State of Oregon Department of Environmental Quality

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GENERAL PERMIT
National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer Systems
Phase II General Permit
Public Notice Draft

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

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

Registered to:

Major Receiving Streams:

Wasteload/Load Allocations (if any):

Sources Covered By This Permit:

This permit authorizes regulated small municipal separate storm sewer systems to discharge stormwater to surface waters of the state, in accordance with the requirements, limitations and conditions set forth herein.

DRAFT	DRAFT	~~May~~July 1, 202~~5~~6
Jennifer Wigal Water Quality Division Administrator	Issuance Date	Effective Date

~~Issuance Date: November 30, 2018~~

~~Justin Green~~ ~~Effective Date: March 1, 2019~~

~~Jennifer Wigal~~ ~~Issuance Date:~~

~~Water Quality Division Administrator~~ ~~Effective Date:~~

~~May 1 March 1, 2025~~4

PERMITTED ACTIVITIES

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

Unless specifically authorized by this permit, by regulation issued by EPA, by another National Pollutant Discharge Elimination System (NPDES) permit, a Water Pollution Control Facilities (WPCF) permit, or by Oregon Administrative Rule~~,~~ (OAR), any other direct or indirect discharges to waters of the state ~~is~~are prohibited, including discharges to an underground injection control system.

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APPLICABILITY AND NOTIFICATION REQUIREMENTS

1. Entities Eligible for Coverage

Entities eligible for coverage under this permit are regulated owners or operators of small municipal separate storm sewer systems (MS4s) that discharge stormwater from their MS4 to surface waters of the state.

2. Permit Coverage Area

The permit applies to the geographic area served by the regulated small MS4 jurisdiction that is located fully, or partially, within an Urbanized Area or Urban Area with a population of 50,000 or more people in the State of Oregon as defined by the Year 2000, Year 2010, or the Year 2020~~a~~ Decennial Census conducted by the U.S. Census Bureau ~~of Census~~. If the small MS4 is not located entirely within an Urbanized/Urban Area described above, only the portion that is within the Urbanized/Urban Area is considered the minimum permit coverage area. Permit coverage areas for Counties or special districts must at a minimum cover all areas within Census-designated Urban/Urbanized Areas and Urban Growth Boundaries around or adjacent to permitted MS4 communities.

Though the Census Bureau's delineation of Urbanized and Urban Areas with greater than 50,000 people may differ from Decennial Census to Census, any small MS4 area or parcel that has ever been identified as either by the U.S. Census Bureau remains part of the regulated MS4 Permit Coverage Area under this permit unless the MS4 operator requests and DEQ grants a waiver from MS4 permitting pursuant to 40 CFR § 122.32.

3. Eligibility Requirements

~~a. Existing Registrants~~

Regulated small MS4 owners or operators (hereafter referred to as operators or permit registrants) listed below are ~~currently~~ covered by this ~~an individual~~ NPDES MS4 stormwater discharge general ~~permit~~permit.~~,~~ ~~meet the eligibility requirements of this permit,~~These registrants submitted ~~a~~ complete renewal ~~application~~applications, and are therefore not required to submit an application for coverage under this permit. Hereafter the following regulated small MS4s are referred to as ~~Existing r~~Registrants:

i. City of Albany

~~i.~~ City of Ashland

ii. ~~City of Bend~~

iii. City of Central Point

~~iii.~~iv. City of Corvallis

~~City of Eagle Point~~

v. City of Grants Pass

~~iv.~~vi. City of Keizer

~~v.~~vii. City of Medford

viii. City of Millersburg

~~vi.~~ix. City of Philomath

x. City of Rogue River

~~vii.~~xi. City of Springfield

~~viii.~~xii. City of Troutdale

~~ix.~~xiii. City of Turner

~~x.~~xiv. City of Wood Village

~~xi.~~xv. Benton County

xvi. Josephine County

~~xii.~~xvii. Lane County

xviii. Linn County

~~xiii.~~xix. Marion County

~~xiv.~~xx. Polk County

Rogue Valley Sewer Services - Co-Implementers (City of Central Point, City of Eagle Point, City of Phoenix, City of Talent, Jackson County, Rogue Valley Sewer Services)

~~xv.~~xxi.

~~**b. New Registrants**~~

~~Any operator of a regulated small MS4 not identified as an Existing Registrant above, that is not a permit registrant and seeks coverage under this permit, must submit a complete application for coverage under this permit in accordance with the Application Requirementsapplication requirements listed below. An MS4 operator that has not previously been covered by an NPDES MS4 stormwater discharge permit prior to this MS4 Phase II general permit term is hereafter referred to as a New Registrantnew registrant.~~

~~The following New Registrantsnew registrants have met the eligibility requirements for this permit, based on the 2010~~2020 ~~Decennial Census, and must complete and submit a New NPDES MS4 Phase II General Permit application by January 30, 2019, in order to obtain:~~

~~[LIST]~~

~~Any new registrants that do not yet have permit coverage under this permit:MS4 Phase II general permit must submit an application for permit coverage with the required fee within 30 days of the effective date of the permit, or for new registrants not yet listed here, within 120 days of notification by DEQ that permit registration is required. Any new registrant authorized to discharge after the effective date of this permit will be provided with a discharge authorization letter that will include an implementation schedule for compliance with the permit terms and conditions.~~

~~i. City of Albany~~

~~ii. City of Eagle Point~~

~~iii. City of Grants Pass~~

~~iv. City of Millersburg~~

~~v. City of Rogue River~~

~~vi. Josephine County~~

~~vii. Linn County~~

4. Individual Permit

If coverage under this permit is denied or revoked, the permit registrant is unable to meet the terms and conditions of ~~the general~~this permit, or ~~if~~ the permit registrant does not wish to be regulated by this permit, the permit registrant must cease discharge or apply for an individual permit in accordance with Oregon Administrative Rule 340-045-0030.

~~a. **Permit Registrant's Request for Individual Permit**~~

~~Any small MS4 operator requesting coverage under an individual permit must submit an individual NPDES MS4 permit application to DEQ by January 30, 2019.within 30 days of the effective date of the permit modification.~~

~~After the effective date of the general permit, any small MS4 operator requesting to be covered under an individual permit must submit an individual NPDES MS4 permit application to DEQ.~~

~~b. **DEQ Individual Permit Decisions**~~

DEQ may refuse to authorize or may revoke coverage under this permit and require the MS4 operator to apply for an individual NPDES MS4 permit ~~in accordance with the procedures in~~as set forth in~~-~~ OAR 340-045-0033(10) and related rules. If that occurs, DEQ will notify the applicant or registrant in writing that an individual permit is required and follow the procedures set forth in rule.

5. Discharge Authorization

When permit coverage is granted, DEQ will notify the permit applicant that the permit has been granted and that discharge is authorized.

6. Application Requirements

Any new registrant seeking authorization to discharge under this permit must submit a complete application to DEQ as outlined below.

a. **Application Deadlines**

~~i. New registrants seeking authorization to discharge under this permit must submit a complete application for new NPDES MS4 Phase II General Permit by January 30, 20192025, unless DEQ notifies the applicant of a later application deadline.~~

After the effective date of the general permit, new registrants that DEQ determines need permit coverage must submit a complete application for ~~a new~~ ~~new~~ coverage under this

~~NPDES MS4 Phase II General P~~permit no later than 60 days after the date of DEQ's notification, unless DEQ ~~provides the applicant~~authorizes a later date.

b. **Application Form and Fee**

The NPDES MS4 Phase II General Permit application form (see Appendix A) must be completed and signed in accordance with ~~the signatory requirements of~~ Schedule F. The application submittal must include the application fee and annual fee for the first year of permit coverage according to OAR 340-045-0075, Table 70H.

~~c. **Application Submittal**~~

Applications must be submitted via DEQ's Your DEQ Online (YDO) system. ~~The applicant must submit a hard copy and an electronic copy of the complete application to DEQ at the following addresses:~~

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

~~MS4Stormwater@deq.state.or.us (this email address can be used for electronic submittals)~~

~~d.~~c. **Co-Applicants Under a Single Permit Application**

A co-applicant is any small MS4 operator applying for this permit, in a cooperative agreement with at least one other applicant. Co-applicants must own or operate a small MS4 within or in proximity to another regulated small MS4.

~~S~~A small MS4 operator~~s~~ may seek to obtain coverage under this permit as a co-applicant with one or more small MS4s eligible for this permit. In this instance, a single joint application, that includes all required information and certification signatures for each co-applicant, must be submitted to DEQ. See Schedule A.2 for permit registrant's ~~R~~responsibilities. Cooperative agreements between co-applicants must be documented and~~, and these agreements must be made~~provided ~~available~~ to DEQ upon request.

7. Renewal Requirements

If the permit registrant intends to continue to operate under this permit after the permit expiration date, the permit registrant must submit a complete ~~DEQ~~ renewal application along with all other required documents to DEQ at least 180 days prior to permit expiration. DEQ will notify the permit registrant if the renewal application has been approved or denied.

8. Electronic System Use Requirement

Permit registrants must submit all required documents and payments using DEQ's electronic reporting system (Your DEQ Online; YDO) when directed to do so. Permit registrants unable to submit reports electronically (for example, those who do not have an internet connection) must contact DEQ to request a waiver. DEQ will notify the registrant in writing if an electronic waiver request is approved or denied.

Permit registrants who obtain a waiver not to use DEQ's electronic reporting system must use the reporting forms provided to them by DEQ, if applicable, and an additional fee may be assessed. DEQ may limit the duration of approved waivers from electronic reporting.

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

1. Authorized Discharges

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

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

a. **Requirement to Reduce the Discharge of Pollutants**

Pursuant to 40 CFR §122.34(a), the permit registrant must at a minimum develop, implement, and enforce a Stormwater Management Program (SWMP) designed to reduce pollutants from the MS4 to the maximum extent practicable, to protect water quality and to satisfy the ~~appropriate~~ applicable water quality requirements of the Clean Water Act. This permit identifies the management practices, control techniques and systems, and design and engineering methods necessary to meet this standard.

b. **Water Quality Standards**

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

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

i. Within 48 hours of becoming aware of or being notified of the exceedance, the permit registrant must begin to investigate the cause of the exceedance;

ii. Within 30 days of becoming aware of the exceedance, the permit registrant must notify DEQ in writing of the exceedance (for on-going or continuing exceedances, a single written notification will fulfill this requirement); and

iii. Within 60 days of becoming aware of or being notified of the exceedance, the permit registrant must submit a report to DEQ that documents the following:

(A) The results of the investigation, including the date the exceedance was discovered or the date the permit registrant was notified by DEQ;

(B) A description of the conditions that are known or suspected to have caused or contributed to the exceedance; and

(C) Corrective actions taken or planned, including the date corrective action was completed or is expected to be completed.

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

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

If the permit registrant determines that the exceedance is already being addressed by actions associated with the implementation of a Total Maximum Daily Load, the permit registrant shall submit a report to DEQ with the next annual report that documents the following:

i. The results of the investigation, including the date the exceedance was discovered;

ii. A description of the conditions that are known or suspected to have caused or contributed to the exceedance; and

iii. The ~~TMDL~~ applicable TMDL requirements that are being implemented.

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

c. **Limitations of Coverage**

The permit does not authorize:

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

ii. Stormwater discharges to underground injection control (UIC) systems. Such discharges are regulated ~~under~~ by DEQ's UIC program, per ~~Oregon Administrative Rules~~OAR Chapter 340, Division 44 and as authorized under 40 CFR §144-146.

d. **Allowable Non-Stormwater Discharges**

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

i. The non-stormwater discharge is regulated under a separate NPDES permit.

~~i.~~ The non-stormwater discharge originates from emergency firefighting activities.

~~ii. The non-stormwater discharge originates from emergency firefighting activities.~~

~~ii.~~iii. The non-stormwater discharge is categorized as an authorized or allowable non-stormwater discharge listed ~~in~~ below:

(A) Uncontaminated water line flushing.

(B) Landscape irrigation. For permit registrant owned or operated areas landscape irrigation will be considered allowable only if pesticides and fertilizers are applied in accordance with the manufacturer's instructions.

(C) Diverted stream flows.

~~(C)~~ Uncontaminated groundwater infiltration (as defined in 40 CFR § 35.2005(20)) to separate storm sewers.

~~1.~~(D) ~~Uncontaminated groundwater infiltration (as defined in~~at 40 CFR § 35.2005(20)) to separate storm sewers.

~~(D)~~(E) Rising groundwaters.

~~(E)~~(F) Uncontaminated pumped ground water.

~~(F)~~(G) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).

~~(G)~~(H) ~~Start up~~Startup flushing of groundwater wells.

~~(H)~~(I) Foundation, footing and crawlspace drains (where flows are not contaminated [i.e., process materials or other pollutant]).

~~(I)~~(J) Uncontaminated air conditioning or compressor condensate.

~~(J)~~(K) Irrigation water.

~~(K)~~(L) Springs.

~~(L)~~(M) Lawn watering.

(N) Individual residential car washing.

~~(M)~~ Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).

~~2.~~(O) ~~Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).~~

~~(N)~~(P) Flows from riparian habitats and wetlands.

~~(O)~~(Q) Dechlorinated swimming pool discharges including hot tubs (heated water must be cooled for at least 12 hours prior to discharge).

~~(P)~~(R) Fire hydrant flushing.

~~(Q)~~(S) Street and pavement washwaters (provided that chemicals, soaps, detergents, steam or heated water are not used).

~~(R)~~(T) Routine external building wash-down (provided that chemicals, soaps, detergents, steam or heated water are not used), except for registrant-owned buildings constructed or renovated between 1950 and 1980, as described in Schedule A.3.f.iv.I.

(U) Water associated with dye testing activity.

~~(S)~~ Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to ORS Chapter 465.

(V) ~~Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465.~~

(W) Any other discharge deemed as de minimis by DEQ.

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

2. Permit Registrant's Responsibilities

Each permit registrant is responsible for permit compliance related to ~~the permit registrant's~~their permit coverage area, or where this permit requires the specific permit registrant to take an action.

~~e.~~a. Coordination Among Registrants and Joint Agreements

i. If MS4 operators elect to submit a joint application, each co-registrant is jointly responsible for permit compliance. If a single MS4 operator elects to submit an application for multiple registrants (commonly referred to as co-implementers), the sole applicant is solely responsible for permit compliance for each of the co-implementers.

ii. A permit registrant may elect to work with or delegate implementation of one or more stormwater management program control measures to another permit registrant or entity. The permit registrant remains responsible for compliance with any permit conditions that another permit registrant or entity fails to implement.

iii. If a permit registrant elects to work with or delegate implementation of one or more ~~SWMP~~ Stormwater Management Program control measures to another permit registrant or entity, there must be a written agreement between the permit registrant and the other permit registrant or entity memorializing the delegation. This agreement must be ~~made available~~provided to DEQ upon request.

~~f.~~b. Maintain Adequate Legal Authority

T~~No later than September 1, 2023~~2028, ~~t~~he permit registrant must adopt, update, and maintain adequate legal authority through ordinance(s), code(s), interagency agreement(s), contract(s), and/or other mechanisms to control pollutant discharges into and discharges from its MS4 and to implement and enforce the conditions of this permit, to the extent allowable pursuant to the respective authority granted under state law.

If existing ordinances or regulatory mechanisms are insufficient to meet the criteria required by this permit, the permit registrant must update and adopt appropriate legal mechanisms~~-~~ to maintain adequate legal authority no later than September 1, 2028~~adopt new ordinances~~. If the permit registrant does not have the authority to adopt ordinances, the permit registrant must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable state law.

~~g.~~c. Stormwater Management Program (SWMP) Document

The permit registrant must maintain a written Stormwater Management Program Document (referred to as the SWMP Document), ~~which~~ that describes in detail the specific actions the permit registrant uses to ~~how the permit registrant~~ comply~~ies~~ with this permit, including each of the Stormwater Management Program Control Measures requirements in Schedule A.3~~the required control measures in this permit~~. If any requirement of this permit is being fulfilled by ~~an agreement with~~ another entity in accordance with Schedule A.2.a, the SWMP Document must describe how the requirement is being fulfilled and refer to or include any written agreements describing each party's role. The SWMP Document must describe, link, or refer to publicly

available documents detailing the permit registrant's schedule for implementation of any control measure components ~~to be developed~~ during the term of this permit.

The permit registrant must review ~~T~~the SWMP Document ~~must be reviewed~~ annually and, if necessary, update~~d~~ it ~~annually~~ in accordance with the requirements of Schedule B.1~~and must describe the permit registrant's schedule for implementation of any control measure components to be developed during the term of this permit~~. The SWMP Document must be maintained over the course of the permit term and must describe programs and BMPs or refer to publicly available documents detailing the ~~permittee~~permit registrant's schedules for implementation of any control measure components ~~to be developed~~ during the term of this permit.

The permit registrant~~'s~~ must make the SWMP Document ~~must be submitted with the second annual report, and made~~ available to the public through ~~the permit registrant's~~ its publicly accessible website. The Stormwater Management Program Document currently in effect at the time of this permit renewal must be implemented until the new SWMP Document has been adopted.

~~h.~~d. **~~SWMP~~ Stormwater Management Program Information and Metrics**

The permit registrant must maintain a method of gathering, storing, tracking, reviewing, and using SWMP information to set priorities~~,~~ and assess its compliance with the conditions of the permit. Permit registrants must track activities and review implementation of control measures,~~activities~~ and document ~~program outcomes~~ the assessment in order to illustrate status and progress on implementing the SWMP control measures (~~for example~~e.g., the number of inspections, official enforcement actions, and/or types of public education actions, etc.)~~,~~ and to facilitate adaptive management. ~~and cite relevant information and metrics, reflecting the specific reporting period, in each annual report.~~

~~i.~~e. **~~SWMP~~ Stormwater Management Program Resources**

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

3. Stormwater Management Program Control Measures

The permit registrant must implement all control measures identified in this section and reflected in their SWMP Document.~~Existing Registrants must continue to implement all existing SWMP control measures, and, after the effective date of the permit,~~ For new or additional SWMP Control Measures required by this permit, the permit registrant must begin to revise their ~~SWMP~~ existing control measures~~,~~ as needed, and update the SWMP Document accordingly ~~in order to implement any new control measure components required~~ by the implementation deadline specified ~~for that control measure~~ in Table 1 below.

~~New Registrants, upon the effective date of this permit, must begin to develop and implement the SWMP control measures outlined in Schedule A.3.a-f and must fully implement all applicable SWMP control measures no later than September 1, 2023~~2028~~.~~ Any new registrant authorized to discharge after the effective date of this permit must fully implement all applicable SWMP control measures in accordance with the implementation schedule established in their discharge authorization letter.

Table A1:

New ~~SWMP~~ Control Measures Implementation Schedule

SWMP Control Measures	Implementation Deadline ~~Existing Registrants~~
Public Education and Outreach	Survey a priority audience once in the permit term for adaptive management per Schedule A.3.a.vi
Public Involvement and Participation	No new permit conditions
Illicit Discharge Detection and Elimination	No new permit conditions
Construction Site Runoff Control	Update to enforcement procedures, inspection frequency, and ESCP review process by November 1, 2027, if necessary
Post-Construction Site Runoff for New Development and Redevelopment	Technical memorandum per Schedule A.3.e.iii by November 1, 2027
Pollution Prevention and Good Housekeeping for Municipal Operations	Update to Inspection & Cleaning Program and implementation of Winter Operations & Maintenance Program by November 1, 2028
Industrial Site Screening	Program implementation by November 1, 2028

a. **Public Education and Outreach**

The permit registrant must conduct an ongoing education and outreach program to inform the public about the impacts of stormwater discharges on waterbodies and the steps ~~that~~ they can take to reduce pollutants in stormwater runoff. The education and outreach program must be designed to address stormwater issues of significance within the permit registrant's community and meet the following requirements.

i. Implementation Dates

~~(A) Existing Registrants~~

Upon the effective date of this permit unless otherwise noted,~~No later than February 28, 2020, 2025, existing~~ registrants must implement the required components described in Schedule A.3.a.ii-vi. Once in the permit term, municipal or special district permit registrants (i.e., non-County registrants) qualifying as Large Communities as defined in Schedule D.2. must conduct a detailed survey of a priority audience as detailed in Schedule A.3.a.vi.

~~(B) New Registrants~~

~~Upon the effective date of this permit, New Registrants~~new registrants ~~must begin to develop~~ and ~~implement the required components described in Schedule A.3.a.ii-vi; required components must be fully implemented by September 1, 2023~~2028~~.~~

ii. Education and Outreach Program

The permit registrant's public education and outreach program must include educational efforts targeting the ~~three~~ audiences listed in Schedule A.3.a.iv~~.~~ and Schedule A.3.a.v. The goal of the education and outreach program is to reduce ~~the~~ behaviors and practices that cause or contribute to adverse stormwater impacts on receiving waters. The program should promote specific actions to increase audience understanding of how to reduce pollutant discharges in stormwater runoff and prevent illicit discharges from entering the MS4 and impacting receiving waters.

To be considered adequate, the public education and outreach program must include the activities in Schedule A.3.a.iii-vi below.

iii. Stormwater Education Activities

The permit registrant must distribute or offer at least two (2) educational messages or activities per year.

Educational messages or activities may include printed materials (for example, brochures or newsletters); electronic materials (for example, social media, websites or e-newsletters); mass media (for example, utility bill inserts, transit advertisements, newspaper articles or public service announcements); ~~targeted~~focused workshops~~,~~ and/or other educational events or formats.

The permit registrant may use existing materials if applicable. The permit registrant may develop its own educational materials and means of delivering its message(s). Based on the ~~target~~priority audience's demographic, the permit registrant must consider delivering its selected messages and/or activities in an appropriate manner and in language(s) other than English.

iv. ~~Target~~Priority Audiences and Topics

The permit registrant must ~~at minimum,~~ conduct education and outreach to ~~each target~~priority audiences identified below at least once during the permit term~~, construction site operators must be targeted at least twice~~. The permit registrant must focus ~~its~~ efforts on conveying relevant messages using the ~~Target Topics~~priority topics identified below or stormwater issues of significance in their community.

~~(A) Target Audience:~~

Priority Audiences:

(A) ~~General public, homeowners, homeowner association, schoolchildren, and businesses (including home-based and mobile business).~~

1. General public, including renters and homeowners, homeowner associations, schoolchildren, or businesses (home-based and mobile business).

~~1.~~2. Local officials, including elected officials, land use planners and engineers.

~~2. Construction site operators (See Schedule A.3.a.v below).~~

(B) ~~Target~~Priority Topics:

1. Impacts of illicit discharges on receiving waters and how to report them.
2. Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts.
3. Best management practices for proper use, application and storage of pesticides and fertilizers.
4. Best management practices for pet waste, litter, and trash control.
5. Best management practices for recycling programs.
6. Best management practices for power washing, car washing, carpet cleaning, and auto repair and maintenance.
7. Low-impact development/green infrastructure.
8. Septic systems, information pertaining to maintenance of septic systems.
9. Watershed awareness and how storm drains lead to local creeks and rivers, and potential impacts to fish and other wildlife.

~~9.~~ Stormwater issues of significance identified by permit registrant, including those related to TMDLs or impairment pollutants.

10. ~~Stormwater issues of significance identified by permit registrants.~~

v. Education on Construction Site Control Measures and Post-Construction Requirements

At least twice during the permit term, the permit registrant must conduct educational outreach ~~to target~~engage ~~-~~directed at developers and construction site operators working within their community (that is, at least once for each group). Topics should include appropriate selection, design, installation, use and maintenance of construction site control measures required by the permit registrant's relevant ordinances or other regulatory mechanisms for the construction group, as well as post-construction planning and local code requirements for the developer group.

vi. Tracking and Assessment

The permit registrant must track implementation of the public education and outreach requirements. In each corresponding annual report, the permit registrant must assess their progress toward implementation of the program, including ~~the~~an evaluation of ~~at least one education~~reach and ~~outreach activity corresponding to~~impact within the reporting timeframe for the associated annual report. Additionally, at least once in the permit term, municipal or special district permit registrants (i.e., non-County registrants) qualifying as Large Communities as defined in Schedule D.2.v must conduct a survey of at least one of the priority audiences regarding at least one of the priority topics to assess the reach and effectiveness of the program. These assessment~~(s)~~ should be used with other tracking measures to inform future stormwater education and outreach efforts to ~~most effectively~~ convey the educational material most effectively to the ~~target~~priority audience(s).

b. **Public Involvement and Participation**

The permit registrant must implement a public involvement and participation program that provides opportunities for the public to effectively participate in the development of the SWMP control measures. The permit registrant must comply with ~~their~~ public notice requirements when implementing a public involvement and participation process.

i. Implementation Dates

~~(A) Existing Registrants~~

Upon the effective date of this permit unless otherwise noted,~~No later than February 28, 2020, Existing Registrants~~2025, ~~existing~~ registrants must implement the required components described in Schedule A.3.b.ii-~~vi~~iv.

~~(B) New Registrants~~

~~Upon the effective date of this permit, New Registrants must begin to develop and implement the required components described in Schedule A.3.~~New Registrants

~~Upon the effective date of this permit, new registrants must begin to develop and implement the required components described in Schedule A.3.b.ii-viiv; required components must be fully implemented by September 1, 2023~~2028~~.~~

ii. Publicly Accessible Website

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

(A) Illicit Discharge Complaint or Report requirements (see Schedule A.3.c.v).

(B) Draft documents issued for public comment, final reports, plans and other official SWMP policy documents.

(C) Links to all ordinances, policies and/or guidance documents related to the construction and post-construction stormwater management control programs, including education, training, ~~licensing,~~ and permitting.

(D) The permit registrant's contact information for relevant staff, including phone numbers, mailing addresses and email addresses.

iii. ~~Stewardship~~ Public Involvement Opportunity

The permit registrant must, at a minimum, create or partner in the development of one stewardship or public involvement opportunity during the permit term. The permit registrant may consider one of the following stewardship opportunities or a more locally relevant opportunity:

(A) ~~Stream team~~Watershed enhancement volunteer activities (trash pickup, tree planting, etc.),

(B) Storm drain marking ~~or~~ /stenciling,

(C) Volunteer water quality? monitoring,

(D) Riparian plantings/facility enhancement,

(E) Neighborhood low-impact development activities,

(F) Adopt-A-Road,

(G) ~~Citizen~~Community advisory committee, or

(H) Other locally relevant opportunities.

iv. Tracking and Assessment

The permit registrant must track implementation of the public involvement and participation requirements. In each corresponding annual report, the permit registrant must assess their progress towards implementation of the program.

c. **Illicit Discharge Detection and Elimination**

The permit registrant must implement and enforce a program to detect and eliminate illicit discharges into the MS4, to the extent allowable by state laws. An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Conditional exceptions are identified in Schedule A.1.d.

i. Implementation Dates

~~(A) Existing Registrants~~

Upon effective date of this permit unless otherwise noted~~No later than February 28, 2022, Existing Registrants~~2027, registrants must implement all of the required components described in Schedule A.3.c.ii-viii.

~~New Registrants~~

~~ii. New Registrants~~

~~iii.~~ii. ~~Upon the effective date of this permit, New Registrants~~new registrants ~~must begin to develop and implement the required components described in Schedule A.3.c.ii-viii; all required components must be fully implemented by September 1, 2023~~2028.MS4 Map

(A) MS4 Map and Digital Inventory

The permit registrant must ~~develop and~~ maintain a current map of their MS4. The MS4 map and digital inventory must include the location of outfalls and an outfall inventory, conveyance system and structural stormwater control locations, and chronic illicit discharges (see Schedule A.3.c.ii.B-D). The permit registrant must delineate their MS4 by storm sewer drainage basin, as appropriate, and identify the location and characteristics of any ongoing dry weather flows.

(B) Outfall Inventory

The permit registrant must maintain an inventory of all the known outfall locations~~,~~ owned or operated by the permit registrant. The outfall location must include a unique identifier (for example, alphanumeric code identifier), any geographic information (for example, streets, manholes, or milepost markers) necessary to locate these outfalls in the field, and the name(s) of the receiving water(s).

(C) Conveyance System and Structural Stormwater Control Locations

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

(D) Chronic Illicit Discharges

If applicable, the permit registrant must include the location(s) of known ~~of~~ chronic illicit discharge(s).

~~The permit registrant must make map(s) and digital inventories available to DEQ upon request. When in digital format, the permit registrant must fully describe mapping standards in the SWMP document.~~

~~Existing~~ Registrants must ~~submit~~maintain and update their MS4 map ~~with the third Annual Report;~~as needed. ~~New Registrants~~registrants ~~must submit their MS4 map by September 1, 2023~~2028~~. Prior to this date, a~~All existing maps and digital inventories (including GIS data layers) must be publicly published or shared with DEQ upon request.

~~iv.~~iii. Ordinance and/or Other Regulatory Mechanisms

The permit registrant must prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Schedule A.1.d) through enforcement of an ordinance or other regulatory mechanism, to the extent allowable under state law. The permit registrant must implement appropriate enforcement procedures and actions to ensure compliance. The ordinance or other regulatory mechanism must also define the ~~range~~ types of illicit discharges it ~~covers~~prohibits ~~including, but~~. The ordinance or other regulatory mechanism does not ~~limited~~need to specifically list every prohibition if, at a minimum, each of the following is broadly addressed by the ordinance or other regulatory mechanism:

(A) Septic, sewage, and dumping or disposal of liquids or materials other than stormwater into the MS4;

(B) Discharges of washwater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;

(C) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;

(D) Discharges of washwater from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;

(E) Discharges of washwater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas (including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.) where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

(F) Discharges of runoff from material storage areas, which contain chemicals, fuels, grease, oil, or other hazardous materials from material storage areas;

(G) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;

(H) Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other landscape or construction-related wastes;

(I) Discharges of trash, paints, stains, resins, or other household hazardous wastes; and

Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin washwater, etc.).

~~v.~~iv. Enforcement Procedures

The permit registrant must ~~develop,~~continue to implement and maintain ~~a~~ their written escalating enforcement and response procedure. The procedure must address repeat violations through progressively stricter responses, as needed~~,~~ to achieve compliance. The escalating enforcement and response procedure must describe how the permit registrant will use enforcement techniques to ensure compliance. The enforcement procedures must include timelines for compliance and, when formulating response procedures, must consider relevant factors such as the amount of pollutant discharged, the type of pollutant ~~discharge~~discharged, and whether the discharge was intentional or accidental.

~~vi. For Existing Registrantsexisting registrants, the escalating enforcement procedure must be submitted with the third Annual Report.annual report. New Registrantsregistrants must submit the escalating enforcement procedure by September 1, 20232028.~~

~~vii.~~v. Program to Detect and Eliminate Illicit Discharges

At a minimum, the permit registrant's program must include the following activities:

(A) Illicit Discharge Complaints or Reports

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

(B) Response to Complaints or Reports

The permit registrant must respond to all complaints or reports of illicit discharges to the permitted MS4, as soon as possible, or within an average of two working days from the initial time of the permit registrant's knowledge of the complaint or report, unless there is a threat to human health, welfare, or the environment. For discharges, including spills, which constitute a threat to human health, welfare, or the environment, the permit registrant must respond within 24 hours of the permit registrant's knowledge of the threat. Spills, or other illicit discharges, that may endanger human health or the environment must be reported in accordance with all applicable federal and state laws, including notification to the Oregon Emergency Response System (800-452-0311). Illicit discharges that cause exceedances of water quality standards must also be reported to DEQ in accordance with Schedule A.1.b. For discharges of pollutants to waters of the state that are outside the permit registrant's enforcement authority, the registrant must submit a pollution complaint to DEQ in writing ~~[consider including deadline of 5 days]~~within 5 days.

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

1. Initial Investigation or Evaluation

Conduct an initial investigation ~~or evaluation~~ within an average of five working days or refer the complaint to the appropriate agency (see Schedule A.3.c.v.C below).

2. Ongoing Illicit Discharges

If the elimination of ~~the~~ an identified illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the permit registrant must within 20 working days of identifying the source, initiate procedures to eliminate the illicit discharge.

Upon confirmation of an illicit connection, the permit registrant must use the enforcement procedures in a documented effort to eliminate the illicit connection within six months to the extent allowable under state law. All known illicit connections to the MS4 must be eliminated.

3. Ongoing Illicit Discharges involving Capital Improvements

If the elimination of the illicit discharge involves the repair or replacement of the permit registrant's wastewater or storm sewer conveyance systems, the permit registrant must remove the source of the illicit discharge within three years of the date of its identification unless the permit registrant receives approval from DEQ for a different timeframe that is based on project-specific information and documentation of best efforts to meet the three-year timeframe.

(C) Notification of Other Authorities

If the illicit discharge originates outside the permit registrant's jurisdictional authority or discharges to another jurisdictional authority, the permit registrant must notify the jurisdictional authority as expeditiously as possible and no later than within five working days of becoming aware of the illicit discharge.

(D) Complaints Tracking

The permit registrant must maintain a procedure or system to document all complaints or reports of illicit discharges into and from the MS4. The tracking system must document, at minimum the following:

1. Date the complaint was received and, if available, the complainant's name and contact information.
2. Name of staff responding to the complaint.
3. Date the investigation was initiated.
4. The outcome of the staff investigation.
5. Corrective action(s) taken to eliminate the illicit discharge.
6. The responsible party for the corrective action(s).
7. The status of enforcement procedure(s), when necessary.
8. The date the corrective action(s) was completed and staff that evaluated final compliance.

Complaint tracking information must be summarized in each annual report.

~~viii.~~vi. Dry Weather Screening Program

At a minimum, the permit registrant must ~~conduct dry weather screening at the following percentage of their MS4~~percentages~~:~~

~~Existing Registrants~~

~~Existing Registrants must~~ conduct dry weather screening of at least ~~40 percent of their MS4 outfalls no later than February 28, 2022. Subsequently, Existing Registrants must conduct dry weather screening at an additional 20 percent~~ 20 percent of their MS4 outfalls ~~each~~every year~~ thereafter.~~. Once all known outfalls are inspected, or if all the known outfalls have been previously screened, the permit registrant must identify and document priority locations. The 20 percent annual field screening must thereafter include a portion of ~~all of~~ the permit registrant's identified priority locations.

~~(A) New Registrants~~

~~(B) New Registrants~~registrants ~~must conduct dry weather screening of at least 25 percent of their MS4 outfalls no later than September 1, 2023~~2028~~, then an additional 20 percent each year thereafter.~~

~~(C) Once all the known outfalls are inspected, or if all the known outfalls have been previously screened, the permit registrant must identify and document priority locations. The 20 percent annual field screening must include a portion or~~of all of the permit registrant's identified priority locations.~~

~~(D)~~(A) Annual Field Screening of Priority Locations

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

The dry-weather field screening activities must occur after a~~n~~ ~~antecedent~~ dry period of at least 72-hours. The dry-weather field screening activities must be documented and include:

~~(E)~~(B) General Observations

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

~~(F)~~(C) Field Screening and Analysis

If flow is observed, and the source is unknown, a field analysis must be conducted to determine the cause of the dry-weather flow. The field analysis must include sampling for pollutant parameters that are likely to be found based upon the suspected source of discharge or by other effective investigatory approaches or means to identify the source or cause of the suspected illicit discharge. Where appropriate, field screening pollutant parameter action levels, identified by the permit registrant, must be considered.

~~(G)~~(D) Pollutant Parameter Action

The permit registrant must develop or identify pollutant parameter action levels to be used as part of the field screening. The pollutant parameter action levels and rationale must be documented in an enforcement response plan (or similar document) or in the SWMP Document. The permit registrant may use the following as indicator constituents: ammonia, biochemical oxygen demand, pH, total chlorine, detergents as surfactants, E. coli, total phosphorus, turbidity, temperature, and total suspended solids.

~~Existing~~ Registrants must ~~submit~~continue to implement their ~~Pollutant Parameter Action levels with the third Annual Report.~~existing pollutant parameter action procedures. ~~New Registrants~~registrants ~~must submit the Pollutant Parameter Action~~pollutant parameter action ~~levels by September 1, 2023~~2028~~.~~

~~(H)~~(E) Laboratory Analysis

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

~~ix.~~vii. Illicit Discharge Detection and Elimination Training and Education

The permit registrant must ensure that all persons responsible for investigating and eliminating illicit discharges and illicit connections into the MS4 are appropriately trained to conduct such activities. All staff directly responsible for conducting dry weather screening activities or responding to reports of illicit discharges and spills into the MS4 must be properly trained to conduct such activities.

The permit registrant must provide orientation and training to all new staff working to implement the ~~IDDE~~ Illicit Discharge Detection and Elimination program within 30 days of their assignment to this program. All staff must receive training at least once during the permit term. The permit registrant must provide follow-up training as procedures or technology utilized in this program change.

~~x.~~viii. Tracking and Assessment

The permit registrant must track implementation of the Illicit Discharge Detection and Elimination ~~IDDE~~ program requirements. In each corresponding annual report, the permit registrant must assess their progress towards implementation of the program.

d. **Construction Site Runoff Control**

The permit registrant must implement and enforce a construction site runoff control program to ~~reduce~~ prevent discharges of construction-related pollutants from regulated construction sites in its coverage area. ~~Existing permit registrants must continue to implement their construction site runoff program as they develop, and~~develop and ~~implement the requirements of Schedule A.3.d.~~

i. Implementation Dates

~~(A) Existing Registrants~~

Upon effective date of this permit unless otherwise noted, ~~No later than February 28, 2023~~29, 2028, ~~Existing R~~registrants must implement all of the required components described in Schedule A.3.d.ii-ix. An update to enforcement procedures is due by November 1, 2027, per Schedule A.3.d.vii.

~~New Registrants~~

~~(B) Upon the effective date of this permit, New Registrants must begin to develop and implement the required components described in Schedule A.3.New Registrants~~

~~Upon the effective date of this permit, New Registrants must begin to develop and implement the required components described in Schedule A.3.d.ii-ix; and all required components must be fully implemented by September 1, 2023~~2028~~.~~

ii. Ordinance and/or Other Regulatory Mechanism

Through ordinance or other regulatory mechanism, to the extent allowable under state law, the permit registrant must prevent the discharge of pollutants from construction activities into the MS4. This ordinance or other regulatory mechanism must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects according to the thresholds below, from initial commencement of construction activities ~~clearing~~ through final stabilization, to ~~reduce~~ prevent pollutants in stormwater discharges to the MS4 ~~from construction sites~~.

~~The permit registrant must require construction site operators to complete and implement an Erosion and Sediment Control Plan (ESCP) for construction project sites that results in a minimum land disturbance of:~~

(A) For Large Communities, the qualifying threshold for projects is a minimum land disturbance of 7,000 square feet or more; and

(B) For Small Communities, the qualifying threshold for projects is a minimum land disturbance of 10,890 square feet (a quarter of an acre) or more.

The permit registrant must require construction site operators for qualifying sites to complete and implement an Erosion and Sediment Control Plan (ESCP) as described in Schedule A.3.d.iv. The registrant must also use ~~appropriate~~ the enforcement procedures developed in accordance with Schedule A.3.d.vii, and other appropriate actions to ensure compliance with Schedule A.3.d.ii-vi.

iii. Compliance with Other NPDES Permits

Construction projects that disturb one or more acres (or disturb less than one acre but are part of a "common plan of development or sale" disturbing one or more acres) are subject to the 1200-C, 1200-CA, or 1200-CN NPDES General Permits in addition to the to the permit registrant's construction site runoff control requirements identified in this permit (Schedule A.3.d.iv). Registrants must refer projects subject to the 1200-C to DEQ or the appropriate DEQ agent.~~For construction projects that disturb one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres), the permit registrant must refer project sites to DEQ, or the appropriate DEQ agent, to obtain NPDES Construction Stormwater Permit coverage. The NPDES Construction Stormwater General Permit requirements are in addition to the permit registrant's construction site runoff control requirements identified in this permit (Schedule A.3.d.iv).~~

iv. Erosion and Sediment Control Plans

The permit registrant must maintain written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in their coverage area for all qualifying sites according to the thresholds in Schedule A.3.d.ii above. At a minimum, the written specifications must include an ESCP template~~, worksheet or similar document (henceforth referred to as Erosion and Sediment Control Plan or ESCP)~~ for construction site operators to document how erosion, sediment, and waste material management controls will be implemented at the ~~construction project~~ site. At a minimum, through ordinance or other regulatory mechanism the permit registrant must:

~~(A)~~ Provide the construction site operator an ESCP template that includes applicable stages of construction (i.e. demolition, grading, streets and utilities, vertical construction, final stabilization) prior to commencement

~~(B)~~(A) of construction/land disturbance, with recommended self-inspection intervals and checklists;

~~(C)~~ Require construction site operator to complete a site-specific ESCP prior to

~~(D)~~(B) commencement of construction/land disturbance;

Require the ESCP be maintained and updated as site conditions change, or as

~~(E)~~(C) needed; and

Require ESCPs to be kept on site and made available for review by the permit

~~(F)~~ registrant, DEQ, or another administrating entity.

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

v. Erosion and Sediment Control Plans Review

The permit registrant must review all ESCPs according to the assigned thresholds described in Schedule A.3.d.ii, (including those that are part of a "common plan of development or sale" disturbing one or more acres) to determine compliance with the ordinance or other required regulatory mechanism starting no later than November 1, 2027. The registrants must conduct ESCP reviews using a standardized process, such as a checklist or equivalent tool, and must consider site-specific factors including, but not limited to, steep slopes, proximity to surface waters, and the presence of contaminated soil or groundwater. ~~At a minimum, the permit registrant must review ESCPs from construction projects that will result in land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres) using a checklist or similar document to determine compliance with the ordinance or other regulatory mechanism required.~~

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

vi. Construction Site Inspections

The permit registrant must inspect construction sites to ensure compliance with Schedule A.3.d.iii-iv~~.~~. If any updates in inspection practices are required by this section they must be incorporated into the SWMP Document no later than November 1, 2027.

(A) Minimum Triggers for Inspection

At a minimum, the permit registrant must inspect construction sites if:

1. The construction activity will result in land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres). ~~Each~~ No later than by November 1, 2027, the registrant must inspect each site ~~site must be inspected~~ at least ~~once~~twice during the permit term~~;~~ (initial and ~~termination~~during active construction ~~to ensure that site is stabilized~~);
2. Sediment is visible or reported in stormwater discharge or dewatering activities from the construction site; or
3. A complaint or report is received. At minimum, the permit registrant must respond to the initial complaint if more than one report or complaint is received.

(B) Minimum Inspection Documentation Requirements

~~If the permit registrant inspects a construction site, at a minimum the~~ Each site inspection must, at a minimum, include and document the following:

1. An assessment of the ESCP to verify whether the specified control measures have been implemented, are being properly maintained, and effectively prevent pollution discharges from the site~~A review and evaluation of the ESCP to determine if the described control measures were installed, implemented and maintained properly~~.
2. An assessment of the site's compliance with the permit registrant's ordinances or requirements, including review of any available or required site self-inspection reports and evaluation of whether inspections are meeting any frequency and detail requirements of the ordinance.~~the implementation and maintenance of required control measures~~.
3. Visual observations and documentation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site (including track-out, fugitive dust, and turbid discharges).~~. Documentation of recommendations to the construction site operator for follow-up.~~
4. If necessary, education or instruction provided to the construction site operator related to additional stormwater pollution prevention practices to comply with the approved ESCP. Requirements or recommendations for follow-up actions must also be documented.
5. A written or electronic inspection report, including documentation of ordinance or other regulatory mechanism non-compliance and other implementation deficiencies, as well as any ~~all~~ necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance with their applicable requirements.

(C) Inspection Requirements for ~~Existing~~ Large ~~Communities~~ Community Registrants

In addition to Schedule A.3.d.vi.A, ~~existing~~ Large Communities as defined in Schedule D.2 must inspect at least ~~2~~50% of the qualifying new construction sites that disturb less than one acre at least once during the permit term to ensure compliance with the site's ESCP.

vii. Enforcement Procedures

The permit registrant must develop, implement, and maintain a written escalating enforcement and response procedure for all qualifying construction sites. This procedure must describe how repeat violations will be addressed through progressively stricter actions, as needed, to achieve compliance. It must also specify the enforcement methods the registrant will use and include defined timelines for reaching compliance.

When applying these procedures, the registrant must consider factors such as the type and quantity of pollutants discharged, and whether the discharge was intentional or accidental.

By November 1, 2027, the procedure must include adoption of a policy or SOP describing circumstances under which the registrant will refer noncompliant sites to DEQ for enforcement. This policy or SOP must be submitted with the annual report due November 1, 2027.~~The permit registrant must develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites. The procedure must address repeat violations through progressively stricter response, as needed, to achieve compliance. The escalating enforcement and response procedure must describe how the permit registrant will use enforcement techniques to ensure compliance. The enforcement procedures must include timelines for compliance and, when formulating response procedures, must consider factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental. For Existing Registrants~~The enforcement procedures must explain how the registrant will refer sites to DEQ if the registrant is unable to gain compliance. ~~he escalating enforcement procedure must be submitted with the third Annual Report.~~annual report.~~

~~New Registrants~~registrants ~~must submit the escalating enforcement procedure by September 1, 2023~~2028~~.~~

viii. Construction Runoff Control Training and Education

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

The permit registrant must provide orientation and training to all new staff working to implement the construction runoff control program within ~~30~~ 90 days of their assignment to this program. The staff must be properly trained and knowledgeable in the technical ~~understanding~~ aspects~~?~~ of erosion, sediment, and waste material management controls to conduct such ESCP reviews and inspections~~.~~ (Certified Erosion and Sediment Control Lead [CESCL] or other equivalent technical training at a minimum), as well as possess understanding of relevant MS4 permit requirements and local code or ordinance relating to construction and the escalating enforcement procedures. All staff must receive training at least once during the permit term. The permit registrant must provide follow-up training as procedures and/or technology utilized in this program change.

ix. Tracking and Assessment

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

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

~~Existing p~~Permit registrants must continue to implement and enforce their post-construction stormwater pollutant control program ~~as they develop programs to~~ that meets the requirements of Schedule A.3.e to reduce discharges of pollutants ~~and address~~ in stormwater runoff from new development and redevelopment project sites in its coverage area. ~~New registrants must develop programs to meet Schedule A.3.e requirements to reduce discharges of pollutants and address stormwater runoff from new development and redevelopment project sites in its coverage area.~~

All registrants must describe their programs in the SWMP Document.

i. Implementation Deadline

Permit registrants must continue to implement all required components of Schedule A.3.e.i – A.3.e.viii, and no later than November 1, 2027, must submit the technical memorandum as described in Schedule A.3.e.iii.

~~x. Existing Registrants~~

~~xi. No later than February 28, 2023, Existing Registrants must implement all of the required components described in Schedule A.3.e.ii-viii.~~

~~xii. New Registrants~~

~~New Registrants~~

~~xiii. Upon the effective date of the permit, New Registrants~~new registrants ~~must begin to develop and implement the required components described in Schedule~~

~~A.3.e.ii–viii; all required components must be fully implemented by September 1, 2023~~2028~~.~~

~~xiv.~~ii. Ordinance and/or Other Regulatory Mechanism

~~Through ordinance or other regulatory mechanism, to the extent allowable under state and federal law, the permit registrant must require the following for project sites discharging stormwater to the MS4 that create or replace 5,000 square feet or more of new impervious surface area:[1]~~

~~(A) The use of structural stormwater controls at all qualifying sites.~~

~~(B) A site-specific stormwater management approach that targets natural surface or~~

~~predevelopment hydrological function through the installation and long-term operation and maintenance of structural stormwater controls.~~

~~(C) Long-term operation and maintenance of structural stormwater controls at project sites that are under the ownership of a private entity.~~

~~The permit registrant must use appropriate enforcement procedures and actions to ensure compliance with Schedule A.3.e.iv. The local ordinance or other regulatory mechanism adopted must meet the requirements of Schedule A.3.e.ii–vi.~~ The permit registrant must enact, implement and enforce an ordinance or other regulatory mechanism, to the extent allowable under state and federal law, that requires project sites within the MS4 area that create or replace an impervious surface area equal to or surpassing permit registrant's assigned threshold area, to achieve the following:

(A) Develop and implement a site-specific stormwater management approach and related site plan to manage stormwater runoff,

(B) Comply with the post-construction stormwater requirements, including ~~the~~ retention and/or treatment performance standards, and

~~(D)~~(C) Implement long-term operation and maintenance of structural stormwater controls.

The assigned threshold area is 10,890 square feet (a quarter of an acre) for "small community" County registrants, and 5,000 square feet for all other permit registrants. The permit registrant must document and implement enforcement procedures and actions designed to ensure ongoing compliance with Schedule A.3.e.

~~xv. Removing Barriers to Low Impact Development~~

~~xvi. The permit registrant must identify, minimize or eliminate ordinance, code and/or development standard barriers within their legal authority that inhibit design and implementation techniques, such as Low Impact Development and Green Infrastructure, intended to minimize impervious surfaces and reduce stormwater runoff. Consideration of such modifications to ordinance, or codes are only~~

~~[1] For counties, through ordinance or other regulatory mechanism, to the extent allowable under state law, the permit registrant must require the following for project sites discharging stormwater to the MS4 that create or replace 10,890 square feet (a quarter of an acre) or more of new impervious surface area.~~

~~required to the extent the modifications are permitted under federal and state laws.~~

~~xvii. The permit registrant must review ordinance, code and development standards for barriers by September 1, 2023~~2028~~. If an ordinance, code or development standard barrier is identified at any time subsequent to September 1, 2023~~2028~~, the applicable ordinance, code or development standard must be modified within three years.~~

~~xviii.~~iii. Post-Construction Stormwater Management Requirements

The permit registrant must apply enforceable requirements to all applicable new development and redevelopment project sites in accordance with the stormwater retention and treatment performance standards in Schedule A.3.e.iii.A-C, which prioritize retention first, treatment where retention targets cannot be met, and alternative compliance options where treatment is infeasible, as described below. ~~The permit registrant must develop enforceable post-construction stormwater management requirements in ordinance or other regulatory mechanism that, at a minimum, include the following technical standards:~~

(A) Stormwater Retention Performance Standard

The permit registrant must identify and implement a stormwater retention performance standard that targets predevelopment hydrologic function (e.g., runoff volume control, peak runoff rate control, flow frequency/duration control, and water quality control), prioritizes onsite retention of stormwater using infiltration, capture and reuse and/or evapotranspiration, and minimizes offsite discharges of runoff and associated pollutants.

The stormwater retention performance standard must identify a numeric stormwater retention requirement (NSRR) using one of the following approaches:

1. Volume-based method (e.g., the first inch of each storm event).

2. Storm event percentile-based method (e.g., the 95th percentile storm event- 95% of the time the data is below this value).

3. Annual average runoff-based method (e.g., 80% of annual average runoff).

4. An alternative approach that provides equal or comparable results as the other methods (e.g., flow duration matching). Local requirements and thresholds must demonstrate the requirements of this section are met, including ensuring a similar level of protection of receiving waters and that the associated onsite retention and pollutant removal will be achieved.

The permit registrant must require stormwater runoff generated on the post-construction project site be retained with a stormwater structural control.

Retention

(B) Performance Standard Technical Infeasibility and Site Constraint Exclusions

The permit registrant must ensure that the stormwater retention standard is met on the project site unless the following conditions are met:

1. The permit registrant identifies and documents the review criteria and factors used to determine technical infeasibility and/or site constraints, which may include, but are not limited to, shallow bedrock, high groundwater, groundwater contamination, soil instability as documented by geotechnical analysis, land use that is inconsistent with capture and infiltration of stormwater;

2. The permit registrant reviews the site-specific stormwater management approach and determines that technical infeasibility and/or site constraint exist; and

3. The technical infeasibility and site constraint is not based solely on increased cost.

For the purposes of this section, designing a site to utilize an existing or concurrently designed regional stormwater management facility for retention and/or treatment is considered onsite compliance, provided that the regional facility was designed with sufficient additional capacity to accommodate the development, and that the facility's anticipated pollution reduction per design specifications meets the requirements of the treatment performance standard.

(C) Stormwater Treatment Performance Standard

For retention performance standard approaches A.3.e.iii.(A)1. through A.3.e.iii.(A)3., the permit registrant must identify and apply a quantitative stormwater treatment performance standard that ensures that when the entire NSRR runoff volume is not fully retained on a project site, at a minimum, the remaining NSRR runoff volume is treated prior to discharges from the project site. Green infrastructure as a technique must be prioritized.

For retention performance standard approach A.3.e.iii.(A).4., the registrant must identify and apply a quantitative stormwater treatment performance standard that treats stormwater prior to discharge~~s~~ from the project site. Again, green infrastructure as a technique must be prioritized.

With respect to ~~both of~~ the two previous paragraphs, the stormwater treatment performance standard must include, at a minimum, the following requirements:

1. Stormwater runoff is treated by a stormwater structural control.

2. The stormwater structural control is designed to remove a defined percentage of total suspended solids and may include an upper and lower bound to the treatment requirement that reflect the practical limitation of an engineered control (e.g., 80% removal of TSS for typical influent concentrations ranging from 100mg/L to 200mg/L).

3. A description of all allowable structural controls, including the following for each of the stormwater structural controls: site-specific design requirements that do not inhibit maintenance, conditions where each structural control applies, and operation and maintenance standards for the structural control.

Additionally, regardless of which of the ~~four retention~~four-retention performance standard approaches ~~is~~are used, the permit registrant must complete a technical memorandum supporting the treatment performance standard that links the specifications and application of allowable structural controls described in (3) above to the expected pollutant removal efficiency for TMDL and Category 4 and 5 impairment pollutants. This technical memorandum is to be submitted to DEQ no later than November 1, 2027, and must be thereafter cited or referred to in the SWMP Document with descriptions of other post-construction measures.

~~(A) Site Performance Standard~~

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

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

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

~~At sites where 100% of the NSRR volume cannot be retained due to technical infeasibility and/or site constraints, the permit registrant may develop an exception process for the retention in the site performance standard by following the Step-Wise Alternative Compliance procedure outlined below (see Schedule A.3.e.iv.B and C). Such feasibility or site constraint factors may include, but are not limited to, shallow bedrock, high groundwater, groundwater contamination,~~

~~soil instability as documented by geotechnical analysis, or a land use that is inconsistent with capture, and infiltration of stormwater.~~

~~(B) Treatment Standard~~

~~(C) For projects that are unable to fully meet the NSRR, the remainder of the rainfall/runoff associated with this retention requirement must be treated prior to discharge with a structural stormwater control. The description of allowable structural stormwater controls must include site-specific design requirements, design requirements that do not inhibit maintenance, conditions where each control applies, and the operation and maintenance standards for each type of control. This stormwater structural control must be designed to remove a defined percentage of total suspended solids and may include an upper and lower bound to their treatment requirement that reflect the practical limitation of an engineered control (e.g., 80% removal of TSS for typical influent concentrations ranging from 100mg/L to 200 mg/L). The permit registrant should establish treatment requirements that target the equivalent water quality benefits as onsite retention of stormwater from new development or redevelopment sites using a model~~such as a continuous simulation model or other evaluation tool. ~~The permit registrant should encourage the use of treatment trains of structural post-construction stormwater controls, and must give priority to implementing green infrastructure before considering hardscaped structural stormwater controls for stormwater treatment. **Detention ponds are not a sufficient stand-alone treatment method and must be combined with other structural stormwater controls**. Treating the volume of water that would otherwise be retained under the NSRR satisfies the retention requirement. The permit registrant must identify conditions where the implementation of green infrastructure or equivalent approaches may be impracticable. The permit registrant may adopt specifications created by another entity that comply with these requirements~~

~~xix.~~ iv. Offsite Alternative Compliance~~Offsite Mitigation Alternative Compliance~~

For projects unable to fully meet the retention performance standard options and/or treatment standard alternative, and that meet the Performance Standard Technical Infeasibility and Site Constraint Exclusions above in Schedule A.3.e.iii.(C), the permit registrant may choose to allow offsite alternatives. The offsite alternatives must account for retention or treatment at least equal to the retention and treatment performance standards not met onsite.

A written technical justification must be provided for implementing offsite alternative compliance.

The written technical justification must be in the form of a site-specific hydrologic or design analysis conducted and endorsed by an Oregon registered Professional Engineer or Oregon Certified Engineering Geologist. In order to approve alternative compliance projects, the permit registrant must identify and implement an enforceable offsite alternative compliance option that results in a similar level pollutant removal achieved by the applicable onsite retention and treatment performance standard.

The offsite alternative compliance option must be within the same subwatershed as the site undergoing development, and must include institutional standards and management systems to value, estimate, account for and track how these mitigation projects address the unmet stormwater control needs (including the how the performance standards are met) achieved through the offsite mitigation.

The offsite alternative compliance option may include, but is not limited to, the following:

(A) Stormwater payment-in-lieu or alternative financing program

(B) Offsite Mitigation, which may include meeting the retention requirement offsite via a UIC, the use of a stormwater mitigation banking program, or offsite treatment.

(C) Offsite Groundwater Replenishment Projects that are protective of groundwater quality and that the permit registrant has determined will provide an opportunity to replenish regional groundwater supplies.

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

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

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

~~(A) Offsite Stormwater Mitigation Options~~

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

~~1. Offsite Mitigation~~

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

~~2. Offsite Groundwater Replenishment Projects~~

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

~~xx.~~v. Post-Construction Site Runoff Plan Review

The permit registrant must review the site plans for all project sites required to develop and implement a site-specific stormwater management approach. The permit registrant must implement written review procedures that ensure consistency with the registrant's post-construction stormwater requirements, and the permit registrant must not approve or recommend for approval any site plans that do not meet these requirements~~The ordinance or other regulatory mechanism must include procedures for the permit registrant's review and approval of structural stormwater control plans for new development and redevelopment projects.~~

~~At a minimum, the permit registrant must review and approve plans for structural stormwater control at new development and redevelopment sites that result from a land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres); and sites that use alternative compliance to meet the retention requirement, before the start of the project. The permit registrant must review plans for consistency with the ordinance/regulatory mechanism and specifications required by Schedule A.3.e.vi. The permit registrant must not approve or recommend for approval any plans for structural controls that do not meet minimum requirements to meet Schedule A.3.e.iv and Schedule A.3.e.vi~~.

~~xxi.~~vi. Long-Term Operation and Maintenance (O&M)

The permit registrant must maintain an inventory and implement a strategy to ensure that all structural stormwater controls installed in compliance with this permit are operated and maintained to meet the post-construction stormwater management requirements in Scheduled A.3.e.iii or A.3.e.iv~~site performance standard in Schedule A.3.e.iv~~. This strategy must, at minimum, include the following:

(A) Documented efforts to obtain legal authority to allow the permit registrant to –inspect and require effective operation and maintenance of privately owned and operated structural stormwater controls that discharge to the MS4, to the extent allowable under state and federal law.

(B) Inspection procedures and an inspection schedule ensuring compliance with the O&M requirements of each structural stormwater control operated by the permit registrant and by other private entities.

(C) A tracking mechanism for documenting inspections and the O&M requirements for structural stormwater controls. This tracking mechanism must document enforcement actions and compliance response. For structural stormwater controls that include vegetation, the O&M requirements must at minimum include requirements to maintain and/or replace vegetation to ensure the functionality of the control. For structural stormwater controls that include soils in the treatment process, O&M requirements must at minimum include requirements to maintain soil permeability.

(D) Reporting requirements for privately owned and operated structural stormwater controls that document compliance with O&M requirements.

(E) The location of all public and private structural stormwater controls installed in compliance with this permit must be included with the MS4 Map.

~~xxii.~~vii. Training and Education

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

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

~~xxiii.~~viii. Tracking and Assessment

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

f. **Pollution Prevention and Good Housekeeping for Municipal Operations**

The permit registrant must properly operate and maintain its facilities, using prudent pollution prevention and good housekeeping to reduce the discharge of pollutants through the MS4 to waters of the state.

i. Implementation Date

~~(A) Existing Registrants~~

~~No later than~~Upon the effective date of this permit unless otherwise noted, ~~February 28, 2022, Existing Registrants~~2027, ~~existing~~ registrants must implement all of the required components described in Schedule A.3.f.ii-~~ix~~xi. By November 1, 2027, registrants must implement the Winter Maintenance program described in Schedule A.3.f.vi.

~~(B) New Registrants~~

~~Upon the effective date of this permit, New Registrants~~new registrants ~~must begin to develop and implement the required components described in Schedule A.3.f.ii-ix; all required components must be fully implemented by September 1, 2023~~2028~~.~~

ii. Operation and Maintenance Strategy for Existing Structural Stormwater Controls

For existing structural stormwater controls installed or permitted by the permit registrant prior to the effective date of this permit, the permit registrant must ~~develop and~~ implement an operation and maintenance strategy for both permit registrant-owned controls and controls owned and operated by other ~~another entity~~other ~~non-MS4 entities~~ entities discharging to the permit registrant's MS4 without an NPDES discharge permit. The O&M strategy for existing structural stormwater controls must meet the ~~long term~~long-term O&M requirements in Schedule A.3.e.vi but not the site performance standards outlined in Schedule A.3.e.ii~~v~~.

iii. Inspection and Cleaning of ~~Catch Basins~~the MS4

The permit registrant must maintain and continue to implement a process for the inspection, maintenance, and cleaning of its MS4 and related structures (including, but not limited to, catch basins, storm drain inlets, water quality facilities, pipes, ~~culverts?,~~culverts, etc.). This process should be designed to optimize trash/debris and pollutant removal, and verify proper operation of all its municipal structural treatment controls designed to reduce pollutants (including floatables) in storm water discharges to or from its MS4 and related drainage structures. ~~No later than b~~By November 1, 2028, the SWMP Document description of adopted operation and maintenance activities must include, at a minimum, the following:

(A) Inspections of the MS4 and related structures;

(B) Cleaning of the MS4 and related structures to ensure they operate as designed; and,

(C) Proper disposal of materials removed from cleaning of the MS4.

The permit registrant must maintain records of inspection and cleaning activities to facilitate adaptive management, including but not limited to such metrics as: an estimated volume of trash/debris removed during O&M activities per catch basin or as a total or by category or type of activity, if known; number of structures of each category inspected; number of structures of each category cleaned; and linear feet of pipe cleaned.

The inspection, maintenance, and cleaning schedule must ensure inspection of at least 50% of the registrant owned or operated catch basins and inlets within the MS4 at least once every five years. An alternate schedule designed to increase efficiency of removal of pollutants from the MS4 based on field records may be adopted if approved by DEQ and may replace the requirement for at least 50% at least once every five years, ~~and~~provided the registrant continues to take all appropriate maintenance or cleaning actions based on those inspections to ensure the catch basins and inlets continue to function as designed.

The permit registrant may establish an inspection prioritization system for its catch basins and other structural MS4 elements, and adjust inspection frequency as needed for adaptive management, provided the registrant describes all relevant factors it uses to prioritize its inspections to specific geographic or land use areas of its MS4 in the SWMP Document or another document cited/referenced therein no later than November 1, 2028. ~~must inspect at least 50 percent of the permit registrant-owned or operated catch basins and inlets within the MS4 at least once every five years and take all appropriate maintenance or cleaning action based on those inspections to ensure the catch basins and inlets continue to function as designed. The permit registrant may establish a catch basin inspection prioritization system, and establish alternate inspection frequency, provided the permit registrant describes all relevant factors it uses to target its inspections to specific areas of its MS4 in the SWMP Document.~~

~~The permit registrant must maintain catch basin inspection records and cleaning records.~~

iv. Pollution Prevention in Facilities and Operations

The permit registrant must conduct its municipal O&M activities in a manner that ~~reduces~~prevents the discharge of pollutants through the MS4 to protect water quality. ~~For the O&M activities it conducts, t~~The permit registrant must ~~develop~~continue to implement, review, and if ~~necessary~~necessary, update procedures for inspection and maintenance schedules to ensure pollution prevention and good housekeeping practices are conducted for the following activities:

(A) Pipe cleaning for stormwater and wastewater conveyance systems.

(B) Cleaning of culverts conveying stormwater in roadside ditches.

(C) Ditch maintenance.

~~(D) Road and bridge maintenance.~~

(D) Road and bridge maintenance, including ~~roadmark~~road mark painting, sidewalks, and ancillary infrastructure work that may involve concrete work around water, electrical or other utility lines peripheral to the MS4 system.

(E) Road repair and resurfacing including pavement grinding.

(F) Dust control for roads and municipal construction sites.

(G) Winter road maintenance, including salt or de-icing storage areas.

(H) Fleet maintenance and vehicle washing.

(I) Building and sidewalk maintenance, including washing. For buildings owned by the registrant and built or renovated between 1950 and 1980,

exterior building washdown or demolition shall not be conducted in such a way as to allow discharge into the MS4 or receiving waters unless a building material assessment for PCBs has been conducted and found negative. Permit registrant-owned structures confirmed or suspected to have PCB-containing materials shall not discharge washdown to the MS4, and PCB-containing demolition wastes shall be disposed of properly.

(J) Solid waste transfer and disposal areas.

(K) Municipal landscape maintenance.

(L) Material storage and transfer areas, including fertilizer and pesticides, h~~H~~azardous~~–~~ materials, used oil storage, and fuel.

(M) Firefighting training activities.

(N) Maintenance of municipal facilities including public parks and open space, golf courses, airports, parking lots, swimming pools, marinas, etc.

v. Registrant-owned NPDES Industrial Stormwater Permit Facilities

Permit registrant-owned or -operated facilities with industrial activity as defined in 40 CFR §122.26(b)(14) discharging stormwater to the waters of the state must have coverage under DEQ's NPDES Industrial Stormwater General Permit. The permit registrant may use the actions required in the NPDES Industrial Stormwater Permit to address the applicable facility requirements in Schedule A.3.f.iv.

vi. Winter Operations & Maintenance Program

By November 1, 2027, the registrant must document and include with (or reference) in the SWMP Document their Winter Maintenance and Operations Program for public roads under the registrant's control, or cooperative agreement with others, that limits impacts to water quality to the degree practicable when considering public safety.~~–~~

(A) Winter Management Materials

The registrant must ensure that all winter materials utilized by the registrant on roads for anti-icing and de-icing purposes (e.g., abrasives, sand, deicers including but not limited to MgCl2, solid salt, etc.) are utilized and stored properly, according to most current required and generally accepted practices.

(B) Winter Maintenance Strategy-

The registrant must provide or reference a Winter Maintenance Strategy with the SWMP Document. This document must describe how the registrant manages rights-of-way owned or operated by the registrant during inclement weather and what Best Management Practices are ~~implemented, and~~implemented. ~~and~~This strategy must be submitted with the Annual Report due November 1, 2028.

(C) Winter Maintenance Tracking and Reporting

A description of Winter Maintenance activities for streets and roads must be included as a regular element of the MS4 Annual Report required by this permit beginning in the Annual Report due November 1, 2028. The ~~annual report~~ description must include but need not be limited to: a list of materials used in winter maintenance, number of winter weather events where winter maintenance materials ~~have been~~ were used, quantities and general location of each material used, and any other actions taken to protect waters of the state during winter maintenance activities.

~~vi.~~vii. Requirements for Pesticide and Fertilizer Applications

The permit registrant must implement practices to reduce the discharge of pollutants to the MS4 associated with the permit registrant's application and storage of pesticides and fertilizers. At a minimum, such areas include the permit registrant's public right~~s~~-of-way~~s~~, parks, recreational facilities, golf courses, and landscaped areas. All employees or contractors of the permit registrant applying pesticides must follow all label requirements, including those regarding application methods, rates, number of applications allowed, avoidance of application near surface waters as appropriate, and disposal of the pesticide, fertilizer, and rinsate.

~~vii.~~viii. Litter Control

The permit registrant must implement methods to reduce litter within its jurisdiction, and must incorporate data collected from available sources (e.g., MS4 maintenance and cleaning activities, parks and event management data, pollution complaint reporting of litter dumping, etc.) into decision making and adaptive management. The permit registrant may work cooperatively with other departments, organizations, or other entities to control litter on a regular basis and after major public events, in order to reduce the discharge of pollutants and litter to the MS4.

~~viii.~~ix. Materials Disposal

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

~~ix.~~x. ~~Stormwater Infrastructure~~ Municipal Operations Staff Training

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

The permit registrant must provide MS4 orientation and pollution prevention training to all new staff working ~~to implement the pollution prevention and good housekeeping for~~in municipal operations ~~program~~programs within 30 days of starting their assignment ~~to this program~~ and at least once during the permit term. At a minimum, this includes O&M and ~~and~~ field staff for public works, environmental services, road crews, parks departments, and water departments. The permit registrant must provide follow-up training as procedures and/or technology utilized in this program change.

~~x.~~xi. Tracking and Assessment

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

g. **Industrial Site Screening**

The permit registrants must implement a program to document facilities in their jurisdiction that are or may be subject to ~~a DEQ issued~~the NPDES 1200-Z industrial stormwater ~~NPDES general~~discharge permit. Required program elements include:

i. Implementation Date

Upon the effective date of the permit, all registrants must begin ~~establishming~~establishing~~ent of~~ programs to implement all of the required components described in Schedule A.3.g.ii-iii. All required elements must be fully implemented no later than ~~February 29~~November 1, 2028.

ii. Screening

Permit registrants must conduct a one-time screening drawing on available information to evaluate industrial facilities ~~in their jurisdiction~~that may discharge to their MS4 to assess whether they ~~have the potential~~ may~~to~~ be subject to ~~DEQ-issued~~the 1200-Z ~~industrial stormwater NPDES general~~ permit.

iii. Notification

Permit registrants must create a list~~og~~ of the likely/potential 1200-Z facilities in their ~~jurisdiction, and~~jurisdiction and submit the information on the listed facilities ~~f identified potential 1200-Z facilities~~to DEQ with the annual report following the screening event through the YDO system.

SCHEDULE B - MONITORING AND REPORTING REQUIREMENTS

1. Compliance Evaluation & Adaptive Management

At least once per year, the permit registrant must evaluate their programs for effectiveness and for compliance with the requirements of this permit using the DEQ annual report template. This self-evaluation must include~~s~~ assessment of progress toward implementing the SWMP control measures in Schedule A, and implementation of actions to comply with any additional requirements identified pursuant to Schedule D.1 (Requirements for Discharges to Impaired Waterbodies). The compliance evaluation must be reported each year using the DEQ annual report template. If the permit registrant determines that ~~the~~any requirements of this permit are not being met, the permit registrant must inform DEQ in writing and with the subsequent annual report, and develop and implement a plan to correct.

With the compliance evaluation, the registrant must also conduct an adaptive management assessment of effectiveness of efforts within at least two of the SWMP control measures in Schedule A, and include a description of any updates to the SWMP Document resulting from the adaptive management process in the annual report. The adaptive management assessment must include a review of tracking measures or data collected on stormwater program implementation, assessment of options available to achieve greater reductions in stormwater pollutants within the "Maximum Extent Practicable" (MEP) framework, and a plan for improvements in implementation and/or data collection in one or more component or task of each of the two control measures assessed.

2. Annual Report

No later than November 1 each year, beginning in ~~2020~~2025~~6~~, the permit registrant must submit an annual report to DEQ. The permit registrant must use the annual report form provided by DEQ. The reporting period for the annual report is from July 1 of a given calendar year through June 30 of the following calendar year (for example, July 1, 2025 through June 30, ~~2020 through July 31, 2021~~2026 would be the reporting period for the annual report due November 1, 2026). ~~Reporting periods for subsequent annual reports is specified in Table 2 below.~~ The permit registrant must make all annual reports available to the public, including any required documents attached to the annual report, through the permit registrant's maintained website.

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

~~**Table 1. Annual Report Deadlines[2]**~~

~~Annual Report~~	~~Reporting Period~~	~~Due Date~~
~~1st Year Annual Report~~	~~Mar. 1, 2024 - June 30, 2025~~	~~Nov. 1, 2025~~
~~2nd Year Annual Report~~	~~July 1, 2025 - June 30, 2026~~	~~Nov. 1, 2026~~
~~3rd Year Annual Report~~	~~July 1, 2026 - June 30, 2027~~	~~Nov. 1, 2027~~
~~4th Year Annual Report~~	~~July 1, 2027 - June 30, 2028~~	~~Nov. 1, 2028~~

~~5th Year Annual Report~~	~~July 1, 2028 - June 30, 2029~~	~~Nov. 1, 2029~~

3. Monitoring Requirements

If the permit registrant discharges to a waterbody for which a TMDL has been approved or is listed on the 303(d) list, the permit registrant must comply with all monitoring requirements under Schedule D.1. In addition, if the permit registrant performs municipal stormwater monitoring at outfall locations in the receiving waterbody or to demonstrate compliance with this permit, all monitoring data must be submitted to DEQ.

a. When the permit registrant conducts stormwater monitoring, ~~the following~~it must meet the following ~~monitoring~~ requirements ~~must be followed~~:

   i. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

   ii. Sample collection, preservation, and analysis must be conducted according to methods and procedures outlined in 40 CFR § 136, unless otherwise approved by DEQ. Where an approved 40 CFR § 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from DEQ.

b. Records of monitoring information must include:

   i. The date, exact place, and time of sampling or measurements.

   ii. The names(s) of the individual(s) who performed the sampling or measurements.

   iii. The date(s) analyses were performed.

   iv. The names of the individuals who performed the analyses.

   v. The analytical techniques or methods used.

The results of such analyses must be ~~reported~~ summarized in the annual report and uploaded/submitted to DEQ in the DEQ-provided electronic data submission template.

4. Submissions

The permit registrant must provide DEQ with ~~one hard copy and one~~an electronic copy ~~(on a portable electronic storage device or via email)~~ of the annual report and any supplemental information required by ~~the due date in Table 2, above~~November 1 each year. ~~For electronic submittal of documents (i.e., e-Reporting), DEQ may provide the permit registrant with instructions for submittal when required~~Registrants must submit all required documents and payments using DEQ's electronic reporting system: Your DEQ Online (YDO). ~~Once the permit registrant receives permission to submit electronically, it will no longer be required to submit such materials to DEQ in hardcopy.~~

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

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

5. Recordkeeping

a. Records Retention

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

b. Availability of Records

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

SCHEDULE C - COMPLIANCE CONDITIONS AND DATES

Compliance conditions and dates are not included at this time.

SCHEDULE D - SPECIAL CONDITIONS

1. Requirements for Discharges to Impaired Waterbodies

a. **Applicability**

The requirements of ~~Schedule D.1~~this section apply to MS4 discharges to receiving waters with established TMDLs and with new or modified TMDLs approved by EPA before the effective date of the permit where urban stormwater is identified as a source of TMDL pollutant loading. Schedule D.1 also applies to MS4 discharges to receiving waters identified as impaired on DEQ's current Integrated Report and 303(d) list for particular pollutants, identified before the effective date of the permit. DEQ has identified receiving waters in all urban areas covered by this permit as being water quality impaired for a variety of pollutants and most of these receiving waters are also under a TMDL load allocation. Established TMDLs in the permit registrant's coverage area are noted on the coverage page of this permit.

b. **TMDL and 303(d) Evaluation**

The permit registrant must:

i. Review the applicable pollutants that are Category 4 and 5 on the most recent Integrated Report's 303(d) list prior to issuance of this permit, or the most recent USEPA list if approved within three years of the issuance date of this permit, and the TMDLs that are relevant to the registrant's MS4 discharges. Based on this review of the applicable TMDLs and most current 303(d) list at the time, evaluate whether there is a reasonable likelihood for stormwater from the MS4 to cause or contribute to water quality degradation of receiving waters.

ii. Evaluate whether the BMPs in the existing SWMP Document, grouped by control measure, are effective in addressing and reducing the applicable TMDL and 303(d) pollutants. If the registrant determines that the BMPs in the existing SWMP Document are ineffective in addressing and reducing the applicable pollutants, the registrant must describe how the SWMP will be modified or updated to address and reduce these pollutants to the maximum extent practicable~~MEP~~.

iii. Submit a report summarizing the results of the review and ~~evaluation, and~~evaluation and identify any modifications or updates to the SWMP Document that are necessary to reduce applicable pollutants to the maximum extent practicable ~~MEP~~ by November 1, 2029.

~~b.~~c. **Performance Measures**

DEQ incorporated performance measures in Schedule A.3.c, d, e, ~~and~~ f, and g to address water quality impairments, 303(d) listed pollutants, and EPA approved TMDL allocations issued to date. Compliance with the permit's terms and conditions ~~is presumed to be in compliance~~is deemed compliance with applicable water quality standards as established in OAR 340-041, and provides reasonable assurance that the registrant will progress over the course of the permit term toward attainment of ~~with~~ TMDL allocations issued before the effective date of this permit, unless specified below.

~~vi. The City of Wood Village's must provide a summary of the following to evaluate the control strategies established for the Lower Columbia Slough Phosphate, Lead, and Bacteria TMDLs:~~

~~(A) For phosphate, monitor influent and effluent dissolved orthophosphate concentrations and total phosphate concentrations at a representative site in Fairview Lake (Reach 4) and Fairview Creek (Reach 5).~~

~~(B) For lead, estimates of the effectiveness of controls to remove TSS.~~

~~(C) For bacteria, measuring E. coli concentrations and its distribution over flows (for example, flow duration intervals) to demonstrate compliance with E. coli criteria.~~

2. Definitions:

Total Maximum Daily Load (TMDL) is a clean water plan that details a science-based approach to cleaning up polluted water so that it meets state water quality standards. A TMDL calculates a numerical value that represents the highest amount of a pollutant a surface water body can receive and still meet the standards. ~~-~~ As used in this permit, reference to a TMDL or applicable TMDL is any TMDL~~,~~ which has been approved by EPA on or before the issuance date of this permit.

~~a.~~b. **Best Management Practices (BMPs)** means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also mean treatment requirements, operating procedures, and practices to control runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw material storages. See 40 CFR § 122.2 and 122.44(k). For the purposes of this permit, BMPs are synonymous with structural and non-structural stormwater controls and include the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution.

~~b.~~c. **Bioretention** means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater runoff.

~~c.~~d. **CFR** means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.

~~d.~~e. **Chronic Illicit Discharges** are continuous or repeated/intermittent illicit discharges to an MS4 potentially resulting from sanitary/wastewater connections to an MS4, sanitary/wastewater inflows into an MS4, unpermitted industrial wastewater discharges to the MS4, or other types of illegal dumping or poor housekeeping practices upstream from an outfall where irregular flows, color, smell, or other monitoring parameters indicate an issue that may need repeat investigations over time to ensure cross connections or illegal dumping are remedied. Chronic illicit discharges may not be long-term and ongoing as in the case of illicit connections that can be stopped easily. Chronic illicit discharges may be defined by inconclusive findings of outfall investigations indicating pollutant discharge or repeated reports by members of the public that have not been traced back to a definite source ~~illicit discharges resulting from sanitary/wastewater connections to an MS4, sanitary/wastewater inflows into a MS4 and unpermitted industrial wastewater discharges to the MS4~~.

~~e.~~f. **Clean Water Act (CWA)** refers to what was formally called the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972~~)~~, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].

~~f.~~g. **Common Plan of Development** means a contiguous construction project or projects where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan.

~~g.~~h. **Construction Activity** includes, but is not limited to, clearing, grading, ~~excavation,~~ excavating, grubbing, stumping, demolition, and other site preparation work or land disturbance activities~~related to the construction of residential buildings and non-residential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures)~~. Construction activity does not include routine maintenance that is performed to maintain the original

line and grade, hydraulic capacity, or original purpose of the facility as defined in 40 CFR 122.26(b)(15).

~~h.~~i. **Control Measure**, as used in this permit, refers to any action, activity, ~~Best Management Practice~~ stormwater control, or other method used to control the amount of pollutants in MS4 discharges.

~~i.~~j. **Discharge of a pollutant** means any addition of any "pollutant" or combination of pollutants to "waters of the state" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the state from surface runoff, which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person, which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger" [40 CFR §122.2].

~~j.~~k. **Erosion** is the process of carrying away soil particles by the action of water, wind, or other process.

~~k.~~l. **Erosion and Sediment Control Plan (ESCP)** is a site-specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in storm water runoff. For the purposes of this permit, an ESCP means a document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable permit requirements.

~~l.~~m. **Evaporate** is rainfall that is changed or converted into a vapor.

~~m.~~n. **Evapotranspiration** is the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.

~~n.~~o. **Final Stabilization** is determined by satisfying the following criteria: (1) there is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters; (2) construction materials and waste have been removed and disposed of properly. This includes any sediment that was being retained by the temporary erosion and sediment controls; (3) all temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements; (4) all soil disturbance activities have stopped and all stormwater discharges from construction activities that are authorized by this permit have ceased; (5) all disturbed or exposed areas of the site are covered by either final vegetative stabilization or permanent stabilization measures. However, temporary or permanent stabilization measures are not required for areas that are intended to be left unvegetated or unstabilized following construction (such as dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials), provided that measures are in place to eliminate or minimize erosion.

~~o.~~p. **Green Infrastructure (GI)** is a specific type of stormwater control using vegetation, soils, and/or natural processes to manage stormwater. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems designed to mimic nature by reducing and/or storing stormwater through infiltration, evaporation, and transpiration. At the site level, such measures may include the use of plant or soil systems, permeable pavement or other pervious surfaces or substrates, stormwater harvest and reuse, or landscaping to store, filter, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters. At the scale of city or county, green infrastructure refers to the patchwork of natural areas that provides flood protection and natural processes that remove pollutants from stormwater.

~~p.~~q. **Impaired Water** means any waterbody that does not meet applicable water quality standards for one or more parameters as identified on Oregon's 303(d) list.

~~q.~~r. **Infiltration** is the process by which stormwater penetrates into soil.

~~r.~~s. **Illicit Connections** include, but are not limited to, pipes, drains, open channels, or other conveyances that have the potential to result in an illicit discharge.

~~s.~~t. **Illicit Discharge** is any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges authorized under Section A.1.d, discharges permitted by a NPDES permit or other state or federal permit, or otherwise authorized by DEQ.

~~t.~~u. **Impervious Surface** is any surface resulting from development activities that prevents the infiltration of water. Common impervious surfaces ~~include:~~include building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily-compacted earthen materials.

~~u.~~v. **Large Community** is defined as any permit registrant not defined as a Small Community.

~~v. **Low Impact Development (LID)** is a stormwater management approach that seeks to mitigate the impacts of increased runoff and stormwater pollution using a set of planning, design and construction approaches and stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater, and can occur at a wide range of landscape scales (i.e., regional, community and site). Low impact development is a comprehensive land planning and engineering design approach to stormwater management with a goal of mimicking the pre-development hydrologic regime of urban and developing watersheds.~~

w. **Maintenance Activities**, as used in the definition of Redevelopment means activities such as pavement preservation projects; restoration of impervious surfaces disturbed by construction, maintenance or repair utilities; and roof replacement projects.

~~**Major municipal separate storm sewer outfall (or "major outfall")**, per 40 CFR 122.26(b)(5) means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water~~

from lands zoned for industrial activity (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).

~~x.~~y. **Maximum Extent Practicable (MEP)** is the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by Section 402(p)(3)(B)(iii) of the Clean Water Act [33 U.S.C §1342(p)(3)(B)(iii)].

~~y.~~z. **Minimize** means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available, economically practicable, and achievable in light of best industry or municipal practices.

~~z.~~aa. **Municipal Separate Storm Sewer System (MS4)** is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the state; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works as defined at 40 CFR §122.2.

~~aa.~~bb. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act.

~~bb.~~cc. **National Pollutant Discharge Elimination System (NPDES)** is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of Clean Water Act [40 CFR §122.2].

~~cc.~~dd. **Non-structural Stormwater Controls ~~or BMPs~~** are stormwater controls in the form of development standards or other regulatory mechanisms intended to minimize and treat stormwater by minimizing impervious surfaces and by using soil infiltration, evaporation, and transpiration. These controls may also take the form of procedural practices to prevent pollutants from contaminating stormwater. The use of this term in this permit is consistent with the discussion of non-structural stormwater BMPs in 64 Federal Register 68760 (December 9, 1999) which encompasses preventative actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive waterbodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about project designs that minimize water quality impacts;

and (4) other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

~~dd.~~ee. **Outfall** is defined as a point source at the point where a municipal separate storm sewer discharges to waters of the ~~state, and~~state and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the State.

~~ee.~~ff. **Owner or Operator** is the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

~~ff.~~gg. **Pesticide** as used in this permit carries the same definition as used in the Federal Insecticide, Fungicide, and Rodenticide Act and is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Under FIFRA, a pest is any insect, rodent, nematode, fungus, weed, or -any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism

~~gg.~~hh. **Plant Intercept** is the capture of precipitation by the plant canopy and its subsequent return to the atmosphere through evaporation or sublimation.

~~hh.~~ii. **Pollutant** is dredged spoil; solid waste; incinerator residue; sewage; garbage; sewerage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water (40 CFR §122.2). Section 304(a)(4) of the Clean Water Act designates the following as conventional pollutants: biochemical oxygen demand (BOD5), total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease as an additional conventional pollutant on July 30, 1979 (44 FR 44501). A primary pollutant of concern at construction sites, sediment, is commonly measured as TSS. Per ORS 486B.005(5), "pollution" or "water pollution" means such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

~~ii.~~jj. **Predevelopment Hydrologic Function** is the hydrology of a site reflecting the local rainfall patterns, soil characteristics, land cover, evapotranspiration, and topography. The term predevelopment as used in predevelopment hydrologic function is consistent with the term predevelopment as discussed in Federal Register Volume 64, Number 235 and refers to the runoff conditions that exist onsite immediately before the planned development activities occur. Predevelopment is not intended to be interpreted as the period before any human-induced land disturbance activity has occurred.

~~jj.~~kk. **Post-Construction Site Runoff Plan** is a plan developed by a site owner or operator and/or their designer to demonstrate compliance with the post-construction stormwater management and long-term operation and maintenance requirements of this permit.

~~kk.~~ll. **Redevelopment** ~~-~~means a project that entails Construction Activities, occurs on a previously developed site and ~~-~~results in the addition or replacement of impervious surface. To the extent allowable under federal law, Redevelopment does not include: Maintenance Activities; Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities ~~within an existing footprint~~ to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.

~~ll.~~mm. **Regulated small MS4** is a municipal separate storm sewer that is not a medium or large MS4. A large MS4 is defined in 40 CFR §122.26(b)(4). A medium MS4 is defined in 40 CFR § 122.26(b)(7). For the purposes of this permit, a regulated small MS4 is any municipal separate storm sewer system located within a Census-defined ~~Urbanized Area~~Urban Area with a population of 50,000 or more people, including those geographic areas~~. Regulated small MS4s are~~ automatically designated as needing an NPDES permit pursuant to federal requirements found in 40 CFR § 122.30-37. A regulated small MS4 may also mean~~s~~ any MS4 designated by DEQ pursuant to 40 CFR §122.26((a)(1)(v) and/or 123.35 as needing a NPDES permit.

~~mm.~~nn. **Small Community** is defined as any permit registrant that has a population of less than 10,000 people or is a county that is the sole permit registrant/applicant. If ~~the~~ a city or county is a co-registrant at the time of permit coverage or becomes a co-registrant at any time of permit coverage under this permit, it ~~is not eligible for this exemption~~does not meet this definition, and is classified as a Large Community.

~~nn.~~oo. **Small MS4**~~,~~ is defined at 40 CFR § 122.26(b)(16) and (17), respectively, and means all separate storm sewers that are: (i) owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the state; (ii) not defined as “large” or “medium” municipal separate storm sewer systems pursuant to 40 CFR § 122.26(b)(4) and (b)(7), or designated under 40 CFR § 122.26(a)(1)(v); and (iii) includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

~~oo.~~pp. **Stormwater or stormwater runoff** includes snow melt runoff, and surface runoff and drainage, and is defined in 40 CFR §122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.

~~pp.~~qq. **Stormwater Control** refers to non-structural stormwater controls, structural stormwater controls and/or BMPs.

~~qq.~~rr. **Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the SWMP consists of the permit registrant's stormwater controls and control measures, including any actions and activities conducted by the permit registrant as required by the permit and described in the permit ~~registrant's~~registrant's SWMP Document.

~~rr.~~ss. **A SWMP Document** is the written, detailed summary describing the unique and/or cooperative means by which an individual permit registrant or entity implements the specific stormwater management control measures required by the permit~~.~~.

~~ss.~~tt. **Stormwater Mitigation Bank Program** is a program for offsite compliance that establishes a market with an entity that tracks the life cycle of an offsite mitigation credit by certifying the credit, issuing a tradable credit to the seller, transferring the ownership of the credit from the seller to the buyer, and use or retirement of the credit to receive a benefit when the buyer of the credit is unable to meet a retention requirement on their site.

~~tt.~~uu. **Stormwater Payment-in-Lieu Program** is a program for offsite compliance where the permit registrant or site owner/operator pays a fee in lieu of full compliance on the development site with this fee based on volume ratios (i.e., volume of stormwater to be retained onsite to the volume to be retained at the mitigation site) and a rate specified by the ~~Registrant~~registrant. The ~~Permit~~ registrant can aggregate fees and apply them to a public stormwater structural or non-structural control at a later point in time.

~~uu.~~vv. **Structural Stormwater Controls ~~or BMPs~~** are stormwater controls that are physically designed, installed, and maintained to prevent or reduce the discharge of pollutants in stormwater to minimize the impacts of stormwater on waterbodies. As noted in the 64 Federal Register 68760 (December 9, 1999), examples of structural stormwater controls or BMPs include: (1) storage practices such as wet ponds and extended-detention outlet structures; (2) filtration practices such as grassed swales, sand filters and filter strips; ~~and,~~**and** (3) infiltration practices such as infiltration basins and infiltration trenches.

~~vv.~~ww. **Subwatershed** is a subdivision of a watershed and is the sixth-level 12-digit unit of the hydrologic unit hierarchy as defined by the National Watershed Boundary Dataset (USGS et al 2013).

xx. **Transpiration** means to release water vapor into the atmosphere through plant stomata or pores.

yy. **Urban Area with Population of 50,000 or more people** means an urban area as defined by a Decennial Census conducted by the U.S. Census Bureau.

~~ww.~~zz. **Waters of the State** means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground

waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the State, or within its jurisdiction.

SCHEDULE F - NPDES PERMIT GENERAL (MS4)

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

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

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

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

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to $25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than $50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

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

A3. Duty to Mitigate

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

A4. Duty to Reapply

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

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

A5. Permit Actions

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

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
e. New information or regulations.
f. Modification of compliance schedules.
g. Requirements of permit reopener conditions.
h. Correction of technical mistakes made in determining permit conditions.
i. Determination that the permitted activity endangers human health or the environment.
j. Other causes as specified in 40 CFR § 122.62, 122.64, and 124.5.

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

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

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

A8. Permit References

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

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. Proper Operation and Maintenance

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

B2. Need to Halt or Reduce Activity Not a Defense

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

B3. Bypass of Treatment Facilities

a. Definitions
   (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
   (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.
   (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
      i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and

iii. The permittee submitted notices and requests as required under General Condition B3.c.

(2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when DEQ determines that it will meet the three conditions listed above in General Condition B3.b(1).

c. Notice and request for bypass.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the causes(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and

(4) The permittee complied with any remedial measures required under General Condition A3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

B6. Public Notification of Effluent Violation

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and

nature of the discharge in accordance with the notification procedures developed under General Condition B7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B7. Emergency Response and Public Notification Plan

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

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

B8. Removed Substances

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

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

C3. Monitoring Procedures

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

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

C4. Penalties for Tampering

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

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

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

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the

date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C9. Records Contents

Records of monitoring information must include:

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

C10. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

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

C11. Confidentiality of Information

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

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

The permittee must comply with OAR 340-052, “Review of Plans and Specifications” and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

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

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

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

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

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

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

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

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

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

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5, at the time monitoring reports are submitted. The reports must contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

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

D8. Signatory Requirements

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

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Discharges of Toxic Pollutant

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

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

b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/l);
(2) One milligram per liter (1 mg/l) for antimony;
(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
(4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

SECTION E. DEFINITIONS

E1. *BOD or BOD_5* means five-day biochemical oxygen demand.
E2. *CBOD or $CBOD_5$* means five-day carbonaceous biochemical oxygen demand.
E3. *TSS* means total suspended solids.
E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
E5. *FC* means fecal coliform bacteria.
E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
E8. *mg/l* means milligrams per liter.
E9. *µg/l* means microgram per liter.
E10. *kg* means kilograms.
E11. *m^3/d* means cubic meters per day.
E12. *MGD* means million gallons per day.
E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
E18. *Quarter* means January through March, April through June, July through September, or October through December.
E19. *Month* means calendar month.
E20. *Week* means a calendar week of Sunday through Saturday.

Appendix A - MS4 Phase II General Permit Renewal Application Example

Department of Environmental Quality
Municipal Stormwater Program

State of Oregon Department of Environmental Quality

New and Renewal Application
MS4 Phase II General Permit

National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System Permit

Submission of this application constitutes notice that the entity in Section A/B has read, understands and meets the eligibility conditions, agrees to comply with all applicable terms and conditions, and understands that continued authorization to discharge pollutants to surface waters of the state under the MS4 General Permit is contingent on maintaining eligibility for coverage.

DEQ USE ONLY				
Date Received:	File # :	Application # :		
Amount: $	Check # :	Name:	Receipt # :	Deposit # :
Notes:				

A. Application Information		
1. Name of Permit Applicant:		
2. Applicant Type: ☐ City / ☐ County / ☐ Special District / ☐ Other:		
3. Land Use Compatibility Statement (LUCS) Attached: ☐ Yes / ☐ No *(LUCS not required for renewals)*		
4. Physical Address of Applicant:		
City:	State:	Zip:
5. Latitude:	Longitude: *(using the approximate center of the coverage area)*	
6. Name of Legally Authorized Representative:		
Title:	Email:	Phone:
7. Mailing Address:		
City:	State:	Zip:
B. Co-Application Information *(attach additional information as needed)*		
1. Names of Co-Applicants:		
2. Applicant Types: ☐ City / ☐ County / ☐ Special District / ☐ Other:		
3. Physical Address of Applicant1:		
City:	State:	Zip:
Name of Legally Authorized Representative:		
4. Physical Address of Applicant2:		
City:	State:	Zip:
Name of Legally Authorized Representative:		
5. Physical Address of Applicant3:		
City:	State:	Zip:
Name of Legally Authorized Representative:		
C. Billing Information		
1. Invoice Contact:		
2. Mailing Address:		
City:	State:	Zip:
Title:	Email:	Phone:

MS4 Phase II General Permit App Page **1** of **6** Revised: 04/6/2023; R. Johnson

D. Contact Information		
1. Primary Contact:		
Title:	Email:	Phone:
Mailing Address:		
City:	State:	Zip:
2. Additional Contact:		
Title:	Email:	Phone:
3. Additional Contact:		
Title:	Email:	Phone:

E. Municipal Separate Storm Sewer System (MS4) Information
1. Estimate of the square mileage served by the MS4:
2. Estimate the population served by the MS4:
3. Provide a copy of your current Stormwater Management Plan Document: Attached: Yes ☐ No ☐ or web address of SWMP Document:
4. Provide a copy of your current MS4 Map Attached: Yes ☐ No ☐ If in GIS format, are shapefiles available for submittal to DEQ: Yes ☐ No ☐ Other Format ☐:
5. Total number of known outfalls:
6. Provide your digital inventory of your known outfalls: Yes ☐ No ☐ Attached: Yes ☐ No ☐

F. Stormwater Discharge and Impaired Waters Information

(Identify the names of all known waters that receive a discharge from your MS4. Attach additional waterbodies as needed)

Receiving Waterbody	# of Outfalls	Impaired		Impairment(s)
		303d listed	TMDL	
1.		Yes ☐ No ☐	Yes ☐ No ☐	
2.		Yes ☐ No ☐	Yes ☐ No ☐	
3.		Yes ☐ No ☐	Yes ☐ No ☐	
4.		Yes ☐ No ☐	Yes ☐ No ☐	
5.		Yes ☐ No ☐	Yes ☐ No ☐	
6.		Yes ☐ No ☐	Yes ☐ No ☐	
7.		Yes ☐ No ☐	Yes ☐ No ☐	
8.		Yes ☐ No ☐	Yes ☐ No ☐	
9.		Yes ☐ No ☐	Yes ☐ No ☐	

G. Minimum Control Measure Implementation

1. Education and Outreach

1.1 Describe your current Education and Outreach Program:

2. Public Involvement and Participation

2.1 Provide your current SWMP Website:

2.2 Describe your current Public Involvement and

Participation approach:

3. Illicit Discharge Detection and Elimination

3.1 Do you have ordinances or other regulatory mechanisms in place to prohibit illicit discharges into your MS4 system?

☐ Yes ☐ No

3.2 Indicate which of the following have an ordinance or other regulatory mechanism to prohibit discharge to the MS4:

- ☐ Septic, sewage, and dumping or disposal of liquids or materials other than stormwater into the MS4
- ☐ Discharges of washwater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities
- ☐ Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.
- ☐ Discharges of washwater from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.
- ☐ Discharges of washwater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas (including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.) where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed)
- ☐ Discharges of runoff from material storage areas, which contain chemicals, fuels, grease, oil, or other hazardous materials from material storage areas
- ☐ Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water
- ☐ Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other landscape or construction-related wastes
- ☐ Discharges of trash, paints, stains, resins, or other household hazardous wastes
- ☐ Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin washwater, etc.)

3.3 Do you have a written escalating enforcement procedure to ensure compliance with the ordinances or other regulatory mechanisms?

☐ Yes ☐ No

3.4 Describe your current program to detect and eliminate illicit discharges including reporting, tracking, investigation and screening:

4. Construction Site Runoff

4.1 Describe the ordinances or other regulatory mechanisms in place to minimize the discharge of pollutants related to construction sites:

4.2 For construction related land disturbance of 7,000 square feet or greater (10,890 square feet for counties and small communities), do you have ordinances or other regulatory mechanisms in place to require erosion controls, sediment controls, and materials management techniques to be employed and maintained at construction projects from initial clearing through final stabilization?

☐ Yes ☐ No

4.3 Do you have a written escalating enforcement procedure to ensure compliance with the ordinances or other regulatory mechanisms?

☐ Yes ☐ No

4.4 Describe your current construction site runoff program:

5. Post-Construction Site Runoff

5.1 Describe the ordinances or other regulatory mechanisms in place to minimize the discharge of pollutants from new development and redevelopment project sites:

5.2 Do you have ordinances or other regulatory mechanisms in place to require the installation and long-term maintenance of permanent nonstructural and structural stormwater controls at new development and redevelopment project sites discharging stormwater to the MS4 creating 5,000 square feet (10,890 square feet for counties) or more of new impervious surface area?

☐ Yes ☐ No

5.3 Do you have LID code-related requirements? ☐ Yes ☐ No

5.4 Describe your current post-construction stormwater management requirements:

6. Pollution Prevention and Good Housekeeping for Municipal Operations

6.1 Describe your current pollution prevention and good housekeeping program:

H. Co-Applicant Information

Complete this part only if you are co-applying with another entity to meet a requirement of the permit. Include, as an attachment, a summary of the permit obligations that will be carried out jointly among co-applicants. The summary must identify the co-applicant(s) and must be signed by all co-applicant(s).

Are you co-applying with another entity or entities? Yes ☐ No ☐

Required:

Summary of joint permit obligations is attached? Yes ☐ No ☐

Summary is signed by all co-applicants? Yes ☐ No ☐

I. Coordination Among Registrants and Joint Agreements

Complete this part only if you are relying on another entity to satisfy one or more of the requirements of the permit. Include as an attachment a summary of the permit obligations that will be carried out by another entity. The summary must identify the other entity or entities and must be signed by the other entity or entities.

Are you relying on another entity or entities to satisfy one or more of the permit obligations? Yes ☐ No ☐

Required:

Summary of joint permit obligations is attached? Yes ☐ No ☐

Summary is signed by all registrants/entities? Yes ☐ No ☐

J. Certification

This application shall be signed by a principal executive officer, ranking elected official or other duly authorized employee consistent with 40 CFR §122.22(b) and certified as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Legally Authorized Representative

Title

Signature of Legally Authorized Representative

Date

K. Fee and Application Submittal

There is no fee associated with a permit renewal. Current registrants will continue to be invoiced annually. For additional information on MS4 fees please see MS4 Fee Rulemaking.

The applicant must submit a hard copy and electronic copy of the complete application to DEQ at the following address:

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

MS4Stormwater@deq.state.or.us (this email address can be used for electronic submittals)