

**WATER POLLUTION CONTROL FACILITIES PERMIT  
FOR CLASS V STORMWATER UNDERGROUND INJECTION CONTROL SYSTEMS**

Department of Environmental Quality  
Northwest Region

2020 SW Fourth Avenue, Suite 400, Portland, OR 97201  
Telephone: (503) 229-5263

Issued pursuant to ORS 468B.050 implementing the Federal Safe Drinking Water Act requirements

**ISSUED TO:**

City of Portland  
Bureau of Environmental Services  
1120 SW 5<sup>th</sup> Avenue, Suite 1000  
Portland, OR 97204

**SOURCES COVERED BY THIS PERMIT:**

**Type of Waste:** Storm Water and Incidental Non-Stormwater Fluids  
**Outfall:** Multiple  
**Method of Disposal:** Class V Underground Injection Systems

**SYSTEM TYPE:**

Class V Underground Injection Control Systems  
Owned, operated and under the Jurisdiction of the City of Portland

**RIVER BASIN INFORMATION:**

**Basin:** Willamette  
**Subbasin:** Lower Willamette River  
**Streams:** Lower Columbia River  
**LLID:** 1227618456580  
**Latitude:** 45.5231  
**Longitude:** -122.6681  
**County:** Multnomah  
**River Mile:** Not applicable  
**Waters of the State:** Ground Water  
**Nearest surface stream which would receive waste if it were to discharge:** Willamette and Columbia Rivers

**SYSTEM LOCATIONS:**

City of Portland, Oregon and other City of Portland owned or operated UIC Systems within Oregon.

**Effective Permit Issuance Date:** June 1, 2005  
**WPCF APPLICATION NO.:** 985599  
**Date Application Received:** July 1, 2002  
**DEQ Northwest Region File Number:** 111885

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

*Neil Mullane*

Neil Mullane, Manager Water Quality Source Control Program  
Northwest Region

*6/1/05*

Date

**PERMITTED ACTIVITIES**

The City of Portland (Permittee) is classified as a large municipality with more than 50 Permittee owned or operated (public) Class V Underground Injection Control systems (UICs). The Permittee must comply with the provisions, limitations, and conditions of this permit, including Oregon Administrative Rules (OAR) 340-040, OAR 340-044, and 40 Code of Federal Regulations (CFR) Parts 136, 141, 144 and 146, as applicable, either expressly or by reference, which are not specifically enumerated within this permit. The Permittee shall have the burden of showing that the requirements of this permit are met.

Public UICs are individual point sources. As provided by 40 CFR 144.33, this is an area permit which allows inclusion of all individual public UIC point sources on an area basis, rather than a permit for each individual public UIC. Therefore, this permit coverage is inclusive of all public UICs for storm water and non-motor vehicle floor drains.

Stormwater disposal is the predominant use of public UICs. This permit allows the Permittee to discharge stormwater runoff and other fluids, as specifically identified in this permit, to existing and new public UICs that:

- a. Meet requirements for rule authorization in OAR 340-044-0018; or
- b. Do not meet rule authorization requirements, but comply with the conditions of this permit as authorized under OAR 340-044-0035.

This is a new permit covering a new regulatory program and as such there may be a need to make adjustments in the permit before its regularly scheduled renewal. Consequently, DEQ and the Permittee will meet annually to evaluate the implementation of the permit to determine if revisions in the permit are needed to achieve the regulatory goals of the UIC program.

This permit shall become effective on **June 1, 2005**, and shall expire on **May 31, 2015**. This permit shall remain in full force and effect, unless it is otherwise modified, terminated, revoked or reissued pursuant to State of Oregon law and regulations. The Permittee is authorized to construct, install, modify, operate, or close public UICs, and to discharge stormwater and other fluids, as specifically identified in this permit, to public UICs, provided such injection activities are in conformance with all the requirements, limitations, and conditions set forth in this permit, including its attached schedules, as follows:

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**SCHEDULE A**  
**DISCHARGE LIMITATIONS AND STORMWATER MANAGEMENT**

1. **General.** This schedule establishes the water quality discharge limits for fluids injected into the drywell or subsurface, groundwater quality protection requirements, groundwater compliance limits for injection fluids which may reach groundwater, and prohibitions for discharge to Permittee owned or operated (public) Class V Underground Injection Control systems (UICs). In accordance with Schedule F.1.a, failure to comply with any condition established in this schedule is a permit violation. The burden is upon the Permittee to demonstrate compliance with these conditions.
2. **Water Quality Limits.** Water quality limits for stormwater discharged into a public UIC and groundwater compliance limits, if the Permittee initiates groundwater monitoring under the conditions of this permit, are established in Table 1. Priority Pollutant Screen (PPS) and Maximum Allowable Discharge Limits (MADLs) apply to stormwater discharge to a public UIC.
  - a. If a PPS pollutant in Table 1 is detected during a PPS sampling event, the Permittee must comply with Schedule C.8.
  - b. If a MADL concentration is exceeded during an individual storm event being sampled, the Permittee must comply with Schedule C.9.
  - c. The annual mean MADL concentration shall be determined in accordance with the Department-approved Stormwater Discharge Monitoring Plan (SDMP) of Schedule B.2.a. If the annual mean MADL concentration is exceeded, the Permittee must undertake a compliance response action in accordance with the conditions of Schedule C.10.
  - d. The stormwater discharge sampling point is the end-of-pipe (EOP) discharge into a public UIC after any pretreatment control device. The EOP is considered under this permit as the point of injection (POI) and the MADL compliance monitoring point for the pollutants listed in Table 1.
  - e. If, or when, the Permittee undertakes a groundwater monitoring program, the following conditions shall apply:
    - i. Permittee must comply with the groundwater monitoring requirements of Schedule B.4, and the conditions of Schedule C.7.
    - ii. The groundwater compliance limits in Table 1 are applied at groundwater.
    - iii. Groundwater monitoring conducted in response to any corrective action under this permit shall be in accordance with the requirements of OAR 340-040-0030 and OAR 340-040-0040.
    - iv. Exceedance of the background groundwater quality occurs when the pollutant concentration in the downgradient monitoring well exceeds the pollutant concentration in the upgradient monitoring well. If the pollutant concentration in the downgradient well is the same as or less than the pollutant concentration in the upgradient monitoring well, no exceedance of background groundwater quality has occurred.
3. **Limitations.**
  - a. In accordance with OAR 340-040-0020(3), all groundwaters of the state shall be protected from pollution that could impair existing or potential beneficial uses for which the natural water quality of the groundwater is adequate. Requirements in this permit are established to maintain the existing high quality of groundwater to support recognized and legitimate beneficial uses. Domestic water supply is among the recognized beneficial uses of groundwater. The Permittee is not authorized under this permit to inject fluids which result in the impairment of groundwater to a quality less than the quality required for drinking water, or otherwise impair groundwater quality that may adversely affect human health.

- b. In accordance with OAR 340-044-0014, the Permittee must not construct, operate, maintain, convert, plug or abandon a public UIC or conduct any injection activity that allows the direct or indirect movement of fluids containing contaminants into groundwater, if the presence of that contamination may cause a violation of any primary drinking water regulation under the federal Safe Drinking Water Act (SDWA), or fails to comply with the groundwater protection requirements specified in Oregon Administrative Rules (OAR) 340-40, including Concentration Limit Variances (CLVs) established in this permit as allowed under OAR 340-040-0030, or may otherwise adversely affect human health. Notwithstanding any other condition or requirement of this permit, all injection activities by the Permittee are required to conform to this limitation.
- c. The Permittee must implement Best Management Practices (BMPs) in accordance with the Department-approved UIC Management Plan (UICMP).
- d. The Permittee must operate all public UICs in a manner that protects groundwater from accidental or illicit disposal of wastes or contaminants. Public UICs must have the ability to be temporarily blocked to prevent discharge into the public UIC in the event of an accident, spill or an emergency firefighting activity. New public UICs must be designed to meet this condition. If an existing public UIC fails to meet this condition, it must:
  - i. Have the ability to be blocked with a sealing mat or other device adequate to prevent flow from entering the UIC;
  - ii. Be retrofitted; or
  - iii. Be closed.
- e. The following discharges to a public UIC are prohibited without the expressed written permission of the Department prior to the discharge:
  - i. Any fluid from industrial or commercial facilities where hazardous substances or toxic materials including petroleum products are stored, handled or used, except as allowed under OAR 340-044-0018(3)(d) or this permit;
  - ii. Non-incident fluids, or storm water mixed with non-incident fluids not covered under this permit, including but not limited to, runoff from:
    - (1) Uncovered public trash compactor and associated storage area;
    - (2) Uncovered public garbage or trash dumpster and associated storage areas, and
    - (3) Public facility loading docks that discharge to a public UIC;
  - iii. Fluids from motor vehicle drains (MVDs) including MVDs in public repair or maintenance facilities, fire station bays or in-door parking areas;
  - iv. Municipal wastewater for the purpose of effluent disposal, unless such disposal is allowed under a separate Department-issued permit; and
  - v. Fluids that fail to meet the conditions and requirements of this permit; except as listed below in Schedule A.3.h, below.
- f. All public UICs must have a minimum separation distance between the bottom of the public UIC and groundwater in accordance with Schedule F.5.tt.
- g. Underground injection of fluids to public UICs is prohibited, except as authorized under this permit. The Permittee is allowed to discharge stormwater and other fluids, as specifically identified in this permit, to public UICs. Permitted other fluids, which are consistent with other fluids authorized in the Permittee's National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit are:
  - i. Landscape and lawn irrigation runoff;
  - ii. Individual residential car washing, which includes community service group or fund raising car washing activities;
  - iii. Water line, fire main and fire hydrant flushing;

- iv. Discharges from potable water sources, potable groundwater monitoring wells, draining and flushing municipal potable water storage reservoirs provided all waters are potable;
  - v. Dechlorinated swimming pool or spa water;
  - vi. Discharges from foundation and footing drains, provided the discharges meet the water quality requirements of this permit; and
  - vii. Emergency firefighting activities. The Permittee shall take necessary precautions to the extent practicable to protect public UICs during emergency firefighting activities. Wash down of spills into any underground injection system is expressly prohibited. In the event of an inadvertent discharge to an underground injection system of pollutants that may endanger groundwater quality during firefighting activities, the City will undertake appropriate response and corrective actions to assure groundwater is protected.
- h. Other fluids not specifically identified in Schedule A.3.i, above, or specifically prohibited, may not be discharged to a public UIC unless the following conditions are met:
- (1) The discharge fluid water quality complies with the conditions of this permit; and
  - (2) The Permittee has the expressed written permission by the Department for the discharge prior to the discharge of the fluid.
- i. UICs are individual point sources. In order to minimize the potential for groundwater quality degradation resulting from public UIC discharges, the Permittee must use appropriate methods, including Best Management Practices (BMPs), as identified in the Department-approved public UICMP, the Department-approved Corrective Action Plan (CAP), or other Department-approved methods that comply with OAR 340-040-0020(11) to prevent the movement of pollutants to groundwater and protect public health and the environment.
- j. The Permittee is prohibited from constructing, or operating a public UIC, if discharges to that system may cause the direct or indirect mobilization of existing soil contaminants to groundwater, or adversely affects an existing groundwater contamination plume.
- k. Where the Department has issued a letter of No Further Action (NFA) related to an environmental clean-up action, any injection activity that may cause the direct or indirect mobilization of existing soil contaminants to groundwater, or the mobilization of an existing groundwater contamination plume may nullify the Department's NFA decision. Each injection activity under this condition must be evaluated and approved by the Department.

**TABLE 1  
UIC Discharge Limits and Groundwater Compliance Limits**

Monitoring Parameter	Drywell Compliance: Maximum Allowable Discharge Limit (MADL) at Injection Point (µg/L)	Groundwater Compliance Limit (µg/L) <sup>(1)</sup>
<b>Common Pollutants</b>		
<b>Monitoring Frequency: 5 Storm events/year minimum</b>		
Benzene	5.0	Background
Toluene	1000	Background
Ethylbenzene	700	Background
Xylenes	10000	Background
Pentachloropheno <sup>(2)</sup>	1.0	Background
Di(2-ethylhexyl)phthalate	6.0	Background
Benzo(a)pyrene <sup>(3)</sup>	0.2	Background
Arsenic (Total)	10.0	10.0
Cadmium (Total)	5.0	5.0
Chromium (Total)	100	100
Copper (Total)	1300	1300
Lead (Total)	50.0	15.0
Zinc (Total)	5000	5000
Total Nitrogen	10000	10000
<b>Prioirty Pollutant Screen</b>		
<b>Monitoring Frequency: 1st, 4th, 9th year of permit duration</b>		
	<b>Drywell Compliance: MADL at injection Point (ug/L)</b>	<b>Groundwater Compliance Limit (µg/L)<sup>(1)</sup></b>
Antimony (Total)	6.0	Background
Barium (Total)	2000.0	Background
Beryllium (Total)	4.0	Background
Cyanide (Total)	200.0	Background
Mercury (Inorganic)	2.0	Background
Selenium (Total)	50.0	Background
Thallium (Total)	2.0	Background
Alachlor	2.0	Background
Atrazine	3.0	Background
Carbofuran	40.0	Background
Carbon Tetrachloride	5.0	Background
Chlordane	2.0	Background
Chlorobenzene	100.0	Background
2,4-D	70.0	Background
Dalapon	200.0	Background
o-Dichlorobenzene	600.0	Background
p-Dichlorobenzene	75.0	Background
1,3-Dichlorobenzene	5.5	Background
Bis(2-chloroisopropyl)ether	0.80	Background
Bis(2-chloroethyl)ether	0.30	Background
Dinoseb	7.0	Background
Diquat	20.0	Background
Endothall	100.0	Background
Glyphosate	700.0	Background
Lindane	0.2	Background
Picloram	500.0	Background
1,2,4-trichlorobenzene	70.0	Background

(1) Background applies only to groundwater quality monitoring. Background is the quality of water immediately upgradient from a current or potential source of pollution that is unaffected by the source. A background exceedance occurs when the pollutant concentration in the downgradient compliance monitoring well exceeds the pollutant concentration in the upgradient monitoring well. If the pollutant concentration in the downgradient well is the same as the upgradient well, the downgradient monitoring well shall be deemed at background and no exceedance has occurred.

(2) The minimum reporting limit (MRL) for pollutants in stormwater shall be sufficiently sensitive and have a concentration as determined by EPA SW-846 methods, standard of industry practices, or use of best available technology that has been validated and demonstrated that it is appropriate for the intended use of the data, which ultimately is to demonstrate groundwater quality protection while discharging storm water to the subsurface. The MRL for each pollutant shall be identified in the Department approved monitoring plans.

(3) The analytical results for all ancillary pollutants derived from the approved analytical method must be reported in the annual monitoring report. Compliance will be based on the annual mean concentration of the pollutant listed in this table.

## SCHEDULE B MONITORING AND REPORTING REQUIREMENTS

1. **General.** This schedule establishes the minimum Monitoring and Reporting Requirements. In accordance with Schedule F.1, failure to comply with any condition established in this schedule is a permit violation. The conditions of this schedule apply only to public UICs. The burden is upon the Permittee to demonstrate compliance with these conditions.
2. **Stormwater Discharge Monitoring.** The Permittee must monitor the quality of stormwater discharged into public UICs to demonstrate that operation of the public UICs meet permit conditions and protect groundwater quality.
  - a. The Permittee must prepare and submit to the Department for approval a Stormwater Discharge Monitoring Plan (SDMP). After submittal to the Department, the SDMP will be made available for public review and comment in accordance with OAR 340-045-0055 before the Department takes action to approve the plan. It is the Department's prerogative to require modification of the SDMP based on public review and comment. Upon Department approval, the SDMP becomes an enforceable part of this permit. The SDMP must:
    - i. Provide minimum reporting limits (MRLs). The MRLs for organic pollutants in stormwater discharged into a public UIC at the EOP shall be sufficiently sensitive and have a concentration as determined by EPA SW-846 methods, standard industry practices, or use of best available technology that has been validated and demonstrated that it is appropriate for the intended use of the data, which ultimately is to demonstrate groundwater quality protection while operating public UICs;
    - ii. Provide the methodology and protocols to determine the annual mean concentration for the MADLs listed in Table 1, including the scientific basis for the methodology;
    - iii. Include a statistically valid Sampling Design Plan that is representative of the Permittee's public UIC system. The Sampling Design Plan shall be stratified in accordance with the two traffic volume populations in Table 2. In addition, the Sampling Design Plan must be sufficiently robust to provide the data to demonstrate the annual mean MADL concentration for Common Pollutants and detected Priority Pollutant Screen pollutants listed in Table 1 are not exceeded. At a minimum, the Sampling Design Plan must:
      - (1) Identify and scientifically justify individual sampling points. Each public UIC sampled shall include the following information:
        - (a) The Department's public UIC Identification number;
        - (b) The Permittee's well identification number;
        - (c) Street address or intersection location;
        - (d) Latitude and longitude in decimal degrees;
        - (e) The type of construction;
        - (f) Depth of the injection system being sampled;
        - (g) The type of pretreatment BMP (if any); and
        - (h) The depth to groundwater based on the most recent USGS estimates of depth to groundwater. Site specific depth to groundwater data shall be used when it is available;
      - (2) Discuss and justify how the Sampling Design Plan will stratify the two population groups in Table 2 in order to demonstrate, and provide data for, the following:
        - (a) Protection of groundwater quality;
        - (b) Compliance with permit discharge conditions;
        - (c) Area-wide discharge quality ; and
        - (d) Long-term trend analysis on water quality discharged into public UICs of each population

group;

- (3) Discuss how each sample site will be selected, then field verified. Discuss the protocol that will be used to replace a selected sample site, if field verification of a sample site proves the site is unsuitable for the sampling for either the intended population group of Table 2 or other reasonable cause.
  - (4) Provide data to demonstrate that the annual mean concentration for each common pollutant MADL listed in Table 1 is not exceeded.
  - (5) Include a map that clearly shows the sample locations at a sufficient scale to identify the specific public UIC; and
  - (6) Include a map that shows the public UICs being sampled in relationship to the entire public UIC system.
- iv. Include in the SDMP a list of appropriate sample containers for each pollutant, sample preservatives and sample hold times;
  - v. Provide protocols to resample or reanalyze samples if any of the following conditions occur:
    - (a) A scheduled sampling event is missed;
    - (b) The sample fails the laboratory QA/QC criteria;
    - (c) Field sampling equipments fails during storm sampling events, or
    - (d) Other condition beyond the reasonable control of the Permittee occurs;
  - vi. Determine the MRL for each pollutant established in Table 1. Detection of a PPS shall be based on the MRL as determined in Schedule B.2.a.i, above, and as presented in the Permittee's QAPP and/or SAP;
  - vii. Establish the storm event size that is estimated to generate sufficient runoff to sample public UICs;
  - viii. Discuss the protocols for PPS sampling, including, but not limited to:
    - (1) PPS sampling frequency;
    - (2) The public UICs at which PPS samples shall be collected; and
    - (3) Sampling protocols and frequency if a PPS pollutant is detected during a PPS sampling event and in accordance with the conditions of Schedule C. 8;
  - ix. Discuss how the Permittee shall determine the annual mean MADL concentration. At a minimum, the annual mean MADL shall be based on at least five separate stormwater discharge events during the wet season. The discussion shall also include how the Permittee will determine the annual mean MADL concentration when the Permittee has sampled less than five storm events over the wet season due to conditions beyond the reasonable control of the Permittee, as described in Schedule B.3. The Permittee shall collect samples of stormwater discharged to public UICs over the entire wet season. The discussion shall describe how the methodology will:
    - (1) Address outlier data points;
    - (2) Determine the annual mean MADL concentration in the event there are less than 5 data points; and
    - (3) Address estimated concentrations, flagged data and non-detects.
- b. The SDMP must address all elements of the Sample Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as listed in Fact Sheet and Evaluation Report, which accompanies this permit as a separate document.
  - c. The Permittee is responsible for implementing health and safety protocols for stormwater monitoring in accordance with OR-OSHA regulations and the policies of the City of Portland. The Permittee must provide to the Department upon request its health and safety protocols for stormwater sampling under this permit.
  - d. Stormwater sampling, monitoring procedures and monitoring locations must be in accordance with Department-approved SDMP.

- e. The Permittee must summarize all laboratory data for the monitored wet season in the annual monitoring report of Schedule B.7. The summary must include the data of any other pollutant from the analytical methods used for the pollutants specified in Table 1. The Permittee must retain the laboratory records in accordance with Schedule F.1.k.
- f. The public UIC MADL compliance sampling point shall be the EOP in accordance with Schedule A.2.d. Alternative compliance sampling point locations must be approved by the Department prior to sampling.

<b>TABLE 2</b>	
<b>Sampling Design Plan Stratification</b>	
<b>Vehicle Trips per Day</b>	<b>Corresponding Land Use</b>
<1,000	Residential Street; Small Parking Lot
≥1,000	Residential Feeder Streets; Commercially Zoned Areas; Transportation Corridors; Industrial Areas

**3. Stormwater Sampling Waiver.**

- a. Circumstances may occur that are beyond reasonable control of the Permittee to sample at least 5 storm events for a wet season or analyze any sample or pollutant parameter. Circumstances beyond the Permittee's reasonable control include:
  - i. Atypical climatic conditions, such as less than 5 storm events occur over the wet season that produce sufficient runoff to collect stormwater discharge samples;
  - ii. Weather conditions that make the collection or analyses of the samples unsafe or impracticable (e.g. storms of such intensity or at such times that sampling would present and unreasonable safety risk);
  - iii. Unavoidable equipment failure, or
  - iv. Other conditions as determined by the Department to be beyond the reasonable control of the Permittee.
- b. Failure to exercise due diligence in sampling or to maintain equipment is not a condition beyond the reasonable control of the Permittee.
- c. When more than one sampling event is missed at any sampling point, then re-sampling at that point must occur in accordance with the Department-approved SDMP.

**4. Groundwater Monitoring.** If the Permittee undertakes groundwater monitoring under this permit, the Permittee must prepare and submit to the Department for approval a Groundwater Monitoring Plan (GMP) before initiating any element of the groundwater monitoring. The GMP must meet the requirements of OAR 340-040-0030(2)(a). After submittal of the GMP, the Department may submit the GMP for public review and comment. Upon Department approval, the GMP shall become an enforceable part of this permit. Groundwater monitoring initiated under this permit shall be in accordance with the Department-approved GMP and satisfy the requirements listed below.

- a. The Department-approved GMP shall be in place before construction of any groundwater monitoring well under this permit.
- b. At a minimum, the GMP must:
  - i. Include a SAP and QAPP for groundwater monitoring. The Permittee may amend the SDMP SAP

and QAPP to requirements as specified in OAR 340-040-0030(2);

- ii. Identify the pollutant or pollutants of concern and the detected concentrations of the pollutants for which the monitoring is being conducted; and
- iii. Provide proposed monitoring well construction details. Monitoring well **construction** or abandonment must comply with the Oregon Water Resources Department (WRD) monitoring well construction regulations (OAR 690-240). Monitoring well location information shall include latitude and longitude in decimal degrees.

**5. Monitoring Plans Modification.** Modifications to Department-approved monitoring plans shall be in accordance with permit modification requirements of OAR 340-045-0055. In addition, the Permittee must:

- a. Submit to the Department for approval any modification to the Department-approved SDMP or GMP within 30-days of the modification;
- b. Have Department approval before implementing a modification, unless the modification is Department-directed; and
- c. Include in the monitoring report of Schedule B.7 a summary of any modifications to the SDMP or GMP.

**6. Monitoring Record Keeping and Quality Assurance/Quality Control.**

- a. The Permittee must comply with the requirements and conditions of Schedule F.3.
- b. The laboratory used by the Permittee to analyze samples must maintain on file a quality assurance/quality control (QA/QC) plan to verify the accuracy of sample analysis. The laboratory's QA/QC plan must be made available to the Department upon request.
- c. In the event the Permittee undertakes groundwater monitoring, the Permittee shall retain the following records in addition to the requirements Schedule F.3, including, but not limited to:
  - i. All field and as-built monitoring construction well logs;
  - ii. Well development records; and
  - iii. Well purging records.

**7. Monitoring Reporting.** The Permittee must submit to the Department annual monitoring reports in accordance with Schedule C.19. At a minimum, each annual monitoring reports must address the following conditions:

- a. Provide a summary of the monitoring data for the preceding wet season being reported. At a minimum, the summary must include:
  - i. Data pertinent to each storm event sampled, including but not limited to:
    - (1) A description of the date and duration of storm event sampled;
    - (2) Precipitation estimates of the storm event;
    - (3) Duration and intensity of the storm event; and
    - (4) The duration in days between storm events sampled the previous storm event;
  - ii. A summary table for the injection systems being sampled that includes, but not limited to:
    - (1) DEQ ID number for the public UIC;
    - (2) Latitude and longitude of each sample location;
    - (3) Street location;
    - (4) The traffic volume, traffic pattern and type of land use in accordance with Table 2 for each public UIC injection system sampled;
    - (5) Type of pretreatment, if any, for the public UIC sampled;

- (6) Depth to groundwater from ground surface based on USGS estimated depths to groundwater. Site specific data shall be used if available;
  - (7) Date of the last maintenance and type of maintenance performed;
  - (8) Date of last maintenance and inspection;
  - (9) The level of the sediment in a sediment manhole, if the injection system has a sediment manhole as part of the pretreatment. If no sediment manhole is present, report the sediment level in the associated catch basins and in the bottom of the public UIC; and
  - (10) The estimated total volume of recharge to the aquifer by public UICs.
- iii. A map showing the location of the public UIC injection systems sampled in relation to the Permittee's other public UIC systems authorized by this permit and any domestic wells and public water system wells;
  - iv. A map of sufficient scale that clearly shows the location of the specific public UIC being sampled;
  - v. Identification and discussion of any exceedance of an individual storm event MADL and any annual mean MADL concentration, including:
    - (1) A discussion of any potential cause of the exceedance, to the extent practicable and if known, and
    - (2) Actions taken during the wet season to reduce the concentration of the pollutant of concern;
  - vi. Identification and discussion of any detected PPS pollutant during a PPS screen sampling event, including:
    - (1) The pollutant concentration;
    - (2) The public UIC at which the detection occurred;
    - (3) A discussion of the cause of the detection, if known; and
    - (4) actions taken; and
  - vii. A discussion of compliance response actions taken to correct a MADL annual mean exceedance.
- b. Provide a summary table of all laboratory monitoring data for the reporting period wet season, including:
    - i. Ancillary pollutants derived from the approved analytical method;
    - ii. MRLs; and
    - iii. Analytical method used.
  - c. Discuss any unusual conditions that occurred during a monitoring event that may impact the monitoring results.
  - d. Include an analysis of the trends in the cumulative monitoring data, including water quality improvements or degradations for each annual report after the first year of reporting.
  - e. Explain any outliers in the data used to determine the annual mean MADL concentration. If the outlier data was not used in the mean annual MADL concentration, provide an explanation of why the data was omitted from the determination.
  - f. Include a statement that sampling and measurements taken as required herein are representative of the traffic volume and traffic patterns of the monitored discharge weighted or stratified in accordance with the Department-approved SDMP.
  - g. Discuss any annual mean MADL exceedance in accordance with Schedule C.10.
  - h. Discuss, in accordance with Schedule C.8, any PPS pollutant detection during a PPS sampling event. This condition applies to the 1<sup>st</sup>, 4<sup>th</sup> and 9<sup>th</sup> year PPS sampling events, or whenever the Permittee samples for the presence of PPS pollutants.

- i. In the event conditions occur beyond the reasonable control of the Permittee as identified in Schedule B.3, the Permittee must explain the circumstances in the annual monitoring report. The explanation must include why the sampling event or sample analysis was missed and (if applicable) any corrective actions to prevent the occurrence from happening again.
- j. For Category 4 public UICs, as defined in Schedule D.11, the Permittee must report in the annual monitoring report the following:
  - i. Provide a list of the Category 4 public UICs;
  - ii. A brief description of the public UICs;
  - iii. The location of the public UIC at which the non-compliant condition occurred, including traffic volume and the nature of land uses that may drain to the public UIC;
  - iv. The nature and concentration of the pollutant that exceeded the annual mean MADL concentration;
  - v. The vertical separation distance to groundwater;
  - vi. The proposed corrective action, which may include a risk assessment that meets Department risk assessment protocols;
  - vii. Discuss the corrective action(s) completed;
  - viii. Discuss on-going corrective action(s), or corrective actions to be implemented, including but not limited to:
    - (1) The type of corrective action;
    - (2) Implementation date;
    - (3) Completion date; and
    - (4) Other pertinent information regarding the public UIC or its corrective action obtained during the reporting period.
- k. In the event the Permittee undertakes groundwater monitoring, the Permittee must provide the following:
  - i. Monitoring well locations with street location and latitude and longitude in decimal degrees;
  - ii. Water level measurements and gradient;
  - iii. As-built monitoring well construction details for any monitoring well installed during the reporting period;
  - iv. The pollutant(s) being monitored;
  - v. All groundwater monitoring data and other data pertinent to groundwater monitoring;
  - vi. Any other pertinent data to groundwater monitoring obtained during the reporting period;
  - vii. A discussion of the following:
    - (1) Monitoring data;
    - (2) Pollutant concentrations, including concentrations at background and compliance monitoring wells;
    - (3) Compliance with Table 1 for groundwater;
    - (4) Actions taken or to be taken by the Permittee with respect to groundwater monitoring;
    - (5) An analyses of the data; and
    - (6) Conclusions with respect to potential or demonstrated groundwater contamination from public UICs; and
  - viii. If applicable, a discussion of any Department-approved groundwater corrective actions, including, but not limited to:
    - (1) Nature of the action(s);
    - (2) Status of the action(s);
    - (3) All laboratory results related to the action;
    - (4) Analyses of the data with respect to achieving the corrective action goal; and
    - (5) Milestones reached.

- 8. Permittee Monitoring Responsibility.** The Permittee is responsible to protect groundwater quality while operating its public UICs. At a minimum, the Permittee must:
- a. Ensure data and information acquired through implementation of the SDMP is representative of the Permittee's entire public UIC system;
  - b. Ensure the results of the system-wide assessment, required under Schedule D.8, are incorporated into the SDMP as appropriate;
  - c. Notify the Department in the annual monitoring report of significant land use changes which change traffic volume or patterns which may affect public UICs in the SDMP. Significant land use changes include, but are not limited to:
    - i. Zoning changes that result in an increase of 1,000 trips per day or more;
    - ii. A change in type of traffic, i.e. increase in truck traffic; or
    - iii. A change that may cause or causes an adverse impact a BMP such that the BMP no longer performs as intended to meet the conditions of this permit;
  - d. Notify the Department when information or data indicates additional pollutants should be added to Table 1;
  - e. Implement modifications to the permit, including the addition of pollutants that the Department deems necessary to incorporate into the SDMP or other actions under this permit as directed by the Department; and
  - f. Ensure other verifiable data or information, which may indicate a potential that groundwater may be endangered by stormwater injection, is reported in a timely manner to the Department.

**SCHEDULE C  
COMPLIANCE AND SCHEDULES**

**1. General.**

- a. This schedule establishes the compliance and schedule requirements of this permit. In accordance with Schedule F.1, failure to comply with any condition established in this schedule is a permit violation. The conditions of this schedule apply only to public UICs. The burden is upon the Permittee to demonstrate compliance with these conditions.
- b. UICs must be registered and comply with the conditions of this permit before construction of new public UICs or continued operation of existing public UICs.
- c. All public UICs that fail to comply with permit conditions must be either corrected to meet permit conditions or decommissioned and closed.

**2. Capital Improvement Project (CIP) Compliance Date.** The Permittee's Capital Improvement Project (CIP) cycle begins on July 1<sup>st</sup> of each year. As indicated in Table 3, the first CIP cycle compliance date is July 1, 2006. Subsequent CIP compliance dates are July 1 of each year thereafter. If the CIP cycle date should change, the Permittee must notify the Department in writing within 7 days of the change. Any change in the permit-established CIP cycle date is considered by the Department as a minor permit modification under the provisions of OAR 340-045-0055.

**3. Stormwater Discharge Monitoring Plan (SDMP).** Upon issuance of this permit, the Permittee must:

- a. Submit the SDMP to the Department in accordance with the schedule provided in Table 3. The Department-approved SDMP must be implemented in accordance with the schedule provided in Table 3.
- b. For any public UIC discovered or identified during or after the system-wide assessment, the Permittee must incorporate the public UIC into the SDMP list of public UIC sampling sites for random selection before the first wet season after discovery or identification, unless the public UIC is decommissioned within one full CIP cycle, as defined in Schedule C.2, above, after discovery date. The discovery date shall be as follows:
  - i. Discovered during the system-wide assessment, discovery date is July 15, 2006; and
  - ii. For all UICs discovered after the system-wide assessment, the discovery date is annual UICMP report submittal date of each year in which the UIC is discovered.
- c. For any public UIC constructed after the date of permit, the public UIC must be incorporated into the list of public UICs, from which sample location are selected, before the first wet season after completion of construction.

**4. Monitoring Frequency.**

- a. For all Common Pollutants listed in Table 1 the Permittee must:
  - i. Sample at least 5 storm events distributed throughout the wet season, unless conditions beyond the reasonable control of the Permittee have occurred that prevent monitoring at least 5 storm events over the wet season. Conditions considered beyond the Permittee's reasonable control are provided in Schedule B.3; and
  - ii. In the event the Permittee does not sample 5 storm events over the wet season, the Permittee must discuss in the annual monitoring report the reason for sampling less than 5 storm events.
- b. For the Priority Pollutant Screen (PPS) pollutants listed in Table 1, the Permittee must sample at least

one storm event in the 1<sup>st</sup>, 4<sup>th</sup> and 9<sup>th</sup> years of the permit duration in accordance with the Department approved SDMP. To the extent practicable, the stormwater runoff must represent a first flush condition. If a first flush condition can not be sampled, then the stormwater runoff shall be as representative as possible to first flush conditions.

- c. Any change in sampling frequency, other than conditions beyond the reasonable control of the Permittee as described in Schedule B.3, must be in accordance with the permit modification requirements established in OAR 340-045-0055.

**5. UIC Management Plan (UICMP).**

- a. In accordance with Table 3, the Permittee must submit an Underground Injection Control Management Plan (UICMP) to the Department. The UICMP must comply with the conditions of Schedule D.10.
- b. In accordance with Table 3, the Permittee must review and update the UICMP during the 5<sup>th</sup> year of the permit duration. The updated UICMP must be submitted to the Department for approval. Prior to Department approval and if the update represents a major modification to the UICMP in accordance with OAR 340-045-0055, the public will be provided the opportunity to review and comment on the revised UICMP.
- c. For any public UIC discovered or identified during or after the system-wide assessment, the Permittee must:
  - i. Add the public UIC to the UIC database;
  - ii. Include the public UIC in the first quarterly UIC database report after the date of discovery or identification; and
  - iii. Add the public UIC to the Sampling Design Plan of the SDMP.

**6. UIC System-wide Assessment.** In accordance with the schedule in Table 3, the Permittee must submit to the Department a UIC system-wide inventory and assessment. The system-wide assessment shall meet the conditions established in Schedule D.8.

**7. Groundwater Monitoring.** The conditions under this section apply in the event the Permittee initiates groundwater monitoring related to construction, operation or closure of a public UIC, or in response to a permit condition.

- a. The groundwater compliance limits established in Table 1 shall apply.
- b. The Permittee shall submit a Groundwater Monitoring Plan (GMP) for Department approval and must receive Department approval before initiating a groundwater investigation under this permit. After submittal to the Department, the GMP may undergo public review and comment before Department approval.
- c. An exceedance of a groundwater compliance limit in Table 1 occurs when the concentration of a pollutant at the downgradient monitoring well is greater than concentration for that pollutant in the upgradient monitoring well.
- d. If a groundwater compliance concentration limit of Table 1 is exceeded, the Permittee must:
  - i. Conduct confirmation sampling within 30 days after receipt of the laboratory data showing an exceedance of a groundwater compliance concentration limit established in Table 3; and
  - ii. Upon confirmation of the exceedance, notify the Department in writing within 7 days after review of the confirmation laboratory data, but not exceeding 30 days after receipt of the data. The notification must include the following:
    - (1) The pollutant and exceedance concentration; and
    - (2) The confirmation sampling results.

- e. Unless the Permittee demonstrates to the Department's satisfaction within 90 days after written notification of the confirmed exceedance of the groundwater compliance limit is not a result of discharge from public UICs, the Permittee must implement OAR 340-040-0040. If the exceedance of the groundwater compliance limit is not caused by the Permittee's injection activities, no further action is necessary. It is the Permittee's responsibility to demonstrate an exceedance of a groundwater compliance limit is not caused by injection from a public UIC.
- f. In the event that a groundwater compliance concentration limit exceedance is caused by a public UIC, subsequent corrective actions shall be in accordance with OAR 340-040-0040 and OAR 340-040-0050.
- g. Unless the Permittee demonstrates with supporting data that the exceedance is not caused by the Permittee's injection activities, a confirmed exceedance of a groundwater compliance limit established in Table 1 is a permit violation.

**8. Priority Pollutant Screen Detection Response.**

- a. When a PPS pollutant is detected during a PPS sampling event, the Permittee must:
  - i. Notify the Department in accordance with the notification requirements of Schedule C.9;
  - ii. Initiate monitoring of the public UIC at which the PPS detection occurred and for the PPS pollutant(s) detected. The monitoring shall be at least 5 storm events over an entire wet season unless conditions occur beyond the reasonable control of the Permittee that prevents sampling 5 storm events; and
  - iii. Discuss in the annual monitoring report immediately following the detection:
    - (1) The PPS pollutant(s) detected;
    - (2) The location of the public UIC(s) at which the detection occurred;
    - (3) The nature of the land use and traffic volume surrounding the public UIC(s) at which the detection occurred;
    - (4) The source(s) or potential source(s) of the pollutant(s), if known; and
    - (5) Actions being taken by the Permittee.
- b. After sampling at least 5 storm events at the public UIC(s) at which a PPS pollutant(s) detection occurred, the Permittee must include in the annual monitoring report for the wet season being monitored the following:
  - i. A summary of the laboratory results for the 5 storm events sampled;
  - ii. The annual mean MADL concentration for the PPS pollutant(s) being monitored; and
  - iii. Based on the annual mean MADL concentration, discuss actions being taken in accordance with Table 4.
- c. In accordance with Table 4, the Permittee must initiate a compliance response action when a PPS pollutant annual mean MADL concentration is exceeded. The compliance response action shall be in accordance with Schedule C.10, below.

**9. Individual Storm Event MADL Exceedance.** For an individual storm event in which a MADL concentration is exceeded, the Permittee must notify the Department of the exceedance within 7 days after review, but not exceeding 30 days after receipt of the laboratory data. The written notification must include, at a minimum, the following:

- a. The pollutant of concern;
- b. The public UIC at which the exceedance occurred; and
- c. The potential source(s), if known.

**10. Compliance Response Action for Annual Mean MADL Exceedance.**

- a. If, at the end of a wet season monitoring period, an annual mean concentration for any MADL in Table 1 is exceeded, the Permittee must:
  - i. Implement a compliance response action to correct the exceedance within the first wet season following the exceedance;
  - ii. Notify the Department in writing within 7 days of determining exceedance of the annual mean MADL. The written notice must include the public UIC location, the pollutant, and the annual mean concentration; and
  - iii. Discuss following in the annual monitoring report of Schedule B.7 for the wet season in which the exceedance occurred:
    - (1) The location of the public UIC(s) where the pollutant occurred;
    - (2) The pollutant(s) of concern and the concentrations for the wet season monitored, including the annual mean MADL concentration; and
    - (3) The compliance response action proposed, being taken, or taken by the Permittee to correct the exceedance.
- b. If the annual mean concentration of any MADL in Table 1 is exceeded for two consecutive wet season, the Permittee must either decommission the public UIC or initiate a corrective action in accordance with Schedule C.12.g. to bring the annual mean MADL concentration into compliance with Permit conditions.

**11. Corrective Actions Plan.** In accordance with the compliance schedule in Table 3, the Permittee must submit to the Department for approval a Corrective Action Plan (CAP) that complies with the requirements of Schedule D.12.

- a. The Permittee must apply the appropriate corrective action selected from the Department-approved CAP, except for Category 1 public UICs as defined in Schedule D.11.
- b. The Permittee must:
  - i. Include in the CAP for Department approval a list of the top priority Category 2 non-compliant UICs; and
  - ii. Implement the proposed appropriate corrective action for each UIC selected from the CAP that during the July 1, 2007 CIP cycle.
- c. In accordance with the compliance schedule in Table 3, the Permittee shall review and update the CAP as needed. The Permittee must submit the revised CAP to the Department for review and approval. The Department may open the revised CAP for public review and comment in accordance with OAR 340-045-0055 prior to Department approval.

**12. Corrective Actions.**

- a. A corrective action must be implemented under the following conditions:
  - i. For public any UIC that is non-compliant as defined in Schedule F.5.gg,
  - ii. For public UICs that fail to meet permit conditions; or
  - iii. For public UICs within domestic, irrigation or public water well setbacks as defined in Schedule F.5.gg, the Permittee must demonstrate through monitoring data that the quality of stormwater discharged into the public UIC meets the annual mean MADLs specified in Table 1.
- b. Unless otherwise specified in this permit, or in writing by the Department, a non-compliant public UIC must be corrected within 3 full CIP cycles after the corrective action date listed below. All corrective action dates are based on the Permittee's annual CIP cycle as defined in Schedule C.2. For corrective action purposes, non-compliant public UICs are classified into four categories as defined Schedule

D.11. Corrective action dates are:

- i. Category 1 public UICs: Date is July 15, 2005.
- ii. Category 2 public UICs: Date is July 15, 2006.
- iii. Category 3 public UICs: Date is July 15 immediately following the annual report date for the reporting period in which non-compliant public UICs discovered.
- iv. Category 4 public UICs: Date is July 15 immediately following the wet season for compliance response monitoring.

c. Category 1 public UICs. The Permittee must:

- i. Submit to the Department, in accordance with the compliance schedule in Table 3, the following:
  - (1) A brief description of each non-compliant public UIC and the non-compliant condition;
  - (2) A prioritized list of the non-compliant public UICs. The prioritization shall rank the public UICs from greatest to least potential risk of endangerment to the environment or public health;
  - (3) A subset of the prioritized public UICs that present the greatest risk of endangerment to the environment or human health; and
  - (4) An implementation schedule to correct the non-compliant public UICs.
  - (5) The prioritized subset must be corrected within the first full CIP cycle after permit issuance;
- ii. Corrective actions for all Category 1 non-compliant public UICs must be completed in accordance with the schedule in Table 3; and
- iii. Corrective actions for Category 1 public UICs must be approved by the Department until the CAP is approved, then the Permittee may apply the appropriate corrective action from the CAP to the remaining Category 1 public UICs.

d. Category 2 public UICs. The Permittee must:

- i. Submit to the Department with the system-wide assessment report a prioritized list of all non-compliant public UICs discovered or identified during the system-wide assessment. The prioritization shall rank the public UICs from greatest to least potential risk of endangerment to the environment or to human health. The list shall also include:
  - (1) A brief description of the non-compliant public UIC;
  - (2) The location of each non-compliant public UIC;
  - (3) The nature of the non-compliant condition; and
  - (4) The type of traffic volume and land use activities for the non-compliant public UIC.
- ii. The Permittee shall complete corrective action within the first CIP cycle year after the implementation date in accordance with Schedule C.12.b.ii that the Department deems as the highest priority.

e. Category 3 public UICs. The Permittee must:

- i. Notify the Department in writing within 30 days after discovery or after identification. The notification shall include:
  - (1) A brief description of the non-compliant public UIC;
  - (2) The location of each non-compliant public UIC;
  - (3) The nature of the non-compliant condition; and
  - (4) The type of traffic volume and land use activities for the non-compliant public UIC; and
- ii. In the annual UICMP report immediately following discovery of the non-compliant public UIC, the Permittee must:
  - (1) Identify an appropriate corrective action selected from the Department-approved CAP; and

- (2) Provide an implementation schedule. The Department may deem the non-compliant public UIC as a high risk for endangerment to the environment or to human health and may require a completion date other than proposed by the Permittee.
- f. Category 4 public UICs. The Permittee must:
  - i. Complete the corrective action within 3 full CIP cycles after the annual mean MADL exceedance that triggers the corrective action; and
  - ii. Comply with the reporting requirements of Schedule B.7.k.
- g. For a corrective action that may take more than 3 full CIP cycles to complete after the corrective action has been triggered, the Permittee must request in writing an extension from the Department. The Department may grant the Permittee an extension up to one full year beyond the CIP cycle-based completion date without a permit modification. If the corrective action requires more than one full year to complete beyond the original 3-year period, the Permittee must apply for a permit modification or request a Department issued order. Any corrective action approved by the Department under a permit modification must be completed within the Department-approved completion schedule and shall not extend beyond the original permit expiration date. A corrective action extension request must provide the following before the Department consider a corrective action time extension:
  - i. A description of the corrective action;
  - ii. A description of the non-compliant public UIC injection system or systems and the nature of the non-compliant condition;
  - iii. A detailed justification for the extension; and
  - iv. An implementation schedule and completion date.
- h. If a regional corrective action is necessary or the nature of the corrective action requires more than 3 full CIP cycles to complete, the Permittee may apply for a permit modification under OAR 340-045-0055 to address the regional corrective action, or the Department may issue a Department Order. For a permit modification, the Permittee must provide the following information for the non-compliant public UICs:
  - i. A description, including map, of the boundary area for the proposed regional corrective action;
  - ii. A discussion of the reason for the regional corrective action;
  - iii. Identification of the public UICs that require a regional corrective action, including:
    - (1) The number of public UICs requiring corrective action;
    - (2) The Permittee's public UIC identification number; and
    - (3) The Department's public UIC identification number for each public UIC;
  - iv. A feasibility analysis including available technologies for corrective action, cost effectiveness, determination of highest and best practicable methods that protect the resource, public health and the environment;
  - v. The selected technology or technologies, as appropriate; and
  - vi. An implementation and completion schedule.
- i. Any regional corrective action under a permit modification must be completed within the original permit duration period. If a regional corrective action can not be completed within the permit duration period, the Permittee may:
  - i. Apply for a new permit to incorporate the regional corrective action and change the permit expiration date, or
  - ii. Request the Department to issue a Departmental Order as a separate corrective action from this permit.

**13. Motor vehicle floor drains.** In accordance with OAR 340-044-0015(2)(e), motor vehicle floor drains that discharge to public UICs or directly to the subsurface are prohibited. The Permittee must:

- a. Notify the Department in writing within 7 days after discovery or identification of a motor vehicle floor drain which discharge fluids to public UICs or directly to the subsurface. If the discovery/identification occurs during the system-wide assessment, the written notification may be the System-wide Assessment Report. Include the following in the notification:
    - i. The location of the motor vehicle floor drain and the type of facility where the drain is located; and
    - ii. A closure schedule. Closure must be completed within one full CIP cycle after the date of discovery.
  - b. Submit a Pre-Closure Notice to the Department at least 30-days prior to closure.
  - c. Close the motor vehicle drain within the first full CIP cycle after discovery/identification, as defined in Schedule C.2, and in accordance with the Department-approved UIC Decommissioning Plan.
  - d. Summarize the decommissioning in the annual UICMP report of Schedule D.15 for the period in which the decommissioning occurred.
- 14. Non-motor vehicle floor drains.** In accordance with the compliance schedule in Table 3, the Permittee must complete an assessment of non-motor vehicle floor drains that discharge to a public UIC or the subsurface. It is the Permittee's responsibility to demonstrate that the non-motor vehicle floor drain does not or may not cause, or potentially cause, an endangerment to the environment or to human health. Non-compliant non-motor vehicle floor drains must be decommissioned within 3 full CIP cycles after discovery/identification of the non-compliant condition. Discovery date shall be the non-motor vehicle assessment compliance date of Table 3.
- 15. Failure to Correct.** If the Permittee fails to comply with the Department-approved compliance response or corrective action in accordance with the conditions this permit, the Permittee fails to comply with the conditions of Schedule F.1. The Permittee must, within the time limit specified in the Department's written notice, issued under the provisions of OAR 340-012, either bring the injection system into compliance or decommission the injection system. Enforcement of these conditions shall be in accordance with OAR 340-012.
- 16. UIC Registration and Reporting.** In accordance with the compliance schedule in Table 3, the Permittee must submit to the Department its UIC registration database. On the first day of each quarter thereafter, the Permittee must submit quarterly updates to the Department.
- 17. UIC Closure, Decommissioning or Abandonment.** The Permittee must submit a UIC Closure, Decommissioning and Abandonment Plan (Decommissioning Plan) in accordance with the compliance schedule in Table 3. The Permittee must implement and comply with the conditions of the Decommissioning Plan upon Department approval of the plan.
- 18. Records Retention and access.** In accordance with Schedule F.3, the Permittee shall:
- a. Retain all records under this permit in accordance with Schedule F.3 from the date of record generation.
  - b. Upon Department request, produce records generated under this permit.
- 19. Monitoring Reports.** Annual monitoring reports must be submitted to the Department in accordance with the compliance schedule in Table 3.
- 20. Annual UICMP Reports.**
- a. Annual UICMP reports must be submitted to the Department in accordance with the compliance schedule in Table 3.

- b. For any public UIC discovered or identified during or after the system-wide assessment, the Permittee must summarize the public UIC in the annual UICMP report for the period in which the discovery or identification was made.
- c. In each annual UICMP report until all Category 2 non-compliant public UICs are corrected, identify the Category 2 non-compliant public UICs and appropriate corrective action selected from the CAP. The Department may amend the corrective action.

**21. Department Inspections and Audits.** The Permittee must provide access to its public UICs during either an announced or unannounced inspection or audit of the Permittee’s injection systems or UIC program or both.

<b>TABLE 3 Major Permit Compliance Dates</b>	
<b>Compliance Date</b>	<b>Compliance Action</b>
July 15, 2005	Submit to Department a prioritized list of known non-compliant public UICs at time of permit issuance and a corrective action schedule for Department approval; initiate corrective actions upon Department approval.
	Initiate corrective actions on 1st set of Category 1 non-compliant public UICs.
	Submit the Stormwater Discharge Monitoring Plan.
September 1, 2005	Submit UIC database; submit subsequent quarterly updates on the first day of each quarter thereafter with 1 <sup>st</sup> quarter update on December 1, 2005.
October 1, 2005	Implement Department-approved Stormwater Discharge Monitoring Plan. Monitor each wet season (October 1 - May 31), thereafter.
November 1, 2005	Submit UIC Closure, Decommissioning and Abandonment Plan.
July 15, 2006	Submit the System-wide Assessment.
	Submit the Corrective Action Plan; Implement CAP upon Department approval.
	Complete corrective actions for 1st set of prioritized Category 1 non-compliant public UICs.
	Initiate corrective actions on 2nd set of Category 1 non-compliant public UICs.
	Submit first annual SDMP monitoring report; submit annual by each July 15, thereafter.
December 1, 2006	Submit first Annual UICMP report; submit subsequent annual UICMP reports on November 1 each year, thereafter.
July 15, 2007	Complete corrective action on 2 <sup>nd</sup> set of prioritized Category 1 non-compliant public UICs.
	Initiate corrective action 1 <sup>st</sup> set of prioritized Category 2 non-compliant UICs.
July 15, 2008	Complete corrective actions for all remaining Category 1 non-compliant public UICs.
	Complete Corrective action on 1st set of prioritized Category 2 non-compliant public UICs.
	Initiate corrective action on 2 <sup>nd</sup> prioritized set of Category 2 non-compliant public UICs.
July 15, 2009	Submit inventory of all non-motor vehicle floor drains that discharge to a public UIC or the subsurface.
	Complete corrective actions on 2nd set of Category 2 non-compliant public UICs.
	Initiate corrective action on all remaining Category 2 non-compliant public UICs.
November 1, 2010	Submit the updated Corrective Action Plan.
	Complete corrective actions on all remaining Category 2 non-compliant public UICs.
	Submit the UICMP update; implement upon Department approval.
November 30, 2014	Submit to Department UIC WPCF Permit renewal application
May 31, 2015	Permit expires.

<b>Table 4</b>	
<b>Priority Pollutant Screen Compliance Actions</b>	
<b>Annual Mean Concentration Action Level</b>	<b>Compliance Response Action</b>
$\leq 50\%$ MADL	No further action. Return to normal PPS sampling frequency of Schedule C.3.b.
$> 50\%$ MADL, but $<$ MADL	Continue monitoring UIC at frequency of 5 sampling events per wet season, or request permit modification to return to normal PPS sampling frequency of Schedule C.3.b.
$\geq$ MADL	Implement compliance response in accordance with Schedule C.6.e

**SCHEDULE D  
SPECIAL CONDITIONS**

1. **General.** This schedule provides the special conditions applicable to this permit, unless otherwise approved in writing by the Department. The conditions of this schedule apply only to public UICs. In accordance with Schedule F.1, failure to comply with any condition established in this schedule is a permit violation.
2. **Legal Authority.** The Permittee must maintain, through ordinance or other means, adequate legal authority to implement and enforce the provisions of this permit. The legal authority must enable the Permittee, at a minimum, to:
  - a. Implement the Department-approved SDMP and UICMP;
  - b. Limit or terminate a stormwater discharge to a public UIC;
  - c. Prohibit discharge to a public UIC from privately owned properties or facilities that may cause a violation of the conditions of this permit;
  - d. Implement the highest and best practicable methods in accordance with OAR 340-040-0020(11) to protect groundwater quality by reducing or eliminating the movement of pollutants carried in stormwater runoff to groundwater via a public UIC;
  - e. Identify the legal and administrative procedures available to mandate compliance with the conditions of this permit and in ordinances, permits, contracts or orders that involve the discharge of fluids to a public UIC;
  - f. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with the conditions of this permit; and
  - g. If the Permittee does not have legal authority to comply with any permit condition, then the Permittee must, by July 15, 2005, submit to the Department for review and approval a schedule with milestones to attempt to gain said authority.
3. **Permit Compliance and Schedule Changes.** Any change to permit conditions, unless otherwise specified in the permit, constitutes a permit modification and is subject to the provisions of OAR 340-045-0055.
4. **Permit Compliance with Regulations.** The Permittee must comply with the following regulations, as applicable:
  - a. Provisions of Oregon Administrative Rules (OAR), Chapter 340, Division 44, "Construction and Use of Waste Disposal Wells or Other Underground Injection Activities (Underground Injection Control), and OAR Chapter 340, Division 40, "Groundwater Quality Protection" which provide state groundwater quality protection, that are not specifically addressed within this permit either expressly or by reference;
  - b. Provisions of 40 CFR Parts 136 and 141 as they pertain to sample collection, and analytical methods for pollutants listed in this permit or which may be added to the permit under Schedule A.3 or Schedule A.4 of this permit; and
  - c. Provisions of 40 CFR Parts 141, 144, and 146 as applicable and not specifically addressed within the permit either expressly or by reference.
5. **Permittee Personnel Responsible for Permit.**
  - a. The Permittee must identify key personnel responsible for establishing and maintaining compliance with this permit or any part of the permit. The identification must include:

- i. Employee's name, Bureau within the City, contact phone number and e-mail address; and
    - ii. Area of responsibility.
  - b. The Permittee must notify the Department in the annual UICMP of Schedule D.14 of any changes in key personnel or areas of responsibility.
- 6. New and Existing Public UICs.**
  - a. New public UICs must not occur where any other treatment or disposal method that affords better protection of public health or water resources is available. For all new public UICs, the Permittee must demonstrate that all other methods of stormwater disposal have been evaluated and are a reasonable alternative to underground injection. New public UICs installed within the Permittee's Combined Sewer (CSO) area prior to December 1, 2011 and which are in conformance with the locational criteria set forth in the Permittee's Final CSO Management Plan (December 1994) as approved by the EQC in its Amended Stipulated and Final Order No. WQ-NWR-91-75 Multnomah County MW\WC12\WC12721.5 (Amended Order) on April 14, 1995 are exempt from this permit condition. This exemption for new public UICs within the CSO area expires on December 1, 2011.
  - b. New public UICs must comply with the conditions of Schedule A.3 at all times.
  - c. Existing and new underground injection systems must comply with the Department-approved UICMP.
- 7. Incorporation of Rule Authorized Public UICs.** Public UICs that meet the requirements for authorization by rule under OAR 340-044-0018 are herein incorporated by reference into this permit and must comply with permit conditions.
- 8. System-wide Assessment.** The Permittee must perform a system-wide assessment for all public UICs, motor vehicle floor drains that discharge to any public UIC and non-motor vehicle floor drains that discharge to any public UIC. The system-wide assessment must comply with the requirements of OAR 340-044-0018(3)(b) and this permit. In addition to the requirements of OAR 340-044-0018(3)(b), the system-wide assessment must include, at a minimum, the conditions listed below.
  - a. An inventory of all public UICs that receive stormwater or other fluids from:
    - i. Industrial and commercial properties, that store, handle or use hazardous and/or toxic materials in quantities that require registration under the federal Superfund Amendment and Reauthorization Act (SARA) Title III;
    - ii. Facilities that have Department issued NPDES 1200Z permits that may discharge to public UICs; and
    - iii. Industrial and commercial properties that have site activities where those activities may result in a direct or indirect discharge of pollutants to a Permittee owned or operated public UIC(s) that may cause a violation of conditions of this permit.
  - b. An inventory of Permittee-owned motor vehicle maintenance floor drains, fire station bay drains and indoor parking facilities that discharge to any public UIC or directly to the subsurface. Motor vehicle floor drains that discharge to any Permittee-owned public UIC are expressly prohibited under OAR340-044-0015(2)(e). When motor vehicle drains are discovered or identified, the Permittee must comply with Schedule C.13. The inventory must include:
    - i. The location of the motor vehicle floor drain, including latitude and longitude;
    - ii. The location of the receiving public UIC injection system;
    - iii. The Permittee's identification number for each motor vehicle floor drain and receiving public UIC injection system; and
    - iv. The type or nature of pollutants discharged to the motor vehicle floor drain.
- 9. Non-motor Vehicle Floor Drain Assessment.** The Permittee must conduct an inventory of Permittee-

owned non-motor vehicle maintenance floor drains that discharge to any public UIC injection systems. The inventory must include:

- a. The location of the non-motor vehicle floor drain, including latitude and longitude for each floor drain;
- b. Location of the receiving public UIC injection system;
- c. The Permittee's identification number for the non-motor vehicle floor drain;
- d. A description of potential groundwater endangerment conditions;
- e. A description of protective measures to prevent accidental spills or unauthorized discharges to the non-motor vehicle floor drain; and
- f. A description of any corrective action, if such action is necessary to protect the groundwater resource.

**10. UIC Management Plan (UICMP).** The Permittee must prepare a UICMP and submit the plan to the Department for approval. After submittal to the Department, the UICMP must undergo public review and comment before Department approval. Upon Department approval, the UICMP shall become an enforceable part of this permit. The UICMP identifies Best Management Practices (BMPs), which include structural and non-structural controls that pretreat stormwater prior to discharge into a public UIC. The Permittee may implement, with written Department approval, other institutional, structural and non-structural BMPs to meet permit conditions. The Permittee must identify and discuss in the UICMP the structural, non-structural and institutional controls that will be employed by the Permittee to meet permit conditions. The UICMP must include the permit conditions listed below.

- a. A UIC Registration Database. that meets the following conditions:
  - i. The Permittee must maintain a UIC Registration Database for all public UICs. The database must be comprehensive and retains all historic, present and future public UICs. At a minimum, the database must include all information fields on the Department's UIC registration form;
  - ii. The data be made available to the public upon request;
  - iii. The Permittee must identify all public UICs registered since the previous quarterly submittal to the Department;
  - iv. The Permittee must comply with the database reporting requirements of Table 3. The submittals must be in an electronic format compatible with the Department's UIC database; and
  - v. The Permittee must provide documentation, upon Department request, that supports public UIC registrations or data entries in the UIC database.
- b. Operations and Maintenance (O&M) Plan. The Permittee must develop an O&M plan for its public UICs, or amend its NPDES MS4 O&M plan to incorporate public UIC maintenance, to effectively manage public UICs. The O&M plan must be designed and implemented in a manner that maximizes the effectiveness of the BMPs to meet the conditions of this permit. In the O&M Plan, the Permittee must:
  - i. Provide documentation that support maintenance intervals based on traffic volume and patterns to track sediment levels and implement cleaning schedules accordingly to remove the accumulated sediment;
  - ii. Provide maintenance and inspection protocols; and
  - iii. Provide standardized maintenance and inspection logs to record maintenance activities.
- c. BMP Monitoring Program. The Permittee must include a BMP monitoring program. BMP performance is dependent upon effective public UIC maintenance. Therefore, the BMP monitoring program may be a part of the O&M Plan. The BMP monitoring Program shall be on-going for the duration of the permit. The BMP monitoring program must:
  - i. Evaluate the effectiveness of BMPs prior to the discharge of fluids into a public UIC to meet the

- discharge limits established in Table 1;
  - ii. Be designed to assess the effectiveness and limitations of applying a range of structural and non-structural BMPS in accordance with the conditions established in Table 2 and the various settings that occur throughout the City of Portland;
  - iii. Provide protocols for monitoring and testing BMPs. These protocols may be linked to the SDMP of Schedule B; and
  - iv. Provide BMP monitoring results in the annual UICMP reports.
- d. Employee Training and Public Education. Employee Training and Public Education program must be developed and implemented to educate Permittee's personnel and the public of the conditions and requirements of this permit. The Permittee must:
- i. Include an implementation schedule to educate other Permittee bureaus of the permit requirements; and
  - ii. In each annual report:
    - (1) List the locations, times and groups which received training and UIC education;
    - (2) Discuss the topics covered in the training;
    - (3) Maintain a list of attendees; and
    - (4) Maintain a list of the dates upon which training occurred.
- e. Spill Prevention and Pollution Control (SPPC) Plan. The Permittee must have a Spill Prevention and Pollution Control (SPPC) Plan in accordance with OAR 340-044-0018(3)(b)(C)(ii). The Permittee may amend its existing NPDES MS4 SPPC plan to incorporate public UICs to meet this requirement. The SPPCP must provide the protocols and procedures for emergency response to spills, fires or other emergency circumstances where pollutants may enter a public UIC.
- f. Abandonment, Decommissioning or Alteration of Public UIC Injection Systems Plan. The Permittee must develop and implement a plan for the abandonment, decommissioning or alteration of public UICs. The plan must be consistent with OAR 340-044-0040 and Department guidance for the abandonment, decommissioning and alteration of public UICs.
- g. The UICMP must meet the requirements of OAR 340-044-0018(3)(b)(C).
- h. The UICMP must be re-evaluated and updated in accordance with Schedule C.5.b. The re-evaluation must:
- i. Assess UICMP effectiveness;
  - ii. Include all UICMP minor modification made and reported in previous annual reports submitted to the Department;
  - iii. Provide recommendations for mid-permit UICMP modification as necessary to protect groundwater quality during discharges from public UICs; and
  - iv. Major modifications the UICMP as a result of the re-evaluation will require a public comment period.
- i. It is the Permittee's responsibility to demonstrate the effectiveness of the BMPS to protect the environment and public health. The Permittee may implement with Department approval other institutional, structural and non-structural BMPs, as appropriate, to meet permit conditions.

**11. Non-compliant Public UICs.** A public UIC is non-compliant if it fails to meet the conditions of this permit or meets the definition in Schedule F.5.gg. Non-compliant public UICs are classified into 4 categories as listed below. Identification and prioritization of non-compliant public UICs shall be based on these categories, and subsequent corrective actions shall be identified by the categories listed below.

- a. Category 1: Public UICs known to be non-compliant upon date of permit issuance;
- b. Category 2: Public UICs discovered as non-compliant during the system-wide assessment;
- c. Category 3: Public UICs discovered as non-compliant after completion of the system-wide assessment;

and

- d. Category 4: Public UICs that become non-compliant by failing to meet the annual mean MADL in Table 1 within one wet season after the exceedance or fails to satisfy any groundwater protection conditions of Schedule A.

**12. Corrective Action Plan.** The Permittee must prepare and submit to the Department a Corrective Action Plan (CAP) for non-compliant public UICs, or injection activities that fail to satisfy the groundwater protection conditions of Schedule A, except for Category 1 non-compliant public UICs, which are covered under Schedule C.12. Any corrective action technology or BMP must comply with the provisions of OAR 340-040-0020(11). The CAP shall provide details of each corrective action. After submittal to the Department and prior to Department approval, the CAP may be provided to the public for review and comment in accordance with OAR 340-045-0055. Upon Department approval, the corrective actions in the CAP shall become an enforceable part of the permit.

- a. The Permittee shall provide the following in the CAP:
  - i. Discuss the protocols and methods the Permittee will use to evaluate and select the appropriate corrective action for a non-compliant public UIC condition;
  - ii. Discuss the criteria and methodology the Permittee will use to prioritize non-compliant public UICs for corrective actions;
  - iii. Discuss each corrective action technology or BMP listed in the CAP, including but not limited to:
    - (1) BMPs from the Permittee's Stormwater Management Manual may be utilized as corrective actions. The Stormwater Management Manual, which the Permittee updates bi-annually, shall be the current version at the time the corrective action is selected;
    - (2) Effective structural corrective actions not addressed in the Permittee's Stormwater Management Manual; and
    - (3) Other corrective actions, as appropriate, including closing the public UIC;
  - iv. Demonstrate the corrective actions listed in the CAP meet the requirements of OAR 340-040-0020(11) for highest and best technology; and
  - v. Discuss the process to evaluate other corrective action(s) which may not be listed in the Department-approved CAP when the approved CAP corrective actions may not be appropriate. Corrective actions not listed in the CAP must meet the condition of Schedule D.11, below.
- b. Under the conditions of a minor permit modification in OAR 340-045-0055, the Permittee may amend the CAP to include other effective corrective action technologies or BMPs any time during the permit duration, provided the amendment is approved in writing by the Department. Any corrective action technology or BMP added to the CAP must meet the conditions of OAR 340-040-0020(11) and be approved by the Department.
- c. Discuss the criteria and conditions when "No Further Action" (NFA) may be an appropriate corrective action response for a non-compliant condition. NFA decisions shall be on a case-by-cases basis. NFAs must be approved in writing by the Department. Any request to the Department for NFA consideration must include the following information:
  - i. The category and nature of the non-compliant condition as defined in Schedule D.11;
  - ii. All laboratory data pertinent to the non-compliant public UIC;
  - iii. All analyses upon which the Permittee basis its request for a NFA determination; and
  - iv. Any other scientifically valid data, including published literature, used by the Permittee to develop its NFA determination request.

**13. Corrective Actions.**

- a. The Permittee must undertake a corrective action for each public UIC that is non-compliant as defined in Schedule D.11.

- b. Corrective actions must be selected from the Department-approved CAP, unless corrective actions are initiated before the CAP has received Department approval.
- c. For corrective actions undertaken by the Permittee before the CAP is approved by the Department, or a corrective action in the Department-approved CAP is not appropriate for the non-compliant condition, the Permittee must:
  - i. Provide to the Department the corrective action the Permittee intends to implement;
  - ii. The nature of the non-compliant condition the corrective action is intended to correct;
  - iii. The noncompliant public UICs where the corrective action is to be applied;
  - iv. Documentation to demonstrate effectiveness of the corrective action BMP to correct the non-compliant condition; and
  - v. Have Department written approval for the corrective action BMP before implementing the action.
- d. After CAP approval by the Department, the Permittee may select and implement the appropriate corrective action from the CAP.
- e. The Permittee may exclude any public UIC authorized by this permit from the non-compliant conditions for domestic well or public water system well setbacks, if the Permittee demonstrate any of the following conditions are met, and the Department concurs in writing with the exclusion. The Permittee must demonstrate:
  - i. The stormwater is pre-treated prior to discharge to the public UIC to meet limits established in Table 1; and/or
  - ii. Irrigation wells can not be used as a drinking water supply source through enforceable ordinance, plumbing code or other legal process.

**14. Records Retention.** The Permittee must retain all records in accordance with Schedule F.1.k.

**15. Annual UICMP Report.** The Permittee must submit to the Department each year of the permit duration a UIC system management report in accordance with the conditions of Schedule C.20 and Table 3. The annual UICMP report must include the following:

- a. Provide a summary of the UIC system management for the reporting period, including:
  - i. Unusual conditions encountered;
  - ii. Permit violations that may have occurred;
  - iii. Corrective actions taken to prevent further permit violations;
  - iv. Other corrective actions taken or initiated;
  - v. An updated prioritized list of non-compliant public UICs with implementation and completion schedules;
  - vi. Minor and/or major permit modifications (if applicable);
  - vii. Any part of the Permittee's public UIC system placed under a Department Order for a regional corrective action and the nature of the Department Order (if applicable); and
  - viii. Any other relevant information to the operation of the public UIC system or groundwater protection as related to this permit;
- b. Provide a brief overview summary of the monitoring results provided in the annual monitoring report for the reporting period;
- c. A summary of maintenance activities and supporting data, including but not limited to:
  - i. BMP performance that demonstrates maintenance effectiveness;
  - ii. Number of UICs, sediment manholes and catch basins cleaned;
  - iii. Types of repairs that occurred;
  - iv. Updates to the maintenance schedules and procedures; and
  - v. Results that demonstrate compliance with Schedule D.10.b.i.

- d. The status of implementing the UICMP and each of its components;
- e. A discussion of any compliance response action taken during the reporting period;
- f. A discussion of any proposed changes to the UICMP or its components;
- g. Include a comparison of the data to data from previous annual reporting periods;
- h. A summary of BMPs implemented during the annual reporting period and the results of those BMPs and a description of BMPs to be employed during the next reporting year;
- i. A demonstration of continued legal authority to implement the UICMP;
- j. A discussion of significant land use changes that alters traffic volume, patterns of potential pollutants to a Permittee owned or operated public UIC. If the affected public UIC is a permanent trend monitoring point, then the Permittee must discuss the impact to the trend analyses and identify, for Department approval, a replacement public UIC for trend analysis;
- k. A list of newly constructed or discovered public UICs during the reporting period, including:
  - i. The Permittee's public UIC Identification number;
  - ii. The type of public UIC by EPA classification;
  - iii. The condition and construction of the public UIC;
  - iv. Type of pre-treatment, if any;
  - v. Its location; and
  - vi. The traffic volume and pattern in accordance with Table 2;.
- l. A summary and analysis of BMP monitoring accumulated during the annual reporting period, including:
  - i. Type of BMP(s) evaluated;
  - ii. Location, traffic type and volume, and nature of land use for the estimated drainage basin; and
  - iii. Conclusions regarding BMP performance;
- m. In each annual UICMP report until all corrective actions for all non-compliant public UICs are completed, provide a prioritized list of all non-compliant public UICs by category. Include a prioritized subset of the non-compliant public UICs that must be corrected during the CIP year. The prioritized subset must include:
  - (1) The appropriate corrective action determined from the CAP for the non-compliant public UIC;
  - (2) The proposed implementation date; and
  - (3) The completion date;
  - ii. Identify, by category, the highest priority subsets from the prioritized list from Schedule C.12;
  - iii. Discuss, by category, the corrective actions completed;
  - iv. Discuss, by category, on-going corrective actions;
  - v. Identify and discuss, by category, those public UICs in which corrective actions were not completed in accordance with:
    - (1) Table 3;
    - (2) Schedule C.12; and
    - (3) Other completion schedules approved by the Department, if applicable;
  - vi. Identify, by category, the public UICs in which corrective actions will be initiated during the CIP cycle (as defined in Schedule C.2) for the next reporting period; and

- vii. Provide a brief summary of Category 4 corrective actions discussed in the Annual Monitoring report for the reporting period; and
  
- n. Any other information, finding, condition, spills and/or action that is relevant to the management of the Permittee's public UICs or groundwater protection during operation of the public UICs.

**SCHEDULE F  
GENERAL CONDITIONS**

**1. Standard Conditions.**

- a. **Duty to Comply.** The Permittee must comply with all conditions of this permit. Failure to comply is a violation of Oregon Revised Statutes (ORS) 468B.025 and grounds for enforcement action; permit revocation; suspension or modification of the permit; or denial of a permit renewal.
- b. **Penalties for Violations of Permit Conditions.** ORS 468.140 allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. In addition, the commission of the offense of unlawful water pollution in the second degree with criminal negligence violates ORS chapter 468B or any rule, standard, license, permit or order adopted or issued under ORS chapter 468B. Subject to OAR 468.946, unlawful water pollution of the first degree is a Class B felony. Subject to ORS 153.022, and ORS 468.943, unlawful water pollution in the second degree is punishable by a fine of up to \$25,000 or imprisonment for not more than one year, or both. Under ORS 468.941 and ORS 468.949, notwithstanding ORS 161.067, each day of violation constitutes a separate offense.
- c. **Duty to Mitigate.** The Permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the Permittee must correct any adverse impact on the environment or human health 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 the Permittee wishes to continue the discharge of stormwater regulated by this permit after the permit expiration date, the Permittee must apply for and have the permit renewed. In accordance with OAR 340-045-0040(1), the application must be submitted at least 60 days before the expiration date of this permit. The Director may grant permission to submit an application less than 60 days in advance of the permit expiration date. The Director will not grant permission for a renewal application to be submitted later than the expiration date of the existing permit.
- e. **Permit Actions.** A filing of a request by the Permittee for a permit modification or a notification of planned changes or anticipated noncompliance does not stay any permit condition. The permit may be modified, suspended, revoked and reissued, or terminated for cause including, but not limited to, the following:
  - i. 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;
  - ii. Misrepresentation. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
  - iii. Change of condition. A change of any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- f. **Reference to Federal Law.** Underground Injection Control (UIC) is a federal program under the federal Safe Drinking Water Act (SDWA). Federal regulations governing or applicable to the UIC program are covered in 40 CFR Parts 136, 141, 144, and 146, which are administered by the U.S. Environmental Protection Agency. In Oregon, the UIC Program is administered by the Oregon Department of Environmental Quality (Department) through Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), which meet the requirements of federal the regulations for the federal UIC program. This permit is issued pursuant to OAR Chapter 340, Division 44 (revised and adopted by the Environmental Quality Commission in September 2001), OAR Chapter 340, Division 40 and OAR Chapter 340, Division 45. In implementing the State UIC Program, the Department requires compliance with applicable State statutory laws and administrative rules applicable to the UIC program and Department issued WPCF permits.

- g. **Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges.
- h. **Permit Reference.** All rules and statutes referred to in this permit are those in effect on the date this permit is issued, unless the permit has been modified as provided in OAR 340-045-0055 to incorporate the new provisions.
- i. **Penalties of False Information.** Under ORS 486.953, any person who supplies false information to the Department commits a Class C felony. Under OAR 340-012-0082(h), knowingly providing the Department with false information is a Class 1 violation. Providing the Department with false information includes the following:
  - 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 (a) of this subsection; or
  - iv. Alters, conceals or fails to file or maintain any document described in paragraph (a) of this subsection 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.
- j. **Duty to Provide Information.** Upon written demand by the Department, the Permittee must provide the Department with records required under the permit and any other information relating to permit compliance. These records and other information must be provided within the period specified in the written demand. The Permittee also must inform the Department in writing if it becomes aware that it has failed to submit to the Department required information or has submitted incorrect or incomplete information to the Department. The Permittee must supply the additional or corrected information as soon as possible.
- k. **Retention of Records.** The Permittee must retain records of all monitoring and maintenance information, including all field notes, calibration and maintenance records, and 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, for a period of at least ten (10) years from the date of the sample, measurement, report, or application. The Permittee must make the records available to the Department upon request

## 2. Operation and Maintenance.

- a. **Proper Operation and Maintenance.** The Permittee must at all times properly operate and maintain all public UICs to achieve compliance with the conditions of this permit.
- b. **Removed Substances.** The Permittee shall dispose or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to a public UIC shall be in accordance with 40 CFR 144.82(b).

## 3. Monitoring Requirements.

- a. **Representative Sampling.** Sampling and measurements taken as required herein must be representative of the monitored activity. All samples must be taken at the monitoring points specified in this permit. Monitoring points must comply with the Department-approved Monitoring Plan, Sampling Analysis Plan and Quality Assurance Plan for this permit. Monitoring points must not be changed without prior written notification to and written approval from the Department.

- b. **Monitoring Procedures.** Monitoring stormwater discharge and groundwater must be in accordance with the following:
  - i. Stormwater Discharge. Monitoring must be conducted in accordance with EPA approved test methods as determined by EPA SW-846 methods, standard of industry practices, or use of best available technology that has been validated and demonstrated that it is appropriate for the intended use of the data; and
  - ii. Groundwater. Monitoring must be conducted according to EPA test methods under 40 CFR Parts 136 and 141.
- c. **Records Contents.** Records of monitoring information must 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; and
  - vi. The results of such analyses.
- d. **Inspection and Entry.** The Permittee must allow the Department or an authorized representative upon presentation of credentials, to:
  - i. 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;
  - ii. Access and copy at reasonable times any records that must be kept under the conditions of this permit;
  - iii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - iv. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by State law, any substances or parameters at any location within a public UIC.

#### 4. Reporting Requirements.

- a. **Anticipated Violations.** The Permittee must give advance notice to the Department of any planned changes in the permitted facilities or activities that may result in violations of permit requirements.
- b. **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 the rules of the Commission. No permit shall be transferred to a third party without prior written approval from the Director or Director's designated representative. The Permittee must notify the Department when a transfer of property interest takes place.
- c. **Compliance Schedule.** The Permittee must make compliance reports on all interim and final requirements contained in any compliance or implementation schedule included in this permit. The reports must be submitted no later than 14 days following each schedule date. The reports must explain the cause of any noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.
- d. **Other Violations.** The Permittee must report all instances of exceedance of permit established limits in the monitoring report for the period covering the exceedance, and report all permit violations, or non-compliance with permit conditions which occurred during a permit established reporting period in the annual UIC Management Plan report for that period. The reports must contain:
  - i. A description of the violation or noncompliance and its cause;
  - ii. The period of violation or noncompliance;
  - iii. The estimated time the violation or noncompliance is expected to continue if it has not been

- corrected; and
- iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the violation or noncompliance.
- e. **Signatory Requirements.** All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR §144.32.
5. **Definitions.** Unless context clearly indicates otherwise, the terms used in this permit have the meanings set out below, in OAR 340-040-0010, OAR 340-044-0010, or 40 CFR 144.3. In the event of a conflict, the definitions in the permit control over the definitions in state rules or federal regulations.
- a. **Background groundwater quality** means the quality of the water immediately upgradient from a current or potential source of pollution that is unaffected by the source based on either a permit-established concentration limit variance or the laboratory minimum reporting limit (MRL), provided the MRL is 1/10<sup>th</sup> of the US EPA Region 9 Preliminary Remediation Goal for Tap Water for the pollutant of concern. For the purpose of groundwater monitoring under a WPCF permit of a public UIC, the site-specific background water quality is the concentration of the pollutant of concern in the upgradient monitoring well as defined above, provided that the pollutant concentration is not caused by other public UICs owned or operated by the Permittee.
- b. **Best Management Practices (BMPs)** means institutional, structural and non-structural controls designed to prevent or reduce the concentration of pollutants in storm water before discharge to the subsurface. BMPs include, but are not limited to:
- i. Schedules of activities, prohibitions of practices, maintenance procedures, education or other management practices to prevent or reduce the pollution of waters of the state;
- ii. Operational and structural source controls that minimize or prevent contaminants from entering stormwater; and
- iii. Pre-treatment controls that remove contaminants contained in stormwater runoff before infiltration into natural subsurface soils.
- c. **Capital Improvement Project (CIP) Cycle** means the annual funding cycle for capital improvement projects.
- d. **CFR** means Code of Federal Regulations.
- e. **Compliance Response** means applying BMPs, seeking new opportunities for improving program effectiveness, controlling stormwater pollution, protecting beneficial uses, and, where applicable, addressing pollutant concentrations that exceed the concentration limits established in this permit.
- f. **Compliance Point(s) or Point of Compliance** means the point or points where groundwater quality parameters must be at or below the permit-specified concentration limits or concentration limit variance.
- g. **Concentration Limit** means the maximum acceptable concentration of a contaminant allowed in groundwater at the Department specified compliance point.
- h. **Concentration Limit Variance** means a groundwater quality concentration limit which is granted by the Director or the EQC on a case-by-case basis as an alternative to a permit-specific concentration limit established under OAR 340-040-0030(3).
- i. **Contaminant** means any physical, chemical, biological, or radiological substance or matter in water.
- j. **Department** means Department of Environmental Quality.
- k. **Director** means Director of the Department of Environmental Quality.

- l. **Discharge or Disposal** means the placement of waste, including stormwater runoff, on land or otherwise into the environment in a manner that does or tends to affect quality of public waters
- m. **Domestic well** means a water supply well used to serve no more than three residences for the purpose of supplying water for drinking, culinary, or household uses. Domestic wells include irrigation wells because irrigation wells can be used as drinking water supply wells without well modification or notification to the Oregon Water Resources Department, unless the Permittee has adopted an enforceable regulatory mechanism that prevents the use of irrigation wells for domestic or public drinking water supply purposes.
- n. **Dry Season** means the calendar period from June 1 through September 30.
- o. **Drywell or Sump** means an injection well, other than a subsurface distribution system, completed so that its bottom and sides are typically dry except when receiving fluids.
- p. **EPA** means U.S. Environmental Protection Agency.
- q. **EQC** means Environmental Quality Commission.
- r. **Groundwater** means water below land surface in a zone of saturation, which may fluctuate seasonally and includes perched groundwater.
- s. **Grab sample** means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- t. **Industrial or Commercial Activities** for the purpose of stormwater injection control means, but is not limited to:
  - i. Manufacturing, processing, material handling, retail or wholesale business and those areas of an industrial facility or commercial property associated with such activities.
  - ii. Material handling activities include the storage, loading and unloading, transport or conveyance of any raw material, intermediate product, final product or waste product including hazardous substances, toxic materials and petroleum products.
- u. **Injection** means the emplacement or discharge of fluids into the subsurface.
- v. **Injection Point or Point of Injection** means the last accessible sampling point prior to waste fluids being released into the subsurface environment. For purposes of this permit, the POI is the end-of-pipe discharge into the injection well.
- w. **Injection System or Underground Injection System** means a well, improved sinkhole, sewage drainhole, subsurface fluid distribution system or groundwater point source used for the subsurface emplacement or discharge of fluids.
- x. **Injection Well** means a well into which fluids are being discharged for the purpose of subsurface emplacement.
- y. **Irrigation well** (See Domestic Well).
- z. **Minimum Reporting Limit (MRL)** means the analytical method reporting limit to which the laboratory can confidently quantify the detected analyte concentration. The MRL is above the laboratory method detection limit.
- aa. **mg/L** means milligrams per liter.
- bb. **ml/L** means milliliters per liter.

- cc. **MS4** means a municipal separate storm sewer system.
- dd. **Natural water quality** means the water quality that would exist as a result of conditions unaffected by human-caused pollution.
- ee. **New Facility** means a facility or activity authorized to operate under a Department approved permit for the first time after the effective date of OAR 340-040-0030. A new facility or activity includes changes in facility operations, disposal technique, or other alterations which justify new conditions to and necessitate major modifications of an existing permit.
- ff. **NO<sub>3</sub>** means nitrate as nitrogen.
- gg. **Non-compliant** means a public UICs meets any of the following conditions:
  - i. It is within 500 feet of a domestic or irrigation well and does not meet the water quality limits established in the permit;
  - ii. It is within 500 feet of a public water well serving a public water system and does not have a Department of Human Services groundwater time-of-travel (TOT) delineation and the water quality of the discharge does not meet the water quality limits established in the permit;
  - iii. It is within the 2-year TOT delineated by the Department of Human Services (DHS) for a public water well or wells serving a public water system and the water quality of the discharge does not meet the water quality limits established in the permit;
  - iv. Any public UIC that does not meet the water quality discharge limits established in the permit at the end-of-pipe discharge point into the public UIC;
  - v. Any public UIC that has insufficient separation distance, as determined by the Department, between the bottom of the injection well and groundwater to protect the natural water quality; or
  - vi. Any public UIC that is constructed into groundwater, causes direct discharge of fluids into groundwater, or causes a violation of OAR 340-040-0014(1).
- hh. **OAR** means Oregon Administrative Rule.
- ii. **ORS** means Oregon Revised Statute.
- jj. **Owner or Operator** means any person or agency, municipality, organization, or corporation who alone, or jointly, or severally with others:
  - i. Owns, leases, operates, controls or exercises significant control over the operation of a facility;
  - ii. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, lessee or guardian of the estate of the holder of legal title; or
  - iii. Is the contract purchaser of real property.
- kk. **Perched Groundwater** means groundwater held above the regional or main (permanent) water table by a less permeable underlying earth or rock material.
- ll. **Permit** means the Wastewater Pollution Control Facility permit specified herein, authorizing the Permittee listed on Page 1 of this permit to discharge to public UICs.
- mm. **Permit action** means the issuance, modification, renewal or revocation by the Department of a permit.
- nn. **Permittee** Under OAR 340-045-0010(12) means a person, which is defined as the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or any legal entity whatsoever.
- oo. **Pollutant** (see Contaminant).

- pp. **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 of livestock, wildlife, fish or other aquatic life or habitat thereof.
- qq. **Public water system** means a system for the provision of piped water for human consumption, if such system has more than 3 service connections or supplies water to a public or commercial establishment which operates for a total of at least 60 days per year, and which is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly serves at least 25 people per day for at least 60 days per year. A public water system is a “community water system”, a “transient non-community water system”, a “non-transient non-community water system” or a “state regulated water system”.
- rr. **Public water system well or public water well** means a water supply well serving a public water system.
- ss. **Seasonally high groundwater level** means the highest level of the permanent groundwater table or perched groundwater may reach on a seasonal basis.
- tt. **Separation Distance** means the distance in the unsaturated zone, confinement barrier or engineered filtration medium between the bottom of the public UIC and groundwater, and prevents contaminants from reaching groundwater. Under no circumstance shall a separation distance between groundwater and the bottom of the public UIC be less than 5 feet, unless specifically authorized in writing by the Department, that protects groundwater to primary drinking water regulations under the federal Safe Drinking Water Act (SDWA), or complies with the groundwater protection requirements specified in Oregon Administrative Rules (OAR) 340-40, including Concentration Limit Variances (CLVs) established as a permit condition under OAR 340-040-0030, or may protect human health. For this permit, minimum separation distance between the bottom of a public UIC and groundwater and must meet the following conditions to physically remove fecal coliform and *E. Coli* bacteria established in Table F-1.

TABLE F-1 Minimum Separation Distance for Biological Filtration	
Depth from Ground Surface to Bottom of UIC	Minimum Separation Distance Between Bottom of UIC and Groundwater <sup>1</sup>
≤5 Feet	5 Feet
>5 Feet	10 Feet

<sup>1</sup> For a dry well, it is distance measured from the last perforation, or joint with bottom sediment trap ring within the dry well. If there is no sediment rap ring, then the distance is measured from the bottom of the dry well. For a soakage trench, French drain, or other infiltration trench, it is the distance measured from the trench bottom.

- uu. **Storm Water (or Stormwater)** means water from precipitation or snow melt that collects on or runs off outdoor surfaces such as roofs, buildings, roads, or paved and unpaved land surfaces.
- vv. **UIC Management Plan (or UICMP)** means the plan developed by the Permittee to satisfy OAR 340-044-0018 (3) (a), and approved by the Department.
- ww. **Subsurface Fluid Distribution System** means an assemblage of perforated pipes, drain tiles or other mechanism intended to distribute fluids below the ground surface.
- xx. **Surface Infiltration** means fluid movement from the ground surface into underlying soil material

without the use of a Subsurface Fluid Distribution System or injection system.

- yy. ***Time-of-Travel (TOT)*** means the amount of time it takes groundwater to flow within an aquifer to a given well.
- zz. ***Underground Injection Control (UIC)*** means the Underground Injection Control program under part C of the federal Safe Drinking Water Act, including an “approved State program.” It also means a underground injection system regulated under the underground injection control program.
- aaa. ***Underground Injection System*** (see Injection System).
- bbb. ***Underground Source of Drinking Water*** means an aquifer or groundwater source that supplies or potentially could supply drinking water for human consumption.
- ccc. ***U.S.C.*** means United States Code.
- ddd. ***Water Table*** means the upper surface of an unconfined water body, the surface of which is at atmospheric pressure and fluctuates seasonally. The water table is defined by the levels at which water stands in wells that penetrate the water body.
- eee. ***Well*** means a bored, drilled, or driven shaft whose depth is greater than the largest dimension; or, a dug hole whose depth is greater than the largest surface dimension; or an improved sink hole; or a subsurface distribution system.
- fff. ***Wet season*** means the calendar period from October 1 through May 31.
- ggg. ***WPCF*** means a Wastewater Pollution Control Facilities permit as defined in OAR 340-045 to construct and operate a disposal system with no discharge to navigable waters.
- hhh. ***Year*** means calendar year, except where otherwise defined in the permit.