



# Oregon

Kate Brown, Governor

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June 26, 2021

Blake Hamalainen  
PORT OF PORTLAND  
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RE: Issuance NPDES Permit Number 1200-Z - **REVISED 6/26/2021**  
File Number: 125569 EPA Number. : ORR807320  
Facility: NAVIGATION BASE, 6208 N ENSIGN STREET, PORTLAND, MULTNOMAH  
COUNTY  
SIC Code(s): 1629

Dear Permit Registrant:

DEQ has reissued the 1200-Z, effective July 1, 2021. Attached is your revised monitoring requirements under the reissued permit, starting July 1, 2021. All monitoring waivers expire on July 1, 2021. Please review the information closely. If you identify any discrepancies in the tables, please contact me as soon as possible.

It is your responsibility to comply with the new permit conditions and monitoring requirements starting July 1, 2021. DEQ will be transitioning to electronic Discharge Monitoring Reports during this permit cycle. As such, you will not receive the first page of the permit identifying your facility as registered under the renewed permit.

Please visit our industrial stormwater permits webpage to find a copy of the permit and associated documents. <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Industrial.aspx>

Respectfully,

Jenni Seven, WQ Permit Coordinator

Enclosures: Monitoring Requirements  
Schedule A.13

**Monitoring Requirements**

You must monitor for the pollutants in the table below. If discharge to a Category 5: 303(d) listed receiving water for pH, total copper, total lead, total zinc and/or E. coli, the table below will not include statewide or sector-specific benchmarks for those pollutants. Exceedance of impairment monitoring may escalate to a water quality-based effluent limit during this permit cycle. Please read Schedule A.13 and Schedule C carefully. Tier 2 geometric mean evaluations are required annually. Please read Schedule A.12 carefully.

<b>Georegion</b>	<b>Pollutant</b>	<b>Statewide Benchmark</b>	<b>Unit</b>	<b>Frequency</b>
Portland Harbor	Total Copper	0.015	mg/L	Four times per year
Portland Harbor	Total Lead	0.24	mg/L	Four times per year
Portland Harbor	Total Zinc	0.24	mg/L	Four times per year
Portland Harbor	pH	5.5-9.0	s.u.	Four times per year
Portland Harbor	TSS	30	mg/L	Four times per year
<b>Receiving Water LLID: 1227618456580 AUD:104175</b>	<b>Pollutant</b>	<b>Impairment Concentration</b>	<b>Units</b>	<b>Frequency</b>
<b>River Mile: 8.52</b>				
Willamette River (Johnson Creek to confluence with Columbia River)	Total Iron*	10	mg/L	Four times per year

\*Review Schedule A. 13 for specific conditions related to impairment monitoring.

GENERAL PERMIT  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
INDUSTRIAL STORMWATER DISCHARGE PERMIT No. 1200-Z  
Department of Environmental Quality  
700 NE Multnomah St., Suite #600 Portland, OR 97232  
Telephone: (503) 229-5630 or 1-800-452-4011 toll free in Oregon  
Issued pursuant to ORS 468B.050 and the Federal Clean Water Act

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REGISTERED TO:

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SOURCES COVERED UNDER THIS PERMIT:

A facility that may discharge industrial stormwater to surface waters or to conveyance systems that discharge to surface waters of the state and,

1. The stormwater is associated with an industrial activity identified in Table 1: Sources Covered or listed in Table 2: Additional Industrial Activities Covered; or
2. The facility is notified in writing the Director determines coverage under this permit is required for its stormwater discharges pursuant to 40 CFR 122.26(a)(9)(i)(D).

Note:

1. Facilities may apply for conditional exclusion from the requirement to obtain coverage under this permit if there is no exposure of industrial activities and materials to stormwater pursuant to 40 CFR §122.26(g); see Permit Coverage and Exclusion from Coverage.
2. The following are not eligible to obtain coverage under this permit:
  - i. Construction activities. This activity is covered under a separate general permit.
  - ii. Any source with primary Standard Industrial Classification codes 2951 and 3273, including mobile asphalt and concrete batch plants; and Standard Industrial Classification code 14, Mining and Quarrying of Nonmetallic Minerals, Except Fuels. These activities are covered under a separate general permit.
  - iii. Any source that has obtained an individual NPDES permit for the discharge, unless the source is otherwise eligible for coverage under this permit and DEQ has approved the source's application for coverage under this general permit.
  - iv. Any source that discharges to a sanitary sewer system and the discharge is approved by the sanitary sewer operator.

Issuance Date: March 25, 2021

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Justin Green, Administrator  
Water Quality Division

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PERMITTED ACTIVITIES

Until this permit expires, is modified, or revoked, the permit registrant is authorized to construct, install, modify, or operate stormwater treatment or control facilities, and to discharge stormwater and non-stormwater discharges specifically authorized by the permit to surface waters of the state in conformance with all the requirements, limitations, and conditions set forth in the following:

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Unless specifically authorized by this permit, by regulation issued by EPA, by another NPDES permit, or by Oregon Administrative Rule or Oregon Revised Statute, any other direct or indirect discharge to waters of the state is prohibited, including non-stormwater discharges to an underground injection control system.

Schedule E contains sector-specific federal requirements. Schedule F contains General Conditions that are included in all general permits issued by DEQ. If conflicts arise between Schedule E or Schedule F and any other schedule of the permit, the requirements in Schedule E or Schedule F may not apply.

**Table 1: Sources Covered**

<b>Industrial Sources Covered Under this Permit</b>
Facilities with the following primary Standard Industrial Classification (SIC) codes: 10 Metal Mining 12 Coal Mining 13 Oil and Gas Extraction 20 Food and Kindred Products 21 Tobacco Products 22 Textile Mill Products 23 Apparel and Other Finished Products Made From Fabrics and Similar Material 24 Lumber and Wood Products, Except Furniture (Activities with SIC 2411 Logging that are defined in 40 CFR §122.27 as silvicultural point source discharges are covered by this permit.) 25 Furniture and Fixtures 26 Paper and Allied Products 27 Printing, Publishing and Allied Industries 28 Chemicals and Allied Products Manufacturing and Refining (excluding 2874: Phosphatic Fertilizers) 29 Petroleum Refining and Related Industries (excluding 2951, covered by 1200-A) 30 Rubber and Miscellaneous Plastics Products 31 Leather and Leather Products 32 Glass, Clay, Cement, Concrete and Gypsum Products (excluding 3273, covered by 1200-A) 33 Primary Metal Industries 34 Fabricated Metal Products 35 Industrial and Commercial Machinery and Computer Equipment 36 Electronic and Other Electrical Equipment and Components, Except Computer Equipment 37 Transportation Equipment 38 Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks 39 Miscellaneous Manufacturing Industries 4221 Farm Product Warehousing and Storage 4222 Refrigerated Warehousing and Storage 4225 General Warehousing and Storage 5015 Motor Vehicle Parts, Used 5093 Scrap and Waste Materials
Facilities with the following primary SIC codes that have vehicle maintenance shops (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations <sup>1</sup> : 40 Railroad Transportation 41 Local and Suburban Transit and Interurban Highway Passenger Transportation 42 Trucking and Courier Services, Except Air (excluding 4221, 4222, and 4225) 43 United States Postal Service 44 Water Transportation 45 Transportation by Air 5171 Petroleum Bulk Stations and Terminals, except petroleum sold via retail method
Steam Electric Power Generation including coal handling sites
Landfills, land application sites and open dumps
Hazardous Waste Treatment, storage and disposal facilities
Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, recycling, and reclamation of municipal or domestic sewage (including land dedicated to the disposal of sewage sludge that are located within the confines of the facility) with the design flow capacity of 1.0 mgd or more, or required to have a pretreatment program under 40 CFR §403

<sup>1</sup>Eligibility based on auxiliary operations; however, once covered all stormwater discharge associated with industrial activities are regulated under this permit.

Facilities that discharge stormwater into the Columbia Slough or Portland Harbor that is exposed to any of the industrial activities listed in Table 2 below, are eligible to obtain permit coverage under the NPDES 1200-Z permit.

**Table 2: Additional Industrial Activities Covered**

<b>Discharges to Columbia Slough and Portland Harbor</b>
Maintenance of vehicles, machinery, equipment, and trailers (including repairs, servicing, washing, testing and painting)
Storage of vehicles, machinery, equipment (including disposal/refuse containers stored by a disposal/refuse contractor/vendor), and trailers (including rental, sales, wrecked vehicles, fleet, and general storage)
Materials storage (including raw materials; bulk fuels, chemicals, detergents, and plastic pellets; finished materials; lumber and food products; wholesale gravel, sand, and soil stockpiles; and bulk liquids other than water)
Waste handling (including recycled product storage, composting, tires, and bulk hazardous waste)
Commercial animal operations (such as kennels, race tracks, and veterinarians not covered under a Confined Animal Feeding Operation permit)
Fuel distribution and sales (including bulk stations, fuel oil dealers, manned and unmanned retail stations, fleet fueling, mobile fueling, and truck stops)
Any former activity that resulted in significant materials (as defined in Schedule D) remaining on-site

## CONDITION I

### PERMIT COVERAGE AND EXCLUSION FROM COVERAGE

#### 1. New Discharger to Impaired Waters (see Schedule D.3, Definitions)

- a. A new discharger to an impaired water without a Total Maximum Daily Load (TMDL), based on the EPA-approved Category 5: 303(d) list in effect at the time of permit application for pH, copper, lead, zinc, iron, and E. coli that correspond to the specific pollutant(s) for which the water body is impaired must meet one of the following conditions to obtain coverage under this permit:
  - i. Prevent exposure to stormwater for pH, copper, lead, zinc, iron and E. coli that correspond to the specific pollutant(s) for which the water body is impaired. Document the procedures taken to prevent exposure in the Stormwater Pollution Control Plan (SWPCP).
  - ii. Provide technical demonstrations that sources of pH, copper, lead, zinc, iron and E.coli that correspond to the specific pollutant(s) for which the water body is impaired are not present at the site and document these findings and considerations in the SWPCP.
  - iii. Provide DEQ or agent stormwater discharge analytical sampling results to demonstrate the discharge of stormwater is not expected to cause or contribute to an exceedance of water quality standards for pH, copper, lead, zinc, iron and E. coli that correspond to the specific pollutant(s) for which the water body is impaired at the point of discharge and retain in the SWPCP.
- b. If unable to demonstrate pH, copper, lead, zinc, iron and E. coli that correspond to the specific pollutant(s) for which the water body is impaired will not be present in the discharge, provide DEQ or agent with other technical information that demonstrates the discharge is not expected to cause or contribute to an exceedance of water quality standards at the point of discharge and document the rationale in the SWPCP.
  - i. Prior to DEQ granting coverage, DEQ or agent will determine and document that Condition I.1.a or b has been satisfied.
- c. A new discharge of pollutant may be authorized by this permit to an impaired water with a TMDL (based on EPA-approved TMDLs as of March 31, 2021) under one of the following circumstances:
  - i. The TMDL does not establish industrial stormwater wasteload allocations, the compliance with the terms and conditions of the permit is presumed consistent with the TMDL.
  - ii. The TMDL establishes industrial stormwater wasteload allocations, and DEQ determines that there is sufficient remaining loading capacity in the TMDL to allow for the new industrial stormwater discharge.
- d. If a new discharge to an impaired water is authorized under this permit, DEQ or agent will establish additional monitoring and site controls as necessary. DEQ or agent may determine a compliance schedule is necessary.
- e. DEQ may determine that coverage under an individual NPDES permit is required.
- f. Conditions I.1.a and I.1.c above do not apply if the waterbody is impaired for:
  - i. Biological communities (biocriteria), including harmful algal blooms and aquatic weeds, where no pollutant including indicator or surrogate pollutants, is specified as causing the impairment; or
  - ii. Temperature, habitat and flow modifications.

## **2. Application Requirements for New Permit Coverage**

- a. The following conditions apply to:
  - i. New facility: Submit a complete application to DEQ or agent (see Schedule D.4 for description of agent) at least 60 calendar days before initiating the activity that requires permit coverage, unless DEQ or agent approved a later date.
  - ii. Existing facility with stormwater discharges associated with industrial activities identified in Table 1 or Table 2 operating without coverage under any NPDES permit for those discharges: Immediately submit a complete application to DEQ or agent, unless DEQ or agent approved a later date.
  - iii. Existing facility that is designated by the Director as needing a stormwater permit pursuant to 40 CFR §122.26(a)(9)(i)(D): No later than 60 calendar days of being notified by DEQ that permit coverage is required, submit a complete application to DEQ or agent.
  - iv. Existing facility with stormwater discharges authorized by an individual NPDES permit that seeks coverage under this permit: Submit a complete application to DEQ or agent and a copy of the individual NPDES permit.
- b. A complete web-based electronic application, as required by DEQ, must include the following:
  - i. Applicable permit fees;
  - ii. DEQ-approved application form;
  - iii. A determination, on a DEQ-approved form, from the local government agency with land use jurisdiction that states the use is compatible with acknowledged local land use plans; and
  - iv. One PDF copy of the SWPCP.
- c. DEQ will accept paper applications:
  - i. With an approved waiver from electronic submission; or
  - ii. Until directed by DEQ.
- d. Permit Coverage
  - i. Prior to granting the applicant coverage under this permit, DEQ will provide a 30 calendar day public notice period on the applicant's SWPCP. DEQ or agent will respond to any applicable public comments.
  - ii. DEQ will notify the applicant if coverage is granted or denied. When coverage is granted, DEQ or agent will specify and communicate monitoring requirements to the permit registrant.
- e. If coverage is denied or the applicant does not wish to be regulated by this permit, the applicant must apply for an individual permit in accordance with OAR 340-045-0030 or cease discharge.

## **3. Existing Facilities Covered Under the 1200-Z NPDES General Permit Reissued in 2018**

- a. DEQ will notify existing permit registrants of assignment under the current permit. Permit registrants that seek uninterrupted coverage must submit an updated SWPCP to DEQ or agent by August 31, 2021, unless DEQ or agent approved a later date.
- b. Existing permitted facilities must comply with the implementation deadlines established under the previous 1200-Z NPDES permit, including Tier 2 corrective action requirements.
- c. Existing permitted facility that intend to change industrial processes at the site to an new primary industrial sector must submit the following to DEQ or agent at least 60 calendar days before initiating the planned change:



- i. A determination, on a DEQ-approved form, from the local government agency with land use jurisdiction that states the new industrial use is compatible with acknowledged local land use plans;
  - ii. A revised SWPCP; and
  - iii. Environmental management plan review fee.
- d. DEQ will provide a 30 calendar day public notice period on the revised SWPCP.
- e. DEQ or agent will specify and communicate monitoring requirements to the permit registrant.

#### **4. Name Change or Transfer of Permit Coverage**

- a. For a name change or transfer of permit coverage between legal entities, the new owner or operator must submit a web-based electronic transfer or legal name change to DEQ, when directed by DEQ a paper form is no longer accepted, no later than 30 calendar days after the name change or transfer of control of the facility is complete. A complete name change or transfer must include the following:
  - i. One Name Change and/or Permit Transfer form;
  - ii. One PDF copy of an updated SWPCP; and
  - iii. Permit transfer, legal name change fee.
- b. DEQ will notify the applicant if the name change or transfer is approved or denied.
- c. Transfer of permit coverage between legal entities where there will also be a change in an industrial processes at the site to a new primary industrial sector are ineligible for permit transfer. The new owner or operator must submit an application for new permit coverage under this permit as required in Condition I.2 above.

#### **5. “No Exposure” Conditional Exclusion from Permit Coverage**

- a. An owner or operator that applies for a “no exposure” conditional exclusion under 40 CFR §122.26(g) from coverage under this permit must:
  - i. Protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff by using a storm resistant shelter, except as provided in the Environmental Protection Agency (EPA) Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on “No Exposure” of Industrial Activities to Stormwater (EPA 833-B-00-001, June 2000) and EPA’s Fact Sheet on Conditional No Exposure Exclusion for Industrial Activity (EPA 833-F-00-015, revised December 2005). Storm resistant shelters with unsealed zinc or copper roofing materials are not eligible for the “no exposure” conditional exclusion;
  - ii. Ensure that known significant materials from previous operations are controlled, removed or otherwise not exposed to stormwater.
  - iii. When directed to do so by DEQ, complete and sign a web-based electronic DEQ-approved certification, that there is no stormwater exposure to industrial materials and activities from the entire facility, otherwise submit in paper format.
  - iv. Submit the signed certification to DEQ or agent once every five years, beginning five years after the date of first submittal. If DEQ or agent does not comment on the “no exposure” certification within 60 calendar days, the “no exposure” conditional exclusion is deemed approved. DEQ or agent may notify the applicant of its approval. The owner or operator must keep a copy of the approved certification on-site.

- v. Allow DEQ or agent to inspect the facility to determine compliance with the “no exposure” conditions listed above; and
  - vi. If the facility discharges through a municipal separate storm sewer system (MS4) submit a copy of the “no exposure” certification to the MS4 operator (for example, local municipality or district), if requested, and allow inspection and public reporting by the MS4 operator.
- b. Limitations for obtaining or maintaining the exclusion:
- i. This exclusion is available on a facility-wide basis only, not for individual discharge points.
  - ii. If any industrial materials or activities become exposed to rain, snow, snowmelt, or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement. Any conditionally exempt discharger who anticipates changes in circumstances must apply for and obtain permit coverage before the change of circumstances.
  - iii. DEQ or agent retains the authority to determine that the “no exposure” conditional exclusion no longer applies and require the owner or operator to obtain permit coverage.

## **6. Authorized Non-Stormwater Discharges**

- a. Subject to the terms and conditions of the permit and Oregon law, the following non-stormwater discharges are authorized:
- i. Discharges from emergency or unplanned fire-fighting activities;
  - ii. Fire hydrant flushing and maintenance;
  - iii. Potable water, including water line flushing;
  - iv. Uncontaminated condensate from air conditioners, coolers, chillers and other compressors, and from outside storage of refrigerated gases and liquids;
  - v. Landscape watering and irrigation drainage;
  - vi. Exterior vehicle wash water that does not use hot water or detergent; restricted to less than eight per week;
  - vii. Pavement wash water that does not use hot water, detergent or other cleaning products, no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed), and surfaces are swept before washing;
  - viii. Routine external building wash down that does not use hot water, detergent or other cleaning products;
  - ix. Uncontaminated ground water or spring water;
  - x. Foundation or footing drains where flows are not contaminated with process materials; and
  - xi. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).

## **7. Limitations on Coverage**

- a. Pursuant to OAR 340-045-0033(10), DEQ may deny permit coverage to an applicant or revoke existing coverage under this permit and require the owner or operator to apply for and obtain an individual permit.
- b. The permit registrant must separate any piping of interior floor drains and process wastewater discharge points from the storm drainage system to prevent unpermitted discharge of pollutants to waters of the state. Discharge from floor drains to the stormwater drainage system is a violation of this permit.

- c. Any other wastewater discharge or disposal, including stormwater mixed with wastewater is not authorized under this permit and must be permitted in a separate permit, unless the wastewater is reused or recycled without discharge or disposal, or is discharged to the sanitary sewer with approval from the sanitary sewer system operator.
- d. Except for sectors G, H, L and K in accordance with Schedule E, construction stormwater discharge resulting from disturbance of an acre or more is not authorized.
- e. Coverage under this permit is not available under the following circumstances:
  - i. If all stormwater discharges are regulated by another NPDES permit, except a MS4 permit.
  - ii. If stormwater discharges were included in a permit that has been or is in the process of being denied, terminated or revoked unless the source is otherwise eligible for coverage under this permit and DEQ approves the source's application to register under this permit and simultaneously revokes coverage under the other permit pursuant to OAR 340-045-0033(8).
  - iii. If stormwater discharge is covered under an individual NPDES permit that establishes site-specific numeric water quality-based effluent limitations.
  - iv. For a new discharger to waters designated as Outstanding Resource Waters for antidegradation purposes under 40 CFR 131.12(a)(3) and OAR 340-041-0004.
- f. Any operator eligible for coverage not seeking coverage under this general permit must apply for an individual NPDES permit in accordance with the procedures in OAR 340-045-0030.

## SCHEDULE A

### EFFLUENT LIMITATIONS AND PERMIT COMPLIANCE

#### 1. Narrative Technology-based Effluent Limits

The permit registrant must meet the following narrative technology-based effluent limits and additional sector-specific limits in Schedule E of this permit, if applicable.

- a. Minimize exposure - Minimize exposure of manufacturing, processing, material storage areas, loading and unloading, disposal, cleaning, maintenance and fixed fueling areas to rain, snow, snowmelt and runoff. To the extent technologically available and economically practicable and achievable in light of best industry practice, the permit registrant must do the following:
  - i. Locate materials and activities indoors or protect them with storm resistant covers if stormwater from affected areas may discharge to surface waters. Acceptable covers include, permanent structures such as roofs or buildings or properly secured temporary covers such as tarps;
  - ii. Use grading, berming, or curbing to divert stormwater away from these areas and prevent stormwater contamination;
  - iii. Locate materials, equipment and activities in containment and diversion systems, including the storage of leaking or leak-prone vehicles and equipment awaiting maintenance, to prevent leaks and spills from contaminating stormwater;
  - iv. Use drip pans or absorbents under or around leaking or leak-prone vehicles/equipment or store indoors;
  - v. Drain fluids from equipment and vehicles prior to on-site storage or disposal;
  - vi. Perform all cleaning operations indoors, under cover or in bermed areas that prevent runoff and run-on and also captures overspray, unless allowed by Condition I.6; and
  - vii. All wash water must be managed indoors or in bermed areas, disposed into sanitary sewer or drain to a proper collection system such as a closed-loop system or vegetated area that does not discharge into the stormwater drainage system unless Condition I.6 which allows authorized non-stormwater discharge is met.
- b. Oil and Grease - Employ oil/water separators, booms, skimmers or other methods to eliminate or minimize oil and grease contamination in stormwater discharges.
- c. Waste Chemicals and Material Disposal - Recycle or properly dispose of wastes to eliminate or minimize exposure of pollutants to stormwater. Cover all waste contained in bins or dumpsters where there is a potential for drainage of stormwater through the waste to prevent exposure of stormwater to these pollutants. Acceptable covers include, storage of bins or dumpsters under roofed areas or use of lids or properly secured temporary covers such as tarps.
- d. Erosion and Sediment Control - Stabilize exposed areas, including areas where industrial activity has taken place in the past and significant materials remain, and contain runoff using structural and nonstructural controls to minimize erosion of soil at the site and sedimentation. Employ erosion control methods, such as vegetating exposed areas, graveling or paving to minimize erosion of soil at the site. Employ sediment control methods, such as detention facilities, vegetated filter strips, bioswales, flow velocity dissipation devices or other permanent erosion or sediment controls to minimize sediment loads in stormwater discharges. Identify any use of stabilization polymers or chemicals. For activities that involve land disturbance, the permit

registrant must contact the local municipality to determine if there are other applicable requirements related to stormwater control.

- e. Debris Control - Employ screens, booms, settling ponds, or other methods to eliminate or minimize waste, garbage and floatable debris in stormwater discharges and ensure that this debris is not discharged to receiving waters.
- f. Dust Generation and Vehicle Tracking of Industrial Materials - Minimize generation of dust, off-site tracking and discharge of soil, particulates and raw, final or waste materials.
- g. Housekeeping - Routinely clean all exposed areas that may contribute pollutants to stormwater with measures such as sweeping at regular intervals, litter pick-up, keeping materials orderly and labeled, promptly clean-up spills and leaks, proper maintenance of vehicles and stowing materials in appropriate containers.
- h. Spill Prevention and Response Procedure - Minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans that include methods for spill prevention and clean-up and notification procedures. At a minimum, the permit registrant must conduct spill prevention and response measures including the following:
  - i. Clean up spills or leaks promptly using absorbents or other effective methods to prevent discharge of pollutants and use spill/overflow protection equipment;
  - ii. Store all hazardous substances (see Schedule D.3, Definitions), petroleum/oil liquids, and other chemical solid or chemical liquid materials that have potential to contaminate stormwater within berms or other secondary containment devices to prevent leaks and spills. If the use of berms or secondary containment devices is not practicable, then store such substances in areas that do not drain off-site or into the storm sewer system;
  - iii. Plainly label containers to encourage proper handling and facilitate proper response if spills or leaks occur as required by local, state and federal rules;
  - iv. Implement preventative measures, such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - v. Develop procedures for expeditiously stopping, containing, and cleaning up leaks, spills and other releases. Make the methods and procedures available to appropriate personnel. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures. Have the necessary clean-up material on-site and readily available; and
  - vi. Procedures for notification of appropriate facility personnel, DEQ or agent, and the Oregon Emergency Response System (1-800-452-0311), when a spill may endanger health or the environment. Contact information must be in locations that are readily accessible and available.
- i. Preventative Maintenance - Regularly inspect, clean, maintain, and repair all industrial equipment and systems and materials handling and storage areas that are exposed to stormwater to avoid situations that may result in leaks, spills, and other potential releases of pollutants discharged to receiving waters. Clean, maintain and repair all control measures, including stormwater structures and temporary measures, catch basins, and treatment facilities to ensure effective operation as designed and in a manner that prevents the discharge of pollution.
- j. Employee Education - Develop and maintain an employee orientation and education program to inform personnel of the pertinent components and goals of this permit and the SWPCP.
  - i. Training must cover:

- (1) Specific control measures used to achieve the narrative technology-based effluent limits, such as spill response procedures and good housekeeping practices, and
  - (2) Monitoring, inspection, reporting and documentation requirements.
- ii. The permit registrant must ensure that the following personnel are trained and understand the facility's specific requirements and their responsibilities:
  - (1) Personnel who are responsible for the design, installation, maintenance, or repair of controls including, pollution prevention and treatment measures;
  - (2) Personnel responsible for the storage and handling of chemicals and materials that could contribute pollutants to stormwater;
  - (3) Personnel who are responsible for conducting or documenting monitoring or inspections as required in Schedule B; and
  - (4) Personnel who are responsible for conducting and documenting corrective actions.
- iii. Education and training must be documented and must occur:
  - (1) No later than 30 calendar days after hiring an employee who works in areas where stormwater is exposed to industrial activities or conducts duties related to the implementation of the SWPCP;
  - (2) No later than 30 calendar days after change in duties for key personnel in Schedule A.1.j.ii; and
  - (3) Annually thereafter.
- iv. Education and training must be documented and include which specific employees received training. A log of training dates must kept on-site and submitted to DEQ or agent upon request.
- k. Non-Stormwater Discharges - Eliminate any non-stormwater discharges not authorized by a NPDES permit (see Condition I.6 for a list of authorized non-stormwater discharges).

## **2. Control Measures for Numeric and Narrative Technology-based Effluent Limits**

- a. The permit registrant must select, design, install, implement and maintain control measures, including all best management practices (BMPs), to meet the narrative technology-based effluent limits in Schedule A.1, and Schedule E, and numeric technology-based effluent limitations guidelines in Schedule B.1 of this permit. The permit registrant must describe these measures, maintenance schedules and frequency of housekeeping measures in the SWPCP.
- b. For narrative and numeric technology-based effluent limits that require the permit registrant to minimize pollutants in the discharge, the permit registrant must reduce or eliminate pollutants to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. The term "minimize" is defined in Schedule D.3.
- c. In selecting the appropriate control measures to meet these limits, the permit registrant may consider the age of the equipment and facilities involved, the processes employed, the engineering aspects of the application of various types of control techniques, the pollutant reductions likely to be achieved, any adverse environmental or energy effects of potential measures, and the costs of achieving pollutant reductions.
- d. The permit registrant must install, implement and maintain the control measures in accordance with good engineering practices and manufacturers' specifications. Any deviation from the manufacturers' specifications must be explained in the SWPCP.

- e. DEQ or agent may require the permit registrant to take corrective actions to meet the narrative technology-based effluent limits in Schedule A.1 and Schedule E of this permit. Failure to implement any narrative technology-based effluent limits in Schedule A.1 and Schedule E, and other control measures or operational practices described in the SWPCP is a permit violation.
- f. If modifications to the control measures are necessary to meet technology-based effluent limits in this permit, the permit registrant must implement the modifications before the next storm event if practicable or no later than 30 calendar days from discovering the violation, unless DEQ or agent approve a later date.

### **WATER QUALITY-BASED EFFLUENT LIMITATIONS**

#### **3. Water Quality Standards**

- a. The permit registrant must not cause or contribute to an exceedance of instream water quality standards as established in OAR 340-041.
- b. If at any time the permit registrant discovers, or DEQ or agent determines, that the discharge causes or contributes to an exceedance of instream water quality standards, the permit registrant must take the following corrective actions:
  - i. No later than 24-hours after the discovery or being informed of the determination by DEQ:
    - (1) Investigate the conditions that caused or contributed to the exceedance; and
    - (2) Review the SWPCP and the selection, design, installation and implementation of control measures to ensure compliance with this permit.
  - ii. No later than 30 calendar days after the discovery or determination, submit a Water Quality Standards Report to DEQ or agent that documents the following:
    - (1) The results of the permit registrant's investigation, including the date the exceedance was discovered and a brief description of the conditions that caused or contributed to the exceedance;
    - (2) Corrective actions taken or planned to be taken, including the date the corrective action was completed or is expected to be completed; and
    - (3) If the permit registrant determines that SWPCP revisions are necessary based on the investigation, the permit registrant must submit a revised SWPCP to DEQ or agent with the Water Quality Standards Report.
  - iii. The permit registrant must implement the corrective action before the next storm event, if possible, or no later than 30 calendar days after discovery or determination, whichever comes first unless DEQ or agent approved a later date.
- c. If information in the application, required reports, or from other sources indicates that the discharge has caused or contributed to an exceedance of water quality standards, either in the receiving waterbody or a downstream waterbody, DEQ will notify the permit registrant if any of the following are necessary:
  - i. Additional monitoring and site controls;
  - ii. A compliance schedule with a deadline for correcting the violation; or
  - iii. Permit revocation under this general permit, and require the permit registrant to obtain coverage under an individual permit.

- d. If DEQ or agent determines that additional site-specific requirements are necessary, the permit registrant must revise the SWPCP. DEQ will hold a 30 calendar day public notice period on the revised SWPCP.

#### **4. Discharges to Impaired Waters**

- a. Existing discharger to an impaired water without a TMDL based on EPA-approved Category 5: 303(d) list that is in effect at the time of permit assignment must comply with Schedule A.3 and:
  - i. The permit registrant that have complied with Condition I.1.a or b must implement and maintain any control measures or conditions on the site that enabled the permit registrant to become eligible for permit coverage. The permit registrant must modify such measures or conditions as necessary pursuant to Schedule A.2 and schedules outlined in the SWPCP.
  - ii. The permit registrant must comply with impairment pollutant monitoring in accordance with Schedules B.3, B.4 and B.5 and additional monitoring established by DEQ or agent. When the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment.
  - iii. Impairment monitoring results of qualifying sample that exceed impairment monitoring concentrations in Table 5 and Table 5A, as required by Schedules B.3, B.4 and B.5 may be used in conjunction with other relevant information to determine an exceedance of water quality standards.
- b. Existing Discharger to an impaired water with a TMDL (based on EPA-approved TMDLs as of March 31, 2021) must comply with Schedule A.3 and:
  - i. Must comply with all applicable requirements of TMDLs with wasteload allocations for industrial stormwater discharges.
  - ii. If DEQ or agent determines that additional site-specific requirements are necessary, the permit registrant must revise the SWPCP. DEQ will hold a 30 calendar day public notice period on the revised SWPCP.

### **STORMWATER DISCHARGE**

#### **5. Statewide and Sector-Specific Benchmarks**

- a. Benchmarks are screening concentrations, not numeric effluent limits. A benchmark exceedance, therefore, is not a permit violation, but failing to take the required corrective action is a permit violation.
- b. The permit registrant must determine whether site controls are effectively reducing pollutant concentrations in stormwater discharges, or if maintenance or implementation of additional controls is necessary when a benchmark is exceeded.

#### **6. Mass Reduction Measures Certification**

- a. For mass reduction measures installed during previous permit cycles in response to an approved Tier 2 mass reduction waiver that reduced the mass of the pollutants discharged at or above DEQ-approved design storm capacity, the permit registrant must submit to DEQ or agent an evaluation that is certified by an Oregon registered professional engineer (PE) or Oregon certified



engineering geologist (CEG) stamp of the following information, as applicable, to validate the system is operating as intended:

- i. Proper installation and maintenance specifications as originally designed;
  - ii. Infiltration testing or other demonstrations to confirm intended performance metrics;
  - iii. Confirmation that operation and maintenance specifications have been performed;
  - iv. Information concerning drawdown;
  - v. Whether any corrective actions are needed; and
  - vi. Estimated design life expectancy of the system and any plan to rejuvenate or replace measures.
- b. The permit registrant must submit the mass reduction measures stamped certification to DEQ or agent by December 31, 2021, unless DEQ or agent approve a later date.
  - c. The permit registrant must provide DEQ or agent with operation and maintenance records upon request and meet all maintenance schedules specified in the stamped certification.
  - d. If the stamped certification includes corrective action, the permit registrant must complete corrective action by September 30, 2022.
  - e. For mass reduction measures installed during previous permit cycles that reduced the mass of the pollutants discharged at or above DEQ-approved design storm capacity not in response to Tier 2 mass reduction waiver, the permit registrant must meet Schedule A.6.a-d and submit, retroactively, to DEQ or agent a Tier 2 mass reduction waiver checklist.
  - f. DEQ or agent will notify the permit registrant within 60 calendar days from receipt if mass reduction measures certification is approved or denied.

## **7. Effluent Limitations**

- a. An exceedance of an applicable numeric effluent limit is a permit violation. See Schedule A.13, B.7.g and B.15.
- b. Numeric effluent limits are established as follows:
  - i. Numeric technology-based effluent limits based on industrial activities in Table 3, Schedule B.1 applicable to concentrations in Schedule E promulgated by EPA's effluent limitation guidelines under federal regulations 40 CFR, Subchapter N.
  - ii. Numeric water quality-based effluent limits will apply to facilities:
    - (1) Based on discharges to Category 5: 303(d) list in effect at the time of permit assignment for pH, copper, lead, and zinc that correspond to the specific pollutant(s) for which the water body is impaired in response to monitoring results in accordance Schedule A.13.e; and
    - (2) Established by wasteload allocations in a TMDL as identified by DEQ or agent.
- c. Narrative water quality-based effluent limits are established as follows:
  - i. Based on discharges to Category 5: 303(d) list in effect at the time of permit assignment for E. coli and iron that correspond to the specific pollutant(s) for which the water body is impaired in response to monitoring results in accordance Schedule A.13.i and j.

## **STORMWATER POLLUTION CONTROL PLAN**

## **8. Preparation and Implementation of SWPCP**

- a. The SWPCP must be prepared by a person knowledgeable in stormwater management and familiar with the facility.

- b. The SWPCP must be signed and certified in accordance with 40 CFR §122.22.
- c. In accordance with Schedule A.2, the SWPCP must include control measures/BMPs that implement each narrative technology-based effluent limit to eliminate or reduce the potential to contaminate stormwater and prevent exceedance of instream water quality standards.
- d. The permit registrant must implement the SWPCP and any revisions to the plan. Failure to implement any narrative technology-based effluent limits, other control measures or operational practices described in the SWPCP is a violation of this permit.
- e. If the permit registrant fails to implement the control measures in the SWPCP, the permit registrant must take corrective actions and implement the measures before the next storm event if practicable or no later than 30 calendar days after the discovery, unless a later date is approved by DEQ or agent.
- f. The permit registrant must keep the SWPCP current and revise it as necessary to reflect current site conditions and changes to the site.

## 9. SWPCP Revisions

- a. The Permit registrant must prepare SWPCP revisions in compliance with Schedule A.8.a-c.
- b. The permit registrant must submit SWPCP revisions to DEQ or agent for the following reasons:
  - i. Change in site contact(s);
  - ii. In response to a corrective action or inspection;
  - iii. Changes to the site, operations or control measures that may significantly change the nature of pollutants present in stormwater discharge; or significantly increase the pollutant(s) levels, discharge frequency, discharge volume or flow rate;
  - iv. Changes to the monitoring points; or
  - v. Changes to discharge points.
- c. Change to site contact must be made through the web-based electronic system when available, except for facilities located in agents' jurisdictions, until directed by DEQ or agent.
- d. Review of the revisions by DEQ or agent prior to implementation is not required, unless there is a change to the location of monitoring points. The permit registrant may not change monitoring points until DEQ or agent have approved the SWPCP revision.
- e. DEQ or agent may require the permit registrant to revise the SWPCP at any time. The permit registrant must submit revisions through the web-based electronic system, when directed by DEQ, no later than 30 calendar days from the request date or the change to the facility, unless DEQ or agent approved a later date.
- f. The proposed revisions are deemed accepted after 30 calendar days after receipt unless the permit registrant receives a response from DEQ or agent.
- g. SWPCP revisions are not subject to public notice unless revisions are in response to Condition I.3.c and when the SWPCP revisions include additional site-specific requirements in response to a Water Quality Standard Report in accordance with Schedule A.3 or an EPA-approved TMDL as of March 31, 2021, in accordance with Schedule A.4.b of this permit.
- h. For Tier 2 SWPCP revision submittal requirements, refer to Schedule A.12.

## 10. Required Elements

The SWPCP, at a minimum, must include the components below and describe how the permit registrant intends to comply with the narrative technology-based effluent limits in Schedule A.1 and

eliminate or reduce the potential to contaminate stormwater and prevent any exceedance of instream water quality standards.

- a. Title Page - The title page of the SWPCP must contain the following information:
  - i. Plan date;
  - ii. Name of the site;
  - iii. Name of the site operator or owner;
  - iv. The name of the person(s) preparing the SWPCP;
  - v. File number and EPA permit number as indicated in permit coverage documents;
  - vi. Primary SIC code and any co-located SIC codes;
  - vii. Contact person(s) name, telephone number and email; and
  - viii. Physical address, including county, and mailing address if different.
- b. Site Description - The SWPCP must contain the following information, including any applicable information required in Schedule E of the permit:
  - i. Site map(s) including the following, labeled clearly:
    - (1) general location of the site in relation to surrounding properties, transportation routes, surface waters and other relevant features;
    - (2) drainage patterns, with flow arrows;
    - (3) conveyance and discharge structures, such as piping or ditches;
    - (4) exact location of all monitoring points, labelled with a unique three-digit identifying number starting with 001, 002, etc. used for web-based electronic reporting and indicate "monitoring point;"
    - (5) outline of the drainage area for each discharge point;
    - (6) paved areas and buildings within each drainage area;
    - (7) locations of discharge points if different from monitoring points;
    - (8) areas used for outdoor manufacturing, treatment, storage, or disposal of significant materials;
    - (9) areas known or discovered significant materials from previous operations;
    - (10) existing structural control measures for minimizing pollutants in stormwater runoff;
    - (11) structural features that reduce flow or minimize impervious areas;
    - (12) material handling and access areas;
    - (13) hazardous waste treatment, storage and disposal facilities;
    - (14) location of wells including waste injection wells, seepage pits, drywells;
    - (15) location of springs, wetlands and other surface waterbodies both on-site and adjacent to the site;
    - (16) location of groundwater wells;
    - (17) location and description of authorized non-stormwater discharges;
    - (18) location and description of spill prevention and cleanup materials; and
    - (19) locations of the following materials and activities if they are exposed to stormwater and applicable:
      - A. fueling stations;
      - B. vehicle and equipment maintenance cleaning areas;
      - C. loading/unloading areas;
      - D. locations used for the treatment, storage, or disposal of wastes;
      - E. liquid storage tanks;

- F. processing and storage areas;
  - G. immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - H. transfer areas for substances in bulk;
  - I. machinery; and
  - J. locations and sources of run-on to your site from adjacent property.
- ii. A description of industrial activities conducted at the site and significant materials stored, used, treated or disposed of in a manner which exposes those activities or materials to stormwater. Include in the description the methods of storage, usage, treatment or disposal.
  - iii. Location and description, with any available characterization data, of areas of known or discovered significant materials from previous operations.
  - iv. Regular business hours of operation.
  - v. For each area of the site where a reasonable potential exists for contributing pollutants to stormwater runoff, a description of the potential pollutant sources that could be present in stormwater discharges and if the source is associated with a co-located SIC code.
  - vi. A description of control measures installed and implemented to meet the technology and water quality-based requirements in Schedule A.1 –A.4, Schedule A.13 and any applicable sector-specific requirements in Schedule E of this permit. Include a description of how the stormwater control measures address potential pollutant sources from industrial activities and significant materials on-site, spills and leaks and authorized non-stormwater discharges. Include known maintenance schedules and frequency of housekeeping measures.
  - vii. A description of stormwater treatment controls or source controls, including low impact development, in response to corrective action requirements and operation and maintenance procedures. Include safety data sheets for any stormwater treatment chemicals or substances used in stormwater treatment and stored on site.
  - viii. An estimate of the amount of impervious surface area (including paved areas and building roofs) and the total area drained by each stormwater discharge point to be reported in area units.
  - ix. The name(s) of the receiving water(s), latitude and longitude of discharge point(s), and applicable SIC code, if facility has co-located operations. If discharge point is to a municipal storm sewer system, the name(s) and latitude and longitude of the receiving waters and the name of the municipality.
  - x. The identification of each discharge point and the location(s) where stormwater monitoring will occur as required by Schedule B.6. The monitoring point must also be labeled in the on the site map as “monitoring point.” Existing discharge points excluded from monitoring must include a description of the discharge point(s) and data or analysis supporting that the discharge point(s) are substantially similar as described in Schedule B.7.c.ii of this permit.
- c. Procedures and Schedules -The SWPCP must contain the following information to meet the narrative technology-based effluent limits in Schedule A.1 of this permit:
    - i. Spill Prevention and Response - Procedures for preventing and responding to spills and clean-up, documentation and notification procedures. Indicate who is responsible for on-site management of significant materials and include their contact information. Spills prevention plans required by other regulations may be substituted for this provision if the spill prevention plan addresses stormwater management concerns and the plan is included with the SWPCP.

Otherwise the SWPCP must contain all spill prevention and response procedures, schedules and documentation requirements in Schedule A.1.

- (1) Indicate how spill response will be coordinated between the permit registrant and otherwise unpermitted tenants. The permit registrant is ultimately responsible for spills of tenant and appropriate response.
- d. Preventative maintenance - Procedures for conducting inspections, maintenance and repairs to prevent leaks, spills, and other releases from drums, tanks and containers exposed to stormwater and the scheduled regular pickup and disposal of waste materials. Include the schedule or frequency for maintaining all control measures and waste collection.
- e. Operation and Maintenance Plans - Include an operation and maintenance plan for active and passive treatment systems and mass reduction measures. The O&M plan must include, as appropriate to the type of treatment system, items such as system schematic, manufacturer's maintenance/operation specifications, chemical use, treatment volumes and a monitoring or inspection plan and frequency. For passive treatment and low impact development control measures, such as mass reduction measures, include routine maintenance standards.
- f. Employee Education - The elements of the training program must include the requirements in Schedule A.1.j. Include a description of the training content and the required frequency.

## **BENCHMARK EXCEEDANCES AND VISUAL OBSERVATION CORRECTIVE ACTIONS**

### **11. Tier 1 Corrective Action Response based on Exceedances of Benchmarks and Visual Observations that Show Signs of Pollution**

- a. If any of the triggering events occur, the permit registrant must complete the Tier 1 corrective actions below.
- b. Triggering events include:
  - i. If qualifying sample results exceed any applicable statewide benchmark(s) in Table 4 of this permit or any sector-specific benchmarks in Schedule E; or
  - ii. Visual observations that show signs of pollution in the discharge as specified in Schedule B.12.a.vii.
- c. Tier 1 corrective action and reporting must include:
  - i. Investigate the cause of the elevated pollutant levels, including conducting, commencing or planning for any needed pollutant source tracing activities. Ensure that known or discovered significant materials from previous operations are controlled, removed or otherwise not exposed.
  - ii. Review the SWPCP to ensure it is implemented; evaluate selection, design, installation and implementation of control measures for compliance with this permit and manufacturers' specifications. Evaluate whether any previous pollutant source isolation actions are complete and whether additional modifications are necessary.
  - iii. Evaluate any treatment measures, infiltration devices and mass reduction measures, including if they were properly installed, maintained and implemented and whether maintenance, corrections, or modifications are necessary.
  - iv. Tier 1 corrective action response(s) must be assessed and implemented at all substantially similar discharge points.
  - v. Tier 1 report - Summarize the following information in a Tier 1 report:
    - (1) The results of the site the assessment in Schedule A.11.c.i-iii.
    - (2) Corrective actions taken or planned to be taken, including date corrective action completed or expected to be completed. Where the permit registrant determines that corrective action is not necessary, provide the basis for this determination.
    - (3) Document whether SWPCP revisions are necessary.
  - vi. Tier 1 corrective action response may include documentation and implementation of industrial-specific checklists as provided by DEQ (see DEQ's industrial stormwater permits webpage for resources regarding source and operations controls, including the industrial-specific checklists), in addition to a Tier 1 report.
  - vii. The permit registrant must keep Tier 1 reports and industrial-specific checklists on site, and copies provided to DEQ or agent upon request.
- d. Deadlines:
  - i. Implement Tier 1 corrective actions before the next storm event, if possible, or no later than 30 calendar days after receiving the monitoring results or completing the monthly visual inspection, whichever comes first. If the permit registrant fails to complete the corrective action within this timeframe, an explanation must be documented in the Tier 1 Report, and corrective actions must be completed as soon as practicable.
  - ii. Submit revised SWPCP in accordance with Schedule A.9., as needed.

- e. Exemptions:
  - i. Permit registrants subject to Tier 2 corrective action response, prior to completion of Tier 2, a Tier 1 corrective action response is not required when monitoring results exceed the benchmark for the same pollutant and monitoring point.
  - ii. If stormwater monitoring results from properly maintained mass reduction measures installed at or above DEQ-approved designed storm capacity exceed benchmarks, the permit registrant is not required to complete a Tier 1 corrective action.

**12. Tier 2 Corrective Action Response based on Geometric Mean Benchmark Evaluation:**

- a. Permit registrants subject to a Tier 2 installation deadline of June 30, 2021, or later in response to a Tier 2 corrective action response triggered under the previous permit, are not required to conduct Tier 2 evaluation for the same pollutant(s) and monitoring point(s) during this permit cycle.
- b. Once a monitoring point triggers Tier 2 corrective action response for a pollutant, in subsequent full reporting years a Tier 2 geometric mean evaluation and Tier 2 corrective action response are not required more for the same pollutant(s) and monitoring point(s).
- c. The permit registrant must use all qualifying samples collected during the full reporting year to calculate the geometric mean, except sample results from properly maintained mass reduction measures installed at or above DEQ-approved designed storm capacity.
- d. If any of the triggering events occur, the permit registrant must complete the Tier 2 corrective actions below.
- e. Triggering events include:
  - i. The geometric mean of qualifying sample results collected at any monitoring point exceeds any applicable statewide benchmark(s) in Table 4, during each full reporting year (see Schedule D.3, Definitions).
  - ii. For the pH benchmark, if 50 percent or more of qualifying sample results collected at any monitoring point during two full reporting years, are outside of the pH benchmark range.
- f. Corrective action and Reporting must include:
  - i. The permit registrant must submit a SWPCP appendix including: Tier 2 report, a Tier 2 mass reduction waiver request, or a Tier 2 background waiver request as described below.
  - ii. Properly apply and size approved Tier 2 corrective action responses and mass reduction measures to all substantially similar discharge points.
  - iii. Tier 2 Report
    - (1) The Tier 2 report must include a proposal for active or passive treatment. This may include a combination of source removal, control and treatment measures, with the goal of achieving the benchmark(s) in this permit. The report must include the rationale for the selection of the control and treatment measures, the projected reduction of pollutant concentration(s) and the schedule for implementing these measures.
    - (2) An Oregon registered professional engineer (PE) must design and stamp the portion of the SWPCP that addresses these control measures.
- g. At discharge points where Tier 2 has been implemented:
  - i. The permit registrant must take Tier 1 corrective actions in accordance with Schedule A.11.

- ii. The permit registrant must sample substantially similar discharge points for the parameters that triggered Tier 2. For exceptionally large facilities where sampling at all substantially similar discharge points are infeasible, DEQ or agent may approve a modification.
  - iii. The permit registrant may request a monitoring waiver if the geometric mean of five consecutive qualifying sample results collected at any monitoring point is equal to or below the benchmark.
- h. Exemptions:
- i. Tier 2 Mass Reduction Waiver
    - (1) The permit registrant may request an exemption from the requirements in Schedule A.12.f.iii above by submitting a mass reduction waiver request if the permit registrant implements or has implemented volume reduction measures, such as low impact development practices, that will or has resulted in reductions of the mass load of pollutants in the discharge below the mass equivalent of the applicable statewide benchmark(s) in Table 4 of this permit.
    - (2) The mass reduction waiver request and the revised SWPCP must include data and analysis to support the rationale for the mass load reduction selection. The mass reduction waiver request must include a description of the measure(s), and a mass load analysis, and expected implementation date(s).
    - (3) An Oregon Professional Engineer (PE) or Oregon certified engineering geologist (CEG) must design and stamp the portion of the SWPCP that addresses the mass reduction measures.
  - ii. Tier 2 Background Waiver
    - (1) The permit registrant may request a background waiver exemption from the requirements in Schedule A.12.f.iii and A.12.h.i above if the permit registrant can sufficiently demonstrate the benchmark exceedance(s) is attributed solely to the presence of the pollutant(s) in natural background and is not associated with industrial activities at the site (see Schedule D.3, Definitions).
    - (2) The background waiver request must include the supporting rationale and any data collected by the facility or others (including peer-reviewed literature studies) which is used to demonstrate that the exceedances are due solely to background conditions that describe and quantify the levels of background pollutants in the discharge.
  - i. Deadlines:
    - i. The permit registrant must submit a proposed Tier 2 corrective action response to DEQ or agent no later than December 31 (six months after the end of the full reporting year that triggered Tier 2) unless DEQ or agent approved a later date.
    - ii. DEQ or agent will notify the permit registrant within 60 calendar days of receipt if Tier 2 corrective action is approved or denied.
    - iii. Tier 2 corrective action(s) or mass reduction measures(s) must be installed and implemented no later than September 30 (a year and nine months after the Tier 2 proposal corrective action response submittal deadline) unless DEQ or agent approved a later date. If the permit registrant changes the specifics of the corrective actions before implementation, revisions must be submitted and approved by DEQ or agent before implementation. Corrective action revisions do not change the Tier 2 implementation deadline.



- iv. No later than 30 calendar days from implementing Tier 2 corrective actions or mass reduction measures, the permit registrant must inform DEQ or agent of the date of completion. This notification requirement also applies to facilities with an implementation deadline established in the previous permit.
- v. No later than 30 calendar days from implementing all Tier 2 corrective actions or mass reduction measures, the permit registrant must submit all new and modified control measures and any associated changes to monitoring or discharge points within a SWPCP revision.

### **CATEGORY 5: 303(d) LIST IMPAIRMENT EXCEEDANCE RESPONSE**

#### **13. Water Quality-based Effluent Limits**

- a. The permit registrant must comply with water quality-based effluent limits for discharges to impaired receiving waters based on the EPA-approved Category 5: 303(d) list in effect at the time of permit assignment for pH, copper, lead, zinc, iron and E. coli that correspond to the specific pollutant(s) for which the water body is impaired when monitoring results trigger the events specified below.
- b. The permit registrant must use all qualifying samples except sample results from properly maintained mass reduction measures installed at or above DEQ-approved designed storm capacity.
- c. For E. coli and iron, if the triggering events occur, the permit registrant must comply with narrative water quality-based effluent limits.
- d. For pH, copper, lead and zinc, if the triggering events occur, the permit registrant must comply with numeric water quality-based effluent limits at the pollutant concentrations in Table 5 as required by Schedule B.3.
- e. Triggering events for pH, copper, lead and zinc:
  - i. If two consecutive qualifying sample results collected at any monitoring point falls outside the basin-specific range for pH in Appendix A as required by Schedule B.3 at each monitoring point subject to impairment monitoring for which the water body is impaired for pH.
  - ii. If two consecutive qualifying sample results collected at any monitoring point exceed the impairment concentrations for copper, lead, or zinc in Table 5, as required by Schedule B.3 subject to impairment monitoring.
  - iii. If a qualifying sample result collected at any monitoring point is greater than two times the impairment concentrations in Table 5, as required by Schedule B.3 for copper, lead, or zinc subject to impairment monitoring.
- f. When the impairment monitoring as required by Schedule B.3 escalates to a numeric water quality-based effluent limit based on triggering events above in Schedule A.13.e, the permit registrants must notify DEQ or agent no later than 30 calendar days from receiving the monitoring results. At such time, permit registrant may request up to a two-year compliance schedule in accordance with Schedule C.
- g. The permit registrants must sample all discharge points subject to numeric water quality-based effluent limit, including those previously designated as substantially similar.
- h. Permit registrants that discharge into Category 5: 303(d) listed receiving waters for fecal coliform or enterococcus must monitor stormwater discharge that correspond to the specific pollutant and report as specified in Table 6 and Table 7 applicable to impairment pollutants. DEQ may require

additional narrative water quality-based effluent limits if a public health risk is identified from the discharge.

i. Triggering event for E. coli:

- i. If two consecutive qualifying sample results collected at any monitoring point exceeds the impairment concentration for E. coli in Table 5A, as required in Schedule B.4 subject to impairment monitoring, the permit registrant must implement the following narrative water quality-based effluent limits:
- (1) Prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility to the degree practicable. Nothing in this section shall be construed as allowing violations of any applicable federal, state or local statutes, ordinances, or regulations including the Migratory Bird Treaty Act;
  - (2) Clean storm sewer lines, including catch basins, annually. Frequency of cleaning may be reduced, or decreased to catch basins, only after the first annual cleaning if the source of the E. coli exceedances are identified and the storm sewer lines are determined to not be a contributing factor. Flushed water and solids must be disposed of properly and not allowed to discharge;
  - (3) If the source of the exceedances is not readily identified, perform a one-time dry weather inspection to identify and eliminate any sanitary sewer cross-connections or leaky sewer pipes;
  - (4) Investigate and document any human dwelling encampments;
  - (5) Install additional source or operational controls to address known sources of fecal contamination such as green waste, illegal dumping, dumpsters or garbage trucks and grease bins, and portable toilets as applicable; and if applicable,
  - (6) Conduct and report biochemical speciation identification results to indicate non-fecal discharges.

j. Triggering event for iron:

- i. If two consecutive qualifying sample results collected at any monitoring point exceeds impairment concentration for iron in Table 5A, as required by Schedule B.4 subject to impairment monitoring, the permit registrant must implement the following narrative water quality-based effluent limits:
- (1) Demonstrate compliance with the erosion and sediment control narrative technology-based effluent limit in Schedule A.1.d. and stabilize all exposed soils that have potential to discharge;
  - (2) Implement sweeping or other equivalent methods of cleaning sufficient to minimize the discharge of sediment and debris, but in no case less than once per calendar quarter when industrial activity has occurred at the site;
  - (3) Clean storm sewer lines, including catch basins, annually. Frequency of cleaning may be reduced or decreased to catch basins only after the first annual cleaning if the source of the iron exceedances are identified and the storm sewer lines are determined to not be a contributing factor. Flushed water and solids must be disposed of properly and not allowed to discharge; and
  - (4) Install additional source and operational controls to the extent practicable to address known sources of iron pollution such as permanent structures by removing, replacing or sealing corroding metal.

- k. The permit registrant must complete the narrative water quality-based effluent limits no later than 90 calendar days from receiving monitoring results of the triggering event above in Schedule A.13.h and i and continue as required. SWPCP revisions documenting completion are required as specified in Schedule A.9.
- l. If the permit registrant is unable to comply with the numeric or narrative water quality-based effluent limits, it is a permit violation and permit coverage may be revoked under this general permit and coverage required under an individual permit.

## **PERMIT COMPLIANCE**

### **14. Authorization Under This Permit**

- a. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act and Oregon Revised Statutes (ORS) 468B.025(2).
- b. Corrective actions and compliance within the time periods specified for remedying noncompliance with the permit do not absolve the permit registrant of the initial underlying violations.
- c. Where corrective action is triggered by an event that does not itself constitute a violation, such as a benchmark exceedance, there is no permit violation associated with the triggering event provided that the permit registrant must take the corrective action within the deadlines identified in this permit.
- d. A new permit registrant with a new facility or an existing facility without a stormwater discharge permit must implement stormwater control measures to meet new technology and water quality-based requirements in Schedule A.1 – A.4, including applicable sector-specific requirements in Schedule E of this permit, no later than 90 calendar days after receiving permit coverage. Control measures that require capital improvements must be completed no later than two years after receiving permit coverage, unless DEQ or agent approved a later date.
- e. The permit registrant must complete corrective action associated with monitoring exceedances.

**SCHEDULE B**

**MONITORING REQUIREMENTS**

- 1. Numeric Effluent Limitations Based on Effluent Limitations Guidelines:** Permit registrants that engage in a “regulated activity” described in Table 3 below must monitor stormwater discharges for numeric technology-based effluent limits in accordance with concentrations in Schedule E. Numeric technology-based effluent limits are based on Industry-specific stormwater effluent limitations guidelines as established by EPA.

**Table 3: Numeric Effluent Limitations Based on Effluent Limitations Guidelines**

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharge from asphalt emulsion facilities (co-located SIC code only, 2951 covered under the 1200-A)	Part 443, Subpart A	See Schedule E.D.2
Discharge from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Schedule E.E.5
Discharge from hazardous waste landfills	Part 445, Subpart A	See Schedule E.K.3
Discharge from non-hazardous waste landfills	Part 445, Subpart B	See Schedule E.L.7
Discharge from coal storage piles at steam electric generating facilities	Part 423, Subpart E	See Schedule E.O.5
Discharge containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449, Subpart S	See Schedule E.S.7

- 2. Statewide Benchmarks:** The permit registrant must monitor stormwater discharges for the benchmarks in Table 4. In addition permit registrants must monitor for any sector-specific benchmarks in Schedule E. See Schedule B.7.c for exceptions.

**Table 4: Statewide Benchmarks**

Georegion	pH s.u.	Total Copper mg/L	Total Lead mg/L	Total Zinc mg/L	TSS mg/L	BOD mg/L	Total Phosphorus mg/L	E. coli organism/100 mL
Columbia Slough	5.5-9.0	0.017 <sup>2</sup>	0.10 <sup>2</sup>	0.24 <sup>2</sup>	30	24	0.16	406 <sup>1</sup>
Portland Harbor	5.5-9.0	0.015 <sup>2</sup>	0.24 <sup>2</sup>	0.24 <sup>2</sup>	30			
Cascades	5.5-9.0	0.016	0.018	0.068	100			
Coastal	5.5-9.0	0.017	0.039 <sup>2</sup>	0.086	100			
Columbia River Mainstem	6.0-9.0	0.023	0.21	0.35	100			
Eastern	5.5-9.0	0.031	0.077 <sup>2</sup>	0.16	100			

Georegion	pH s.u.	Total Copper mg/L	Total Lead mg/L	Total Zinc mg/L	TSS mg/L	BOD mg/L	Total Phosphorus mg/L	E. coli organism/100 mL
Willamette Valley	5.5-9.0	0.015 <sup>2</sup>	0.11 <sup>2</sup>	0.14 <sup>2</sup>	100			
Marine Waters	6.0-9.0	0.025	1.10	0.46	100			

<sup>1</sup>Columbia Slough dischargers are only subject to benchmark monitoring, no impairment monitoring

<sup>2</sup>Applied regional translators

- 3. Discharges into Category 5: 303(d) listed waters for pH, copper, lead and zinc:** The permit registrant must monitor for pH, total copper, total lead and total zinc at all discharge points into impaired receiving waters that correspond to the specific pollutant(s) for which the water body is impaired. For discharges unable to meet the impairment concentrations for pH, total copper, total lead and total zinc monitoring requirements escalate to a numeric water quality-based effluent limit equal to the impairment monitoring concentrations. See Schedule A.13.e and Schedule C.

**Table 5: Impairment Monitoring Concentrations and Numeric Water Quality-based Effluent Limits**

Georegion	Total Copper mg/L	Total Lead mg/L	Total Zinc mg/L	pH s.u.
Columbia Slough	0.017 <sup>2</sup>	0.017 <sup>2</sup>	0.042 <sup>2</sup>	Basin-Specific <sup>1</sup>
Portland Harbor	0.015 <sup>2</sup>	0.017 <sup>2</sup>	0.041 <sup>2</sup>	
Cascades	0.016	0.006	0.021	
Coastal	0.017	0.017 <sup>2</sup>	0.043	
Columbia River Mainstem	0.023	0.046	0.082	
Eastern	0.031	0.037 <sup>2</sup>	0.070	
Willamette Valley	0.015 <sup>2</sup>	0.027 <sup>2</sup>	0.057 <sup>2</sup>	
Marine Waters	0.0058	0.22	0.095	

<sup>1</sup>See Appendix A for basin-specific pH concentrations

<sup>2</sup>Applied regional translators

- 4. Discharges into Category 5: 303(d) listed waters for E. coli and iron:** The permit registrant must monitor for E. coli and total iron at all discharge points into impaired receiving waters that correspond with the specific pollutant for which the water body is impaired. For discharges unable to meet the impairment concentrations for E. coli and total iron in accordance with Schedule A.13.h.i, the permit registrant must comply with narrative water quality-based effluent limits and continue monitoring discharge. Discharges into the Columbia Slough are not be subject to E. coli impairment monitoring.

**Table 5A: Impairment Monitoring Concentrations**

Impairment Pollutant	Impairment Concentrations
E. coli	406 organisms/100 mL
Total iron	10 mg/L

- 5. Discharges into Category 5: 303(d) listed Receiving Waters for Fecal Coliform and Enterococcus:** The permit registrant must monitor for fecal coliform and enterococcus at all discharge points that correspond to the specific pollutant for which the water is impaired. There are no established impairment monitoring concentrations.

## 6. Pollutant Parameters

### a. Benchmarks

- i. The permit registrant must monitor for the applicable statewide benchmark pollutants identified in Table 4 of this permit. The permit registrant must also monitor for benchmarks identified in Schedule E for applicable industrial sector(s), for both primary industrial activity and any co-located industrial activities.
- ii. If a discharge point is subject to a statewide benchmark(s) for the same parameter that also has a benchmark(s) in Schedule E, the statewide benchmark concentrations are applied as the target concentration.
- iii. If discharge point is into the Pacific Ocean and a saltwater benchmark is established in Table 4 or Schedule E, the saltwater benchmark will be applied as the target concentration. For dischargers into estuarine waters, the more stringent benchmark between the freshwater and saltwater benchmarks are applied as the target concentration.
- iv. When assigning coverage under the permit, DEQ or agent will specify and communicate benchmark monitoring requirements to the permit registrant.

### b. Impairment Pollutants

- i. The permit registrant must monitor for pH, total copper, total lead, total zinc, total iron and fecal indicator bacteria: E. coli, fecal coliform and enterococcus, pollutant(s) based on discharge into Category 5: 303(d) listed receiving waters that correspond to the specific pollutant(s) for which the water body is impaired.
- ii. DEQ or agent will notify the permit registrant of additional impairment monitoring and the specific concentrations if required, based on new listings in the current EPA-approved Category 5: 303(d) list in effect at the time of permit assignment.
- iii. For discharge point(s) required to monitor for impairments as required by Schedule B.3 and B.4 for a pollutant that has a benchmark, the permit registrant will not be subject to benchmark monitoring.
- iv. DEQ or agent will specify and communicate impairment pollutant(s) monitoring requirement to the permit registrant.
  - (1) If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, the permit registrant must monitor for that indicator or surrogate pollutant.
  - (2) No monitoring is required for biological communities (biocriteria), including harmful algal blooms and aquatic weeds, where no pollutant including indicator or surrogate pollutants, is specified as causing the impairment; or temperature, or habitat and flow modifications.
- v. The permit registrant must meet Schedule B.6.b.i unless the permit registrant provides monitoring data demonstrating that the pollutant(s) for which the waterbody is impaired are not present in the discharge.

### c. Numeric Effluent Limits

- i. DEQ or agent will specify and communicate monitoring requirements applicable to numeric effluent limit(s) to the permit registrant.
- ii. For discharge point(s) required to monitor for a numeric water quality-based effluent limit, the permit registrant will not be subject to benchmark monitoring for the same pollutant.

- iii. The permit registrant may not reduce monitoring requirements associated with substantially similar discharge points in accordance with Schedule B.7.c.ii for discharges with applicable effluent limits. The permit registrant must sample all discharge points subject to numeric effluent limit(s).

## 7. Sampling Procedures

### a. Grab Sampling

- i. For each discharge point monitored, collect a grab or composite sample of stormwater discharges. Discharges from discharge points with shallow overland/sheet flows may need to be concentrated to obtain a sample.
- ii. Composite samples may be used as an alternative to grab sampling, except when monitoring for pH, bacteria or oil and grease. Compositing samples must be collected from the same storm event. The permit registrant may not switch between grab sampling to composite sampling during a full reporting year without prior approval from DEQ or agent.
- iii. The permit registrant must perform all monitoring using proper sampling techniques in accordance Schedule F, Section C3.

### b. Representative Sample

- i. Samples must be representative of the discharge.
- ii. Monitoring points must be identified in the SWPCP.
- iii. Stormwater discharges regulated by this permit include stormwater run-on that commingles with stormwater discharges associated with industrial activity.
- iv. If discharges authorized by this permit commingle with discharges authorized under a separate NPDES permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable. When combined flows are unavoidable, sampling must include all permitted parameters.
- v. Authorized non-stormwater discharges under Condition I.6 of this permit must only be sampled when commingled with stormwater discharges associated with industrial activity.
- vi. Stormwater flows may combine into a common on-site treatment facility; discharges in excess of the design storm capacity must be sampled if the minimum monitoring frequency has not been achieved.
- vii. The permit registrant shall, to the extent practicable, sample stormwater associated with industrial activity as it flows off-site before it combines with stormwater, wastewater or other waste permitted streams, or from areas outside the facility, or mixes with any surface water.

### c. Multiple Discharges - Each discharge point must be monitored unless:

- i. Discharge point serves an area without exposure of stormwater to industrial activities.
- ii. Discharge point has effluent that is substantially similar to the effluent(s) of a monitored discharge point and the same BMPs are implemented and maintained at the substantially similar discharge points or drainage areas that lead to the discharge points. Substantially similar effluent(s) are discharges from drainage areas serving comparable activities where the discharges are expected to be similar in composition. The determination of substantial similarity of effluent(s) must be based on past monitoring data or an analysis supporting that the discharge points are substantially similar. The supporting data or analysis must be included in the SWPCP. This provision does not apply to discharge point(s) subject to a numeric effluent limit.

- iii. Discharge points from approved mass reduction measures that reduced the mass of pollutants at or above DEQ-approved design storm capacity. For mass reduction measures installed during previous permit cycles, the permit registrant must comply with Schedule A.6.
- d. Timing - The discharge must be monitored during the first 12 hours of the discharge event, which is a storm event or snowmelt resulting in an actual discharge from a site. If it is not practicable to collect the sample within this period, collect the sample as soon as practicable and provide documentation with the Discharge Monitoring Report why it was not practicable to take samples within the first 12 hour period. The permit registrant is not required to sample outside of regular business hours of operation or during unsafe conditions.
- e. Sampling for pH - pH sampling must be done by either measuring the pH directly in the flow, or analyzing the sample within 15 minutes of sample collection.
  - i. The permit registrant must perform pH monitoring with a properly calibrated pH meter.
  - ii. The permit registrant must follow pH meter manufacturers' specifications and keep meter in good working order.
  - iii. pH paper may not be used to comply with the monitoring requirements established in this permit.
- f. Monitoring Frequency - The permit registrant must monitor stormwater discharge according to the frequency described in Table 6, unless DEQ or agent grant a monitoring waiver or approve a monitoring variance.
  - i. Qualifying stormwater samples must be collected at least 14-days apart.
  - ii. The permit registrant may collect more samples than the minimum frequency described below, but must report this additional data in the Discharge Monitoring Report. All qualifying samples must be included to establish a monitoring waiver in Schedule B.9 or to conduct the geometric mean evaluation in Schedule A.12 of this permit, except from approved mass reduction measures that reduced the mass of pollutants at or above DEQ-approved design storm capacity. For mass reduction measures installed during previous permit cycles, the permit registrant must comply with Schedule A.6.
- g. Exceedance of Numeric Effluent Limit – The permit registrant must conduct follow-up monitoring of any pollutant that exceeds the numeric effluent limit(s) no later than 30 calendar days (or during the next storm event should none occur within 30 calendar days) of receiving the monitoring results. If the follow-up monitoring exceeds the numeric effluent limit, the permit registrant must monitor the discharge four times per year until compliance with the numeric effluent limit is achieved. Once monitoring achieves the effluent limit concentration, semi-annual frequency may resume.



**Table 6: Monitoring Frequency**

Pollutant Category	Minimum Frequency
All applicable statewide benchmarks in Table 4, any applicable sector-specific benchmarks in Schedule E and any impairment pollutants	Four times per year, two samples between January 1 and June 30, and two samples between July 1 and December 31
Any applicable numeric effluent limitations	Two times per year, One sample between January 1 and June 30, and one sample between July 1 and December 31 (unless exceed numeric effluent limit, four times per year)
Any wasteload allocations or additional schedules in EPA-approved TMDL	As specified in the TMDL

**8. Monitoring Variance**

- a. If the permit registrant missed a sample due to no storm events of sufficient magnitude to produce run-off during regular business hours of operation and safe conditions, a monitoring variance must be requested. Variance requests are required to be submitted on February 15 and August 15 with the Discharge Monitoring Report for each missed sample. A “no discharge” claim monitoring variance request must include supporting data and analysis demonstrating why there was no discharge for monitoring to occur. If DEQ or agent has evidence contradicting the information in the permit registrant’s monitoring variance request, failure to complete the required monitoring is cited as a permit violation. Supporting data must be included in the request, and may include:
  - i. State or federal authorities declared the year a drought year.
  - ii. Demonstration that rainfall in the area where the permit registrant’s facility is located was 20 percent or more below the three-year average rainfall for that area.
  - iii. Photo documentation, rain gauge data, detention basin storage volumes, storm infiltration rate or retention capacity.

**9. Monitoring Waiver for Benchmarks and Impairment Pollutant Monitoring**

- a. A monitoring waiver may be requested from DEQ or agent for the following circumstances:
  - i. When the benchmark concentrations have been achieved during a full reporting year, as demonstrated by:
    - (1) The geometric mean of five consecutive qualifying sample results collected at any monitoring point is equal to or below the applicable statewide or sector-specific benchmarks; or
    - (2) For pH, qualifying sample results collected at any monitoring point are within the range for five consecutive readings; or
    - (3) For parameters and discharge point(s) that triggered Tier 2 during this permit cycle, after the corrective action has been implemented and qualifying sample results during a full reporting year achieve the conditions above in Schedule A.8.a.i.(1) or (2).
  - ii. When impairment monitoring results collected at any monitoring point indicate non-detect for four consecutive qualifying samples, or after two full reporting years all qualifying sample results collected at any monitoring point are equal or below the impairment monitoring

concentrations in Table 5 and Table 5A. For pH impairment monitoring after two full reporting years all qualifying sample results collected at any monitoring point are within the basin-specific pH range as specified in Appendix A, referenced in Table 5.

- iii. If the exceedance(s) of a benchmark or impairment pollutant is attributed solely to the presence of the pollutant(s) in background and is not associated with industrial activities at the site. The permit registrant may submit a background waiver report to DEQ or agent that describes the investigation and analysis to demonstrate that the exceedances is due to background conditions. The report must include any data collected by the permit registrant or others (including peer-review literature studies) that describe the levels of background pollutant in the discharge.
- iv. If a facility is inactive and unstaffed and no industrial materials or activities are exposed to stormwater, the permit registrant is not required to conduct monitoring for the remainder of the permit term.
  - (1) The permit registrant must provide documentation with the Discharge Monitoring Report indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii).
  - (2) The permit registrant must sign and certify the statement in accordance with D8 in Schedule F of this permit.
- b. The permit registrant's monitoring waiver request must include documentation to support the request. Monitoring waivers may be requested for individual parameters at each monitoring point.
- c. DEQ or agent will notify the permit registrant if a monitoring waiver is approved or denied. Until approval of the monitoring waiver is received, the permit registrant must continue monitoring.
- d. Approved monitoring waivers are valid until the last full reporting year of the permit term, which begins on July 1, 2025.
- e. There is no reduction in monitoring allowed for:
  - i. Visual observations, unless the site is inactive or unstaffed and there are no industrial materials or activities exposed to stormwater and the permit registrant meets requirements in Schedule B.9.a.vii of this permit;
  - ii. The first and last full reporting year of the permit cycle;
  - iii. Impairment monitoring subject to a compliance schedule in Schedule C; and
  - iv. Monitoring for numeric effluent limits.
- f. Reinstatement of Monitoring
  - i. It is the responsibility of the permit registrant to reinstate discharge monitoring under any of the following circumstances or if notified by DEQ or agent:
    - (1) Prior monitoring used to establish the monitoring waiver was improper or sampling results were incorrect;
    - (2) Changes to site conditions are likely to affect stormwater discharge characteristics, such as change in SIC code, process change or increased pollutants sources exposed to stormwater;
    - (3) Additional monitoring occurs and the sampling results exceed benchmark(s) or impairment monitoring concentrations in Table 5 or Table 5A;
    - (4) On July 1, 2025, for benchmark and impairment monitoring waiver approvals; or

- (5) For inactive or unstaffed sites, the facility becomes active or staffed, or industrial materials or activities become exposed to stormwater.
- g. Revocation of Monitoring Waiver
- i. DEQ or agent may revoke the monitoring waiver based on any of the above conditions in Schedule B.9.f.i.1-5 or in response to an inspection, corrective action, or upon discovery of the discharge which has caused or contributed to a water quality standard exceedance. DEQ or agent will notify the permit registrant that the monitoring waiver is revoked.

**10. Additional Monitoring-** DEQ or agent may notify the permit registrant of additional discharge monitoring requirements. Any such notice will state the reasons for the additional monitoring, monitoring location and pollutant to be monitored, frequency and period of monitoring, sample types and reporting requirements.

**11. For a new permit registrant discharging to Clackamas River, McKenzie River above Hayden Bridge (River Mile 15), and North Santiam River** under OAR 340-041-0350 - For potential or existing dischargers that did not have a permit prior to January 28, 1994, and existing dischargers that have a NPDES stormwater discharge permit but request an increased load limitation.

- a. No later than 180 calendar days after obtaining permit coverage, the permit registrant must submit to DEQ a monitoring and water quality evaluation program. This program must be effective in evaluating the in-stream impacts of the stormwater discharge as required by OAR 340-041-0350(7)(a).
- b. No later than 30 calendar days from DEQ approval, the permit registrant must implement the monitoring and water quality evaluation program.

## INSPECTIONS

### 12. Monthly Inspection Requirements

- a. The permit registrant must inspect areas where industrial materials or activities are exposed to stormwater and areas where stormwater control measures, including infiltration devices, mass reduction measures, structures, catch basins, and treatment facilities are located. Inspections must include an evaluation of control measures consistent with the SWPCP requirements. Inspections must include observations of all discharge points as well as the following:
- i. Industrial materials, residue, or trash that may have or could come into contact with stormwater;
- ii. Leaks or spills from industrial equipment, drums, tanks, and other containers;
- iii. Offsite and internal tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- iv. Tracking or blowing of raw, final, or waste materials that results in exposure of stormwater falling on the site;
- v. Evidence of, or the potential for, pollutants entering the drainage system;
- vi. Evidence of pollutants discharging to receiving waters at all discharge point(s);
- vii. Visual observation for the presence of floating and suspended solids, color, odor, foam, visible oil sheen, or other obvious indicators of pollution in the stormwater discharge at all discharge

- point(s), including discharge points that have been authorized to be substantially similar in accordance with Schedule B.7.c.ii; and
- viii. Stormwater control measures, including treatment, infiltration devices and mass reduction measures, to ensure they are functioning properly, and maintained on designed schedules.
- b. Inspections must be conducted by personnel that have completed employee training and are familiar with all aspects of the SWPCP.
- c. Conduct visual inspections at the site on a monthly basis when the facility is in operation. The permit registrant must perform visual observations for signs of pollution as required by Schedule B.12.a.vii above during a discharge event if one occurs during the month, regardless whether the monthly site inspection has already occurred.
- d. For exceptionally large facilities where monthly inspections of all areas or visual observation at all substantially similar discharge points are infeasible, DEQ or agent may approve a modified inspection frequency.
- e. Conduct visual observations of a sample in a clean, colorless glass or plastic container in well-lit area during regular business hours of operation and safe conditions.
- f. The permit registrant's visual observations sample collection does not need to conform to sample collection requirements in Section D8 within Schedule F, but must be representative of the stormwater discharge.
- g. Immediately take all reasonable steps to temporarily minimize or prevent the discharge of pollutants until permanent corrective action is complete.
- h. Conduct all corrective action required as a result of inspection and visual observation.
- i. Document monthly inspections in an inspection report that is retained on-site and submitted to DEQ or agent upon request. The inspection report must include:
- i. The inspection date and time;
  - ii. The name(s) of inspector(s);
  - iii. Control measures and treatment facilities needing cleaning, replacement, maintenance, reconditioning or repair;
  - iv. The condition of the drainage and conveyance system and need for maintenance;
  - v. Previously unidentified sources of pollutants;
  - vi. Stormwater discharge visual observations, (Tier 1 report is required if visual observation shows evidence of stormwater pollution listed in Schedule B.12.a.vii.);
  - vii. Nature of the discharge; whether caused by snow or rain; and
  - viii. Any corrective action response, source control or maintenance taken or scheduled to remedy problems found.

## **REPORTING AND RECORDKEEPING REQUIREMENTS**

### **13. Reporting Monitoring Data**

- a. The permit registrant must submit all monitoring results required in this permit web-based electronically, when directed by DEQ or agent. Paper submittal must be on DEQ-approved Discharge Monitoring Report (DMR) forms.
- i. DMRs are due quarterly as specified in Table 7, as required in Schedule B.14 for samples taken during the preceding calendar quarter.

- ii. Reports must include laboratory results from the testing laboratory, including minimum detection level, Quality Assurance/Quality Control and analytical methods for the parameters analyzed.
  - iii. The permit registrant must submit pH field notes and chain-of-custody.
  - iv. Report non-detections as directed by DEQ. In calculating the geometric mean, use one-half of the detection level for non-detections.
  - v. Report all sample results from monitoring points.
  - vi. The permit registrant must sign and certify submittals of Discharge Monitoring Reports, any additional reports, and other information in accordance with the requirements of Section D8 within Schedule F of this permit.
- b. The permit registrant must report Tier 2 geometric mean benchmark evaluation on the DMR due on August 15 after each full reporting year.
- c. Electronic Submission
- i. When directed by DEQ, the permit registrant must submit sampling results and lab and field reports and other information required by Schedule B using DEQ’s web-based electronic system.
  - ii. A permit registrant may apply for a waiver from web-based electronic reporting. The request must be submitted on a DEQ-approved form and a fee may be assessed.
  - iii. Permit registrants in agents’ jurisdictions will continue to submit DEQ-approved DMR forms in paper format until notified by DEQ and agent of phased electronic submission requirements.

**14. Discharge Monitoring Reports Submission:**

The permit registrant must submit all data by required Discharge Monitoring Report due dates. Failure to submit a DMR is a violation, even if there was no discharge during a quarter.

**Table 7: DMR Submission Deadlines**

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

<sup>1</sup>Variance request must be submitted semi-annually, as applicable

**15. Exceedance Report for Numeric Effluent Limits** - If follow-up monitoring pursuant to Schedule B.7.g of this permit exceeds a numeric effluent limit, the permit registrant must submit an Exceedance Report to DEQ or agent no later than 30 calendar days after receiving the monitoring results. The report must include the monitoring data from this monitoring event and the preceding monitoring event(s), an explanation of the contributing factors that resulted in the exceedance, and what the permit registrant has done to correct the violation or intends to do if the corrective actions are not complete.

- 16. Record Keeping Procedures** – The permit registrant must record and maintain the following information at the facility. All records must be retained by the permit registrant for at least three years and made available to DEQ, agent or local municipality upon request.
- a. A copy of the SWPCP and any revisions, including revised stamped SWPCP from Tier 2 corrective action;
  - b. A copy of this permit;
  - c. DEQ’s notice of permit coverage under the current permit term;
  - d. Documentation of maintenance and repairs of control measures, treatment systems and mass reduction measures;
  - e. Mass reduction measures re-certification as required by Schedule A.6;
  - f. Tier 1 reports, including industrial-specific checklist(s);
  - g. All inspection reports;
  - h. Documentation of any benchmark exceedance and corrective action taken;
  - i. All copies of any reports or corrective action submitted to DEQ or agent;
  - j. Spills or leaks of significant materials (See Schedule D.3, Definitions) that impacted or had the potential to impact stormwater or surface waters. Include the corrective actions to clean up the spill or leak as well as measures to prevent future problems of the same nature;
  - k. Documentation to support a claim that a facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections;
  - l. Discharge Monitoring Reports, laboratory reports, pH calibration and field sampling notes;
  - m. Compliance schedule reports as specified in Schedule C;
  - n. Numeric limits exceedance reports;
  - o. Water Quality Standards Report; and
  - p. Employee education materials and records of training.

**17. Summary of Reporting Requirements and Submittal Date**

The permit registrant must submit all reports through a web-based electronic system when directed by DEQ and agent.

**Table 8: Reporting Requirements**

Permit Condition	Permit Schedule	Report Required	Due Date
Must not cause or contribute to a violation of instream water quality standard	Schedule A.3	Water Quality Standards Corrective Action Report	No later than 30 calendar days after receiving monitoring results
Certification of mass reduction measures installed during previous permit cycles	Schedule A.6	Stamped certification	December 31, 2021
SWPCP submission	Schedule A.9	SWPCP revision	No later than 30 calendar days after the completion of modification or as requested by DEQ or agent
Sample results exceed applicable statewide or sector-specific benchmarks or visual observations show signs of pollution	Schedule A.11	Tier 1 Report	No later than 30 calendar days after receiving monitoring results; Retain on-site and submit upon request
Geometric mean exceeds statewide benchmarks in full reporting year (July1 – June 30)	Schedule A.12	Tier 2 Report	No later than December 31, six months after June 30 (date triggered)
		Tier 2 Mass Reduction Waiver	
		Tier 2 Background Waiver	
Confirmation of Tier 2 implementation	Schedule A.12.i.iv	Notification confirming Tier 2 proposal installation	No later than 30 calendar days of implementation
Sample results continue to exceed benchmark for Tier 2 parameters post-implementation	Schedule A.11.c.v	Tier 1 Report	No later than 30 calendar days after receiving monitoring results; Retain on-site and submit upon request
Trigger numeric water quality-based effluent limit	Schedule A.13.e	WQBEL notification and compliance schedule request	No later than 30 calendar days after receiving monitoring results
Submission of monitoring results after the preceding calendar quarter	Schedule B.14	Discharge Monitoring Report	No later than February 15, May 15, August 15, and November 15
Sample results exceed numeric effluent limitations	Schedule B.15	Exceedance Report	No later than 30 calendar days after receiving monitoring results and increase monitoring frequency

## SCHEDULE C

### COMPLIANCE SCHEDULES

1. **Numeric Water Quality-based Effluent Limits:** If the permit registrant is subject to numeric water quality-based effluent limits as required by triggering events in Schedule A.13.e, unable to immediately comply with applicable effluent limits, and has requested a compliance schedule as specified in Schedule C.2., the permit registrant must comply with the following compliance schedule milestones in Table 9. The permit registrant is allowed a compliance schedule when site modifications to implement a combination of source control and treatment are necessary to achieve numeric water quality-based effluent limit. Final numeric water quality-based effluent limits become enforceable when consistent compliance is achieved, or a maximum of 24 months following the trigger event specified in Schedule A.13.e, whichever occurs first.
  - a. Failure to comply with the final compliance schedule within 24 months following the qualifying event specified in Schedule A.13.e is a permit violation.
  - b. Consistent compliance with the effluent limits for this section shall be demonstrated by achieving compliance with the applicable effluent limit(s) for one full reporting year, unless the permit registrant provides, and DEQ or agent accepts, a rationale for why the monitoring data is not representative of anticipated future performance.
  
2. **Compliance Schedule Milestones:** A permit registrant will be allowed a compliance schedule if monitoring results indicate that stormwater discharges do not meet numeric water quality-based effluent limit concentrations in Table 5 that correspond to the specific pollutant(s) for which the water body is impaired. The permit registrant must request a compliance schedule from DEQ or agent and shall carry out the actions by the specified due dates below.

**Table 9: Compliance Schedules**

Action	Due Date <sup>1</sup>
1. Identify the source of contamination in stormwater discharge and determine if source control, treatment, or both will be used to achieve compliance with the applicable numeric effluent limit(s).	Within 6 months
2. Submit plans for structural modification of existing facilities or the construction of new facilities consistent with the determination in Action 1.	Within 12 months
3. Commence modifications/installations as specified in Action 2.	Within 18 months
4. Comply with final effluent limits and submittal of a revised SWPCP	Within 24 months

<sup>1</sup> In relation to the date of the triggering events specified in Schedule A.13.e occurred

3. **Status Reports:** Permit registrant shall submit status reports to DEQ or agent within 14-days after each action due date listed in Table 9. Status reports shall include the following information:
  - a. A status summary of the progress towards completing the actions specified in Table 9, including any relevant documentation or findings necessary to demonstrate compliance with the applicable due dates.
  - b. Confirmation of completion of the required action or a communication with DEQ or agent that the permit registrant will be delayed in implementing the required action. Notifications of a delay must include reasons for the delay and a revised schedule for ensuring compliance with the final



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due date to comply with the numeric water quality-based effluent limits within 24 months. DEQ or agent will notify the permit registrant no later than 30 calendar days from receipt if the delay is approved or denied. An extension of the final compliance date is prohibited.

## SCHEDULE D

### SPECIAL CONDITIONS

**1. Releases in Excess of Reportable Quantities.** This permit does not relieve the permit registrant of the reporting requirements of 40 CFR §117 Determination of Reportable Quantities for Hazardous Substances and 40 CFR §302 Designation, Reportable Quantities, and Notification.

**2. Availability of SWPCP and Monitoring Data.** The Stormwater Pollution Control Plan and stormwater monitoring data must be made available to government agencies responsible for stormwater management in the permit registrant's area.

### 3. Definitions

For the purpose of this permit:

- a. Arid areas means portion of the state where annual precipitation averages range from 0 to 10 inches.
- b. Background pollutants include substances that are naturally occurring in soils or groundwater. Background pollutants do not include legacy pollutants from earlier activity on the site, or pollutants in run-on from neighboring sources that are not naturally occurring.
- c. Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the state." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.
- d. Capital Improvements means the following improvements that require capital expenditures:
  - i. Removal or permanent isolation from exposure to stormwater of significant materials left from previous activities on the site.
  - ii. Treatment best management practices including to settling basins, oil/water separation equipment, grassy swales, detention/retention basins, and media filtration devices.
  - iii. Manufacturing modifications that incur capital expenditures, including process changes for reduction of pollutants or wastes at the source.
  - iv. Concrete pads, dikes and conveyance or pumping systems utilized for collection and transfer of stormwater to treatment systems.
  - v. Roofs and appropriate covers for manufacturing areas.
  - vi. Volume reduction measures, including low impact development control measures.
- e. Co-located Industrial Activities means any industrial activities, excluding the primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i - ix, xi) and identified in Table 1: Sources Covered of the permit. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified in Table 1.
- f. Columbia Slough means the waterway in northern Multnomah County flowing roughly parallel to the Columbia River between Fairview Lake and the Willamette River. *Confirm discharges to Columbia Slough by contacting the cities of Portland or Gresham.*

- g. Compliance Schedule means a schedule of remedial measures, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with a water quality-based effluent limit. See *Schedule of compliance* in 40 CFR 122.2.
- h. Control Measure means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the state.
- i. Discharge Point means the location where stormwater flows leave the facility and enters waters of the state directly or indirectly through a separate storm sewer system, including the location where any sheet flow leaves a facility.
- j. Existing Discharger means an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.
- k. Feasible means technologically possible and economically practicable and achievable in light of best industry practices.
- l. Full reporting year is from July 1 of one year to June 30 of the following year (for example, the 2021/2022 full reporting year is from July 1, 2021, through June 30, 2022).
- m. Hazardous Substances is defined in 40 CFR §302 Designation, Reportable Quantities, and Notification.
- n. High Quality Waters means those waters that meet or exceed levels that are necessary to support the propagation of fish, shellfish, and wildlife; recreation in and on the water; and other designated beneficial uses. Waters identified on the Category 5: 303(d) listed waters as not meeting applicable state water quality standards for a given pollutant are not high quality waters.
- o. Immediately means in the context of repair or maintenance to control measures, the day you identify that a control measure needs to be maintained, repaired, or replaced, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate action, you must perform the action the following work day morning.
- p. Impaired Waters means those waters identified by a State or EPA pursuant to Section 303(d) (Category 5) of the Clean Water Act as not meeting applicable State water quality standards for one or more pollutants. This may include both waters with approved TMDLs (Category 4), and those for which a TMDL has not yet been approved.
- q. Industrial Activity means the categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi) or activities identified by DEQ as a significant contributor of pollutants, such as Table 2.
- r. Industrial-specific Checklists means technical assistance document for optional use to assist permit registrants with a Tier 1 corrective action response comprised of universal and sector-specific source and operational control measures for major industrial groups. When implemented will assist in reducing sources of pollution exposed to stormwater. The permit registrant is expected to complete the universal checklists designed for all industrial sectors covered under this permit as well as sector-specific checklists applicable to SIC codes industrial activities at the site.
- s. Industrial Stormwater means stormwater discharge associated with industrial activity (40 CFR 122.26(b)(14)).
- t. Material Handling Activities include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.

- u. Minimize means reduce or eliminate, or both, to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.
- v. Monitoring Point for the purpose of this permit, means the location where stormwater discharge is sampled.
- w. New Discharger means a facility from which there is or may be a discharge, that did not commence the discharge of pollutants at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.
- x. New Source means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced: after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.
- y. No Exposure means all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).
- z. Operator means any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:
  - i. The entity has operational control over industrial activities, including the ability to modify those activities; or
  - ii. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with this permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by this permit).
- aa. Outstanding Resource Waters means those waters designated by the Environmental Quality Commission where existing high quality waters constitute an outstanding state or national resource based on their extraordinary water quality or ecological values or where special water quality protection is needed to maintain critical habitat areas.
- bb. Portland Harbor means the study area of EPA’s Portland Harbor Superfund site located in the Lower Willamette River from approximately river mile 1.9 to 11.8.
- cc. Primary industrial activity means any activities performed on-site that are (1) identified by the facility’s primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application-sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.
- dd. Qualifying samples are samples that are collected at least 14-days apart, are analyzed using approved methods (see Schedule F), and satisfy the Quality Assurance/Quality Control requirements of the method.
- ee. Regular business hours of operation means those timeframes when the facility is engaged in its primary production process, with personnel that have completed the required SWPCP training.

- ff. Run-on sources of stormwater means stormwater that drains from land located upslope or upstream from the regulated facility.
- gg. Semi-arid areas means where annual rainfall averages range from 10 to 20 inches.
- hh. Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical that a facility is required to report pursuant to section 313 of title III of SARA; TSCA, fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.
- ii. Storm event means a precipitation event that results in a measurable amount of precipitation to results in an actual discharge (except otherwise specified in Schedule E).
- jj. Stormwater means stormwater runoff, snow melt runoff and surface runoff drainage. See 40 CFR 122.26(b)(13).
- kk. Stormwater Discharge Associated with Industrial Activity, the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, state, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14)
- ll. Stormwater Conveyance means a sewer, ditch, or swale that is designed to carry stormwater; a stormwater conveyance may also be referred to as a storm drain or storm sewer.
- mm. Total Maximum Daily Load (TMDL) is the sum of the individual Waste Load Allocations (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and background. See OAR 340-041-0002(65) and OAR 340-042-0030(15).
- nn. Treatment Measures mean Best Management Practices that are intended to remove pollutants from stormwater. These measures include: settling basins, oil/water separation equipment, detention/retention basins, media filtration devices, electrocoagulation, constructed wetlands and bioswales.

- oo. Wasteload Allocation (WLA) means the portion of receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation. See OAR 340-041-0002(67).

#### **4. Local Public Agencies Acting as DEQ's Agent**

DEQ has entered into agreement which authorize certain local governments and special districts to act as its agent in implementing portions of this permit. The agent conducts the following activities, including: application and SWPCP review, inspections, monitoring data review, stormwater and wastewater monitoring, and verification and approval of no-exposure certifications. Where DEQ has entered into such an agreement, DEQ or agent will notify the permit registrant of where to submit no-exposure certifications, and other notifications or correspondence associated with this permit.

#### **5. Terminating Permit Coverage**

- a. The permit registrant must meet the following conditions:
  - i. Cease all industrial operations and stormwater discharge associated with industrial activity as defined in 40 CFR 122.26(b)(14); or
  - ii. Obtain NPDES coverage under an individual permit; or
  - iii. A new owner or operator legally acquires responsibility of property or industrial activity.
  - iv. Conditions for termination under sectors G, H and I have been met, as applicable.
- b. To terminate permit coverage, registrants must:
  - i. Complete and submit a Notice of Termination to DEQ or agent for approval.
  - ii. Resolve all outstanding invoices and compliance issues.
- c. Until termination has been approved by DEQ, the permit registrant must comply with all permit conditions.

**SCHEDULE E**

**SECTOR-SPECIFIC REQUIREMENTS**

1. The permit registrant must meet the sector-specific requirements in Schedule E associated with their primary industrial activity and any co-located industrial activities, as defined in Schedule D of this permit. The sector-specific requirements apply to the areas of the facility where the sector-specific activities occur.
2. These sector-specific requirements in Schedule E are in addition to the requirements in Schedule A, Schedule B, and Schedule C of this permit.
3. Pacific Ocean discharges will use saltwater benchmarks as the target concentrations, when one is established in this Schedule.
4. Estuarine waters discharges, the more stringent benchmark between the freshwater and saltwater benchmarks are applied as the target concentration. If no saltwater benchmark is listed, the freshwater benchmark is applied.
5. If a discharge point is subject to a statewide benchmark(s) for the same parameter that also has a benchmark(s) in Schedule E, the statewide benchmark supersedes Schedule E concentrations. Other hardness-dependent metals concentrations are calculated in Table 10 using median hardness for each georegion.

**Table 10: Metals Concentrations**

<b>Georegion</b>	<b>Median Hardness mg/L</b>	<b>Total Cadmium<sup>1</sup> mg/L</b>	<b>Total Chromium III<sup>1</sup> mg/L</b>	<b>Total Nickel<sup>1</sup> mg/L</b>	<b>Total Selenium<sup>2</sup> mg/L</b>	<b>Total Silver<sup>1</sup> mg/L</b>
Cascades	12.9	0.00039	0.34	0.083	0.013	0.00011
Coastal	29.75	0.0010	0.67	0.17	0.013	0.00047
Columbia River Mainstem	63.8	0.0024	1.2	0.32	0.013	0.0017
Columbia Slough	29.4	0.00099	0.66	0.17	0.013	0.00046
Eastern	53.3	0.0019	1.1	0.28	0.013	0.0013
Portland Harbor	28.55	0.00095	0.65	0.16	0.013	0.00044
Willamette Valley	41.9	0.0015	0.88	0.22	0.013	0.00085

<sup>1</sup>See Endnote E and Endnote F equations for hardness-based metals, Table 30: Aquatic Life Water Quality Criteria

<sup>2</sup> DEQ Memorandum, Implementations Instruction for Selenium

6. Table E-1 below identifies SIC codes and activities descriptions that are required to meet the sector-specific requirements in Schedule E of the permit.

**Table E-1. Sectors of Industrial Activity with Description**

SIC Code or Activity Code	Activity Represented
<b>SECTOR A: TIMBER PRODUCTS</b>	
2421	General Sawmills and Planing Mills
2411	Logging
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439 (except 2434, see Sector W)	Millwork, Veneer, Plywood, and Structural Wood
2448	Wood Pallets and Skids
2449	Wood Containers, Not Elsewhere Classified
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
2441	Nailed and Lock Corner Wood Boxes and Shook
<b>SECTOR B: PAPER AND ALLIED PRODUCTS</b>	
2631	Paperboard Mills
2611	Pulp Mills
2621	Paper Mills
2652-2657	Paperboard Containers and Boxes
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
<b>SECTOR C: CHEMICALS AND ALLIED PRODUCTS</b>	
2873-2879 (excluding 2874)	Agricultural Chemicals
2812-2819	Industrial Inorganic Chemicals
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products



**Table E-1. Sectors of Industrial Activity with Description**

SIC Code or Activity Code	Activity Represented
2861-2869	Industrial Organic Chemicals
2891-2899	Miscellaneous Chemical Products
3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
2911	Petroleum Refining
<b>SECTOR D: PETROLEUM REFINING AND RELATED INDUSTRIES</b>	
<b>Asphalt Paving Mixtures and Blocks, Primary SIC code 2951, Covered by 1200-A General Permit</b>	
2951 (co-located SIC code only), 2952	Asphalt Paving and Roofing Materials
2992, 2999	Miscellaneous Products of Petroleum and Coal
<b>SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS</b>	
<b>Ready-Mixed Concrete, Primary SIC code 3273, Covered by 1200-A General Permit</b>	
3251-3259	Structural Clay Products
3261-3269	Pottery and Related Products
3271-3275 (3273 co-located SIC code only)	Concrete, Gypsum and Plaster Products
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
<b>SECTOR F: PRIMARY METALS</b>	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321-3325	Iron and Steel Foundries
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363-3369	Nonferrous Foundries (Castings)
3331-3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3398, 3399	Miscellaneous Primary Metal Products
<b>SECTOR G: METAL MINING (ORE MINING AND DRESSING)</b>	
1021	Copper Ore and Mining Dressing Facilities
1011	Iron Ores
1021	Copper Ores

**Table E-1. Sectors of Industrial Activity with Description**

SIC Code or Activity Code	Activity Represented
1031	Lead and Zinc Ores
1041, 1044	Gold and Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores
<b>SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES</b>	
1221-1241	Coal Mines and Coal Mining-Related Facilities
<b>SECTOR I: OIL AND GAS EXTRACTION AND REFINING</b>	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381-1389	Oil and Gas Field Services
<b>SECTOR J: MINERAL MINING AND DRESSING- Discharges Covered by 1200-A General Permit</b>	
<b>SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES</b>	
HZ	<p>Hazardous Waste Treatment, Storage, or Disposal Facilities:</p> <ul style="list-style-type: none"> <li>• Hazardous waste storage</li> <li>• Hazardous waste disposal</li> <li>• Hazardous waste facilities operating under interim status</li> <li>• Hazardous waste facilities operating under a permit under Subtitle C of RCRA</li> </ul> <p>HZ is the Activity Code for this Sector. It potentially applies to any facility regardless of SIC, in addition to these specifically related to hazardous waste:</p> <ul style="list-style-type: none"> <li>• SIC 4953 Refuse Systems (hazardous waste treatment and disposal)</li> </ul>
<b>SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS</b>	
LF	All Landfill, Land Application Sites and Open Dumps
LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
<b>SECTOR M: MOTOR VEHICLE PARTS, USED</b>	
5015	Automobile Salvage Yards
<b>SECTOR N: SCRAP AND WASTE MATERIALS</b>	
5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
5093	Source-separated Recycling Facility

**Table E-1. Sectors of Industrial Activity with Description**

SIC Code or Activity Code	Activity Represented
<b>SECTOR O: STEAM ELECTRIC GENERATING FACILITIES</b>	
SE	Steam Electric Generating Facilities, including coal handling sites: <ul style="list-style-type: none"> <li>• steam electric power generation using coal, including coal handling areas</li> <li>• steam electric power generation using natural gas</li> <li>• steam electric power generation using oil</li> <li>• steam electric power generation using nuclear energy</li> <li>• steam electric power generation using any other fuel to produce a steam source</li> <li>• coal pile discharge (includes effluent limitations established by 40 CFR 423)</li> <li>• dual fuel co-generation (i.e., steam generation using fossil fuel to augment a heat-capture generation system)</li> </ul> SE is the Activity Code for this Sector. It may apply to any facility SIC Code, in addition to these specifically related to steam electric generation: <ul style="list-style-type: none"> <li>• SIC 4911 Electric Services (fossil fuel power generation, nuclear electric power generation &amp; other electric power generation)</li> </ul>
<b>SECTOR P: LAND TRANSPORTATION AND WAREHOUSING</b>	
4011, 4013	Railroad Transportation
4111-4173	Local and Highway Passenger Transportation
4212-4215	Trucking and Courier Services, Except Air
4226, 4231	Special Warehousing and Storage, Not Otherwise Classified, Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
<b>SECTOR Q: WATER TRANSPORTATION</b>	
4412-4499	Water Transportation Facilities
<b>SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS</b>	
3731, 3732	Ship and Boat Building or Repairing Yards
<b>SECTOR S: AIR TRANSPORTATION FACILITIES</b>	
4512-4581	Air Transportation Facilities
<b>SECTOR T: TREATMENT WORKS</b>	

**Table E-1. Sectors of Industrial Activity with Description**

SIC Code or Activity Code	Activity Represented
TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403.
<b>SECTOR U: FOOD AND KINDRED PRODUCTS</b>	
2041-2048	Grain Mill Products
2074-2079	Fats and Oils Products
2011-2015	Meat Products
2021-2026	Dairy Products
2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
2051-2053	Bakery Products
2061-2068	Sugar and Confectionery Products
2082-2087	Beverages
2091-2099	Miscellaneous Food Preparations and Kindred Products
2111-2141	Tobacco Products
<b>SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS</b>	
2211-2299	Textile Mill Products
2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
<b>SECTOR W: FURNITURE AND FIXTURES</b>	
2434	Wood Kitchen Cabinet and countertop Manufacturing
2511-2519	Household Furniture
2521, 2522	Office Furniture
2531	Public Building and Related Furniture
2541, 2542	Partitions, Shelving, Lockers, and Office and Store Fixtures
2591, 2599	Miscellaneous Furniture and Fixtures
<b>SECTOR X: PRINTING AND PUBLISHING</b>	

**Table E-1. Sectors of Industrial Activity with Description**

SIC Code or Activity Code	Activity Represented
2711-2796	Printing, Publishing, and Allied Industries
<b>SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES</b>	
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081-3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991-3999	Miscellaneous Manufacturing Industries
<b>SECTOR Z: LEATHER TANNING AND FINISHING</b>	
3111	Leather Tanning and Finishing
<b>SECTOR AA: FABRICATED METAL PRODUCTS</b>	
3411-3499 (except 3479)	Fabricated Metal Products, and Coating, Engraving, and Allied Services
3911-3915	Jewelry, Silverware, and Plated Ware
3479	Fabricated Metal Coating and Engraving
<b>SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY</b>	
3511-3537	Engines and Turbines, Farm and Garden Machinery and Equipment, Construction, Mining and Materials Handling Machinery and Equipment
3541-3549	Metalworking Machinery and Equipment
3552-3559	Special Industry Machinery, Except Metalworking Machinery
3561-3569	General Industrial Machinery and Equipment
3581-3599	Refrigeration and Service Industry Machinery, Miscellaneous Industrial and Commercial Machinery and Equipment
3711-3716	Motor Vehicles and Motor Vehicle Equipment
3721-3751 (except 3731, 3732)	Aircraft and Parts, Ship and Boat Building and Repairing, Railroad Equipment, Motorcycles, Bicycles and Parts

**Table E-1. Sectors of Industrial Activity with Description**

<b>SIC Code or Activity Code</b>	<b>Activity Represented</b>
3761-3799	Guided Missiles and Space Vehicles and Parts, Miscellaneous Transportation Equipment
<b>SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC AND OPTICAL GOODS</b> <i>No Sector-specific requirements</i>	
3571-3579	Computer and Office Equipment
3612-3699	Electronic and Other Electrical Equipment and Components, Except Computer Equipment
3812-3829	Measuring, Analyzing, Optical and Controlling Instruments
3841-3861	Photographic, Medical and Optical Goods
3873	Watches and Clocks

**Sector A – Timber Products**  
**Additional Technology-Based Effluent Limits**

E.A.1 *Good Housekeeping.* In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

**E.A.2 Additional SWPCP Requirements**

E.A.2.1 *Drainage Area Site Map.* Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

E.A.2.2 *Inventory of Exposed Materials.* Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPCP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with stormwater discharge.

E.A.2.3 *Description of Stormwater Management Controls.* Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

**E.A.3 Additional Inspection Requirements.**

E.A.3.1. If your facility is a wood preserving facility under SIC 2491, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges.

#### E.A.4 Sector-Specific Benchmarks

Table E.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

**Table E.A-1**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
General Sawmills and Planing Mills (SIC code 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	Statewide benchmark
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L
Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC code 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	Statewide benchmark
Log Storage and Handling (SIC code 2411)	Total Suspended Solids (TSS)	Statewide benchmark
Wood Preserving (SIC code 2491)	Total Arsenic freshwater	0.34 mg/L
	Total Arsenic saltwater	0.069 mg/L
	Total copper freshwater	Statewide benchmark
	Total copper saltwater	0.025 mg/L



**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector B – Paper and Allied Products**

**E.B.1 Sector-Specific Benchmarks**

Table E.B-1 identifies benchmarks that apply to the specific subsectors of Sector B. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.B-1**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Paperboard Mills (SIC code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector C – Chemical and Allied Products Manufacturing, and Refining**

**E.C.1 Sector-Specific Benchmarks**

Table E.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.C-1**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Agricultural Chemicals (SIC codes 2873-2879, excluding 2874)	Nitrate plus Nitrite Nitrogen	10 mg/L
	Phosphorus	2.0 mg/L
	Total lead freshwater	Statewide benchmark
	Total lead saltwater	1.10 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L
Industrial Inorganic Chemicals (SIC codes 2812-2819)	Total Aluminum	1.10 mg/L
	Nitrate plus Nitrite Nitrogen	10 mg/L
Soaps, Detergents, Cosmetics, and Perfumes (SIC codes 2841-2844)	Nitrate plus Nitrite Nitrogen	10 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L
Plastics, Synthetics, and Resins (SIC codes 2821-2824)	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L

**Schedule E – Sector-Specific Requirements for Industrial Activity  
 Sector D – Petroleum Refining and Related Industries**

**E.D.1 Limitation of Coverage**

Asphalt Paving Mixtures and Blocks, Primary SIC code 2951, must apply for coverage under the 1200-A Industrial Stormwater General Permit.

**Table E.D-1**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Asphalt Paving and Roofing Materials (SIC codes 2951, 2952) <b>co-located SIC codes only</b>	Total Suspended Solids (TSS)	Statewide benchmark

**E.D.2 Effluent Limitations Based on Effluent Limitations Guidelines**

Table E.D-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table E.D-2<sup>1</sup>**

<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent Limit</b>
Discharges from asphalt emulsion facilities. <b>co-located SIC code only.</b>	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum
		15.0 mg/L, 30-day avg.
	pH	6.0 - 9.0 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
10 mg/L, 30-day avg.		

<sup>1</sup>Monitor semi-annually

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products**

**E.E.1 Limitations of coverage**

Ready-Mixed Concrete, primary SIC code 3273, must apply for coverage under the 1200-A General Permit.

**E.E.2 Additional Technology-Based Effluent Limits**

E.E.2.1 *Good Housekeeping Measures.* With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Consider sweeping regularly or using other equivalent measures to minimize the presence of these materials. Indicate in your SWPCP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. You must also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings, or under other covering.

**E.E.3 Additional SWPCP Requirements**

E.E.3.1 *Drainage Area Site Map.* Document in the SWPCP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

E.E.3.1 *Discharge Testing.* For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge testing a description of measures that ensure that process wastewaters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES wastewater permit requirements or are recycled.

**E.E.4 Sector-Specific Benchmarks**

Table E.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

**Table E.E-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Clay Product Manufacturers (SIC codes 3251-3259, 3261-3269)	Total Aluminum	1.10 mg/L
Concrete and Gypsum Manufacturers (SIC codes 3271-3275) <b>3273: co-located SIC code only.</b>	Total Suspended Solids (TSS)	Statewide benchmark

**E.E.5 Effluent Limitations Based on Effluent Limitations Guidelines**

Table E.E-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table E.E-2<sup>1</sup>**

Industrial Activity	Parameter	Effluent Limit
Discharges from material storage piles at cement manufacturing facilities (SIC code 3241)	Total Suspended Solids (TSS)	50 mg/L, daily maximum
	pH	6.0 - 9.0 s.u.

<sup>1</sup>Monitor semi-annually

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector F – Primary Metal**

**E.F.1 Additional Technology-Based Effluent Limits**

E.F.1.1 *Good Housekeeping Measures.* As part of your good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur; and, where practicable, the paving of areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable (institute a sweeping program in these areas too). For unstabilized areas where sweeping is not practicable, consider using stormwater management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment.

**E.F.2 Additional SWPCP Requirements**

E.F.2.1 *Drainage Area Site Map.* Identify in the SWPCP where any of the following activities may be exposed to precipitation or stormwater: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants to waters of the state.

E.F.2.2 *Inventory of Exposed Material.* Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or discharge, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible.

**E.F.3 Additional Inspection Requirements**

As part of conducting your monthly inspections address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or stormwater runoff.

#### E.F.4 Sector-Specific Benchmarks

Table E.F-1 identifies benchmarks that apply to the specific subsectors of Sector F. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.F-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC codes 3312-3317)	Total Aluminum	1.10 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L
Iron and Steel Foundries (SIC codes 3321-3325)	Total Aluminum	1.10 mg/L
	Total Suspended Solids (TSS)	Statewide benchmark
	Total copper freshwater	Statewide benchmark
	Total copper saltwater	0.025 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L
Rolling, Drawing, Extruding of Nonferrous Metals, Nonferrous Foundries (SIC codes 3351-3357 and 3363-3369)	Total copper freshwater	Statewide benchmark
	Total copper saltwater	0.025 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L

## **Schedule E – Sector-Specific Requirements for Industrial Activity**

### **Sector G – Metal Mining**

#### **E.G.1 Covered Stormwater Discharges**

The requirements in Sector G apply to stormwater discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under types of industrial sources required to obtain coverage, Table 1. Coverage is required for metal mining facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

E.G.1.1 *Covered Discharges from Inactive Facilities.* All stormwater discharges.

E.G.1.2 *Covered Discharges from Active and Temporarily Inactive Facilities.* Only the stormwater discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of stormwater and not combined with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden or spent ore if composed entirely of stormwater and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden or spent ore except if mine drainage is used for dust control;
- Discharges from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Discharges from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of stormwater and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;
- Office or administrative building and housing if mixed with stormwater from industrial area;
- Chemical storage area;
- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas (if necessary);
- Power plant;
- Truck wash areas if no excessive contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990;
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.



- E.G.1.3 *Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* All stormwater discharges.
- E.G.1.4 *Covered Discharges from Facilities Undergoing Reclamation.* All stormwater discharges.

## **E.G.2 Limitations on Coverage**

- E.G.2.1 *Prohibition of Stormwater Discharges.* Stormwater discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).  
*Note:* Stormwater discharge from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part 440. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440. Operators bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another NPDES permit.
- E.G.2.2 *Prohibition of Non-Stormwater Discharges.* Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events.

## **E.G.3 Definitions**

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- E.G.3.1 *Mining operation* – For this permit, mining operations are grouped into two distinct categories, with distinct technology based effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities); and b) active mining activities, which includes reclamation. “Mining operations” can occur at both inactive mining facilities and temporarily inactive mining facilities.
- E.G.3.2 *Earth-disturbing activities conducted prior to active mining activities* – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:
  - a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
  - b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional technology based effluent limits in E.G.4.2.

- E.G.3.3 *Active mining activities* – Activities related to the extraction, removal or recovery, and beneficiation of metal ore from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in E.G.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”
- E.G.3.4 *Active mining area* – A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.  
Note: Earth-disturbing activities described in the definition in E.G.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in E.G.4
- E.G.3.5 *Inactive metal mining facility* – A site or portion of a site where metal mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.
- E.G.3.6 *Temporarily inactive metal mining facility* – A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

**E.G.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities** Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in E.G.3.3) are covered under this permit. For such earth-disturbing activities, permit registrants do not need to comply the technology-based effluent limits or Schedule B, monitoring or inspection frequency in Schedule B or E.G.5, E.G.7 or E.G.8. Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in E.G.4.1.9 or E.G.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to E.G.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the permit, including the technology-based effluent limits or Schedule B, monitoring or inspection frequency in Schedule B and Sector E.G.5, E.G.7 and E.G.8.

E.G.4.1 *Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in E.G.3. These limits supersede the technology-based limits listed in Schedule A.1.

E.G.4.1.1 *Erosion and sediment control installation requirements.*

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPCP must be installed and made operational as soon as conditions on each portion of the site allows.

E.G.4.1.2 *Erosion and sediment control maintenance requirements.* You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater controls must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon as practicable.

E.G.4.1.3 *Perimeter controls.* You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

E.G.4.1.4 *Sediment track-out.* For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.
- Note: DEQ recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of E.G.4.1.4.

E.G.4.1.5 *Soil or sediment stockpiles.* You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

E.G.4.1.6 *Sediment basins.* If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

E.G.4.1.7 *Minimize dust.* You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

E.G.4.1.8 *Restrictions on use of treatment chemicals.* If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPCP documentation.

If you plan to use cationic treatment chemicals, you are ineligible for coverage under this permit, unless you notify your applicable DEQ regional office or agent in advance and receive authorization under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

E.G.4.1.9 *Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in E.G.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in E.G.3.2(b)).* You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance) (although you are encouraged to do so within the active mining area, where appropriate):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in E.G.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in E.G.3.2(a)), have permanently ceased but in no case more than 7 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing

conditions, where initiating perennial vegetative stabilization measures is not possible within 7 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

E.G.4.2 *Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.* The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in E.G.3.2(b). These limits supersede the technology-based limits listed in Schedule B and E.G.5 of this sector. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in E.G.3.2(a)).

E.G.4.2.1 *Area of disturbance.* You must minimize the amount of soil exposed during construction activities.

E.G.4.2.2 *Erosion and sediment control design requirements.* You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from earth-disturbing activities. Account for the following factors in designing your erosion and sediment controls:
  - The expected amount, frequency, intensity and duration of precipitation;
  - The nature of stormwater discharge and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
  - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

E.G.4.2.3 *Natural Buffers.* For any stormwater discharges from earth-disturbing activities within 50 feet of a waters of the state, you must comply with one of the following compliance alternatives:

1. Maintain a 50-foot undisturbed natural buffer between earth-disturbing activities and the waters of the state; or
2. Provide and maintain less than 50 feet of an undisturbed natural buffer zone and supplement by installing erosion and sediment controls that achieve a modeled or calculated sediment load reduction equivalent to a undisturbed natural buffer zone; or

3. If infeasible to provide and maintain an undisturbed natural buffer zone of any size, implement erosion and sediment controls that achieve a modeled or calculated sediment load reduction equivalent to a 50-foot undisturbed natural buffer zone. Ensure all discharges are treated by control measures prior to entering the natural buffer.

4. Delineate and clearly mark off all natural buffers.

There are exceptions when buffer requirements do not apply:

- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for a water-dependent structure or earth-disturbing approved under a CWA section 404 permit.

E.G.4.2.4 *Soil or sediment stockpiles.* In addition to the requirements in E.G.4.1.5, you must locate any piles outside of any natural buffers established under E.G.4.2.3.

E.G.4.2.5 *Sediment basins.* In addition to the requirements in E.G.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under E.G.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

E.G.4.2.6 *Native topsoil preservation.* You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

E.G.4.2.7 *Steep slopes.* You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes. Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

E.G.4.2.8 *Soil compaction.* Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

E.G.4.2.9 *Dewatering Practices.* You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);

- Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the state be considered part of the treatment area;
- Implement velocity dissipation devices at all points where dewatering water is discharged;
- Haul backwash water away for disposal or return it to the beginning of the treatment process; and
- Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturers' specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in E.G.4.1.8.

E.G.4.2.10 *Pollution prevention requirements.*

- Prohibited discharges:
  - Turbid discharge or discharge of sediment;
  - Wastewater from washout of concrete;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other materials;
  - Wastewater from wheel wash;
  - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
  - Soaps, solvents, or detergents used in vehicle or equipment washing;
  - Toxic or hazardous substances from a spill or other release.
  - Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:
- *Minimizing exposure;*
  - Using secondary containment, spill kits, or other equivalent measures;
  - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
  - Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters:* Minimize the discharge of pollutants from equipment and vehicle washing and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes:* Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

E.G.4.2.11 *Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in E.G.3.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in E.G.3.2(a)).*

You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of

construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily (“temporarily” means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform (evenly distributed without large bare areas) perennial vegetation, which provides 70 percent or more coverage based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - Install or apply all non-vegetative measures;
  - Cover all areas of exposed soil.

Note: For the purposes of this permit, DEQ will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in #1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Cover planted or seeded area with bio or photo degradable erosion controls designed to prevent erosion without active maintenance.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Add a suitable interim measures (such as mulch or bark) are in place if 70 percent coverage of vegetation is expected to expand.

E.G.4.3 *Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in E.G.3.2(a) and E.G.3.2(b), in addition to the water quality-based standards in Schedule A.3.

Stricter requirements apply if your site will discharge to an impaired waters that are listed for turbidity or sedimentation or have an EPA-approved TMDL for sedimentation or turbidity:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.



- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

E.G.4.4 *Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The following requirements supersede the inspection requirements in Schedule B and E.G.7 for earth-disturbing activities conducted prior to active mining activities defined in E.G.3.2(a) and E.G.3.2(b).

E.G.4.4.1 *Inspection frequency*

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPCP which schedule you will be following.

Note: “Within 24 hours of the occurrence of a storm event” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

E.G.4.4.2 *Reductions in inspection frequency.*

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to E.G.4.1.9 or E.G.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

E.G.4.4.3 *Areas to be inspected.* You must at a minimum inspect the all of the following areas:

- Disturbed areas;

- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

E.G.4.4.4 *What to check for during inspections.* At a minimum you must check:

- Whether all stormwater controls are installed, operational and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.
- If a discharge is occurring, check:
  - The quality and characteristics of the discharge;
- Whether controls are operating effectively.

E.G.4.4.5 *Inspection report.* Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

### **E.G.5 Technology-Based Effluent Limits for Active Mining Activities**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in E.G.3.2(a) or E.G.3.2(b).

E.G.5.1 *Employee training.* (See also Schedule A.1.j) Conduct employee training at least annually at active and temporarily inactive facilities.

E.G.5.2 *Stormwater controls.* Apart from the control measures you implement to meet Schedule A technology-based effluent limits, where necessary to minimize pollutant discharges in stormwater, implement the following control measures at your site. The potential pollutants identified in E.G.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under DEQ or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Schedule A.1.f. Stormwater diversions: Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible including: interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

Capping: When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

Treatment: If treatment of stormwater (e.g., chemical or physical systems, oil - water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater discharge is encouraged, where

feasible. Treated stormwater may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

E.G.5.3 *Discharge testing.* Test or evaluate all off-site discharge points covered under this permit for the presence of specific mining-related but unauthorized non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (40 CFR Part 440), mine drainage or process water. Alternatively (if applicable), you may keep a certification with your SWPCP consistent with E.G.6.6.

### **E.G.6 Additional SWPCP Requirements for Mining Operations**

Note: The requirements in E.G.6 are not applicable to inactive metal mining facilities. Some requirements may be already a requirement under Schedule A.10.

E.G.6.1 *Nature of industrial activities.* Briefly document in your SWPCP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

E.G.6.2 *Site map.* Document in your SWPCP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater discharge point within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

E.G.6.3 *Potential pollutant sources.* For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPCP with this information.

E.G.6.4 *Documentation of control measures.* Document all control measures that you implement consistent with E.G.5.2. If control measures are implemented or planned but are not listed in E.G.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPCP. If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

E.G.6.5 *Employee training.* All employee training(s) must be documented in the SWPCP.

E.G.6.6 *Certification of permit coverage for commingled non-stormwater discharges.* If you are able, consistent with E.G.5.3 above, to certify that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, retain

such certification with your SWPCP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**E.G.7 Additional Inspection Requirements**

Except for earth-disturbing activities conducted prior to active mining activities as defined in E.G.3.2(a) and E.G.3.2(b), which are subject to E.G.4.4, inspect sites at least monthly unless adverse weather conditions make the site inaccessible. See E.G.8.4 for inspection requirements for inactive and unstaffed sites.

**E.G.8 Additional Inspection Requirements for Inactive Operations**

Once every three years an annual inspection must be performed by a Registered Professional Engineer.

**E.G.9 Monitoring and Reporting Requirements. (See also Schedule B)**

Note: There are no monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

E.G.9.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities. Table E.G-1 identifies benchmarks that apply to active copper ore mining and dressing facilities. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.G-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Active Copper Ore Mining and Dressing Facilities (SIC code 1021)	Nitrate plus Nitrite Nitrogen	10 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	Statewide benchmark

E.G.9.2 *Benchmark Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.* For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table E.G-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table E.G-3 in accordance with the requirements in E.G.8.3. DEQ may also notify you that you must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.

**Table E.G-2**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099)	Turbidity	50 NTU
	pH	Statewide benchmark
	Total Antimony	9.0 mg/L
	Total Arsenic freshwater	0.34 mg/L
	Total Arsenic saltwater	0.069 mg/L
	Total Beryllium	0.13 mg/L
	Total Cadmium freshwater	See Table 10
	Total Cadmium saltwater	0.040 mg/L
	Total copper freshwater	Statewide benchmark
	Total copper saltwater	0.025 mg/L
	Total lead freshwater	Statewide benchmark
	Total lead saltwater	1.10 mg/L
	Total Mercury freshwater	0.0024 mg/L
	Total Mercury saltwater	0.0021 mg/L
	Total Nickel freshwater	See Table 10
	Total Nickel saltwater	0.074 mg/L
	Total Selenium freshwater	0.013 mg/L
	Total Selenium saltwater	0.29 mg/L
	Total Silver freshwater	See Table 10
	Total Silver saltwater	0.0019
Total zinc freshwater	Statewide benchmark	
Total zinc saltwater	0.46 mg/L	

E.G.9.3 *Additional Analytic Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.* In addition to the monitoring required in E.G.8.2 for discharges from waste rock and overburden piles, you must also conduct monitoring for additional parameters based on the type of ore you mine at your site. The schedule for monitoring is the same as E.G.9.2: once the first year for all parameters in Table E.G.3 (except radium and uranium) and twice annually in all subsequent years of coverage for any parameters

monitoring results have exceeded the benchmarks. Where a parameter in Table E.G-3 is the same as a pollutant you are required to monitor for in Table E.G-2 (i.e., for all of the metals), you must use the corresponding benchmark in Table E.G-2 and you may use any monitoring results conducted for E.G.8.2 to satisfy the monitoring requirement for that parameter for E.G.8.3. For radium and uranium, which do not have corresponding benchmarks in Table E.G-2, there are no applicable benchmarks. The frequency of monitoring for radium and uranium is quarterly for the first four quarters after which no monitoring is required.

**Table E.G-3 Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles**

Supplemental Requirements			
Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	pH	Metals, Total
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper, Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper, Lead (H), Zinc (H)
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)
Platinum Ore			Cadmium (H), Copper, Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper, Lead (H), Zinc (H)
Molybdenum	X	X	Arsenic, Cadmium (H), Copper, Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)

Note: An “X” indicated for TSS and/or pH means that you are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

- E.G.9.4 *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Monthly Visual Assessments and Routine Facility Inspections.* As a Sector G facility, if you are seeking to exercise a monitoring or inspection waiver, you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Schedule B.9.a.iv of the permit. This exemption is conditioned on the following:
- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the monitoring and inspection requirements; and
  - DEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

**Table E.G-4 Applicability of the Permit to Stormwater Discharge From Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation**

<b>Discharge/Source of Discharge</b>	<b>Note/Comment</b>
<b>Piles</b>	
Waste rock/overburden	If composed entirely of stormwater and not combining with mine drainage. See note below.
Topsoil	--
<b>Roads constructed of waste rock or spent ore</b>	
Onsite haul roads	If composed entirely of stormwater and not combining with mine drainage. See note below.
Offsite haul and access roads	--
<b>Roads not constructed of waste rock or spent ore</b>	
Onsite haul roads	Except if mine drainage is used for dust control
Offsite haul and access roads	--
<b>Milling/concentrating</b>	
Discharge from tailings dams and dikes when constructed of waste rock/tailings	Except if process fluids are present and only if composed entirely of stormwater and not combining with mine drainage. See Note below.
Discharge from tailings dams/dikes when not constructed of waste rock and tailings	Except if process fluids are present
Concentration building	If stormwater only and no contact with piles
Mill site	If stormwater only and no contact with piles
<b>Ancillary areas</b>	
Office and administrative building and housing	If mixed with stormwater from the industrial area
Chemical storage area	--
Docking facility	Except if excessive contact with waste product that would otherwise constitute mine drainage
Explosive storage	--
Fuel storage (oil tanks/coal piles)	--
Vehicle and equipment maintenance area/building	--
Parking areas	But coverage unnecessary if only employee and visitor-type parking
<b>Power plant</b>	
Truck wash area	Except when excessive contact with waste product that would otherwise constitute mine drainage
<b>Reclamation-related areas</b>	
Any disturbed area (unreclaimed)	Only if not in active mining area
Reclaimed areas released from reclamation requirements prior to Dec. 17, 1990	--
Partially/inadequately reclaimed areas or areas not released from reclamation requirements	--

Note: Stormwater discharge from these sources are subject to the NPDES program for stormwater unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-stormwater discharges from these sources are subject to NPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless: (1) it drains naturally (or is intentionally diverted) to a point source; and (2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.1 of the permit. Operators bear the initial responsibility for determining the applicable technology-based standard for such discharges.

**E.G.10. Termination of Permit Coverage**

- E.G.10.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in E.G.3.3.
- E.G.10.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater discharge that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.



**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector H – Coal Mines and Coal Mining-Related Facilities**

**E.H.1 Definitions**

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- E.H.1.1 *Mining operations* - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities; and b) active mining activities, which includes reclamation. “Mining operations” can occur at both inactive mining facilities and temporarily inactive mining facilities.
- E.H.1.2 *Earth-disturbing activities conducted prior to active mining activities* – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:  
a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and  
b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional technology based effluent limits in E.H.2.2.
- E.H.1.3 *Active mining activities* – Activities related to the extraction, removal or recovery, and preparation of coal; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in E.H.2 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”
- E.H.1.4 *Active mining area* – A place where work or other activity related to the extraction, removal or recovery of coal is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.  
Note: Earth-disturbing activities described in the definition in E.H.1.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in E.H.2.
- E.H.1.5 *Inactive coal mining facility* – A site or portion of a site where coal mining and/or milling occurred in the past but there are no active mining operations occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the

extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

E.H.1.6 *Temporarily inactive coal mining facility* – A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

**E.H.2 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities** Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in E.H.1.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in technology-based effluent limits in E.H.3 and Schedule A, the inspection and monitoring requirements in Schedule B and in E.H.5 and E.H.6. Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in E.H.2.1.9 or E.H.2.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the E.H.2 requirements. At such time, authorized discharges become subject to all other applicable requirements in the permit, including the technology based effluent limits in limits in E.H.3 and Schedule A, the inspection and monitoring requirements in Schedule B and in E.H.5 and E.H.6.

E.H.2.1 *Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in E.H.1.2(a) and E.H.1.2(b). These limits supersede the technology-based effluent limits listed in Schedule A.1.

E.H.2.1.1 *Erosion and sediment control installation requirements.*

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPCP must be installed and made operational as soon as conditions on each portion of the site allows.

E.H.2.1.2 *Erosion and sediment control maintenance requirements.* You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon as practicable.

E.H.2.1.3 *Perimeter controls.* You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

- E.H.2.1.4 *Sediment track-out.* For construction vehicles and equipment exiting the site directly onto paved roads, you must:
- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
  - Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
  - Remove sediment that is tracked out onto paved roads by end of the work day.
- Note: DEQ recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of E.H.2.1.4.
- E.H.2.1.5 *Soil or sediment stockpiles.* You must:
- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
  - Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
  - Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).
- E.H.2.1.6 *Sediment basins.* If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:
- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
  - Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.
- E.H.2.1.7 *Minimize dust.* You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.
- E.H.2.1.8 *Restrictions on use of treatment chemicals.* If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:
- Use conventional erosion and sediment controls prior to and after application of chemicals;
  - Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
  - Minimize the discharge risk from stored chemicals;
  - Comply with state/local requirements;
  - Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
  - Ensure proper training;
  - Provide proper SWPCP documentation.
- If you plan to use cationic treatment chemicals, you are ineligible for coverage under this permit, unless you notify your applicable DEQ regional office or agent in advance and the DEQ regional office or agent authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.
- E.H.2.1.9 *Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in E.H.1.2(a) (i.e., not applicable to construction*

*of staging areas for structures and access roads as defined in E.H.1.2(b)).* You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in E.H.1.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in E.H.1.2(a)) have permanently ceased, but in no case more than 7 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 7 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

E.H.2.2 *Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.* The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in E.H.1.2(b). These limits supersede the technology-based limits listed in Schedule A and E.H.3. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in E.H.1.2(a)).

E.H.2.2.1 *Area of disturbance.* You must minimize the amount of soil exposed during construction activities.

E.H.2.2.2 *Erosion and sediment control design requirements.* You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
  - The expected amount, frequency, intensity and duration of precipitation;

- The nature of stormwater discharge and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
- The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

E.H.2.2.3 *Natural Buffers*. For any stormwater discharges from earth-disturbing activities within 50 feet of a waters of the state, you must comply with one of the following compliance alternatives:

1. Maintain a 50-foot undisturbed natural buffer between earth-disturbing activities and the waters of the state; or
2. Provide and maintain less than 50 feet of an undisturbed natural buffer zone and supplement by installing erosion and sediment controls that achieve a modeled or calculated sediment load reduction equivalent to a undisturbed natural buffer zone; or
3. If infeasible to provide and maintain an undisturbed natural buffer zone of any size, implement erosion and sediment controls that achieve a modeled or calculated sediment load reduction equivalent to a 50-foot undisturbed natural buffer zone. Ensure all discharges are treated by control measures prior to entering the natural buffer.
4. There are exceptions when buffer requirements do not apply:
  - The natural buffer has already been eliminated by preexisting development disturbances;
  - The disturbance is for a water-dependent structure or earth-disturbing approved under a CWA section 404 permit.

E.H.2.2.4 *Soil or sediment stockpiles*. In addition to the requirements in E.H.2.1.5, you must locate any piles outside of any natural buffers established under E.H.2.2.3.

E.H.2.2.5 *Sediment basins*. In addition to the requirements in E.H.2.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under E.H.2.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

E.H.2.2.6 *Native topsoil preservation*. You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the

topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

- E.H.2.2.7 *Steep slopes.* You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes. Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.
- E.H.2.2.8 *Soil compaction.* Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.
- E.H.2.2.9 *Dewatering Practices.* You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.
- You must also meet the following requirements for dewatering activities:
- Discharge requirements:
    - No discharging visible floating solids or foam;
    - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
    - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the state be considered part of the treatment area;
    - Implement velocity dissipation devices at all points where dewatering water is discharged;
    - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
    - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturers' specifications.
  - Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in E.H.2.1.8.
- E.H.2.2.10 *Pollution prevention requirements.*
- Prohibited discharges:
    - Turbid discharge or discharge of sediment;
    - Wastewater from washout of concrete;

- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other materials;
- Wastewater from wheel wash;
- Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
- Soaps, solvents, or detergents used in vehicle or equipment washing;
- Toxic or hazardous substances from a spill or other release.
- Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:
  - Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:
    - Minimizing exposure;
    - Using secondary containment, spill kits, or other equivalent measures;
    - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
    - Cleaning up spills immediately (do not clean by hosing area down).
  - Pollution prevention requirements for wash waters: Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes: Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

E.H.2.2.11 *Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in E.H.1.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in E.H.1.2(a)).*

You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily (“temporarily” means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform (evenly distributed without large bare areas) perennial vegetation, which provides 70 percent or more coverage based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:

- Install or apply all non-vegetative measures;
- Cover all areas of exposed soil.

Note: For the purposes of this permit, DEQ will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in #1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Cover planted or seeded area with bio or photo degradable erosion controls designed to prevent erosion without active maintenance.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Add a suitable interim measures (such as mulch or bark) are in place if 70 percent coverage of vegetation is expected to expand.

#### E.H.2.3 *Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in E.H.1.2(a) and E.H.1.2(b), in addition to the water quality standards in Schedule A.3.

Stricter requirements apply if your site will discharge to an impaired waters that are listed for turbidity or sedimentation or have an EPA-approved TMDL for sedimentation or turbidity:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

#### E.H.2.4 *Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*

The following requirements supersede the inspections requirements in Schedule B and E.H.7 of the permit for earth-disturbing activities conducted prior to active mining activities defined in E.H.1.2(a) and E.H.1.2(b).

##### E.H.2.4.1 *Inspection Frequency*

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.
  - Note:
  - Inspections only required during working hours;



- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that.

Note: You are required to specify in your SWPCP which schedule you will be following.

Note: “Within 24 hours of the occurrence of a storm event” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

#### E.H.2.4.2 *Reductions in Inspection Frequency*

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to E.H.2.1.9 or E.H.2.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

#### E.H.2.4.3 *Areas to be Inspected.* You must at a minimum inspect the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

#### E.H.2.4.4 *What to Check for During Inspections.* At a minimum you must check:

- Whether all stormwater controls are installed, operational, and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

E.H.2.4.5 *Inspection Report.* Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

E.H.2.5 *Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The requirements in E.H.2 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in E.H.1.2(a) or E.H.1.2(b) where:

1. Earth-disturbing activities have ceased; and
2. Stabilization has been met consistent with E.H.2.1.9 or E.H.2.2.11 (not required for areas where active mining activities will occur).

### **E.H.3 Technology-Based Effluent Limits for Active Mining Activities**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in E.H.1.2(a) or E.H.1.2(b).

E.H.3.1 *Good Housekeeping Measures.* As part of your good housekeeping program, in order to minimize discharges of pollutants in stormwater, implement control measures such as the following, where determined to be feasible including: using sweepers and covered storage; watering haul roads to minimize dust generation; and conserving vegetation to minimize erosion. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Schedule A.1.f.

E.H.3.2 *Preventive Maintenance.* Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

### **E.H.4 Additional SWPCP Requirements for Mining Operations**

Note: The requirements in E.H.6 are not applicable to inactive coal mining facilities. Some requirements may be already a requirement under Schedule A.10.

E.H.4.1 *Other Applicable Regulations.* Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of stormwater-related pollutant discharges must be addressed and then documented with the SWPCP (directly or by reference).

E.H.4.2 *Site Map.* Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

- E.H.4.3 *Potential Pollutant Sources.* Document in your SWPCP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to discharge and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.
- E.H.4.4 If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

### E.H.5 Additional Inspection Requirements

- E.H.5.1 *Inspections of Active Mining-Related Areas.* Except for earth-disturbing activities conducted prior to active mining activities as defined in E.H.1.2(a) and E.H.1.2(b), which are subject to E.H.2.4, perform routine inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See E.H.8.1 for inspection requirements for inactive and unstaffed sties.
- E.H.5.2 *Sediment and Erosion Control.* As indicated in E.H.4.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.
- E.H.5.3 *Routine Site Inspections.* Your inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.

### E.H.6 Sector-Specific Benchmarks

Table E.H-1 identifies benchmarks that apply to the specific subsectors of Sector H. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Note: There are no monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

**Table E.H-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Coal Mines and Related Areas (SIC codes 1221-1241)	Total Aluminum	1.10 mg/L
	Total Suspended Solids (TSS)	Statewide benchmark

E.H.6.1 *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Monthly Visual Assessments and Routine Facility Inspections.* As a Sector H facility, if you are seeking to exercise a monitoring or inspection waiver, you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Schedule B.9.a.iv of the permit. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the monitoring and inspection requirements; and
- DEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct routine facility inspections, monthly visual assessments, and benchmark and impaired waters monitoring. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

## **E.H.7 Termination of Permit Coverage**

E.H.7.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed.

E.H.7.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to exceedance of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector I – Oil and Gas Extraction**

**E.I.1 Additional Technology-Based Effluent Limits**

E.I.1.1 *Vegetative Controls.* Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Consider the following (or equivalent measures): temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

**E.I.2 Additional SWPCP Requirement**

E.I.2.1 *Drainage Area Site Map.* Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for “No Discharge” in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the “No Discharge” requirements.

E.I.2.2 *Potential Pollutant Sources.* Also document in your SWPCP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of stormwater from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

E.I.2.3 *Erosion and Sedimentation Control.* Unless covered by the NPDES Construction Stormwater 1200-C General Permit, the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

E.I.2.3.1 *Site Description.* Also include a description in your SWPCP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

E.I.2.3.2 *Vegetative Controls.* Document vegetative practices used in the SWPCP.

**E.I.3 Additional Inspection Requirements.**

All erosion and sediment controls must be inspected either: 1) every 7 days; or 2) once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities**

**E.K.1 Definitions**

- K.1.1 *Contaminated stormwater* - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in E.K.1.4. Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.
- K.1.2 *Drained free liquids* - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.
- K.1.3 *Landfill* - an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.
- K.1.4 *Landfill wastewater* - as defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated stormwater, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- K.1.5 *Leachate* - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- K.1.6 *Non-contaminated stormwater* - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in E.K.1.4. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

### E.K.2 Sector-Specific Benchmarks

Table E.K-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

**Table E.K-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
ALL - Industrial Activity Code "HZ" Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A.	Ammonia	2.14 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic freshwater	0.34 mg/L
	Total Arsenic saltwater	0.069 mg/L
	Total Cadmium freshwater	See Table 10
	Total Cadmium saltwater	0.04 mg/L
	Total Cyanide freshwater	0.022 mg/L
	Total Cyanide saltwater	0.001 mg/L
	E. coli	406 organisms/100 mL
	Total Mercury freshwater	0.0024 mg/L
	Total Mercury saltwater	0.0021 mg/L
	Total Selenium freshwater	0.013 mg/L
	Total Selenium saltwater	0.29 mg/L
	Total Silver freshwater	See Table 10
	Total Silver saltwater	0.0019 mg/L

### E.K.3 Effluent Limitations Based on Effluent Limitations Guidelines

Table E.K-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table E.K-2<sup>1</sup>**

Industrial Activity	Parameter	Effluent Limit
Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A.	Biochemical Oxygen Demand (BOD <sub>5</sub> )	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum

Table E.K-2<sup>1</sup>

Industrial Activity	Parameter	Effluent Limit
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
	Total Arsenic	1.1 mg/L, daily maximum
		0.54 mg/L, monthly avg. maximum
	Total Chromium	1.1 mg/L, daily maximum
		0.46 mg/L, monthly avg. maximum
Total Zinc	0.535 mg/L, daily maximum	
	0.296 mg/L, monthly avg. maximum	
pH	Within the range of 6-9 standard pH units (s.u.)	

<sup>1</sup> Monitor semi-annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated stormwater discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:

- (a) landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
- (b) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (c) landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- (d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.



**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector L – Landfills, Land Application Sites, and Open Dumps**

**E.L.1 Definitions**

- E.L.1.1 *Contaminated stormwater* - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.
- E.L.1.2 *Drained free liquids* - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.
- E.L.1.3 *Landfill wastewater* - as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated stormwater; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- E.L.1.4 *Leachate* - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- E.L.1.5 *Non-contaminated stormwater* - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

**E.L.2 Additional Technology-Based Effluent Limits**

- E.L.2.1 *Preventive Maintenance Program*. As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with stormwater; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- E.L.2.2 *Erosion and Sedimentation Control*. Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.
- E.L.2.3 *Unauthorized Discharge Test Certification*. The discharge test and certification must also be conducted for the presence of leachate and vehicle washwater.

**E.L.3 Additional SWPCP Requirements**

- E.L.3.1 *Drainage Area Site Map*. Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred,

locations of any known leachate springs or other areas where uncontrolled leachate may commingle with discharge, and leachate collection and handling systems.

E.L.3.2 *Summary of Potential Pollutant Sources.* Document in your SWPCP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

**E.L.4 Additional Inspection Requirements**

E.L.4.1 *Inspections of Active Sites.* Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

E.L.4.2 *Inspections of Inactive Sites.* Inspect inactive landfills, open dumps, and land application sites at least monthly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

**E.L.5 Additional Post-Authorization Documentation Requirements**

E.L.5.1 *Recordkeeping and Internal Reporting.* Keep records with your SWPCP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

**E.L.6 Sector-Specific Benchmarks**

Table E.L-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

**Table E.L-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration <sup>1</sup>
All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code “LF”)	Total Suspended Solids (TSS)	Statewide benchmark
	E. coli	406 organisms/100 mL

<sup>1</sup>Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2 below).

**E.L.7. Effluent Limitations Based on Effluent Limitations Guidelines**

Table E.L-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table E.L-2<sup>1</sup>**

Industrial Activity	Parameter	Effluent Limit
Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B.	Biochemical Oxygen Demand (BOD <sub>5</sub> )	140 mg/L, daily maximum
		37 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L monthly avg. maximum
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly avg. maximum
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly avg. maximum
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
Total Zinc	0.20 mg/L, daily maximum	
	0.11 mg/L, monthly avg. maximum	
pH	Within the range of 6-9 standard pH units (s.u.)	

<sup>1</sup> Monitor semi-annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated stormwater discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated stormwater discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:

- (a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
- (b) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (c) landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- (d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector M – Motor Vehicle Parts, Used**

**E.M.1 Additional Technology-Based Effluent Limits**

- E.M.1.1 *Spill and Leak Prevention Procedures.* Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks.
- E.M.1.2 *Employee Training.* If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.
- E.M.1.3 *Management of Discharge.* Consider the following management practices: berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

**E.M.2 Additional SWPCP Requirements**

- E.M.2.1 *Drainage Area Site Map.* Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or stormwater: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.
- E.M.2.2 *Potential Pollutant Sources.* Assess the potential for the following to contribute pollutants to stormwater discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

**E.M.3 Additional Inspection Requirements**

Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks. Inspect monthly for signs of leakage all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect monthly for signs of leakage all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

**E.M.4 Sector-Specific Benchmarks**

Table E.M-1 identifies benchmarks that apply to the specific subsectors of Sector M. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.M-1**

<b>Subsector</b> <b>(You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Automobile Salvage Yards (SIC code 5015)	Total Aluminum	1.10 mg/L
	Total Suspended Solids (TSS)	Total Suspended Solids (TSS)
	Total lead freshwater	Statewide benchmark
	Total lead saltwater	1.10 mg/L

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector N – Scrap and Waste Materials**

**E.N.1 Additional Technology-Based Effluent Limits**

E.N.1.1 *Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials)*. Requirements for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

E.N.1.1.1 *Inbound Recyclable and Waste Material Control Program*. Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Following are some control measure options: (a) provide information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to your facility; (b) establish procedures to minimize the potential of any residual fluids from coming into contact with precipitation or stormwater; (c) establish procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in E.N.3.1.6); (d) provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

E.N.1.1.2 *Scrap and Waste Material Stockpiles and Storage (Outdoor)*. Minimize contact of stormwater discharge with stockpiled materials, processed materials, and nonrecyclable wastes. Following are some control measure options: (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; (d) silt fencing; and (e) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).

E.N.1.1.3 *Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage)*. Minimize contact of stormwater with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with stormwater run-on. Stormwater discharge from these areas can be discharged, provided that any discharge is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

- E.N.1.1.4 *Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage)*. Minimize stormwater discharge contact of residual liquids and particulate matter from materials stored indoors or under cover. Following are some control measure options: (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, or mercury spill kits for spills from storage of mercury switches; (b) not allowing washwater from tipping floors or other processing areas to discharge to the storm sewer system; and (c) disconnecting or sealing off all floor drains connected to the storm sewer system.
- E.N.1.1.5 *Scrap and Recyclable Waste Processing Areas*. Minimize stormwater discharge from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with stormwater (i.e., through good housekeeping, preventive maintenance, etc.). Following are some control measure options: (a) regularly inspect equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establish a preventive maintenance program for processing equipment; (c) use dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of stormwater runoff with outdoor processing equipment or stored materials; (f) oil and water separators or sumps; (g) permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) retention or detention ponds or basins; sediment traps, and vegetated swales or strips (for pollutant settling and filtration); (i) catch basin filters or sand filters.
- E.N.1.1.6 *Scrap Lead-Acid Battery Program*. Properly handle, store, and dispose of scrap lead-acid batteries. Following are some control measure options (a) segregate scrap lead-acid batteries from other scrap materials; (b) properly handle, store, and dispose of cracked or broken batteries; (c) collect and dispose of leaking lead-acid battery fluid; (d) minimize or eliminate (if possible) exposure of scrap lead-acid batteries to precipitation or stormwater; and (e) provide employee training for the management of scrap batteries.
- E.N.1.1.7 *Spill Prevention and Response Procedures*. (See also Schedule A.1.h) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.
- E.N.1.1.8 *Supplier Notification Program*. As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.
- E.N.1.2 *Waste Recycling Facilities (Liquid Recyclable Materials)*.
- E.N.1.2.1 *Waste Material Storage (Indoor)*. Minimize or eliminate contact between residual liquids from waste materials stored indoors and from stormwater. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and

Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage must be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate NPDES wastewater permit or industrial user permit under the pretreatment program.

- E.N.1.2.2 *Waste Material Storage (Outdoor)*. Minimize stormwater discharge contact between stored residual liquids. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. Following are some control measure options (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.
- E.N.1.2.3 *Trucks and Rail Car Waste Transfer Areas*. Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Following are two control measure options: (a) containment and diversionary structures to minimize contact with precipitation, and (b) dry clean-up methods, wet vacuuming, roof coverings, or runoff controls.
- E.N.1.3 *Recycling Facilities (Source-Separated Materials)*. The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.
- E.N.1.3.1 *Inbound Recyclable Material Control*. Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting nonrecyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of nonrecyclable material.
- E.N.1.3.2 *Outdoor Storage*. Minimize exposure of recyclables to stormwater. Use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Following are some control measure options (a) provide totally enclosed drop-off containers for the public; (b) install a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) divert stormwater away from outside material storage areas; (e) provide covers over containment bins, dumpsters, and roll-off boxes; and (f) store the equivalent of one day's volume of recyclable material indoors.



- E.N.1.3.3 *Indoor Storage and Material Processing*. Minimize the release of pollutants from indoor storage and processing areas. Following are some control measure options (a) schedule routine good housekeeping measures for all storage and processing areas, (b) prohibit tipping floor washwater from draining to the storm sewer system, and (c) provide employee training on pollution prevention practices.
- E.N.1.3.4 *Vehicle and Equipment Maintenance*. Following are some control measure options for areas where vehicle and equipment maintenance occur outdoors (a) prohibit vehicle and equipment washwater from discharging to the storm sewer system, (b) minimize or eliminate outdoor maintenance areas whenever possible, (c) establish spill prevention and clean-up procedures in fueling areas, (d) avoid topping off fuel tanks, (e) divert stormwater from fueling areas, (f) store lubricants and hydraulic fluids indoors, and (g) provide employee training on proper handling and storage of hydraulic fluids and lubricants.

## **E.N.2 Additional SWPCP Requirements**

- E.N.2.1 *Drainage Area Site Map*. Document in your SWPCP the locations of any of the following activities or sources that may be exposed to precipitation or stormwater: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.
- E.N.2.2 *Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities*. If you are subject to E.N.1.1.3, your SWPCP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

## **E.N.3 Sector-Specific Benchmarks**

Table E.N-1 identifies benchmarks that apply to the specific subsectors of Sector N. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.N-1**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC code 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Aluminum	1.10 mg/L
	Total Suspended Solids (TSS)	Statewide benchmark
	Total copper freshwater	Statewide benchmark
	Total copper saltwater	0.025 mg/L
	Total lead freshwater	Statewide benchmark
	Total lead saltwater	1.10 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L

**Schedule E – Sector-Specific Requirements for Industrial Activity  
Sector O – Steam Electric Generating Facilities.**

**E.O.1 Additional Technology-Based Effluent Limits.**

- E.Q.1.1 *Good Housekeeping Measures.* You must implement the following good housekeeping measures in addition to requirements in Schedule A.1 of the permit:
- E.O.1.1.1 *Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, consider procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.
  - E.O.1.1.2. *Delivery Vehicles.* Minimize contamination of stormwater discharge from delivery vehicles arriving at the plant site. Consider procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.
  - E.O.1.1.3 *Fuel Oil Unloading Areas.* Minimize contamination of precipitation or stormwater from fuel oil unloading areas. Consider using containment curbs in unloading areas, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
  - E.O.1.1.4 *Chemical Loading and Unloading.* Minimize contamination of precipitation or stormwater from chemical loading and unloading areas. Consider using containment curbs at chemical loading and unloading areas to contain spills, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.
  - E.O.1.1.5 *Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or stormwater from loading and unloading areas. Consider covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
  - E.O.1.1.6 *Liquid Storage Tanks.* Minimize contamination of stormwater from above-ground liquid storage tanks. Consider protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.
  - E.O.1.1.7 *Large Bulk Fuel Storage Tanks.* Minimize contamination of stormwater from large bulk fuel storage tanks. Consider containment berms (or their equivalent). You must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.
  - E.O.1.1.8 *Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately.
  - E.O.1.1.9 *Oil-Bearing Equipment in Switchyards.* Minimize contamination of stormwater from oil-bearing equipment in switchyard areas. Consider using level grades and

gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches.

- E.O.1.1.10 *Residue-Hauling Vehicles*. Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
- E.O.1.1.11 *Ash Loading Areas*. Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.
- E.O.1.1.12 *Areas Adjacent to Disposal Ponds or Landfills*. Minimize contamination of stormwater from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
- E.O.1.1.13 *Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites*. Minimize the potential for contamination stormwater from these areas.

**E.O.2 Additional SWPCP Requirements**

- E.O.2.1 *Drainage Area Site Map*. Document in your SWPCP the locations of any of the following activities or sources that may be exposed to precipitation or stormwater: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

**E.O.3 Additional Inspection Requirements**

- E.O.3.1 *Inspection*. Inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

**E.O.4 Effluent Limitations Based on Effluent Limitations Guidelines**

Table E.O-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table E.O-1<sup>1</sup>**

Industrial Activity	Parameter	Effluent Limit
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l <sup>2</sup>
	pH	6.0 min - 9.0 max

<sup>1</sup> Monitor semi-annually.

<sup>2</sup> If your facility is designed, constructed, and operated to treat the volume of coal pile discharge that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile discharge from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector P – Land Transportation and Warehousing.**

**E.P.1 Additional Technology-Based Effluent Limits**

- E.P.1.1 *Good Housekeeping Measures.* In addition to the Good Housekeeping requirements in Schedule A.1 of the permit, you must do the following:
- E.P.1.1.1 *Vehicle and Equipment Storage Areas.* Minimize the potential for stormwater exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Consider the following (or other equivalent measures): use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.
  - E.P.1.1.2 *Fueling Areas.* Minimize contamination of stormwater discharge from fueling areas. Consider the following (or other equivalent measures): Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing stormwater run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected stormwater.
  - E.P.1.1.3 *Material Storage Areas.* Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., “Used Oil,” “Spent Solvents,” etc.). Consider the following (or other equivalent measures): storing the materials indoors; installing berms/dikes around the areas; minimizing stormwater to the areas; using dry cleanup methods; and treating and/or recycling collected stormwater.
  - E.P.1.1.4 *Vehicle and Equipment Cleaning Areas.* Minimize contamination of stormwater discharge from all areas used for vehicle/equipment cleaning. Consider the following (or other equivalent measures): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the stormwater drainage system); treating and/or recycling collected washwater, or other equivalent measures.
  - E.P.1.1.5 *Vehicle and Equipment Maintenance Areas.* Minimize contamination of stormwater discharge from all areas used for vehicle/equipment maintenance. Consider the following (or other equivalent measures): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems; using dry cleanup methods; treating and/or recycling collected stormwater, minimizing run on/runoff of stormwater to maintenance areas.
  - E.P.1.1.6 *Locomotive Sanding (Loading Sand for Traction) Areas.* Consider the following (or other equivalent measures): covering sanding areas; minimizing stormwater run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by stormwater.
- E.P.1.2 *Employee Training.* Address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

**E.P.2 Additional SWPCP Requirements**

- E.P.2.1 *Drainage Area Site Map.* Identify in the SWPCP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/stormwater: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.
- E.P.2.2 *Potential Pollutant Sources.* Assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the stormwater conveyance system(s); and fueling areas. Describe these activities in the SWPCP.
- E.P.2.3 *Description of Good Housekeeping Measures.* You must document in your SWPCP the good housekeeping measures you implement consistent with E.P.1.
- E.P.2.4 *Vehicle and Equipment Wash Water Requirements.* If wash water is handled in a manner that does not involve separate NPDES permitting (e.g., hauled offsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination, etc.) in your SWPCP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

**E.P.3 Additional Inspection Requirements** Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector Q – Water Transportation**

**E.Q.1 Additional Technology-Based Effluent Limits**

- E.Q.1.1 *Good Housekeeping Measures.* You must implement the following good housekeeping measures in addition to requirements in Schedule A.1 of the permit:
- E.Q.1.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressure washing area so that they are not commingled with stormwater discharges authorized by this permit.
  - E.Q.1.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Consider containing all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.
  - E.Q.1.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or stormwater from the storage areas. Specify which materials are stored indoors, and consider containment or enclosure for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Consider implementing an inventory control plan to limit the presence of potentially hazardous materials onsite.
  - E.Q.1.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or stormwater from all areas used for engine maintenance and repair. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling stormwater collected from the maintenance area.
  - E.Q.1.1.5 *Material Handling Area.* Minimize the contamination of precipitation or stormwater from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Consider the following (or their equivalents): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing stormwater to material handling areas.
  - E.Q.1.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in stormwater. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.
- E.Q.1.2 *Employee Training.* At a minimum, address the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel

wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

- E.Q.1.3 *Preventive Maintenance*. As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

### E.Q.2 Additional SWPCP Requirements

- E.Q.2.1 *Drainage Area Site Map*. Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).
- E.Q.2.2 *Summary of Potential Pollutant Sources*. Document in the SWPCP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

### E.Q.3 Additional Inspection Requirements

Inspect pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

### E.Q.4 Sector-Specific Benchmarks

Table E.Q-1 identifies benchmarks that apply to the specific subsectors of Sector Q. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.Q-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	1.10 mg/L
	Total lead freshwater	Statewide benchmark
	Total lead saltwater	1.10 mg/L
	Total zinc freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L



**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector R – Ship and Boat Building and Repair Yards**

**E.R.1 Additional Technology-Based Effluent Limits**

E.R.1.1 *Good Housekeeping Measures.*

E.R.1.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate NPDES permit.

E.R.1.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. Consider containing all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.

E.R.1.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or stormwater from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Consider implementing an inventory control plan to limit the presence of potentially hazardous materials onsite.

E.R.1.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or stormwater from all areas used for engine maintenance and repair. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling stormwater collected from the maintenance area.

E.R.1.1.5 *Material Handling Area.* Minimize the contamination of precipitation or stormwater from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Consider the following (or their equivalents): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing stormwater run-on to material handling areas.

E.R.1.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in stormwater. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and having absorbent materials and oil containment booms readily available to clean up and contain any spills.

E.R.1.2 *Employee Training.* As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

E.R.1.3 *Preventive Maintenance.* As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

## **E.R.2 Additional SWPCP Requirements**

E.R.2.1 *Drainage Area Site Map.* Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

E.R.2.2 *Potential Pollutant Sources.* Document in your SWPCP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

E.R.2.3 *Documentation of Good Housekeeping Measures.* Document in your SWPCP any good housekeeping measures implemented to meet the effluent limits in E.R.1.1.

E.R.2.3.1 *Blasting and Painting Areas.* Document in the SWPCP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

E.R.2.3.2 *Storage Areas.* Specify in your SWPCP which materials are stored indoors, and consider containment or enclosure for those stored outdoors.

## **E.R.3 Additional Inspection Requirements**

Include the following in all monthly inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

## **Schedule E – Sector-Specific Requirements for Industrial Activity**

### **Sector S – Air Transportation**

#### **E.S.1 Limitation on Coverage**

E.S.1.1 *Limitations on Coverage.* This permit authorizes stormwater discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

Note: the term “deicing” in this permit will generally be used to mean both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made otherwise.

#### **E.S.2 Multiple Operators at Air Transportation Facilities**

Air transportation facilities often have more than one operator who could discharge stormwater associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

The airport authority and tenants of the airport are encouraged to work in partnership in the development of the SWPCP. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in stormwater discharges associated with industrial activity. An airport tenant may obtain authorization under this permit and develop a SWPCP for discharges from his/her own areas of the airport.

#### **E.S.3 Additional Technology-Based Effluent Limits**

E.S.3.1 *Good Housekeeping Measures.*

E.S.3.1.1 *Aircraft, Ground Vehicle and Equipment Maintenance Areas.* Minimize the contamination of stormwater from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers). Consider the following practices (or their equivalents): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the stormwater from the maintenance area and providing treatment or recycling.

E.S.3.1.2 *Aircraft, Ground Vehicle and Equipment Cleaning Areas.* Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of stormwater from cleaning areas.

E.S.3.1.3 *Aircraft, Ground Vehicle and Equipment Storage Areas.* Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and minimize the contamination of stormwater from these storage areas. Consider the following control measures, including any BMPs (or their equivalents): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

- E.S.3.1.4 *Material Storage Areas.* Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of stormwater. Also plainly label the vessels (e.g., “used oil,” “Contaminated Jet A,” etc.). Minimize contamination of stormwater from these areas. Consider the following control measures (or their equivalents): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.
- E.S.3.1.5 *Airport Fuel System and Fueling Areas.* Minimize the discharge of fuel to the storm sewer/surface waters resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Consider the following control measures (or their equivalents): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting stormwater.
- E.S.3.1.6 *Source Reduction.* Minimize, and where feasible eliminate, the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact. Chemical options to replace ethylene glycol, propylene glycol and urea include: potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.
- E.S.3.1.6.1 *Runway Deicing Operation:* To minimize the discharge of pollutants in stormwater from runway deicing operations, implement source reduction control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): metered application of chemicals; pre-wetting dry chemical constituents prior to application; installing a runway ice detection system; implementing anti-icing operations as a preventive measure against ice buildup; heating sand; and product substitution. Chemical options to replace pavement deicers (urea or glycol) include (list not exclusive): potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.
- E.S.3.1.6.2 *Aircraft Deicing Operations.* Minimize the discharge of pollutants in stormwater from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. Determine whether alternatives to glycol and whether containment measures for applied chemicals are feasible. Implement control measures for reducing deicing fluid such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Consider using ice-detection systems and airport traffic flow strategies and departure slot allocation systems where feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations. The evaluations and determinations required by this Part should be carried out by the personnel most familiar with the

particular aircraft and flight operations and related systems in question (versus an outside entity such as the airport authority).

- E.S.3.1.7 *Management of Stormwater*. Minimize the discharge of pollutants in stormwater from deicing chemicals. To minimize discharges of pollutants in stormwater from aircraft deicing, implement runoff management control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): installing a centralized deicing pad to recover deicing fluid following application; plug-and-pump (PnP); using vacuum/collection trucks (glycol recovery vehicles); storing contaminated stormwater/deicing fluids in tanks; recycling collected deicing fluid where feasible; releasing controlled amounts to a publicly owned treatment works; separation of contaminated snow; conveying contaminated stormwater into an impoundment for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); and directing stormwater into vegetative swales or other infiltration measures. To minimize discharges of pollutants in stormwater from runway deicing, implement runoff management control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): mechanical systems (snow plows, brushes); conveying contaminated stormwater into swales and/or a stormwater impoundment; and pollution prevention practices such as ice detection systems, and airfield prewetting.
- E.S.3.1.8 When applying deicing fluids during non-precipitation events (also referred to as “clear ice deicing”), implement control measures to prevent unauthorized discharge of pollutants (dry-weather discharges of pollutants would need coverage under an NPDES wastewater permit), or to minimize the discharge of pollutants from deicing fluids in later stormwater discharges, implement control measures such as the following, where determined to be feasible and that accommodate considerations safety, space, operational constraints, and flight considerations (list not exclusive): recovering deicing fluids; preventing the fluids from entering storm sewers or other stormwater discharge conveyances (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains); releasing controlled amounts to a publicly owned treatment works Used deicing fluid should be recycled whenever practicable.
- E.S.3.2 *Deicing Season*. You must determine the seasonal timeframe (e.g., December- February, October - March, etc.) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If you meet the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season you identified is the timeframe during which you must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH.

#### **E.S.4 Additional SWPCP Requirements**

- E.S.4.1 *Drainage Area Site Map*. Document in the SWPCP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/stormwater: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment

maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

- E.S.4.2 *Potential Pollutant Sources.* In your inventory of exposed materials, describe in your SWPCP the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If you use deicing chemicals, you must maintain a record of the types (including the Safety Data Sheets [SDS]) used and the monthly quantities, either as measured or, in the absence of metering, as estimated to the best of your knowledge. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion with any comprehensive airport SWPCPs.
- E.S.4.3 *Vehicle and Equipment Washwater Requirements.* Attach to or reference in your SWPCP, a copy of the NPDES permit issued for vehicle/equipment washwater, if applicable. If an industrial user permit is issued under a local pretreatment program, include a copy in your SWPCP. If washwater is handled in another manner (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in your SWPCP.
- E.S.4.4 *Documentation of Control Measures Used for Management of Stormwater:* Document in your SWPCP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

### E.S.5 Sector-Specific Benchmarks

At a minimum conduct facility inspections at least monthly during the deicing season (e.g., October through April for most mid-latitude airports). If your facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. DEQ may specifically require you to increase inspection frequencies.

### E.S.6 Sector-Specific Benchmarks

Table E.S-1 identifies benchmarks that apply to the specific subsectors of Sector S. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, unless a facility has an Individual NPDES Permit for de-icing activities.

**Table E.S-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities, use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor these parameters at discharge points that collect stormwater from areas where deicing activities occur (SIC 4512-4581) and when deicing activities are occurring	Biochemical Oxygen Demand (BOD <sub>5</sub> )	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Ammonia	2.14 mg/L
	pH	Statewide benchmark

**E.S.7 Effluent Limitations Based on Effluent Limitations Guidelines and New Source Performance Standards**

- E.S.7.1 *Airfield Pavement Deicing*. For both existing and new “primary airports” (as defined at 40 CFR 449.2) with 1,000 or more annual non-propeller aircraft departures that discharge stormwater from airfield pavement deicing activities, there shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, such airports must do one of the following: (1) certify annually on the annual report that you do not use pavement deicers containing urea, or (2) meet the effluent limitation in Table E.S-2.
- E.S.7.2 *Aircraft Deicing*. Airports that are both “primary airports” (as defined at 40 CFR 449.2) and new sources (“new airports”) with 1,000 or more annual non-propeller aircraft departures must meet the applicable requirements for aircraft deicing at 40 CFR 449.11(a). Discharges of the collected aircraft deicing fluid directly to waters of the state are not eligible for coverage under this permit.
- E.S.7.3 *Monitoring, Reporting and Recordkeeping*. For new and existing airports subject to the effluent limitations in E.S.7.1 or E.S.7.2 of this permit, you must comply with the applicable monitoring, reporting and recordkeeping requirements outlined in 40 CFR 449.20.

**Table E.S-2<sup>1</sup>**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Effluent Limitation
Discharge containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Ammonia as Nitrogen	14.7 mg/L. daily maximum

<sup>1</sup>Monitor semi-annually.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector T – Treatment Works**

**E.T.1 Additional Technology-Based Effluent Limits**

- E.T.1.1 *Control Measures.* In addition to the other control measures, consider the following: routing stormwater to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).
- E.T.1.2 *Employee Training.* At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

**E.T.2 Additional SWPCP Requirements**

- E.T.2.1 *Site Map.* Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.
- E.T.2.2 *Potential Pollutant Sources.* Document in your SWPCP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.
- E.T.2.3 *Wastewater and Washwater Requirements.* If wastewater and/or vehicle and equipment wash-water is not covered by another NPDES permit but is handled in another manner (e.g., hauled offsite, retained onsite), the disposal method must be described and all pertinent information (e.g., frequency, volume, destination) must be included in your SWPCP. Discharges of vehicle and equipment washwater, including tank cleaning operations, are not authorized by this permit for this sector.

**E.T.3 Additional Inspection Requirements**

Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

**E.T.4 Sector-Specific Benchmarks**

Table E.T.1

Subsector (You may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Treatment Works	E. coli	406 organisms/100 mL



**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector U – Food and Kindred Products**

**E.U.1 Additional Technology-Based Limitations**

E.U.1.1 *Employee Training.* Address pest control in your employee training program.

**E.U.2 Additional SWPCP Requirements**

E.U.2.1 *Drainage Area Site Map.* Document in your SWPCP the locations of the following activities if they are exposed to stormwater: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

E.U.2.2 *Potential Pollutant Sources.* Document in your SWPCP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

**E.U.3 Additional Inspection Requirements**

Inspect on a monthly basis, at a minimum, the following areas where the potential for exposure to stormwater exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

**E.U.4 Sector-Specific Benchmarks**

Table E.U-1 identifies benchmarks that apply to the specific subsectors of Sector U. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.U-1**

Subsector (You may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Grain Mill Products (SIC codes 2041-2048)	Total Suspended Solids (TSS)	Statewide benchmark
Fats and Oils Products (SIC 2074-2079)	Total Suspended Solids (TSS)	Statewide benchmark
	Biochemical Oxygen Demand (BOD <sub>5</sub> )	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Nitrate plus Nitrite Nitrogen	10 mg/L

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector V – Textile Mills, Apparel, and Other Fabric Products**

**E.V.1 Additional Technology-Based Limitations**

**E.V.1.1 Good Housekeeping Measures.**

E.V.1.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the stormwater from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with stormwater. Collect and dispose of washwater from these cleanings properly.

E.V.1.1.2 *Material Handling Areas.* Minimize contamination of stormwater from material handling operations and areas. Consider the following (or their equivalents): use of spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

E.V.1.1.3 *Fueling Areas.* Minimize contamination of stormwater from fueling areas. Consider the following (or their equivalents): covering the fueling area, using spill and overflow protection, minimizing run-on of stormwater to the fueling areas, using dry cleanup methods, and treating and/or recycling stormwater collected from the fueling area.

E.V.1.1.4 *Above-Ground Storage Tank Area.* Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valves. Consider the following (or their equivalents): regular cleanup of these areas; including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of stormwater from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

E.V.1.2 *Employee Training.* As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

**E.V.2 Additional SWPCP Requirements**

E.V.2.1 *Potential Pollutant Sources.* Document in your SWPCP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

E.V.2.2 *Description of Good Housekeeping Measures for Material Storage Areas.* Document in the SWPCP your containment area or enclosure for materials stored outdoors.

**E.V.3 Additional Inspection Requirements**

Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector W – Furniture and Fixtures**

**E.W.1 Additional Technology-Based Limitations**

E.W.1.1 *Drainage Area Site Map*. Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

## **Schedule E – Sector-Specific Requirements for Industrial Activity Sector X – Printing and Publishing**

### **E.X.1 Additional Technology-Based Effluent Limits**

#### **E.X.1.1 *Good Housekeeping Measures.***

E.X.1.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the stormwater from such storage areas. Also, consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances.

E.X.1.1.2 *Material Handling Area.* Minimize contamination of stormwater from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Consider the following (or their equivalents): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

E.X.1.1.3 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas. Consider the following (or their equivalents): covering the fueling area, using spill and overflow protection, minimizing runoff of stormwater to the fueling areas, using dry cleanup methods, and treating and/or recycling stormwater collected from the fueling area.

E.X.1.1.4 *Above Ground Storage Tank Area.* Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valves. Consider the following (or their equivalents): regularly cleaning these areas, explicitly addressing tanks, piping and valves in the SPCC program, minimizing stormwater runoff from adjacent areas, restricting access to the area, inserting filters in adjacent catch basins, providing absorbent booms in unbermed fueling areas, using dry cleanup methods, and permanently sealing drains within critical areas that may discharge to a storm drain.

E.X.1.2 *Employee Training.* As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

### **E.X.2 Additional SWPCP Requirements**

E.X.2.1 *Description of Good Housekeeping Measures for Material Storage Areas.* In connection with E.X.1.1.1, describe in the SWPCP the containment area or enclosure for materials stored outdoors.

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries**

**E.Y.1 Additional Technology-Based Effluent Limits**

- E.Y.1.1 *Controls for Rubber Manufacturers.* Minimize the discharge of zinc in your stormwater discharges. Following are some general control measure options to consider: using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize “puffing” losses when the container is opened, and using automatic dispensing and weighing equipment.
- E.Y.1.1.1 *Zinc Bags.* Ensure proper handling and storage of zinc bags at your facility. Following are some control measure options: employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.
- E.Y.1.1.2 *Dumpsters.* Minimize discharges of zinc from dumpsters through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the dumpster; moving the dumpster indoors; and providing a lining for the dumpster.
- E.Y.1.1.3 *Dust Collectors and Baghouses.* Minimize contributions of zinc to stormwater from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.
- E.Y.1.1.4 *Grinding Operations.* Minimize contamination of stormwater as a result of dust generation from rubber grinding operations. Where determined to be feasible, install a dust collection system.
- E.Y.1.1.5 *Zinc Stearate Coating Operations.* Minimize the potential for stormwater contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. Where determined to be feasible, use alternative compounds to zinc stearate.
- E.Y.1.2 *Controls for Plastic Products Manufacturers.* Minimize the discharge of plastic resin pellets in your stormwater discharges through implementation of control measures such as the following, where determined to be feasible (list not exclusive): minimizing spills; cleaning up of spills promptly and thoroughly; sweeping thoroughly; pellet capturing; employee education; and disposal precautions.

**E.Y.2 Additional SWPCP Requirements**

- E.Y.2.1 *Potential Pollutant Sources for Rubber Manufacturers.* Document in your SWPCP the use of zinc at your facility and the possible pathways through which zinc may be discharged in stormwater.

**E.Y.3 Sector-Specific Benchmarks**

Table E.Y-1 identifies benchmarks that apply to the specific subsectors of Sector Y. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.Y-1**

<b>Subsector</b> <b>(You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Rubber Products Manufacturing (SIC codes 3011, 3021, 3052, 3053, 3061, 3069)	Total zinc Freshwater	Statewide benchmark
	Total zinc Saltwater	0.46 mg/L

## **Schedule E – Sector-Specific Requirements for Industrial Activity Sector Z – Leather Tanning and Finishing**

### **E.Z.1 Additional Technology-Based Effluent Limits**

#### **E.Z.1.1 *Good Housekeeping Measures.***

- E.Z.1.1.1 *Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products.* Minimize contamination of stormwater from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Store or protect indoors with polyethylene wrapping, tarpaulins, roofed storage, etc. where practicable. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent stormwater run-on and runoff where practicable.
- E.Z.1.1.2 *Material Storage Areas.* Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with stormwater.
- E.Z.1.1.3 *Buffing and Shaving Areas.* Minimize contamination of stormwater discharge with leather dust from buffing and shaving areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): implementing dust collection enclosures; implementing preventive inspection and maintenance programs; or other appropriate preventive measures.
- E.Z.1.1.4 *Receiving, Unloading, and Storage Areas.* Minimize contamination of stormwater discharge from receiving, unloading, and storage areas. If these areas are exposed, implement control measures such as the following, where determined to be feasible (list not exclusive): covering all hides and chemical supplies; diverting drainage to the process sewer; or grade berming or curbing the area to prevent stormwater discharge.
- E.Z.1.1.5 *Outdoor Storage of Contaminated Equipment.* Minimize contact of stormwater with contaminated equipment through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering equipment, diverting drainage to the process sewer, and cleaning thoroughly prior to storage.
- E.Z.1.1.6 *Waste Management.* Minimize contamination of stormwater discharge from waste storage areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering dumpsters; moving waste management activities indoors; covering waste piles with temporary covering material such as tarpaulins or polyethylene; and minimizing stormwater discharge by enclosing the area or building berms around the area.

### **E.Z.2 Additional SWPCP Requirements**

- E.Z.2.1 *Drainage Area Site Map.* Identify in your SWPCP where any of the following may be exposed to precipitation or stormwater: processing and storage areas of the beamhouse, tanyard, and retan wet finishing and dry finishing operations.
- E.Z.2.2 *Potential Pollutant Sources.* Document in your SWPCP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.



## **Schedule E – Sector-Specific Requirements for Industrial Activity Sector AA – Fabricated Metal Products**

### **E.AA.1 Additional Technology-Based Effluent Limits**

#### *E.AA.1.1 Good Housekeeping Measures.*

E.AA.1.1.1 *Raw Steel Handling Storage.* Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

E.AA.1.1.2 *Paints and Painting Equipment.* Minimize exposure of paint and painting equipment to stormwater.

#### *E.AA.1.2 Spill Prevention and Response Procedures.* Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed

E.AA.1.2.1 *Metal Fabricating Areas.* Maintain clean, dry, orderly conditions in these areas. Consider using dry clean-up techniques.

E.AA.1.2.2 *Storage Areas for Raw Metal.* Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials through implementation of control measures such as the following, where determined to be feasible (list not exclusive): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

E.AA.1.2.3 *Metal Working Fluid Storage Areas.* Minimize the potential for stormwater contamination from storage areas for metal working fluids.

E.AA.1.2.4 *Cleaners and Rinse Water.* Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

E.AA.1.2.5 *Lubricating Oil and Hydraulic Fluid Operations.* Minimize the potential for stormwater contamination from lubricating oil and hydraulic fluid operations. Use monitoring equipment or other devices to detect and control leaks and overflows where feasible. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures where feasible.

E.AA.1.2.6 *Chemical Storage Areas.* Minimize stormwater contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

#### *E.AA.1.3 Spills and Leaks.* In your spill prevention and response procedures, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

### **E.AA.2 Additional SWPCP Requirements**

E.AA.2.1 *Drainage Area Site Map.* Document in your SWPCP where any of the following may be exposed to precipitation or stormwater: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

E.AA.2.2 *Potential Pollutant Sources.* Document in your SWPCP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

**E.AA.3 Additional Inspection Requirements**

E.AA.3.1 *Inspections.* At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, and vehicle fueling and maintenance areas. Also, inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

**E.AA.4 Sector-Specific Benchmarks**

Table E.AA-1 identifies benchmarks that apply to the specific subsectors of Sector AA. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table E.AA-1**

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	1.10 mg/L
	Nitrate plus Nitrite Nitrogen	10 mg/L
	Total zinc Freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L
Fabricated Metal coating and Engraving (SIC 3479)	Nitrate plus Nitrite Nitrogen	10 mg/L
	Total zinc Freshwater	Statewide benchmark
	Total zinc saltwater	0.46 mg/L

**Schedule E – Sector-Specific Requirements for Industrial Activity**  
**Sector AB – Transportation Equipment, Industrial or Commercial Machinery**

**E.AB.1 Additional SWPCP Requirements**

E.AB.1.1 *Drainage Area Site Map*. Identify in your SWPCP where any of the following may be exposed to precipitation or stormwater: vents and stacks from metal processing and similar operations.

## SCHEDULE F NPDES GENERAL CONDITIONS

### SECTION A. STANDARD CONDITIONS

#### A1. Duty to Comply with Permit

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

#### A2. Penalties for Water Pollution and Permit Condition Violations

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

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to \$250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation.

The Clean Water Act provides that any person who *negligently* violates any condition, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both.

In the case of a second or subsequent conviction for a *negligent* violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

In the case of a second or subsequent conviction for a *knowing* violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

Any person who *knowingly* violates section any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.

In the case of a second or subsequent conviction for a *knowing* endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both.

An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000.

Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

A3. Duty to Mitigate

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

A4. Duty to Reapply

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

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

A5. Permit Actions

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

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.
- k. For communities with combined sewer overflows (CSOs):
  - (1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
  - (2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
  - (3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

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

**A6. Toxic Pollutants**

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

**A7. Property Rights and Other Legal Requirements**

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

**A8. Permit References**

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

**A9. Permit Fees**

The permittee must pay the fees required by OAR.

**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

**B1. Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve

compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B2. Need to Halt or Reduce Activity Not a Defense

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

B3. Bypass of Treatment Facilities

a. Definitions

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

b. Prohibition of bypass.

- (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
  - iii. The permittee submitted notices and requests as required under General Condition B3.c.
- (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.b.(1).

c. Notice and request for bypass.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
  - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset

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

B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

- a. Definition. "Overflow" means any spill, release or diversion of sewage including:
  - (1) An overflow that results in a discharge to waters of the state; and
  - (2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.
- b. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

B7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8.



Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

**B8. Emergency Response and Public Notification Plan**

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

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

**B9. Removed Substances**

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

**SECTION C. MONITORING AND RECORDS**

**C1. Representative Sampling**

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

**C2. Flow Measurements**

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

**C3. Monitoring Procedures**

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

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most

recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

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

C5. Reporting of Monitoring Results

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

C6. Additional Monitoring by the Permittee

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

C7. Averaging of Measurements

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

C8. Retention of Records

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

C9. Records Contents

Records of monitoring information must include:

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

C10. Inspection and Entry

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

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

C11. Confidentiality of Information

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

**SECTION D. REPORTING REQUIREMENTS**

D1. Planned Changes

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

D2. Anticipated Noncompliance

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

D3. Transfers

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

D4. Compliance Schedule

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

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.

(1) Oral Reporting within 24 hours.

i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.

- (a) The location of the overflow;
- (b) The receiving water (if there is one);
- (c) An estimate of the volume of the overflow;
- (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
- (e) The estimated date and time when the overflow began and stopped or will be stopped.

ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:

- (a) The OERS incident number (if applicable); and
- (b) A brief description of the event.

(2) Written reporting postmarked within 5 days.

i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:

- (a) The OERS incident number (if applicable);
- (b) The cause or suspected cause of the overflow;
- (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
- (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

b. Other instances of noncompliance.

(1) The following instances of noncompliance must be reported:

- i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
- ii. Any upset that exceeds any effluent limitation in this permit;
- iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
- iv. Any noncompliance that may endanger human health or the environment.

(2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

- (3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
  - i. A description of the noncompliance and its cause;
  - ii. The period of noncompliance, including exact dates and times;
  - iii. The estimated time noncompliance is expected to continue if it has not been corrected;
  - iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
  - v. Public notification steps taken, pursuant to General Condition B7.
- (4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

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

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

D7. Duty to Provide Information

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

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

D8. Signatory Requirements

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

D9. Falsification of Information

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

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the federal Clean Water Act if it were directly discharging those pollutants and;
- b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**SECTION E. DEFINITIONS**

- E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m<sup>3</sup>/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.

E20. *Week* means a calendar week of Sunday through Saturday.  
E21. *POTW* means a publicly-owned treatment works.

**APPENDIX A: BASIN-SPECIFIC pH CONCENTRATIONS**

**pH Basin-Specific Criteria (OAR 340-041-0101 through 340-041-0350) Impairment Monitoring Concentrations and Water Quality-based Effluent Limit**

<b>Basin or Water Body</b>	<b>OAR</b>	<b>Water</b>	<b>Criteria Range</b>
General	<b>340-041-0021(1)(a)</b>	Marine	7.0 to 8.5
General	<b>340-041-0021(1)(b)</b>	Estuarine and fresh waters	See basin-specific criteria
Columbia River	<b>340-041-0104(1)</b>	Main stem Columbia River (mouth to river mile 309):	7.0 to 8.5
Snake River	<b>340-041-0124(1)</b>	Main stem Snake River (river miles 260 to 335)	7.0 to 9.0
Deschutes Basin	<b>340-041-0135(1)(a)</b>	All other basin streams (except Cascade lakes)	6.5 to 8.5
	<b>340-041-0135(1)(b)</b>	Cascade lakes above 3,000 feet altitude	6.0 to 8.5
Goose and Summer Lakes Basin	<b>340-041-0145(1)(a)</b>	Goose Lake	7.5 to 9.5
	<b>340-041-0145(1)(b)</b>	All other basin waters	7.0 to 9.0
Grande Ronde Basin	<b>340-041-0156(1)</b>	All basin streams (other than main stem Snake River)	6.5 to 9.0
Hood Basin	<b>340-041-0165(1)(a)</b>	Hood River Basin streams (except main stem Columbia River and Cascade lakes)	6.5 to 8.5
	<b>340-041-0165(1)(b)</b>	Cascade lakes above 3,000 feet altitude	6.0 to 8.5
John Day Basin	<b>340-041-0175(1)</b>	All basin streams (other than the main stem Columbia River)	6.5 to 9.0
Klamath Basin	<b>340-041-0185(1)(a)</b>	Fresh waters except Cascade lakes	6.5 to 9.0
	<b>340-041-0185(1)(b)</b>	Cascade lakes above 5,000 feet altitude	6.0 to 8.5
Malheur Lake Basin	<b>340-041-0195(1)</b>	All	7.0 to 9.0
Malheur River Basin	<b>340-041-0207(1)</b>	All	7.0 to 9.0
Mid Coast Basin	<b>340-041-0225(1)(a)</b>	Marine waters	7.0 to 8.5



<b>Basin or Water Body</b>	<b>OAR</b>	<b>Water</b>	<b>Criteria Range</b>
	<b>340-041-0225(1)(b)</b>	Estuarine and fresh waters	6.5 to 8.5
North Coast Basin	<b>340-041-0235(1)(a)</b>	Marine waters	7.0 to 8.5
	<b>340-041-0235(1)(b)</b>	Estuarine and fresh waters	6.5 to 8.5
Owyhee Basin	<b>340-041-0256(1)</b>	All	7.0 to 9.0
Powder/Burnt Basins	<b>340-041-0265(1)</b>	All basin streams (other than main stem Snake River)	6.5 to 9.0
Rogue Basin	<b>340-041-0275(1)(a)</b>	Marine waters	7.0 to 8.5
	<b>340-041-0275(1)(b)</b>	Estuarine and fresh waters (except Cascade lakes)	6.5 to 8.5
	<b>340-041-0275(1)(c)</b>	Cascade lakes above 3,000 feet altitude	6.0 to 8.5
Sandy Basin	<b>340-041-0290(1)(a)</b>	All basin waters (except main stem Columbia River and Cascade lakes)	6.5 to 8.5
	<b>340-041-0290(1)(b)</b>	Cascade lakes above 3,000 feet altitude	6.0 to 8.5
South Coast Basin	<b>340-041-0305(1)(a)</b>	Estuarine and fresh waters	6.5 to 8.5
	<b>340-041-0305(1)(b)</b>	Marine waters	7.0 to 8.5
Umatilla Basin	<b>340-041-0315(1)</b>	All basin streams (other than main stem Columbia River)	6.5 to 9.0
Umpqua Basin	<b>340-041-0326(1)(a)</b>	Marine waters	7.0 to 8.5
	<b>340-041-0326(1)(b)</b>	Estuarine and fresh waters (except Cascade lakes)	6.5 to 8.5
	<b>340-041-0326(1)(c)</b>	Cascade lakes above 3,000 feet altitude	6.0 to 8.5
Walla Walla Basin	<b>340-041-0336</b>	All	6.5 to 9.0
Willamette Basin	<b>340-041-0345(1)(a)</b>	All basin waters (except main stem Columbia River and Cascade lakes)	6.5 to 8.5
	<b>340-041-0345(1)(b)</b>	Cascade lakes above 3,000 feet altitude	6.0 to 8.5