

Expiration Date: March 31, 2027
Permit Number: 103167
File Number: 121362
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**Water Pollution Control Facilities Permit
For Class V Stormwater Underground Injection Control Systems
Department of Environmental Quality**

700 NE Multnomah Street, Suite 600, Portland, Oregon 97232
(503) 229-5263

Issued pursuant to ORS 468B.195 and 40 CFR Parts 144, 145 and 146, implementing the
Federal Safe Drinking Water Act requirements for Underground Injection Control.

ISSUED TO:

Oregon Department of Transportation
123 NW Flanders Street
Portland, Oregon 97209

SOURCES COVERED BY THIS PERMIT:

Type of Waste: Stormwater & Incidental Fluids
Outfall: Individual Injection Systems
Method of Disposal: Class V Underground Injection Systems

SYSTEM TYPE:

Class V Underground Injection Controls

SYSTEM LOCATIONS:

Within the jurisdictional boundaries of the Oregon Department
of Transportation

Waters of the State: Groundwater

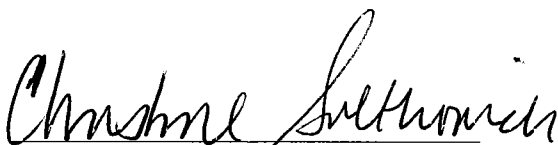
Effective Permit Issuance Date: April 10, 2017

Permit Expiration Date: March 31, 2027

Permit Number: WPCF-DOM-UIC-103167

DEQ File Number: 121362

This permit is issued based on the Land Use Compatibility Statement in the permit record.


Christine Svetkovich
Water Quality Manager

04.11.2017
Date

DEFINITIONS

Definitions of 40 Code of Federal Regulations (CFR) part 144.3 and Oregon Administrative Rules (OAR) 340 Divisions 040, 044, and 045 apply to this permit unless the definitions are inconsistent with the provisions of the permit.

1. *Adaptive Management* is a structured, iterative process designed to refine and improve stormwater programs over time by evaluating results and adjusting actions on the basis of what has been learned.
2. *Best Management Practices* or *BMPs* means the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures, and practices to control stormwater runoff.
3. *Corrective action* means measures taken to improve a situation that may adversely affect groundwater quality or supply, endanger groundwater, or violate the prohibition of fluid movement standard.
4. *Endangerment* is defined in 42 United States Code (USC) 300h(d)(2) and occurs when injection may result in the presence of any contaminant in underground water which supplies or can reasonably be expected to supply any public water system, if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.
5. *Groundwater protectiveness* means that a discharge will not endanger groundwater as defined in 42 USC 300h(d)(2) or violate the prohibition of fluid movement standard as defined in 40 CFR 144.12(a).
6. *Groundwater protectiveness demonstration* and *demonstrate that groundwater is protected* mean that you have scientifically shown that the discharge will not endanger groundwater or violate the prohibition of fluid movement standard, using a pollutant fate and transport model, groundwater quality samples from a water well, or another approach that is approved in writing by DEQ.
7. *Hazardous materials* is defined at ORS 466.605(7) and includes: materials designated under ORS 466.630, hazardous wastes as defined at 466.005(7), radioactive wastes, communicable disease agents, and hazardous substances. *Hazardous substances* are substances designated by the Environmental Protection Agency pursuant to section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, oil or petroleum products, or any substance designated by the Environmental Quality Commission under ORS 465.400.
8. *Physical maintenance* means preserving UIC functionality using methods that involve human labor. Physical maintenance includes but is not limited to vacuuming sediment from the UIC, pressure washing the UIC, and replacement of pretreatment devices.
9. *Prohibition of fluid movement* is defined in 40 CFR 144.12(a) and prohibits the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 142 or may otherwise adversely affect the health of persons.
10. *Practicable* means reasonably possible to do or put into practice.
11. *Retrofitting* means physically modifying an existing Underground Injection Control system. Example retrofits include backfilling to increase the vertical separation distance between the bottom of the UIC and seasonal high groundwater, or implementing a variety of passive, structural, and/or technological controls to reduce or eliminate pollutants.
12. *Source controls* are methods to decrease the amount of pollutants entering stormwater runoff by preventing the contact of pollutants with rainfall and runoff.
13. *Super-chlorinated* water is water with chlorine concentrations above 4 milligrams per liter.
14. *We* or *us* means the Oregon Department of Environmental Quality (DEQ).
15. *You* means the Oregon Department of Transportation (ODOT).

PERMITTED ACTIVITIES

You own or operate Underground Injection Controls (UICs) to manage stormwater. These injection systems are individual point sources that discharge stormwater and other incidental fluids below the ground surface.

As provided under federal law, this is an *area permit*, which means it covers all permittee-owned or permittee-operated injection systems for stormwater and incidental fluids at multiple locations within the ODOT's jurisdiction. Until we modify or revoke this permit, or until it expires, the permit authorizes you to construct, install, modify, operate, or close (decommission) injection systems in accordance with this permit. The permit also authorizes you to discharge stormwater or other fluids specifically identified in this permit into injection systems that are under your ownership or operation, or that you will construct, or that will be transferred to your ownership or operation while the permit is in effect, provided you conform to the requirements, limitations, and conditions described in the following schedules:

Schedule A. Control and Limitation Conditions.....	3
Schedule B. Monitoring and Reporting Conditions.....	6
Schedule C. Safe Drinking Water Act Compliance Schedule	8
Schedule D. Special Conditions.....	9
Schedule E. Pretreatment Conditions.....	Not Applicable
Schedule F. General Conditions	10

Any other direct or indirect discharge of waste to waters of the state or to an underground injection system is prohibited, unless specifically authorized by this permit; by another DEQ permit, agreement, authorization, or order; or by Oregon administrative rule.

SCHEDULE A CONTROL AND LIMITATION CONDITIONS

1. **Authorized Discharges.** You may discharge stormwater into your UICs in accordance with the conditions of this permit. You may also discharge the incidental non-stormwater fluids listed below into your UICs. We may approve other similar temporary discharges after the permit is issued, provided the permittee shows us in writing that the discharge is *de minimis* and complies with OAR 340-040-0020(3), and the permittee obtains written approval from us prior to discharge. If any of these non-stormwater discharges cause or contribute to an exceedance of the action levels in Table 1A or Table 1B, you must reduce or eliminate the discharge of pollutants associated with the source. Incidental non-stormwater fluids include:
 - a. Water line flushing (with the exception of super-chlorinated discharges);
 - b. Landscape irrigation;
 - c. Uncontaminated groundwater infiltration;
 - d. Uncontaminated pumped groundwater;
 - e. Discharges from potable water sources;
 - f. Water from potable groundwater monitoring wells;
 - g. Draining and flushing of municipal potable water storage reservoirs;
 - h. Foundation drains;
 - i. Air conditioning condensate;
 - j. Springs;
 - k. Water from crawl space pumps that has not been contaminated with oils or other chemicals;
 - l. Footing drains;
 - m. Lawn watering;
 - n. Individual residential car washing;

- o. Charity car washing;
- p. Vehicle washing provided that chemicals, soaps, detergents, steam or heated water are not used, and washing is restricted to the outside of the vehicle (no engines, transmissions or undercarriages);
- q. De-chlorinated swimming pool and fountain discharges;
- r. Street wash water, provided that street wash water is applied using best management practices that minimize debris and sediment entering the UIC. Washing any spill of any hazardous substance (including oil or hazardous materials as defined in Oregon Revised Statute 466.605) into any UIC is prohibited;
- s. External building wash-down and pavement wash waters provided that chemicals, soaps, detergents, steam or heated water are not used;
- t. Discharges or flows from emergency fire-fighting activities provided you take precautions, to the extent practicable, to protect injection systems during emergency fire-fighting activities, and clean the UIC after the fire-fighting event if fluids from the fire fighting activities reach the UIC system;
- u. Discharges of treated water from investigation, removal, and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465 (Hazardous Waste and Hazardous Materials);
- v. Start-up flushing of groundwater wells; and
- w. Other similar temporary discharges of uncontaminated water.

2. **Action Levels.** Action levels are guideline concentrations, not limitations; an action level exceedance, therefore, is not a permit violation. The action levels apply at the point of discharge into the underground injection system.

TABLE 1A – Action Levels for Pollutants		
UICs Located in the Catastrophic Missoula Flood Deposits (Mfc and Mff) and Ancient River Rocks (Rr) of Ma et al. (2012); Basalt of Newberry Volcano (Qbn), Basalt (Qb), Basaltic Andesite (Qba), Basaltic Andesite of Pilot Butte (Qbapb), Basalt of Redmond (Tbr), Basalt of Dry River (Tbdr), Debris-flow deposits (Tddf); Shevlin Park Tuff (Qsp), Desert Springs Tuff (Qds), or Tumalo Tuff (Qtt) of Sherrod et al. (2004); Younger Alluvium (Qyal) and Older Alluvium (Qoal) of Frank (1973); and Floodplain Deposits of the Willamette River and Major Tributaries (Qalc) and fine-grained Missoula Flood Deposits (Qff) of O’Conner et al. (2001) (near the City of Keizer only)		
Monitoring Parameter	Action Level at Injection Point (micrograms per liter)	EPA Method
Benzo(a)pyrene	2.0	EPA 8270
Pentachlorophenol	10	EPA 515.3 or EPA 8270
Di(2-ethylhexyl)phthalate	300	EPA 8270
Copper (Total)	1,300	EPA 200.7 or EPA 200.8
Lead (Total)	500	EPA 200.7 or EPA 200.8
Zinc (Total)	5,000	EPA 200.7 or EPA 200.8

TABLE 1B – Action Levels for Pollutants		
UICs Located in Geologic Units <u>Not</u> Listed in Table 1A		
Monitoring Parameter	Action Level at Injection Point (micrograms per liter)	EPA Method
Benzo(a)pyrene	0.2	EPA 8270
Pentachlorophenol	1	EPA 515.3 or EPA 8270
Di(2-ethylhexyl)phthalate	6	EPA 8270
Copper (Total)	1,300	EPA 200.7 or EPA 200.8
Lead (Total)	50	EPA 200.7 or EPA 200.8
Zinc (Total)	5,000	EPA 200.7 or EPA 200.8

3. **Table 1A or Table 1B Action Level Exceedance.** When stormwater concentrations exceed a Table 1A or Table 1B pollutant action level, you must take corrective action with respect to the UIC(s) that exceeded the action level as described in Schedule A, condition 6.
4. **Spills.** Spills of oil and hazardous materials that impact UICs are subject to the emergency response requirements of ORS 466 and OAR 340-142. You must take emergency response actions immediately. As the UIC owner or operator, you must also take corrective action in accordance with Schedule A, condition 5, and clean the UIC system. Spill reporting under the Oregon Emergency Response System (OERS) constitutes the 24 hour notice to DEQ that is required by Schedule F, condition 4(f).
5. **Imminent endangerment of human health or the environment.** If discharges from one or more UICs endanger human health or the environment or violate the prohibition of fluid movement standard, you must:
 - a. Inform us consistent with Schedule F, condition 4(f), and
 - b. Take corrective action to eliminate any endangerment of human health or the environment as defined in 42 USC 300h(d)(2) or violation of the prohibition of fluid movement standard in 40 CFR 144.12(a). You must complete all corrective actions as soon as practicable, with DEQ approval of work scope and schedule as soon as practicable. You must submit updates regarding progress to us at least annually; the updates may be included in annual reports required in Schedule B, condition 4.
6. **Corrective Action.** You must complete corrective action in response to discharges that endanger human health or the environment according to Schedule A, condition 5. Corrective action always includes the actions identified in 6(a) and 6(b), and as many additional actions [conditions 6(c) through 6(f)] as are required to protect groundwater or to demonstrate that it is already protected. You must obtain written approval from DEQ that the action(s) you take in conditions 6(c) through 6(f), and the schedule for taking the actions, are sufficiently protective of groundwater quality. Corrective actions include:
 - a. Attempt to identify the source(s) of an exceedance of Table 1A or Table 1B action levels;
 - b. When source identification efforts are complete, determine the set of UICs affected, based on the identified source(s) or other factors;
 - c. Assess whether best management practices need adjustment to eliminate or reduce influent concentrations and make appropriate, practicable changes; and resample the discharge to UIC(s) that had exceedances of Table 1A or Table 1B action levels and evaluate whether the adjustment to best management practices reduced influent concentrations to below action levels;
 - d. Demonstrate that groundwater is protected through modeling or other approved approach;
 - e. Retrofit the affected UIC(s) so that groundwater is protected;
 - f. Decommission the UIC(s).
7. **Source Control Measures and Best Management Practices.** With the exception of UICs used to drain roof-only runoff, you must implement and maintain source control measures and operational and structural best management practices to reduce or eliminate pollutants from entering UICs in accordance with OAR 340-040-0020(11). Structural best management practices must include devices that allow for separation of oil and settlement of solids. You must create an inventory of the type(s) of structural best management practice(s) at each UIC and submit it to DEQ with your fifth UIC annual report (due on November 30, 2021). It is not a permit violation if UICs are not equipped with the required structural best management practice at the time of permit issuance; DEQ will develop a schedule for implementation of the required structural best management practices after reviewing the fifth UIC annual report, and you must comply with this schedule. For industrial and commercial facilities where hazardous substances, toxic materials, and petroleum products are used, handled or stored, the stormwater draining into the UICs shall not be exposed to these materials. Stormwater is not exposed to hazardous substances, toxic materials, and petroleum products if all manufacturing,

processing, and material handling activities and those areas of an industrial or commercial facility associated with such activities are protected by a storm resistant shelter to prevent contact with rain, snow, snowmelt, and/or runoff. DEQ may require you to sample stormwater to demonstrate source control measures and best management practices are effective.

- 8. Underground Injection Systems - Horizontal Setbacks.** All stormwater UICs are subject to the following horizontal setback requirements.
- a. **No Further Action.** You do not need to take further action for stormwater UICs that are:
 - i. Outside the two-year Time-of-Travel for public water wells, if one has been determined by the Oregon Health Authority, or
 - ii. More than 500 feet away from a known public or private drinking water or irrigation water supply well, if the Oregon Health Authority has not designated a two-year Time-of-Travel.
 - b. **Existing Systems within Horizontal Setbacks.** It is not a permit violation for existing stormwater UICs not to meet the horizontal setbacks described above. However, for each stormwater UIC that does not have the horizontal setbacks described above, you must provide a protectiveness demonstration within two years of permit issuance for UICs identified in your February 16, 2017 System-Wide Assessment (April 10, 2019) or within one year of discovery for UICs discovered after the permit is issued. You must obtain written approval of the protectiveness demonstration from DEQ. If protectiveness cannot be demonstrated for a stormwater UIC, you must complete the following as soon as practicable during the ten-year term of this permit with DEQ approval of a work plan and schedule:
 - i. Retrofit the affected UIC(s) so that groundwater is protected; or
 - ii. Close the underground injection system(s).
 - c. **New Systems within Horizontal Setbacks.** You may construct and operate new stormwater UICs inside a horizontal setback if you are able to provide a groundwater protectiveness demonstration for the new UIC(s) prior to installation.

SCHEDULE B MONITORING AND REPORTING CONDITIONS

- 1. System-Wide Assessment.** We have approved your February 16, 2017, System-Wide Assessment of injection systems you own or operate, in conjunction with the issuance of this permit. The System-Wide Assessment and any updates must include:
- a. An inventory of all injection systems that receive stormwater or other fluids and their locations by latitude and longitude in decimal degrees using the NAD 83 datum;
 - b. An inventory of all injection systems that discharge directly into groundwater;
 - c. An inventory of all stormwater injection systems that are known by the permittee to not meet the setback distances listed in Schedule A, condition 8;
 - d. An inventory of permittee-owned and operated injection systems that are prohibited by OAR 340-044-0015(2), which includes injection systems in vehicle maintenance areas, fuel dispensing areas, floor pits, non-vehicle maintenance facilities' floor drains, and fire station bay floor drains. For these prohibited systems, you also must report and take corrective actions as described in Schedule A, conditions 5 and 6;
 - e. An inventory of all industrial facilities and commercial properties that pose a risk of pollutant discharge to injection systems that you own or operate;
 - f. Whether the vehicle trips per day for the area(s) drained by the injection systems is greater than 1,000 or less than 1,000; and

2. Stormwater Quality Monitoring. Stormwater sampling is required to determine whether source controls and best management practices are sufficient to prevent endangerment of groundwater.

- a. You must collect at least one stormwater sample annually from each of the UICs in Table 2. You must collect samples between January 1 and December 31, beginning in 2018. Stormwater samples must be collected from the end of pipe where stormwater discharges into the UIC, or upstream of the end of pipe. Stormwater samples collected from the end of pipe must not include pipes that drain roof-only runoff. DEQ may require monitoring of additional or different UICs at any time during the ten year term of the permit, and will provide the requirement in writing. You may request monitoring of alternate UICs at any time during the ten year term of the permit (if, for example, the UICs in Table 2 cannot be accessed), and may monitor the alternate UICs if approved in writing by DEQ.

Location	UIC ID	Action Level Table to Use
NE 82 nd Avenue and NE Russell Street, Portland, Oregon	UIC 182	Table 1A
Highway 20 and NE 12 th Street, Bend, Oregon	UIC 154	Table 1A
Highway 97 and Nels Anderson Place, Bend, Oregon	UIC 16	Table 1A
Highway 395 in John Day, Oregon	UIC 169	Table 1B

- b. You must analyze stormwater samples for the pollutants in Table 1A and Table 1B. All monitoring tests and analyses must be performed by a state of Oregon certified laboratory, using the analytical methods in Table 1A and Table 1B. DEQ may require you to use different laboratory methods at any time during the permit term, and you may use different laboratory methods if approved in writing by DEQ.
- c. You may discontinue stormwater sampling for a Table 1A and Table 1B pollutant at a facility if the average concentration of the pollutant in at least two samples is below the Table 1A or Table 1B action levels (demonstrating the effectiveness of source controls and best management practices) and none of the UICs at the facility intersect groundwater. The stormwater samples must be collected at least 14 days apart. If you discontinue stormwater monitoring, then you must certify in your annual report that there have been no changes to site conditions that would significantly change stormwater quality (see Schedule B, condition 4.b).

3. Groundwater Monitoring. If you cannot meet the action levels established in Schedule A, Table 1A or Table 1B, or other information indicates that your injection systems may be adversely impacting groundwater quality, we may require groundwater monitoring or additional actions in accordance with OAR 340-040-0030 or both. Prior to completing such monitoring, you may apply for a concentration limit variance as provided in OAR 340-040-0030. If we grant a concentration limit variance, the action levels established in Schedule A, Table 1A or Table 1B may be revised, as appropriate.

4. Annual Reporting. The reporting period for this permit is a fiscal year (July 1 through June 30 of the following year). By November 30 of each year, starting in 2017, you must submit an annual Underground Injection Control System Report, using a form that we provide. The annual Underground Injection Control System Report must:

- a. Include the certification of accuracy required by 40 CFR 144.32(d);
- b. The results of stormwater monitoring conducted in accordance with Schedule B, condition 2 must be summarized in the UIC Annual Report, or, if sampling has been discontinued in accordance with Schedule B, condition 2.c, the report must include a certification that there have been no changes to site conditions that would significantly change stormwater quality;
- c. Discuss any Schedule A, Table 1A and Table 1B action level exceedances and actions taken to address the exceedances;

- d. Describe any actions in Schedule D, condition 4 that were not completed and the reason they were not completed;
 - e. Identify any UICs closed, retrofitted, or installed during the year;
 - f. Describe your known plans to install, modify, convert, or close any UICs in the next year;
 - g. Identify the key personnel positions that are responsible for the permit and their contact information (see Schedule D, condition 1);
 - h. Identify any newly-discovered UICs; and
 - i. Provide one hard copy and one electronic copy of the annual Underground Injection Control System Report. You do not need to submit a hard copy if approved in writing by DEQ. Copies of laboratory results do not need to be submitted with the annual Underground Injection Control System Report; however, original laboratory analysis reports must be retained in ODOT sampling records (see Schedule F, condition 3).
- 5. Decommissioning an Underground Injection System.** You must provide prior notice of decommissioning any underground injection system you own or operate, including UICs that are converted or closed. You may notify us in advance by listing future decommissioning plans in your annual Underground Injection Control System Report as in Schedule B, condition 4, or you may notify us in accordance with OAR 340-044-0040.
- 6. Summary of Submittals & Notifications.** A summary of the submittals and notifications required under the permit is provided in Table 3.

TABLE 3 – Summary of Submittals			
Submittal/Notification	Permit Reference	Submittal/Notification Requirement	Estimated Date(s)
Progress Report for Corrective Actions	A.5.b	Annually	November 30
<u>Annual UIC System Report</u>	B.4	Annually	November 30
Inventory of structural best management practices	A.7	Fifth Annual Report	November 30, 2021
Permit noncompliance that endangers human health or the environment	F.4.f	Within 24 hours (oral) and five working days (written)	N/A
Corrective actions for prohibited UICs	F.4.f	Within 24 hours (oral) and five working days (written)	N/A
Permit Re-application	F.1.d	60 calendar days before permit expiration	January 31, 2027

**SCHEDULE C
 SAFE DRINKING WATER ACT COMPLIANCE SCHEDULE**

This permit does not require a Safe Drinking Water Act compliance schedule (see 40 CFR 144.53) because you do not own any injection systems known to violate the Safe Drinking Water Act, state or federal underground injection control rules or regulations, or state groundwater quality protection rules.

**SCHEDULE D
 SPECIAL CONDITIONS**

- 1. Permittee Personnel Responsible for Permit.** You must identify the key personnel positions and contact information responsible for establishing and maintaining compliance with all conditions of the permit.

Contact information includes the employee's name, title, mailing address, email address, phone number, business section where the employee works, and the employee's area of responsibility for the permit. You must notify us in writing of any changes to the key personnel or areas of responsibility for the permit in the annual Underground Injection Control System Report required under Schedule B, condition 4.

2. **Reporting and Corrective Actions for Underground Injection Systems Prohibited by OAR 340-044-0015.** You must orally or in writing provide DEQ with any information you have about newly-discovered prohibited underground injection systems that you own within 24 hours of discovery. You must submit a written report within five working days of discovery and take the following actions unless otherwise approved by DEQ:
 - a. You must temporarily divert the discharge away from the UIC within five working days of discovering the UIC.
 - b. You must permanently close the prohibited injection systems as soon as practicable, with DEQ approval of work scope and schedule.
3. **Underground Injection Systems Discovered or Installed After the Permit is Issued.** Additional UICs may be authorized under this permit, so long as they inject fluids into facilities within ODOT's jurisdictional boundaries and they are constructed, installed, modified, operated, or closed in accordance with the permit.
 - a. For any underground injection system you discover or install after the permit is issued, you must include the injection system in an updated System-Wide Assessment that is submitted with the annual UIC Report described in Schedule B, condition 4. The updated System-Wide Assessment must meet the requirements of Schedule B, condition 1.
 - b. Discovered or new UICs may be subject to stormwater monitoring in accordance with Schedule B, condition 2. If stormwater monitoring is required, DEQ will provide the monitoring locations to you in writing, and you must comply with the requirement.
 - c. You must report prohibited underground injection systems according to Schedule D.2 above.
4. **Underground Injection Control System Management.** You must manage your UIC system in accordance with the following conditions:
 - a. You must have a spill kit available to respond to spills as appropriate, and inspect the spill kit semi-annually to ensure that all supplies are available and have not deteriorated. If your UICs are not equipped with shut off valves that allow you to block discharge into your UIC, then the spill kit must include a drain blocker/cover;
 - b. You must conduct and document visual inspections and physical maintenance of UICs. Visual inspections must occur on a regular basis; physical maintenance must occur as necessary. You must provide documentation to DEQ upon request;
 - c. You must train your employees annually on use of the spill kit and visual UIC inspection procedures, document the names of employees attending the training and dates of the training, and provide records of the documentation to DEQ upon request; and
 - d. You must follow housekeeping practices to protect groundwater quality, including segregating hazardous material storage or handling areas from stormwater run-off and run-on and regular parking lot sweeping.
5. **Adaptive Management.** You must follow an adaptive management approach to assess annually, and modify as necessary, management of your UICs to ensure the program is efficient and effective. You must at least annually assess the need to further improve groundwater quality and protect groundwater beneficial uses, review available technologies and practices, review monitoring data and analyses as required in Schedule B, and evaluate resources available to implement the program.
6. **Permit Compliance.** Compliance with this permit constitutes compliance, for purposes of enforcement, with

the UIC provisions of the federal Safe Drinking Water Act, implementing federal regulations, and OAR chapter 340, divisions 040 and 044. This provision, however, does not preclude modification, revocation and reissuance, or termination of this permit as authorized by applicable federal and state law.

7. **Legal Authority.** Within 18 months of the effective permit issuance date, you must adopt and maintain, through ordinance or other means, adequate legal authority to implement and enforce the provisions of this permit. At a minimum, the legal authority must enable you to:
- a. Implement the stormwater monitoring requirements of Schedule B, condition 2, and UIC management requirements of Schedule D, condition 4;
 - b. Prohibit discharge to an underground injection system that may cause a violation of the conditions of this permit from publicly or privately owned properties; and
 - c. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the conditions of this permit.

SCHEDULE E PRETREATMENT CONDITIONS

Not applicable to this permit

SCHEDULE F GENERAL CONDITIONS

1. **Standard Conditions.**
- a. **Duty to Comply.** You must comply with all conditions of this permit. Any permit noncompliance is grounds for enforcement action. It is also grounds for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that you need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 CFR 144.34.
 - b. **Penalties for Violations of Permit Conditions.** ORS 468.140 provides for civil penalties up to \$25,000 per day for each violation of a term, condition, or requirement of a permit. ORS 468.943 creates the criminal offense of unlawful water pollution in the second degree, for the criminally negligent violation of ORS chapter 468B or any rule, standard, license, permit or order adopted or issued under ORS chapter 468B. In some situations, violations of a term, condition or requirement of the permit may also be a criminal offense, specifically unlawful water pollution in the first degree (a felony) or unlawful water pollution in the second degree (a misdemeanor). [ORS 468.943 and ORS 468.946].
 - c. **Duty to Mitigate.** You must take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit. You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, you must correct any adverse impact on the environment or human health or safety resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
 - d. **Duty to Reapply.** If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit. In accordance with OAR 340-045-0040(1), you must submit the application at least 60 calendar days before the expiration date of this permit. We may

grant you permission to submit an application less than 60 calendar days in advance of the permit expiration date. We will not grant permission for a renewal application that you submit later than the expiration date of the existing permit.

e. **Permit Actions.**

- i. We may modify, revoke and reissue, or terminate this permit for cause including, but not limited to, the following:
 - (1) Violation. The violation of any term, condition, or requirement of this permit, or a related state rule or statute, or a federal regulation related to underground injection control for injection wells;
 - (2) Misrepresentation. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
 - (3) Change of condition. A change of any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- ii. You may request a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, but this request does not stay the effectiveness of any permit condition.

f. **Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges.

g. **Permit Reference.** All rules and statutes referred to in this permit are those in effect on the date we issue this permit, or the date we modify the permit to incorporate new provisions as provided in OAR 340-045-0055, whichever occurs later.

h. **Penalties for False Information.** Under ORS 486.953, a person commits the crime of supplying false information if the person:

- i. Falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit;
- ii. Makes any false material statement, representation or certification knowing it to be false, in any application, notice, plan, record, report or other document required by any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B;
- iii. Omits any material or required information, knowing it to be required, from any document described in paragraph (h)(ii) above; or
- iv. Alters, conceals or fails to file or maintain any document described in paragraph (h)(ii) above in knowing violation of any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B.

i. **Duty to Provide Information.** You must furnish to us, within a time specified, any information that we may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. You must also furnish to us upon request, copies of records that this permit requires you to keep.

j. **Need to Halt or Reduce Activity not a Defense.** 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 the permit.

k. **Permit Modifications.** You may request a permit modification or we can initiate it. Any modification to the permit must be in accordance with the provisions of OAR 340-045-0055 and 40 CFR 144.41, as applicable.

2. **Operation and Maintenance.**

a. **Proper Operation and Maintenance.** You must at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that you install or use to comply with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate

funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facilities or similar systems only when necessary to comply with the conditions of the permit.

- b. **Removed Substances.** You must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to a UIC in accordance with 40 CFR 144.82(b).

3. Monitoring and Records. You must comply with monitoring requirements of 40 CFR 144.51(j) and this condition:

- a. Samples and measurements taken for monitoring must be representative of the monitored activity.
- b. **Records Contents.** Records of monitoring information you must retain include:
 - i. The date, exact place, time and methods of sampling or measurements;
 - ii. The name(s) of the individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The name(s) of the individual(s) who performed the analyses;
 - v. The analytical techniques or methods used;
 - vi. The results of such analyses;
 - vii. The nature and composition of all injected fluids until three years after completion of any plugging and decommissioning procedures; and
 - viii. We may require the owner or operator to supply the records to us at the conclusion of the retention period.
- c. **Inspection and Entry.** You must allow us, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - i. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - ii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - iii. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Safe Drinking Water Act or state law, any substances or parameters at any location.
- d. **Retention of Records.** You must retain records of all monitoring and maintenance information, including all field notes, calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, all analyses of the data generated, all reports required by this permit, and records of all data used to complete the application for this permit. You must keep them for a period of at least 10 years from the date of the sample, measurement, report, or application.

4. Reporting and Signatory Requirements. You must comply with the reporting requirements of 40 CFR 144.51(j) and this condition:

- a. **Planned changes.** You must give us notice of any planned physical alterations or additions to the permitted facility as described in Schedule B, condition 4.
- b. **Anticipated noncompliance.** You must give us advance notice of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- c. **Anticipated Violations.** You must give us advance notice of any planned changes in the permitted facilities or activities that may result in violations of permit requirements.
- d. **Transfers.** This permit is not transferrable to any person except after giving us notice and meeting the conditions of OAR 340-045-0045. We 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 the federal Safe Drinking Water Act (see 40 CFR 144.38; in some cases, modification or revocation and reissuance is mandatory).

- e. **Compliance Schedule.** You must make compliance reports on all interim and final requirements contained in any compliance or implementation schedule included in this permit. The reports must explain the cause of any noncompliance, if known, any remedial actions taken, and the probability of meeting the next scheduled requirements.
- f. **Twenty-Four-Hour and Five-Day Reporting.** Unless a different compliance schedule and reporting requirements are otherwise noted in this permit, you must report any non-compliance that endangers health or the environment in accordance with 40 CFR 144.51(l)(6). You must provide any information of non-compliance that endangers health or the environment orally within 24 hours from the time you become aware of the circumstances. You must submit a written report within 5 working days of the time you become aware of the circumstances. The written report must contain:
 - i. A description of the violation and its cause, if known;
 - ii. The period of violation, if known;
 - iii. The estimated time the violation is expected to continue if it has not been corrected; and
 - iv. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.
- g. **Other Compliance.** In accordance with 40 CFR 144.51(l)(7), you must report all other instances of non-compliance not reported in Schedule F, conditions 4(e) and 4(f) at the time the annual reports are submitted. The reports must contain the information listed in Schedule F, condition 4(f).
- h. **Other Violations.** You must report all permit violations that occurred during a permit-established reporting period in the annual Underground Injection Control System Report for that period. The reports must contain the information listed in Schedule F, condition 4(f).
- i. **Signatory Requirements.** You must sign and certify all applications, reports or information submitted to us as provided in 40 CFR 144.32.

