control measures.

iii. At discharge points where Tier II has been implemented:

(1) Permit registrants must take Tier I corrective actions in accordance with A.~~10~~9.

(2) Monitoring must resume at substantially similar discharge points.

(3) Permit registrants may request a monitoring waiver if the geometric mean of four consecutive qualifying samples is equal to or below the benchmark.

m. Tier II Mass Reduction Waiver

i. A permit registrant may request a mass reduction waiver from the requirements in Schedule A.11.l~~j~~ above if the permit registrant implements ~~or has implemented~~ volume reduction measures, such as low impact development practices, that will ~~or has~~ resulted in reductions of the mass load of pollutants in the discharge below the mass equivalent of the applicable ~~statewide~~ benchmarks in ~~Schedule A.9 of~~ this permit.

ii. The mass reduction waiver request and the revised SWPCP must include data and analysis to support the rationale for the mass load reduction selection. Include in the waiver request a description of the measure(s), and a mass load analysis, and expected implementation date(s).

iii. An Oregon Professional Engineer (PE) or Oregon certified engineering geologist (CEG) must design and stamp the portion of the SWPCP that addresses the mass reduction measures.

iv. At discharge points at which a Tier II mass reduction waiver has been implemented:

~~(1) Permit registrants must take Tier I corrective actions in accordance with A.10.~~

~~(2)~~(1) Monitoring must resume at substantially similar discharge points.

(2) Permit registrants may request a monitoring waiver if the geometric mean of four consecutive qualifying samples is equal to or below the benchmark.

(3) For previous permit cycles, permit registrants must submit a stamped confirmation by a Oregon Professional Engineer (PE) or Oregon certified engineering geologist (CEG) showing the mass load reduction devices are infiltrating at or above DEQ-approved design storm by December 31 of the third year of coverage.

n. Tier II ~~Natural~~ Background Waiver

i. A permit registrant may request a ~~natural~~ background waiver from the requirements in Schedule A.10~~1~~.l~~j~~ and A.10.m above if the permit registrant can sufficiently demonstrate:

(1) ~~benchmark exceedance(s) is attributed solely to the presence of the pollutant(s) in natural background and is not~~ No net contributions from industrial activities (see Schedule D.3, Definitions) by subtracting background concentrations from discharge monitoring resulting in geometric mean no longer exceeding benchmarks.

(2) ~~associated with industrial activities at the site (see Schedule D.3, Definitions). The Tier II natural background~~ The background waiver request must include the ~~investigation and analysis~~supporting rationale and any data collected by the facility or others used to demonstrate that the exceedances are due ~~only~~ solely to ~~natural~~ background conditions (including peer-reviewed literature studies) that describe and quantify the levels of ~~natural~~ background pollutants in the discharge.

11. Tier III Corrective Action Response based on Impairment Monitoring Exceedances

a. The permit registrant must begin investigatory mitigation measures as soon as possible if:

i. any two samples out of four samples exceed reference concentration; or

ii. any one sample is four times above the reference concentration; or

iii. any two samples out of four pH results are outside the basin specific range.

b. The permit registrant must provide to DEQ or agent the investigatory mitigation measures in a Tier III report no later than 60 calendar days from receiving the monitoring results.

c. Tier III report

i. Tier III report must be stamped by a Oregon Professional Engineer (PE) when exceedance justification is claiming attribution solely to non-industrial pollutant sources, run-on, or a determination that discharge will not cause or contribute to an exceedance of water quality standards; and

ii. Must include an investigation of the potential causes of the elevated pollutant levels and a proposal, including implementation schedule, to limit impairment discharge at or below reference concentration, or alternatively a stamped justification, by one or more of the following:

(1) Evidence of run-on or authorized non-stormwater discharges, and efforts to mitigate;

(2) Follow-up investigatory monitoring for source-tracking or mitigation purposes;

(3) Background calculations or determinations;

(4) In-stream monitoring;

(5) Modeling;

(6) Existing or improved site controls; and

(7) A signed certified statement in accordance with Schedule F.

iii. For bacteria exceedances, Tier III report must confirm implementation and on-going compliance of the mandatory narrative water quality-based effluent limits:

(1) Assess and develop wildlife management plan, consulting with state, federal and wildlife conservation as needed. Use all known appropriate methods to prevent wildlife from residing at your facility;

(2) Inspect and clean storm drainage system, including catch basins, annually;

(3) Perform a one-time dry weather inspection to ensure and eliminate any sanitary sewer cross-connections or leaky sewer pipes, or evidence of past investigation;
(4) Investigate any human dwelling encampments;
(5) Install source or operational controls to address known sources of fecal contamination such as green waste, illegal dumping, dumpsters or garbage trucks and grease bins; and as applicable,
(6) Conduct and report biochemical species identification results to indicate non-fecal discharges; and
(7) For coastal and estuarine discharges, report when exceedances correspond to beach closures or shellfish harvesting warnings in receiving water.
(8) DEQ or agent will notify permit registrant within 60 days of receipt if the Tier III corrective action response described in the Tier III report is accepted or denied.

d. If the Tier III corrective action response is accepted:
   i. The proposed actions must be completed as soon as possible, but no later than six months from notice of acceptance; during this time sample results will not be subject to additional corrective action;
   ii. Impairment monitoring must continue at frequency in Table 5;
   iii. A revised SWPCP must be submitted within 30 calendar days from completion of site changes; and
   iv. Tier III report, SWPCP appendix, and revised SWPCP will post to a 30 calendar day public notice.

e. If the corrective action response is denied or discharge cannot be controlled at or below the reference concentrations shown by monitoring results after Tier III implementation, permit registrant must discontinue stormwater discharges that cause or contribute to impairment or:
   i. Discharge will be subject to a site-specific water quality-based effluent limit; or
   ii. Apply for individual permit coverage in accordance with OAR 340-045-0030; or
   iii. Development of a water quality trading plan that meets the requirements of OAR 340-039-0025.

State of Oregon Department of Environmental Quality

1200-Z Permit Rulemaking Advisory Committee Meeting No. 5

Supplemental Information Sheet 3

Supplemental Sheet 3

1200-Z Industrial Stormwater Permit Renewal Advisory Committee Meeting No.5

Draft permit language for discussion
April 16, 2020

Current permit pages 22-23

SCHEDULE B

Permit registrants that discharge to impaired waters, based on the EPA-approved Category 5 (303(d)) listed waters in effect as of March 31, 2021, must monitor for the following pollutants.

Table 5: Impairment Parameters

Bacteria[1]	Dissolved lead
Dissolved cadmium	Sedimentation or Turbidity[2]
Dissolved copper	Dissolved zinc
Total iron	pH (range)

[1] Bacteria includes E. coli, enterococcus and fecal coliform
[2] Total suspended solid surrogate monitoring

1. **Pollutant Parameters**
   a. Benchmarks - Permit registrants must monitor for the applicable statewide benchmark pollutants identified in ~~Schedule A.9~~Table 4 of this permit. Permit registrants must also monitor for benchmarks specified for applicable industrial sector(s) identified in Schedule E, for both primary industrial activity and any co-located industrial activities.
   ~~a.~~b. The most stringent benchmark value will be used as the target when statewide and Schedule E benchmarks require sampling for the same parameter.
   ~~b.~~c. Impairment Pollutants
      i. ~~Permit registrants that discharge to impaired waterbodies, based on the EPA-approved 303(d) list (Category 5) that is in effect as of May 1, 2017, (see Schedule D.3, Definitions)~~ Permit registrants ~~for pollutant(s),~~ must monitor for impairment pollutant(s) identified in the ~~permit assignment letter~~permit assignment letter notification for which a standard analytical method exists (see 40 CFR Part 136) appropriate to receiving water characteristics; marine, estuarine or fresh.~~.~~
      ~~i.~~ii. For pH (range) and TSS, the reference concentration will be used as the target, triggering applicable corrective action.

~~ii.~~iii. Before granting coverage under this permit, DEQ or agent will identify in the ~~permit assignment letter~~permit assignment letter notification the impairment pollutants from Table 5 that the permit registrant is required to monitor and reference concentrations for these pollutants. Reference concentrations reflect water quality standards.~~the approved acute aquatic life criterion for the pollutant when applicable. If there is not an acute criterion for the pollutant, DEQ or agent will use an applicable chronic criterion. If there is not a chronic criterion for the pollutant, DEQ or agent will use an applicable human health criterion.~~

~~(1) If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, permit registrants must monitor for Total Suspended Solids (TSS).~~

(1) If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, permit registrants must monitor for that indicator or surrogate pollutant.

(2) If the water body is impaired for total iron, exceedances will not escalate to a site-specific water quality-based effluent limit, except at discharge location where industrial activity is identified as the source.

~~(2)~~(3) If the water body is impaired for bacteria, E. coli, enterococcus, or fecal coliform, exceedances will not escalate to a site-specific water quality-based effluent limit. Reference concentrations will be set in accordance with OAR 340-41-0009, for fresh and coastal waters.

~~(3)~~(4) No monitoring is required when a waterbody's impairment is due to one of the following:

(A) Biological communities (biocriteria), including harmful algal blooms and aquatic weeds, where no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment; or

~~(A)~~(B) Temperature, ~~hydrologic~~ habitat and flow modifications~~, or impaired hydrology~~.

iii. Permit registrants must meet Schedule B.1.c.i. unless the permit registrant:

(1) Prevents all pollutants for which the waterbody is impaired from being exposed to stormwater, and documents in the SWPCP those procedures it has taken to prevent exposure on site; or

(2) Provides monitoring data demonstrating that the pollutant(s) for which the waterbody is impaired are not present in the discharge, indicated by four consecutive non-detects.

d. Numeric Effluent limits pursuant to Federal Effluent Limit Guidelines - Permit registrants subject to effluent limit guidelines must monitor for the parameters in ~~Schedule A.2~~Table 3 of this permit at each discharge point containing the discharges from industrial activities identified in the guidelines.

~~c.~~e. Water quality-based effluent limits pursuant to Category 5 (303(d)) listed waters:

Yet to be developed.~~and report the monitoring results in the Discharge Monitoring Report required by Schedule B.8.~~

~~d. Multiple Requirements - When more than one type of monitoring for the same pollutant at the same discharge point applies, the permit registrant may use a single sample to satisfy both monitoring requirements. Permit registrant must complete corrective action and reporting requirement for each parameter.~~

State of Oregon Department of Environmental Quality

1200-Z Permit Rulemaking Advisory Committee Meeting No. 5

Supplemental Information Sheet 4

Supplemental Sheet 4

1200-Z Industrial Stormwater Permit Renewal Advisory Committee Meeting No.5

Draft permit language for discussion
April 16, 2020

Current permit pages 22-26

SCHEDULE B

2. Sampling Procedures

a. Grab Sampling
   i. For each discharge point monitored, collect a single grab sample of stormwater discharge or a series of composite samples.
   ii. Composite samples may be used as an alternative to grab sampling, except when monitoring for pH, oil and grease and ~~E. coli~~bacteria. Composited samples must be collected from same storm event. Registrants may not switch between grab sampling to composite sampling during a monitoring year without DEQ or agent approval.
   iii. Permit registrants may use a single grab sample or composite to satisfy multiple pollutant parameter monitoring requirements (for example, required to monitor for zinc as benchmark and impairment pollutant).

b. Representative Sample
   i. Samples must be representative of the discharge.
   ii. Monitoring locations must be identified in the SWPCP.
   iii. Stormwater discharges regulated by this permit include stormwater run-on that commingles with stormwater discharges associated with industrial activity.
   iv. If discharges authorized by this permit commingle with discharges authorized under a separate NPDES permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable. When combined flows are unavoidable, sampling must include all permitted parameters.
   v. Authorized non-stormwater discharges under condition 8 of this permit must be sampled only when commingled with stormwater discharges associated with industrial activity.
   vi. Stormwater flows may combine into a common on-site treatment facility.
   vii. The permit registrant shall, to the extent practicable, sample stormwater associated with industrial activity as it flows off-site before it combines with stormwater, wastewater or other waste permitted streams, or areas outside the ~~from another~~ facility or mixes with any surface water.

c. Multiple Discharges - Each discharge point must be monitored unless:
   i. Discharge point serves an area without exposure of stormwater to industrial activities; or
   ii. Discharge point has effluent that is substantially similar to the effluent(s) of a monitored discharge point and the same BMPs are implemented and maintained at the substantially similar discharge points or drainage areas that lead to the discharge points. Substantially

similar effluent(s) are discharges from drainage areas serving comparable activities where the discharges are expected to be similar in composition. The determination of substantial similarity of effluent(s) must be based on past monitoring data or an analysis supporting that the discharge points are substantially similar. The supporting data or analysis must be included in the SWPCP. This provision does not apply to discharge point(s) covered by a numeric effluent limit.

d. Timing - Monitor the discharge during the first 12 hours of the discharge event, which is a storm event or snowmelt resulting in an actual discharge from a site. If it is not practicable to collect the sample within this period, collect the sample as soon as practicable and provide documentation with the Discharge Monitoring Report why it was not practicable to take samples within the period. Permit registrant is not required to sample outside of regular business hours of operation or during unsafe conditions.

e. Sampling for pH - Approved methods for pH sampling require either measuring the pH directly in the flow, or analyzing the sample within 15 minutes of sample collection.
   i. Obtain accurate pH readings with a properly calibrated pH meter.
   ii. Permit registrant must follow manufacturers' specifications and keep meter in good working order.
   iii. pH paper may not be used for determining the precise parameters established in this permit.

f. Sampling for bacteria - Due to variability of organisms, follow-up sampling is required if grab sample results exceed the single sample statistical threshold. During the next rain event take five separate grab samples; results to be used to calculate the geometric mean against the water quality standard.

g. Monitoring Frequency - Permit registrants must monitor their stormwater discharge according to the frequency described in Table 6~~5~~ below unless DEQ or agent grant a monitoring waiver, ~~in writing or~~ approve a monitoring variance, or site is inactive or unstaffed and there are no industrial materials or activities exposed to stormwater.
   i. Stormwater samples must be collected at least ~~14 calendar days~~72-hours apart.
   ii. Permit registrant may collect more samples than the minimum frequency described below, but must report this additional data in the Discharge Monitoring Report. All qualifying samples must be included to establish a monitoring waiver in Schedule B.4 or to conduct the geometric mean evaluation in Schedule A.10~~1~~ of this permit.
   iii. Exceedance of Numeric Effluent Limit in ~~Schedule A.2 of~~ this permit – Permit registrants must conduct follow-up monitoring of any pollutant that exceeds the numeric effluent limit(s) no later than 30 calendar days (or during the next storm event should none occur within 30 calendar days) of receiving the monitoring results. If the follow-up monitoring exceeds the numeric effluent limit, the permit registrant must monitor the discharge four times per year until compliance with the numeric effluent limit is achieved. Once monitoring achieves the effluent limit value, semi-annual frequency may resume.

All monitoring must be performed using proper sampling techniques in accordance with the frequency below in Table 6.

Table 6~~5~~: Monitoring Frequency

Pollutant Category	Minimum Frequency
All applicable statewide benchmarks in ~~Schedule A.9~~Table 4, any applicable sector-specific benchmarks in Schedule E and any applicable impairment pollutants	Four times per year, two samples between January 1 and June 30, and two samples between July 1 and December 31
Any applicable numeric effluent limit~~ation~~s ~~based upon Effluent Limitation Guidelines (see Schedule A.2. and Schedule E)~~	Two times per year, One sample between January 1 and June 30, and one sample between July 1 and December 31
Any wasteload allocations or additional schedules in EPA-approved TMDL	As ~~required~~ specified in the TMDL

3. Monitoring Variance

a. Permit registrants may request a monitoring variance for missed samples due to no storm events of sufficient magnitude to produce run-off during regular business hours of operation and safe conditions. For each missed sample, variance requests are due on February 15 and August 15. Report no discharge in the Discharge Monitoring Report and include supporting data and analysis demonstrating why the monitoring did not occur at the time of DMR submission. If DEQ or agent has evidence contradicting the permit registrant's no discharge claim, failure to complete the required monitoring may be a permit violation. Supporting data may include:
   i. State or federal authorities declared the year a drought year.
   ii. Demonstration that rainfall in the area where the permit registrant's facility is located was 20 percent or more below the three-year average rainfall for that area.
   iii. Photo documentation, rain gauge data, detention basin storage volumes, storm infiltration rate or retention capacity.
   ~~iii.~~iv. Stamped plan verifying infiltration at or above DEQ-approved design storm for mass load reduction devices.

4. Monitoring Waiver for Benchmark and Impairment Pollutant Monitoring

a. A monitoring waiver may be requested from DEQ or agent in the following circumstances:
   i. When the benchmark(s) ~~or impairment reference concentration~~ has been achieved, as demonstrated by:
      (1) The geometric mean of ~~four~~ six consecutive qualifying samples is equal to or below the ~~impairment reference concentration,~~ applicable statewide or sector-specific benchmarks.

(2) pH results are within the range for ~~four~~ six consecutive qualifying readings. ~~For Tier II parameters and discharge points once the corrective action has been implemented, and the geometric mean of four consecutive qualifying samples is equal to or below the applicable statewide benchmark, or pH results are within the range for fouconsecutive readings.~~

~~(2)~~(3) Sample results may not span less than a monitoring year.

ii. When impairment monitoring results indicate non-detect for four consecutive samples, or after three full monitoring years all sample results are at or below the reference concentration.

iii. If the exceedance(s) is attributed solely to the presence of the pollutant(s) in ~~natural~~ background and is not associated with industrial activities at the site. Permit registrant may submit a ~~natural~~ background waiver report to DEQ or agent that describes the investigation and analysis to demonstrate that by subtracting background concentrations from discharge monitoring results resulting in geometric mean no longer exceeding the benchmark. ~~the exceedances are due to natural background conditions and includes any data collected by the permit registrant or others (including peer-review literature studies) that describe the levels of natural background pollutants in the discharge~~.

iv. If a facility is inactive and unstaffed and no industrial materials or activities are exposed to stormwater, the permit registrant is not required to conduct monitoring for the remainder of the permit term.

(1) Permit registrant must provide documentation with the Discharge Monitoring Report indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii).

(2) Sign and certify the statement in accordance with D8 in Schedule F of this permit.

b. The permit registrant's request must include documentation to support the request. Monitoring waivers may be allowed for individual parameters and separate discharge points.

c. If the facility has triggered Tier II or Tier III during this permit term, permit registrants are ineligible for monitoring waivers at all discharge points and parameters that ~~exceeded the geometric mean in Schedule A.11~~triggered the corrective action. Once corrective action response has been implemented, subsequent monitoring may be used to request a waiver. ~~The ineligibility applies to the end of second monitoring year through Tier II implementation date.~~

d. DEQ or agent will notify the permit registrant ~~in writing~~ if a monitoring waiver is approved or denied. Until written approval of the monitoring waiver is received, the permit registrant must continue monitoring.

e. Monitoring waivers are valid for the remainder of the permit term, subject to one-time benchmark monitoring verification. ~~Upon renewal into a subsequent permit, permit registrants must reinstate all monitoring, and re-establish the basis for all monitoring waivers.~~

~~e.~~f. Benchmark monitoring verification is due 2nd quarter of 2024.

~~f.~~g. There is no reduction in monitoring allowed for:

i. Visual observations, unless the site is inactive or unstaffed and there are no industrial materials or activities exposed to stormwater and permit registrant meets requirements in Schedule B.4.a.iii of this permit.

ii. Monitoring for f~~ederal~~ numeric effluent limits ~~guidelines~~.

~~g.~~h. Reinstatement of Monitoring

It is the responsibility of the permit registrant to reinstate discharge monitoring under the following circumstances or if notified by DEQ or agent:

(1) Required one-time verification sample during October-December monitoring quarter, 2024. Monitoring waiver will be automatically extended to end of the permit term if sample results at or below the benchmarks.
(2) Prior monitoring used to establish the monitoring waiver was improper or sampling results were incorrect.~~;~~
(3) Changes to site conditions are likely to affect stormwater discharge characteristics, such as change in SIC code, process change or increased pollutants sources exposed to stormwater.~~;~~
(4) Additional monitoring occurs and the sampling results exceed benchmark(s) or impairment reference concentration(s).~~; or~~
(5) For inactive or unstaffed sites, the facility becomes active or staffed, or industrial materials or activities become exposed to stormwater.

i. Revocation of Monitoring Waiver
DEQ or agent may revoke the monitoring waiver based on any of the above conditions or in response to an inspection, ~~or~~ corrective action, or becoming aware of a water quality violation.~~.~~ In this event, DEQ or agent will notify the permit registrant ~~in writing~~ that the monitoring waiver is revoked.

State of Oregon Department of Environmental Quality

1200-Z Permit Rulemaking Advisory Committee Meeting No. 5

Supplemental Information Sheet 5

Supplemental Sheet 5

1200-Z Industrial Stormwater Permit Renewal Advisory Committee Meeting No.5

Draft permit language for discussion
April 16, 2020

Current permit pages 27-30

SCHEDULE B

INSPECTIONS

7. Permit registrant must meet the following monthly inspection requirements:

a. Inspect areas where industrial materials or activities are exposed to stormwater and areas where stormwater control measures, including infiltration devices, structures, catch basins, and treatment facilities are located. Evaluate whether control measures match the SWPCP and if they are adequate to reduce pollutants. Inspections must include all discharge points and the following areas:

i. Industrial materials, residue, or trash that may have or could come into contact with stormwater;

ii. Leaks or spills from industrial equipment, drums, tanks, and other containers;

iii. Offsite and internal tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

iv. Tracking or blowing of raw, final, or waste materials that results in exposure of stormwater falling on the site;

v. Evidence of, or the potential for, pollutants entering the drainage system;

vi. Evidence of pollutants discharging to receiving waters at all discharge point(s);

vii. Visual observation for the presence of floating, suspended or settleable solids, color, odor, foam, visible oil sheen, or other obvious indicators of pollution in the stormwater discharge at all discharge point(s), including discharge points that have been authorized to be substantially similar in accordance with Schedule B.2.c.ii; and

viii. Stormwater control measures, including treatment and infiltration devices, to ensure they are functioning properly, and maintained on designed schedules.

b. Conduct all inspections by personnel that have completed employee training and are familiar with aspects of the SWPCP.

c. Conduct and document visual inspections at the site on a monthly basis when the facility is in operation. Visual observations above must be conducted during a discharge event if one occurs during the month, regardless whether the monthly site inspection has already occurred.

d. For exceptionally large facilities where monthly inspections of all areas or visual observation at all substantially similar discharge points are infeasible, DEQ or agent may approve ~~in writing~~ a modified inspection frequency.

e. Conduct visual observations during regular business hours of operation and safe conditions.

f. Immediately take all reasonable steps to temporarily minimize or prevent discharge of pollutants until permanent corrective action is complete.

~~e.~~g. Conduct all corrective action required as a result of inspection and visual observation.

~~f.~~h. Document the following in an inspection report that is retained on-site and submitted to DEQ or agent upon request:

i. The inspection date and time;

ii. The name(s) of inspector(s);

iii. Control measures and treatment facilities needing cleaning, replacement, maintenance, reconditioning or repair;

~~iii.~~iv. Any additional control measures needed to comply with the permit;

~~iv.~~v. The condition of the drainage and conveyance system and need for maintenance;

~~v.~~vi. Previously unidentified sources of pollutants;

~~vi.~~vii. Stormwater discharge visual observations, a Tier I report is required if visual observation shows evidence of stormwater pollution as indicated condition Schedule B.7.a.vii.;

~~vii.~~viii. Nature of the discharge; whether snow or rain; and

~~viii.~~ix. Any corrective action, source control or maintenance taken or scheduled to remedy problems found.

REPORTING AND RECORDKEEPING REQUIREMENTS

8. Reporting Monitoring Data

~~a. Paper Submissions~~

~~b.~~a. Permit registrant must submit all monitoring results required in this permit via DEQ-approved Discharge Monitoring Report (DMR) forms until directed by DEQ to do otherwise.

(1) DMRs are due quarterly as outlined in Table 6 for samples taken during the preceding calendar quarter.

(2) Reports must include laboratory results from the testing laboratory, including minimum detection level, Quality Assurance/Quality Control and analytical methods for the parameters analyzed.

(3) Submit pH field notes and chain of custody.

(4) Report non-detections as directed by DEQ. In calculating the geometric mean, use one-half of the detection level for non-detections.

(5) Report all sample results from discharge points.

(6) The permit registrant must sign and certify submittals of Discharge Monitoring Reports, any additional reports, and other information in accordance with the requirements of Section D8 within Schedule F of this permit.

ii. Until directed by DEQ to begin electronic submission, paper DMR forms must be received by the due dates in Table 6, regardless of whether semi-annual monitoring has been satisfied in the 1st or 3rd quarter.

~~iii. All monitoring results received between July 1, 2018, and December 31, 2018, must be reported in the 2nd quarter DMR, February 2019.~~

~~iv.~~iii. Permit registrant must report Tier II geometric mean benchmark evaluation on the 4th quarter DMR after the second monitoring year of permit coverage.

Table 6: DMR Submission Deadlines

Reporting Quarters	Months	DMR Due Dates
1st	July-September	November 15
2nd	October-December	February 15*
3rd	January-March	May 15
4th	April-June	August 15*

*Variance request may be submitted semi-annually as applicable

~~. Electronic Submission~~

~~. Permit registrant must submit the sampling and analysis results and other required information of Schedule B in an electronic format to the initial recipient as specified below or as directed otherwise by DEQ as the NPDES regulatory authority in Oregon according to 40 CFR 127.~~

~~. When directed by DEQ, the permit registrant must submit monitoring results and other information required by this permit on DEQ-approved web-based Discharge Monitoring Report forms including pre-approved attachments.~~

~~. The permit registrant must report monitoring requirements listed in Schedule B of this permit via NetDMR when directed by DEQ. Submit laboratory results from the testing laboratory and other required reporting not entered on the NetDMR form via NetDMR as a separate attachment.~~

~~(0) The permit registrant must submit a Discharge Monitoring Report to DEQ or agent as outlined in Table 6. Report the sampling results for the previous monitoring year and include the laboratory results from the testing laboratory, including minimum detection level, QA/QC and analytical methods for the parameters analyzed.~~

~~(0) Submit pH field notes and chain of custody.~~

~~(0) Report non-detections as directed by DEQ. In calculating the geometric mean, use one-half of the detection level for non-detections.~~

~~(0) Report all sample results from discharge points.~~

~~(0) The permit registrant must sign and certify submittals of Discharge Monitoring Reports, any additional reports, and other information in accordance with the requirements of Section D8 within Schedule F of this permit.~~

~~18.~~9. ~~In accordance with 40 CFR 122.41(l)(9), DEQ will identify the initial recipient that is the designated entity for receiving electronic NPDES data. Until further notice from DEQ, EPA is the initial recipient to receive electronic submissions, and the permit registrant will use EPA's NetDMR for electronic reporting of Discharge Monitoring Report information. DEQ will notify the permit registrant in advance of changes to the initial recipient status and use of another electronic reporting system other than NetDMR.~~ **Exceedance Report for Numeric Effluent Limits -** If follow-up monitoring pursuant to Schedule B.2.f.iii of this permit exceeds a numeric effluent limit, permit registrant must submit an Exceedance Report to DEQ or agent no later than 30 calendar days after receiving the monitoring results. The report must include the monitoring data from this monitoring event and the preceding monitoring event(s), an explanation of the situation, and what the permit registrant has done to correct the violation or intends to do if the corrective actions are not complete.

~~19.~~10. **Record Keeping Procedures -**Permit registrant must record and maintain at the facility the following information. All records must be retained by the permit registrant for at least three years and made available to DEQ, agent or local municipality upon request.

a. A copy of the SWPCP and any revisions, including revised stamped SWPCP from Tier II corrective action;

b. Tier III report;

~~b.~~c. A copy of this permit;

~~c.~~d. ~~Permit assignment letter~~Permit assignment ~~letter~~ notification and coverage documents from DEQ for the current permit term;

~~d.~~e. Documentation of maintenance and repairs of control measures and treatment systems;

~~e.~~f. Tier I reports;

~~f.~~g. All inspection reports;

~~g.~~h. Documentation of any benchmark exceedance and corrective action taken;

~~h.~~i. All copies of any reports or corrective action submitted to DEQ or agent;

~~i.~~j. Spills or leaks of significant materials (See Schedule D.3, Definitions) that impacted or had the potential to impact stormwater or surface waters. Include the corrective actions to clean up the spill or leak as well as measures to prevent future problems of the same nature;

~~j.~~k. Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections;

~~k.~~l. Discharge Monitoring Reports, laboratory reports and field sampling notes; and

~~l.~~m. Employee education materials and records of training.