

Metro Central Transfer Station Permits

1. Metro Central Solid Waste Disposal Site Permit
2. Metro Central Stormwater Discharge Permit
3. Metro Central Wastewater Discharge Permit



State of Oregon
Department of
Environmental
Quality

Permit Number: 409
Expiration Date February 4, 2019
Page 1 of 22

**SOLID WASTE DISPOSAL SITE PERMIT:
TRANSFER STATION/MATERIAL RECOVERY FACILITY**

**Oregon Department of Environmental Quality
2020 SW 4th Ave, Suite 400
Portland OR 97201
Telephone: (503) 229-5353**

**Issued in accordance with the provisions of ORS Chapter 459 and
subject to the land use compatibility statement referenced below.**

ISSUED TO:

Metro Regional Government
600 NE Grand Avenue
Portland OR 97232-2736

FACILITY NAME AND LOCATION:

Metro Central Transfer Station
6161 NW 61st Avenue
Portland OR 97210
Section 13, T1N, R1W, WM

PROPERTY OWNER:

Metro Regional Government
600 NE Grand Avenue
Portland OR 97232-2736

OPERATOR:

The operator of the Transfer Station/Material
Recovery Facility is:

Allied Waste Industries, Inc.
6161 NW 61st Ave.
Portland, OR 97210

The operator of the Hazardous Waste Facility is:

Metro Regional Government
600 NE Grand Avenue
Portland OR 97232-2736

ISSUED IN RESPONSE TO:

- A Solid Waste Permit application received on September 28, 2004; and
- A Land Use Compatibility Statement from City of Portland dated November 13, 1989.

The determination to issue this permit is based on findings and technical information included in the permit record.

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Audrey M O'Brien

Audrey O'Brien
SW Manager, NW Region

February 6, 2009

Date

Permitted Activities

Until such time as this permit expires or is modified or revoked, Metro Regional Government (permittee) is authorized to operate and maintain a Solid Waste Transfer Station/Material Recovery Facility (TS/MRF) and Hazardous Waste Facility (HWF) in conformance with the requirements, limitations, and conditions set forth in this document including all attachments.

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Introduction This document is a Solid Waste Permit issued by the Oregon Department of Environmental Quality (DEQ) in accordance with Oregon Revised Statutes (ORS) 459 and Oregon Administrative Rules (OAR), Chapter 340.

In this document This document contains the following sections:

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PERMIT ADMINISTRATION

1.0 ISSUANCE

1.1 In this section	<p>This section describes the parameters surrounding permit issuance including:</p> <ul style="list-style-type: none"> • Permittee; • Permit number; • Permit term; • Facility type; • Facility owner/operator; • Basis for issuance; • Definitions; • Legal control of property; and • Organization of permit. 	
1.2 Permittee	<p>This permit is issued to Metro Regional Government, known as “Metro.”</p>	
1.3 Permit number	<p>This permit will be referred to as Solid Waste Permit Number 409.</p>	
1.4 Permit term	<p>The issue date of this permit is the date this document is signed. The expiration date of this permit is February 4, 2019.</p>	
1.5 Facility type	<p>The facility is permitted as a Solid Waste Transfer Station/Material Recovery Facility (TS/MRF).</p>	
1.6 Facility owner/operator	<p>The owner of this facility is: Metro 600 NE Grand Avenue Portland OR 97232-2736</p>	<p>The operator of the TS/MRF facility is: Allied Waste Industries, Inc. 6161 NW 61st Ave. Portland, OR 97210</p> <p>The operator of the HWF is: Metro 600 NE Grand Avenue Portland OR 97232-2736</p>
1.7 Basis for issuance	<p>This permit is issued based upon the following documents submitted by the permittee:</p> <ul style="list-style-type: none"> • A Solid Waste Permit Application received September 29, 2004; and • A Land Use Compatibility Statement from City of Portland dated November 13, 1989. 	
1.8 Definitions	<p>Unless otherwise specified, all terms are as defined in OAR 340-93-030.</p>	
1.9 Legal control of property	<p>The permittee shall at all times maintain legal control of the disposal site property; including maintaining a current permit, contract or agreement that allows the operation of the facility if the site is not owned by the permittee.</p>	
1.10 Organization of permit	<p>This permit includes requirements for the HWF as well as the TS/MRF. The intent of the permit organization is to be as clear as possible about which requirements are for the TS/MRF and which are for the HWF. If a requirement is specific to either the HWF or the TS/MRF, it will specify one facility or the other. If there is no facility specified, the requirement applies to the whole site including both the TS/MRF and HWF.</p>	

2.0 DISCLAIMERS

- 2.1 **In this section** This section describes disclaimer information for the DEQ including:
- Property rights; and
 - DEQ liability.
-
- 2.2 **Property rights** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
-
- 2.3 **DEQ liability** The DEQ, its officers, agents, or employees do not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance, or operation of facilities pursuant to this permit.
-

3.0 AUTHORITY

- 3.1 **In this section** This section describes the authority of the Oregon Department of Environmental Quality to issue this permit including:
- Term of permit;
 - Documents superseded;
 - Permittee responsibility and liability;
 - DEQ access to disposal site;
 - Other compliance; and
 - Penalties.
-
- 3.2 **Term of permit** This permit is issued for a maximum of 10 years as authorized by Oregon Revised Statutes 459.245(2).
-
- 3.3 **Documents superseded** This document is the primary Solid Waste Permit for the facility, superseding all other Solid Waste Permits issued for Metro Central TS/MRF by the DEQ.
-
- 3.4 **Permittee responsibility and liability** Conditions of this permit are binding upon the permittee. The permittee must conduct all facility activities in compliance with the provisions of this permit. The permittee is liable for all acts and omissions of the permittee's contractors and agents in carrying out the operations and other responsibilities pursuant to this permit.
-
- 3.5 **DEQ access to disposal site** The permittee shall allow representatives of the DEQ access to the disposal facility at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.
Reference: OAR 340-093-0050(6).
-
- 3.6 **Other compliance** Issuance of this permit does not relieve the permittee from the responsibility to comply with all other applicable federal, state, or local laws or regulations. This includes the following solid waste requirements, as well as all updates or additions to these requirements:
- Solid Waste Permit Application received on September 29, 2004
 - ORS Chapters 459, 459A, 465, and 466;
 - OAR Chapter 340;
 - Metro regulations;
 - Local ordinances; and
 - Any documents submitted by the permittee and approved by the DEQ.
-

3.7 Penalties Violation of permit conditions will subject the permittee to civil penalties of up to \$10,000 for each day of each violation [ORS 459.995(1) (a)].

4.0 PERMIT MODIFICATION

4.1 In this section This section describes information about when and how this permit may be modified including:

- Permit review;
- Modification;
- Modification and revocation by DEQ;
- Modification by permittee;
- Public participation; and
- Changes in ownership or operator.

4.2 Permit review During the life of the permit, the DEQ may review the permit and determine whether or not the permit should be amended.

While not an exclusive list, the following factors will be used in making that determination:

- Compliance history of the facility;
 - Changes in volume, waste composition, or operations at the facility;
 - Changes in state or federal rules which should be incorporated into the permit;
 - A significant release to the environment from the facility; and
 - Significant changes to a DEQ-approved site development plan and/or conceptual design.
-

4.3 Modification At any time in the life of the permit, the DEQ or the permittee may propose changes to the permit.

4.4 Modification and revocation by DEQ The Director may, at any time before the expiration date, modify, suspend, or revoke this permit in whole or in part, in accordance with ORS 459.255, for reasons including but not limited to the following:

- Violation of any terms or conditions of this permit or any applicable statute, rule, standard, or order of the Commission;
- Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- A significant change in the quantity or character of solid waste received or in the operation of the disposal site.

4.5 Modification by permittee The permittee must apply for a modification to this permit if there is a significant change in facility operations or a deviation from activities described in this document.

4.6 Public participation The DEQ will issue a public notice to inform the public of any significant changes to the permit as required by DEQ rules.

Reference: OAR 340-093-0100

4.7 Changes in ownership or operator The permittee must report to the DEQ any changes in either ownership of the disposal site property or of the name or address of the permittee within ten (10) days of the change.

The permittee must report to the DEQ any change in the operator of the TS/MRF or HWF within ten (10) days of the change.

ALLOWABLE ACTIVITIES

5.0 AUTHORIZATIONS

5.1 **In this section** This section describes the activities the permittee is authorized to conduct in the TS/MRF (Sections 5.2 – 5.7) and the HWF (Sections 5.8 – 5.13) including:

TS/MRF:

- Wastes authorized for receipt;
- Authorization of other wastes;
- Authorization of activities;
- Duration of authorization;
- Waste tire management; and
- Salvaging and recycling.

HWF

- Wastes authorized for receipt;
- Waste acceptance limits;
- Management of HHW & CEG wastes;
- Authorization of other wastes;
- Authorization of activities; and
- Duration of authorization.

Transfer Station/Material Recovery Facility

5.2 **Wastes authorized for receipt**

The TS/MRF is authorized to accept putrescible and non-putrescible solid wastes, except those wastes specifically prohibited in Section 6.0 (Prohibitions). Solid waste includes but is not limited to: rubbish, refuse, ashes, paper and cardboard, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials

A DEQ approved Special Waste Management Plan (SWMP) is required for acceptance of certain wastes that require special management due to the threat proposed to human health or the environment (See SWMPs in Section 7.4).

Reference: Solid waste is defined in ORS 459.005 and OAR 340-093-0030(82).

5.3 **Authorization of other wastes**

The DEQ may authorize the TS/MRF to accept other wastes if:

- The permittee updates the operations plan that includes a SWMP if needed and submits it to the DEQ for review and approval;
- The DEQ approves the updated operations plan and SWMP; and
- The permittee can demonstrate that the materials are not hazardous waste, as defined by state and federal regulations, or otherwise a threat to human health or waters of the state.

5.4 **Authorization of activities**

The permittee must conduct all TS/MRF activities in accordance with the provisions of this permit. Once approved by the DEQ any permit-required plans become part of the permit by reference. The DEQ may provide notice and opportunity for review of permit-required plans.

5.5 **Duration of authorization**

The authorization to accept solid waste will terminate at the time of site closure. After that time no solid waste may be accepted without written authorization by the DEQ.

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- 5.6 Waste tire management** The TS/MRF is authorized to accept up to 100 whole tires for storage and removal. TS/MRF is authorized to accept up to 2,000 whole tires for storage and removal if the permittee maintains a contract with a waste tire carrier to remove the tires from the site.
Reference: OAR 340-64-0050(2)
-
- 5.7 Salvaging and recycling** The TS/MRF is authorized to conduct salvaging and recycling in a controlled and orderly manner.
-

Hazardous Waste Facility

- 5.8 Wastes authorized for receipt** The HWF is authorized to accept for storage and transfer to an appropriate facility or end use, the following wastes:
1. household hazardous waste (HHW);
 2. universal waste (UW); and
 3. hazardous wastes from conditionally exempt small quantity generators (CEGs).
- Acceptance of certain wastes is specifically prohibited in Section 6 (Prohibitions).
Reference: HHW is defined in ORS 459.005(12). Universal waste (UW) is defined in 40 CFR 273.1 and OAR 340-113-010. Hazardous waste (HW) is defined in ORS 466.005(7). CEG is defined in ORS 459.412 and ORS 465.003(1).
Note: A DEQ approved, SWMP is required for acceptance of certain wastes that require special management due to the threat posed to human health or the environment (see SWMPs in Section 7.4).
-
- 5.9 Waste acceptance limits** The HWF must not accept more than 2,200 pounds of CEG hazardous waste from any one person/entity at any one time or more than 2,640 pounds cumulative from any person/entity within a single calendar year unless such entity/person obtains written permission from the DEQ.
- Requests for permission must be submitted in writing to:
- Oregon Department of Environmental Quality
Manager, Solid Waste Program
2020 SW Fourth Avenue, Suite 400
Portland, OR 97201
Telephone: (503) 229-5353
-

- 5.10 Management of HHW & CEG waste** HHW and CEG Waste accepted at the HWF that would be defined as hazardous waste under Oregon or federal law had it not been generated by households or CEGs, must be managed in a manner consistent with all applicable requirements for hazardous waste collection, storage, transport, and disposal.
- See Section 5.8 for definitions of HHW, CEG and hazardous waste.
- Exclusions:
- Explosive materials if managed by the Metropolitan Bomb Disposal Squad;
 - Radioactive wastes if managed by the Oregon Radiation Protective Services;
 - Gas cylinders if returned to the cylinder distributors;
 - Reuse of hazardous household products according to the DEQ approved HWF operations plan;
 - DEQ must approve in writing any other exclusions from this section.
-
- 5.11 Authorization of other wastes** The DEQ may authorize the HWF to accept other wastes if:
- The permittee updates the operations plan that includes a SWMP if needed and submits it to the DEQ for review and approval;
 - The DEQ approves the updated operations plan and SWMP; and
 - The permittee can demonstrate that the materials are not hazardous waste, as defined by state and federal regulations, or otherwise a threat to human health or waters of the state.
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- 5.12 Authorization of activities** All HWF activities must be conducted in accordance with the provisions of this permit. Once approved by the DEQ any permit-required plans become part of the permit by reference. The DEQ may provide notice and opportunity for review of permit-required plans.
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- 5.13 Duration of authorization** The authorization to accept HHW and CEG waste will terminate at the time of site closure. After that time no HHW or CEG waste may be accepted without written authorization by the DEQ.
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6.0 PROHIBITIONS

6.1 **In this section** This section describes specific activities the permittee is prohibited from conducting at the TS/MRF (Sections 6.2 – 6.15) and the HWF (Sections 6.16 – 6.20) including acceptance and/or management of (except as described below):

TS/MRF

- Hazardous waste;
- Liquid waste;
- Batteries;
- Recyclable materials;
- Friable or non-friable asbestos containing materials;
- Infectious waste;
- Explosives;
- Large home or industrial appliances;
- Used oil;
- Discarded or abandoned vehicles;
- Tires for disposal;
- Electronic waste disposal;
- Large dead animals; and
- Open burning.

HWF

- Hazardous waste;
- Non-hazardous waste;
- Friable or non-friable asbestos containing materials;
- Infectious waste; and
- Electronic waste disposal.

Transfer Station/Material Recovery Facility

6.2 **Hazardous waste** The TS/MRF must not accept any regulated hazardous wastes.
Reference: 40 CFR 258.20 (b)

6.3 **Liquid waste** The TS/MRF must not accept liquid waste, except in accordance with the liquid waste acceptance/management procedures in the DEQ approved Special Waste Management Plan. Liquid wastes accepted at the TS/MRF for disposal at a landfill must be managed such that free liquid is absorbed by dry wastes.

Definition: Liquid wastes are wastes that do not pass the paint filter test performed in accordance with EPA Method 9095

Reference: Section 10.3 Vehicles

6.4 **Batteries** The TS/MRF may collect lead-acid batteries at the facility for recycling but must not knowingly mix lead-acid batteries in municipal solid waste at the TS/MRF or transfer lead-acid batteries to a landfill for disposal.

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- 6.5 Recyclable materials** The TS/MRF may collect source separated recyclable material at the facility for recycling but must not transfer source separated recyclable material to a landfill for disposal.
Exception: If the source separated material is determined by the DEQ to be in a condition which makes the material unusable or not recyclable then it may be disposed. The TS/MRF must consult with the DEQ prior to disposal of any source separated recyclable materials.
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- 6.6 Friable and non-friable asbestos containing materials** The TS/MRF must not accept friable or non-friable asbestos or asbestos-containing material at the facility.
Exception: Asbestos-containing waste material inadvertently accepted in waste received must be managed for disposal by the TS/MRF according to a SWMP approved by DEQ which addresses procedures for receipt, handling, storage, spill cleanup and disposal of the asbestos-containing waste materials. See Section 7.4 Special Waste Management Plans for more details.
-
- 6.7 Infectious waste** The permittee must not accept infectious wastes at the TS/MRF.
Exception: Sharps may be accepted when handled in accordance with OAR 340-93-190(1)(d)(B).
-
- 6.8 Explosives** The permittee must not accept explosives at the TS/MRF.
-
- 6.9 Large home or industrial appliances** The permittee may collect large home or industrial appliances at the TS/MRF for recycling but must not knowingly dispose of large home or industrial appliances with the solid waste or transfer them to a landfill for disposal.
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- 6.10 Used oil** Used oil may be collected at the TS/MRF for recycling but must not knowingly be disposed of with the solid waste or transferred to a landfill for disposal.
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- 6.11 Discarded or abandoned vehicles** Discarded or abandoned vehicles may be collected at the TS/MRF for recycling but must not knowingly be disposed of with the solid waste or transferred to a landfill for disposal.
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- 6.12 Tires for disposal** Whole tires may be collected at the TS/MRF for recycling but must not knowingly be disposed of with the solid waste or transferred to a landfill for disposal.
-

6.13 Electronic waste disposal After January 1, 2010, the permittee must not knowingly accept the following covered electronic devices for disposal:

- Computer monitors having a viewable area greater than four (4) inches diagonally;
- Televisions having a viewable area greater than four (4) inches diagonally;
- Desktop computers; or
- Portable computers.

Reference: ORS 459.247 and 459A. 300-365.

6.14 Large dead animals The permittee must only accept large dead animals according to the DEQ approved SWMP for large dead animals. See Section 7.4 for details on SWMPs.

Definition: Large animals are defined as any animal larger than a dog.

6.15 Open burning The permittee must not conduct open burning at the facility unless specifically authorized in writing by the DEQ prior to burning.

Hazardous Waste Facility

6.16 Hazardous waste The HWF must not accept any hazardous waste from hazardous waste generators including, but not limited, to small and large quantity generators.

Exception: CEGs as per Section 5.8 of this permit.

Reference: Hazardous wastes are defined in ORS 466.005 and OAR 340 Divisions 100 and 101. Large and small quantity hazardous waste generators are defined in ORS 465.003 and 40 CFR 260.10. See permit Section 5.8.

6.17 Non-hazardous waste The HWF must not accept non-hazardous waste such as empty containers and regular household trash from customers. These wastes must be disposed at the TS/MRF.

Exceptions: In the operations of the HWF, non-hazardous waste may be generated from the process of bulking and lab packing. In addition, incidental non-hazardous, non-putrescible waste brought in by customers with their HHW is acceptable to be collected at the HWF. These wastes if non-hazardous should be ultimately disposed or recycled at the TS/MRF.

6.18 Friable and non-friable asbestos containing materials The HWF may only accept small loads of either friable or non-friable asbestos containing materials defined as a maximum of two (2), 25 lb. bags.

Small loads defined as a maximum of two (2), 25-lb bags may be accepted when handled according to the Operations Plan.

6.19 Infectious waste The permittee must not accept infectious wastes at the HWF.

Exception: Sharps may be accepted when handled in accordance with OAR 340-93-190(1)(d)(B)

-
- 6.20 Electronic waste disposal** After January 1, 2010, the permittee must not knowingly accept the following covered electronic devices for disposal:
- Computer monitors having a viewable area greater than four (4) inches diagonally;
 - Televisions having a viewable area greater than four (4) inches diagonally;
 - Desktop computers; or
 - Portable computers.
- Reference: ORS 459.247 and 459A. 300-365.
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SITE DESIGN AND OPERATIONS

7.0 OPERATIONS PLAN

- 7.1 In this section** This section describes the requirements associated with preparing and implementing facility Operations Plans including:
- Operations Plans;
 - Plan content;
 - Special Waste Management Plans;
 - Plan maintenance; and
 - Submittal address.
-

- 7.2 Operations plans** The permittee must operate the facility in accordance with the TS/MRF Operations Plan, HWF Operations Plan & any SWMPs, including any amendments, approved by the DEQ.
-

- 7.3 Contents of plans** TS/MRF
The TS/MRF Operations Plan must describe the current method of operation of the facility in accordance with all regulatory and permit requirements.
- Note: The operations plan must include among other things:
- Waste unloading and handling;
 - Handling and removal of waste tires; and
 - Management of transfer containers; Washing equipment;
 - Maintaining leachate collection systems;
 - Maintaining surface water control structures;
 - Screening procedures for detection of unauthorized wastes;
 - Handling and removal of unauthorized wastes discovered at the facility;
 - Procedures for dealing with cleanup of an oil or hazardous materials spill. The plan must also include the procedure for reporting the spill to the Oregon Emergency Response System (OERS) at 1-800-452-0311;
 - Procedures for handling, storage, and transporting of asbestos-containing wastes;
 - Establishing and maintaining the operating record;
 - Providing fire protection equipment; and
 - Notifying the DEQ about emergencies and fires.

HWF

The HWF Operations Plan must address types and anticipated quantities of waste to be accepted during an average month and the following procedures for waste: 1) receipt; 2) identification; 3) handling; 4) sorting; 5) storage; 6) packaging; 7) shipping; 8) record keeping; 9) facility inspections; and 10) waste disposal/recycling. In addition, the plan must address:

- Screening procedures describing how the facility will screen hazardous waste generators to ensure their CEG status, including procedures to inform DEQ when a large or small quantity hazardous waste generator has attempted to use the facility to manage their hazardous waste;
 - Worker safety protections;
 - Emergency Response Plan which addresses procedures for spill prevention, emergency response, emergency contacts list, layout of the facility, evacuation routes, properties of wastes handled and types of equipment on-site;
 - Personnel Training Plan including HAZWOPER and asbestos awareness and handling training; and
 - Facility Closure Plan.
-

**7.4 Special
Waste
Management
Plans**

Individual SWMPs are required as part of the Operations Plan, for certain waste materials that because of their nature can be potentially hazardous to human health or the environment and require careful handling at transfer facilities. The SWMP must address, among other things, procedures for identification, receipt, handling, storage, spill cleanup and transport for reuse, recovery or disposal of the material at an appropriately permitted facility.

Special wastes requiring individual Plans include but are not limited to:

- Fluorescent Bulbs and Lamps;
- Used Oil;
- CFC containing appliances;
- Electronic waste;
- Friable and non-friable asbestos containing materials;
- Infectious Waste (other than sharps); Septage;
- Sewage sludges and grits;
- Liquid waste; and
- Large dead animals.

Notes:

1. Except as noted below, SWMPs are only required if the facility chooses to accept special solid wastes.
2. Wastes that are accepted at the HWF and discussed in the DEQ approved HWF operations plan do not need a SWMP.
3. DEQ must approve a SWMP before the permittee may accept any special waste. However, the permittee may continue to accept the special wastes listed above that the permittee has historically been accepting. The permittee must prepare and submit to DEQ for approval, SWMPs for these wastes within 60 days of the issuance of this permit.

Exception: Even though it is listed in this section, friable and non-friable asbestos is still a prohibited waste. A SWMP is required for friable and non-friable asbestos containing waste materials to account for these wastes inadvertently accepted in the waste stream.

Reference: Guidance on SWMPs can be found in OAR 340-093-0190(1) and OAR 340-094-0040(11)(b)(J) and in Section 9.5 of the DEQ's *Solid Waste Guidance Municipal Solid Waste Landfills*, dated September 1, 1996.

7.5 Plan maintenance The Operations Plan for the TS/MRF dated September, 2008 and the Operations Plan for the HWF dated November 2007 have been reviewed and approved by the DEQ with this permit issuance. The permittee must revise the Operations Plan as necessary to keep it current and reflective of current facility conditions and procedures.

The permittee must submit revisions of the Operations Plan to the DEQ for approval any time the Operations Plan is updated within the life of this permit.

The DEQ requires that a revised or new SWMP be submitted any time the SWMP is updated within the life of this permit.

7.6 Submittal address All submittals to the DEQ under this section must be sent to:

Oregon Department of Environmental Quality
Manager, Solid Waste Program
2020 SW Fourth Avenue, Suite 400
Portland, OR 97201
Telephone: (503) 229-5353

8.0 RECORDKEEPING AND REPORTING

8.1 In this section This section describes recordkeeping and reporting information for the facility including:

- Non-compliance reporting;
- Permit display;
- Access to records;
- Data collection;
- Submittal;
- Fees;
- Complaint log;
- Recycling information;
- Records; and
- Submittal Address.

8.2 Non-compliance reporting In the event that any condition of this permit or of the DEQ's rules is violated, the permittee must immediately take action to correct the unauthorized condition and immediately notify the DEQ at:

(503) 229-5353

Response: In response to such a notification, the DEQ may conduct an investigation to evaluate the nature and extent of the problem, and to evaluate plans for additional corrective actions, as necessary.

8.3 Permit display The permittee must display this permit, or a photocopy thereof, where it can be readily referred to by operating personnel.

8.4 Access to records Upon request, the permittee must make all records and reports related to the permitted facility available to the DEQ.

8.5 Data collection

TS/MRF

The permittee must collect information on a monthly basis:

- Number of compactor, drop box, and private vehicles that used the facility;
- Volume (i.e., pounds, tons, cubic yards) of solid waste transferred and where;
- Tons of incoming materials received;
- Types and amounts of salvage or recyclables removed monthly; and
- Tons of residual waste sent for disposal and where.

HWF

The permittee must monitor the collection of HHW, difficult to manage solid waste (SW), universal waste (UW), and waste from conditionally exempt small quantity generators (CEG) at the household hazardous waste facility and maintain records of the following required data for a minimum of 3 years:

Item or Parameter	Monitoring Frequency
Name and address of any person delivering more than 1100 lbs HHW, and date waste was accepted	Each occurrence
Name of fully regulated generator disposing of UW, type and amount of UW, and date waste was accepted	Each occurrence
Business name of generator disposing of CEG waste, type and amount of CEG waste, and date waste was accepted	Each occurrence
Inventory of all products that are on site including locations for each container.	Daily
Manifests and certificates of disposal for all waste shipped from site.	Annually
Information on waste spills, including date, volume, type of waste and cleanup response.	Each occurrence

8.6 Submittal

TS/MRF

The permittee must submit the information collected above, on an approved form, and the solid waste fee to the DEQ in accordance with the annual invoice sent by the DEQ.

HWF

By March 31st of each year, the permittee must submit a hazardous waste facility annual inventory report for the previous calendar year indicating:

- The number of drums and estimated total weight in each storage area at the beginning of the year.
- The number of drums and estimated total weight shipped off-site from each storage area during the year.
- Disposal method and disposal contractor for each category of waste collected at the facility. Estimated pounds of waste received by waste category on a form provided by DEQ.
- The number of drums and estimated total weight in each storage area at the end of the year.
- The number of private vehicles delivering household hazardous waste to the facility.

8.7 Fees

The permittee must pay the Solid Waste Compliance Fee each year this permit is in effect. An invoice indicating the amount of the fee, set in accordance with the DEQ's regulations, will be mailed by the DEQ prior to the date due.

8.8 Complaint log

The permittee must maintain a log recording all written complaints, complaints received via telephone or in person by the facility operator or staff that specifically refer to a complaint of dust, odor, noise or other nuisance condition caused by this facility. The log must also record the permittee's actions to investigate, make a determination as to the validity of the complaint, and resolve the nuisance problem, if possible, within two working days, but no longer than 10 working days of receiving the complaint.

Reference: OAR 340-096-0040 (4)(e)

8.9 Recycling information

The permittee must collect and submit to the watershed representative information about the amount of each material recovered for recycling or other beneficial purpose each quarter by January 25th of each year.

8.10 Records

The permittee must keep copies of all records and reports for five years from the date created.

HWF

The HWF must keep documentation available in the operating records which demonstrates that the items described below have been accomplished.

- Submit the most recent Operations and Emergency Response Plans, updated emergency contacts list and if appropriate establish response agreements with all appropriate agencies, including as applicable, all local police, fire departments, state and local emergency response teams and the appropriate DEQ regional office.
- Take steps to make sure that the above agencies, as applicable, are familiar with the layout of the facility, properties of wastes handled, and evacuation routes.

8.11 Submittal address Except where otherwise noted, all submittals to the DEQ under the identified heading must be sent to the following addresses:

Oregon Department of Environmental Quality
Land Quality Division
Solid Waste Program
811 SW Sixth Ave
Portland, OR 97204

9.0 SITE DESIGN AND CONSTRUCTION

9.1 In this section This section describes specific conditions for site design and construction including:

- Design;
- Construction report;
- "As Constructed" documents;
- Completion of construction; and
- Submittal address.

9.2 Design The facility, including any additions, must be designed and constructed in accordance with the plans approved by the DEQ and any amendments approved in writing by the DEQ.

9.3 Construction report Upon completion of construction, a report prepared by the project engineer must be submitted to the DEQ verifying and certifying that the construction is in accordance with the approved plans. The engineer must report construction observations and identify any construction flaws or deviations from the approved plans.

9.4 "As constructed" documents "As Constructed" facility plans which note any changes from the original approved plans must be completed and submitted to the DEQ within 90 days of completion of construction.

9.5 Completion of construction When construction is nearly complete, the permittee must notify the DEQ so that an inspection can be made before the facility is placed into operation.

9.6 Submittal address All submittals to the DEQ under this section must be sent to:

Oregon Department of Environmental Quality
Manager, Solid Waste Program
2020 SW Fourth Avenue, Suite 400
Portland, OR 97201
Telephone: (503) 229-5353

10.0 POLLUTION CONTROL

10.1	In this section	<p>This section describes activities the facility must perform in order to control pollution including:</p> <ul style="list-style-type: none">• Containers;• Vehicles;• Litter control;• Air quality and noise;• Drainage;• Leachate prevention and management; and• Stormwater management.
10.2	Containers	<p>The permittee must clean all transfer containers as needed to maintain a sanitary operating environment, and to prevent malodors, unsightliness, and attraction of insects.</p>
10.3	Vehicles	<p>All solid waste transfer vehicles and devices using public roads must be constructed, maintained, and operated so as to prevent leaking, shifting, or spilling of solid waste while in transit.</p>
10.4	Litter control	<p>Litter that results from facility operation must be controlled such that the entire disposal site and adjacent lands are maintained virtually free of litter at all times. Any debris from the facility must be retrieved and properly disposed of as soon as possible that operational day.</p>
10.5	Air quality and noise	<p>Dust, malodors, and noise must be controlled in accordance with the DEQ's rules on air pollution and noise control.</p> <p>According to OAR 340-208-0450, no person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person when notified by the DEQ that the deposition exists and must be controlled.</p>
10.6	Drainage	<p>The permittee must divert surface drainage around or away from waste handling and storage area and must maintain surface water diversion ditches or structures in a serviceable condition and free of obstructions and debris at all times. Any significant damage must be reported to the DEQ and repairs made as soon as possible.</p>
10.7	Leachate prevention and management	<p>The permittee must operate the facility in a manner that deters leachate production to the maximum extent practicable. Leachate must be collected, removed and managed in a manner approved by the DEQ to prevent malodors, public health hazards, and discharge to public waters.</p>
10.8	Stormwater management	<p>The permittee must manage and monitor stormwater in accordance with all federal and state requirement.</p>

11.0 OPERATING CONDITIONS

11.1 In this section	<p>This section describes specific conditions to which site operations must conform including:</p> <ul style="list-style-type: none">• Waste removal;• Discovery of prohibited waste;• Spill response;• Unloading area;• Access;• Legal control of property;• Fire protection;• Equipment;• Roads;• Signs;• Vector control; and• Load covers.
11.2 Waste removal	<p><u>TS/MRF</u></p> <p>The permittee must remove all waste from the TS/MRF at least as often as necessary to prevent malodors, unsightliness and attraction of insects or other vectors.</p> <p><u>HWF</u></p> <p>The permittee must remove all waste from the transfer station in accordance with the schedule in the DEQ approved Operations Plan for the HWF.</p>
11.3 Discovery of prohibited waste	<p>If prohibited wastes are discovered at the facility, the permittee must notify the DEQ within 24 hours and begin to isolate or remove the waste. In addition, the permittee must take digital photos of the prohibited waste to document its quantity, nature, identity, and source.</p> <p>Within 60 days following the discovery, the permittee must transport non-putrescible, non-hazardous prohibited waste to a disposal or recycling facility authorized to accept such waste, unless otherwise approved or restricted by the DEQ. The permittee must obtain the DEQ's written approval to store putrescible, non-hazardous, prohibited wastes.</p> <p>If discovered wastes are hazardous or suspected to be hazardous, the permittee must, within 48 hours, notify the DEQ and initiate procedures to identify and remove the waste. Hazardous wastes must be removed within 90 days, unless otherwise approved by the DEQ. Temporary storage and transportation must be carried out in accordance with the rules of the DEQ.</p>

11.4 Spill Response	<p>Any spill of oil or hazardous material must be cleaned up immediately as described in the facility Operations Plan. In addition to notifying the appropriate DEQ office, the permittee must immediately report the spill to the Oregon Emergency Response System (OERS) at 1-800-452-0311, if the spill is of a reportable quantity. Reportable quantities include:</p> <ul style="list-style-type: none">• Any amount of oil spilled to waters of the state;• Oil spills on land in excess of 42 gallons;• 200 pounds (25 gallons) of pesticide residue;• Hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302 (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002. <p>For a complete list of hazardous materials required to be reported, please refer to OAR 340-142-0050.</p> <p><u>HWF</u></p> <p>See Section 8.10 for additional requirements for the HWF facility.</p>
11.5 Unloading area	<p>The area(s) for unloading of solid waste must be clearly defined by signs, fences, barriers, or other devices.</p>
11.6 Access	<p>Public access to the facility must be controlled as necessary to prevent unauthorized entry and dumping.</p>
11.7 Legal Control of Property	<p>The permittee shall at all times maintain legal control of the disposal site property; including maintaining a permit or other legal agreement with the owner of the property allowing operation of the facility.</p>
11.8 Fire protection	<p>The permittee must make arrangements with the local fire control agency to immediately acquire their services when needed and must provide adequate on-site fire protection as determined by the local fire control agency.</p> <p>The permittee must immediately and thoroughly extinguish any fire. The permittee must initiate and continue appropriate fire-fighting methods until all smoldering, smoking and burning ceases.</p> <p>The permittee must report fires to the DEQ within twenty-four (24) hours at: 503-229-5353.</p> <p>The permittee must provide water in sufficient quantities for fire protection, dust suppression, and other site operations requiring water. <u>HWF</u></p> <p>See Section 8.10 for additional requirements for the HWF facility.</p>
11.9 Equipment	<p>Equipment of adequate size and design to properly operate the facility must be available at all times. In the event of an equipment breakdown, alternative equipment must be provided, unless an exemption from the DEQ is granted in writing.</p>
11.10 Roads	<p>Roads from the facility property line to the active operational area must be constructed and maintained to deter, to the maximum extent practical, traffic hazards, dust and mud, and to provide reasonable all-weather access for vehicles using the site.</p>

-
- 11.11 Signs** The permittee must post signs at the facility which are clearly visible and legible, providing the following information:
- Name of facility;
 - Emergency telephone number;
 - Days and hours of operation;
 - Authorized and prohibited wastes;
 - Solid waste permit number; and
 - Operator's address.
-
- 11.12 Vector Control** The permittee must provide rodent and insect control measures as necessary to prevent vector production and sustenance.
-
- 11.13 Load Covers** The permittee must notify all in-coming haulers that loads must be covered or suitably cross-tied to prevent any load loss during shipment.
-

12.0 RECYCLING REQUIREMENTS

- 12.1 In this section** This section describes the requirements associated with the recycling operations of source separated materials conducted at the facility including:
- Materials;
 - Receiving location;
 - Material use;
 - Recycling information;
 - Signs; and
 - Storage.
-
- 12.2 Materials** The permittee must provide a place for receiving the following source separated recyclable materials:
- | | |
|---|---|
| <input checked="" type="checkbox"/> ferrous scrap metal | <input checked="" type="checkbox"/> non-ferrous scrap metal (including aluminum) |
| <input checked="" type="checkbox"/> motor oil | <input checked="" type="checkbox"/> corrugated cardboard and kraft paper (brown paper bags) |
| <input checked="" type="checkbox"/> newspaper | <input checked="" type="checkbox"/> tin cans |
| <input checked="" type="checkbox"/> container glass | |
| <input checked="" type="checkbox"/> hi-grade office paper | |
- The permittee is encouraged to provide recycling opportunities for recyclable materials in addition to the list above.
-
- 12.3 Receiving location** The place for receiving recyclable material must be located at the TS/MRF or at another location more convenient to the population served by the TS/MRF. The recycling center must be available to every person whose solid waste enters the disposal site.
-
- 12.4 Material use** All source separated recyclable materials must be reused, recycled or recovered for energy. The permittee shall not landfill or dispose of any source separated recyclable material.
-

12.5 Recycling information

The permittee must provide, or have available upon request, recycling information to disposal site users on printed handbills, which include the following:

- The location of the recycling center at the disposal site or another location;
- The hours of operation of the recycling center;
- Instructions for correct preparation of accepted source separated recyclable material;
- The material accepted for recycling; and
- Reasons why people should recycle.

In addition this material should be available on the permittee's Internet web site.

12.6 Signs

A sign must be prominently displayed which indicates:

- The availability of recycling at the disposal site or another location;
- The materials accepted at the recycling center; and
- The hours of operation of the recycling center (if different than disposal site hours).

Note: the sign must indicate the recycling center location, if not at the facility site.

12.7 Storage

All recyclable materials, except car bodies, white goods and other bulky items, must be stored in containers unless otherwise approved by the DEQ. The storage area must be maintained in an orderly manner and kept free of litter. Recyclable materials shall be removed at sufficient frequency to avoid creating nuisance conditions.



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region Portland Office

2020 SW Fourth Avenue, Suite 400

Portland, OR 97201-4987

(503) 229-5263

FAX (503) 229-6957

TTY (503) 229-5471

September 25, 2007

Penny Erickson
METRO
600 NE Grand Ave
Portland, OR 97232-2736

Re: NPDES 1200-Z Industrial Stormwater Discharge Permit Coverage
EPA # ORR103469
File No.: 110646
Multnomah County

Dear Penny Erickson:

In August 2006, the Oregon Environmental Quality Commission adopted a newly revised National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z. The Oregon Department of Environmental Quality (DEQ) has received your application to renew your coverage under this permit. DEQ is approving your registration under the new permit. The permit expires on June 30, 2012.

The purpose of the stormwater permit is to ensure registrants are providing adequate Best Management Practices on site to minimize adverse impacts to the environment from stormwater runoff, and prevent violations of the state's instream water quality standards.

The Department has entered into an agreement with the City of Portland Bureau of Environmental Services (BES) to administer this permit on the Department's behalf. Please send any written correspondence regarding your registration under the permit, stormwater monitoring results, and any other information required by the permit to BES. Receipt by BES will be treated as receipt by DEQ for purposes of meeting permit requirements.

Permit Provisions

Please review your copy of the permit carefully as there are new conditions and requirements, some of which are listed below:

- Each monitored outfall must be sampled at least four (4) times per year, at least 14 calendar days apart. Two sampling events are to occur prior to December 31st each year and the remaining two are to occur between January 1 and June 30. Once a month you must conduct visual monitoring of your outfalls when stormwater discharge is occurring. Please use the Department's Discharge Monitoring Report (DMR) form to report your stormwater sampling and visual monitoring results to BES by July 31st each year. DEQ will mail this form to you in the coming months and also make it available on the Department's website at <http://www.deq.state.or.us/wq/stormwater/industrial.htm>.



- If a benchmark is exceeded within 30 calendar days of receiving the sampling results, you must investigate the cause, review the Storm Water Pollution Control Plan, and submit an Action Plan for approval to BES. See Section A.9 of the permit.
- By June 30, 2011, evaluate the last four samples collected from each outfall for each benchmark parameter, calculate the geometric mean of the sample results, and report the geometric mean value on your DMR form. If the geometric mean of these sampling results exceeds any of the benchmark parameters, the Department will revoke your coverage under this permit and require that you apply for an individual NPDES permit.

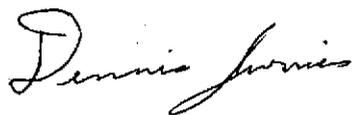
A fact sheet comparing the new permit requirements to the old permit requirements is also included with this packet. In the coming months, DEQ will be completing a guidance document that should assist with implementing some of these new permit requirements and include permit forms, such as the DMR form and Action Plan form. This document will be on the DEQ website at <http://www.deq.state.or.us/wq/stormwater/industrial.htm>. Other information such as technical assistance on best management practices can be found on this website as well.

Please be aware that you will be assessed an annual fee for each year of permit coverage. The Department recently increased the annual fee revenue by 3%. As a result the annual fee increased from \$391 to \$403. The \$403 fee will be invoiced shortly before the anniversary date of your facility first obtaining coverage under the permit.

If you have any questions about this permit, please contact Michael Pronold, stormwater manager at the City of Portland at (503) 823-7584. Please send any written correspondence to:

City of Portland
Bureau of Environmental Services (BES)
Water Pollution Control Laboratory
6543 N. Burlington Avenue
Portland, Oregon 97203-5452
Attn: Michael Pronold E-mail: <mailto:michael.p@bes.ci.portland.or.us>

Sincerely,



Dennis Jurries, PE
Northwest Region Storm Water Engineer

Enclosure

cc: BES – Michael Pronold
File



New 1200-Z Permit Requirements

Category	Old 1200-Z	New 1200-Z
Benchmark Exceedances	Review and update the Storm Water Pollution Control Plan (SWPCP).	Within 30 days of receiving the results of a benchmark exceedance, submit Action Plan that contains (1) results of review, (2) a corrective action, (3) and an implementation schedule.
Sampling	Sampling 2 times per year.	Sampling 4 times per year
	Samples must be collected at least 60 days apart.	Samples must be collected at least 14 days apart.
Time or flow-weighted composite samples	No allowance for time or flow-weighted composite sampling for grab samples.	Time or flow-weighted composite samples can be used, except for pH, oil & grease, and e.coli as an alternative to grab samples.
Monitoring Period	One sample collected between October 1 st and December 31 st and one sample collected between January 1 st and April 30 th .	Two samples collected between July 1 st and December 31 st and two samples collected between January 1 st and June 30 th .
Employee Training	Develop an employee education program. Inform employees on the elements of the SWPCP, including spill response and good housekeeping.	Hold training within 30 days of hiring new employee who will conduct duties related to implementing the SWPCP or working in areas where stormwater is exposed to industrial activities. Conduct education program annually.
Monthly Inspections	Monthly inspections of areas where potential spills of significant materials or industrial activities occur. May occur during any weather.	Same.
	Monthly inspections of stormwater control measures, structures, catch basins, and treatment facilities.	Same.
Visual Monitoring	Monthly visual monitoring for (1) oil and grease, and (2) floating solids at all outfall(s) or discharge point(s) where stormwater monitoring will occur. Must occur while discharging stormwater, i.e. when it is raining.	Same.
Documentation	Records of inspection, maintenance and repair, education activities, and any spills.	Same.
Monitoring Waiver	Monitoring waiver can be obtained for individual parameters after four consecutive samples collected are at or below the benchmark	Limited to one permit term. Re-sample designated sampling points to establish the waiver.
	ALL outfalls must be sampled unless (1) outfall serves area with no exposure to industrial activity or (2) outfall has similar effluents as other monitored outfalls. Data or analysis must be provided to support this determination..	ALL outfalls must be sampled unless (1) outfall serves an area with no exposure to industrial activity or (2) outfall has similar effluents and <i>same BMPs</i> as other monitored outfalls. Data or analysis must be provided to support this determination.
	No monitoring waiver for visual observations	Same.
Data Submittal	Submit annual reports and laboratory results sheets to the DEQ by July 15 th .	Submit Discharge Monitoring Report form (DMR) along with laboratory results sheets to DEQ or Agent by July 31 st .
		In the 4 th year only, evaluate the last 4 samples collected from each outfall for each benchmark parameter, calculate the geometric mean of sample results, and report geometric mean value in DMR.
Authorization of Non-Stormwater	No authorization for non-stormwater discharges in permit	Authorization for certain discharges such as fire-fighting activities, fire hydrants, potable water, irrigation drainage, landscape watering.

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGE PERMIT
Department of Environmental Quality
811 S.W. Sixth Avenue, Portland, OR 97204
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

ISSUED TO: 9/25/2007 GEN 12-Z MULTNOMAH/NWR
File No: 110646 ORR103469

METRO
600 NE Grand Ave
Portland, OR 97232-2736

Site: METRO CENTRAL TRANSFER STATION

SOURCES THAT ARE REQUIRED TO OBTAIN COVERAGE UNDER THIS PERMIT

Pursuant to 40 Code of Federal Regulation (CFR) § 122.26(b)(14)(i - ix, xi) and OAR 340-045-0033(5), facilities identified in *Table 1: Sources Covered* on p. 3 below that may discharge stormwater from a point source to surface waters or to conveyance systems that discharge to surface waters. These facilities must complete the application and registration procedures to obtain coverage under the permit; see *Permit Coverage and Exclusion from Coverage* on p. 5 below.

Note:

- 1) Facilities may apply for conditional exclusion from the requirement to register for 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* on p. 5 below.
- 2) Sources meeting the description above, but that are excluded from this permit include: (i) Construction activities, asphalt mix batch plants, concrete batch plants and Standard Industrial Classification code 14, *Mining and Quarrying of Nonmetallic Minerals, Except Fuels*. These activities are regulated under separate general permits; and (ii) any source that has obtained a individual NPDES permit for the discharge.



Lauri Aunan, Administrator
Water Quality Division

Date: August 23, 2006

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permit registrant is authorized to construct, install, modify, or operate stormwater treatment or control facilities, and to discharge stormwater to public waters in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	<u>Page</u>
Permit Coverage and Exclusion From Coverage	5
Schedule A - Stormwater Pollution Control Plan, Additional Requirements, Limitations, and Benchmarks.....	8
Schedule B - Monitoring and Reporting Requirements	15
Schedule C - Compliance Conditions and Schedules	18
Schedule D - Special Conditions	20
Schedule F - General Conditions	22

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

Schedule F contains General Conditions that are included in all general permits issued by DEQ. Should conflicts arise between Schedule F and any other schedule of the permit, the requirements in Schedule F will not apply.

TABLE 1: SOURCES COVERED**Types of Industrial Sources required to obtain coverage under this permit.**

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 and 2491 Wood Preserving. (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 (excluding 2874 Phosphate Fertilizer Manufacturing)
- 29 Petroleum Refining and Related Industries
- 30 Rubber and Miscellaneous Plastics Products
- 31 Leather and Leather Products
- 32 Stone, Clay, Glass, and Concrete Products
- 33 Primary Metal Industries
- 34 Fabricated Metal Products, Except Machinery and Transportation Equipment
- 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:

- 40 Railroad Transportation
- 41 Local and Suburban Transit and Interurban Highway Passenger Transportation
- 42 Motor Freight Transportation and Warehousing (excluding 4221 Farm Product Warehousing and Storage, 4222 Refrigerated Warehousing and Storage, and 4225 General Warehousing and Storage)
- 43 United States Postal Service
- 44 Water Transportation
- 45 Transportation by Air
- 5171 Petroleum Bulk Stations and Terminals, except as provided in Note 1 below.

Facilities storing, transferring, formulating, or packaging bulk petroleum products or vegetable oils, except as provided in Note 1 below.

Steam Electric Power Generation including coal handling sites

Landfills, land application sites and open dumps (excluding landfills regulated by 40 CFR §445 that discharge "contaminated stormwater" (as defined by 40 CFR §445.2) to waters of the U.S.)

Hazardous Waste Treatment, Storage and Disposal Facilities [excluding hazardous waste landfills regulated by 40 CFR §445 that discharge "contaminated stormwater" (as defined by 40 CFR §445.2) to waters of the U.S.]

TABLE 1: SOURCES COVERED

Types of Industrial Sources required to obtain coverage under this permit.

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.

Note 1:

Permit registration is not required for a facility covered in Table 1 if discharges are only from:

- a) Stormwater that contacts oil-filled electrical equipment in transformer substations that are equipped with properly functioning oil spill prevention measures such as containment areas or oil/water separators.
- b) Stormwater that contacts petroleum product receiving or dispensing areas or product dispensing equipment from which product is dispensed to final users, whether or not the stormwater is treated by an oil/water separator.
- c) Stormwater that collects in a secondary containment area at a petroleum product dispensing site, where the secondary containment area is associated with storage tanks from which product is dispensed only to final users, and the discharge from the containment area is treated by an oil/water separator.
- d) Stormwater that collects in a secondary containment area at a bulk petroleum product storage site, where the total storage capacity at the site does not exceed 150,000 gallons, and the discharge from the containment area is treated by an oil/water separator. A site with multiple containment areas is considered a single site for determining total storage capacity.

PERMIT COVERAGE AND EXCLUSION FROM COVERAGE

1) New Application for Permit Coverage

- a) An owner or operator of a new facility or existing facility that is required to be covered under this permit must:
 - i) *New facility* - Submit a complete application, which includes a department-approved application form; a Stormwater Pollution Control Plan (SWPCP); and applicable permit fees, to the department or agent at least 60 calendar days before the planned activity that requires permit coverage, unless otherwise approved by the department or agent (see Schedule D for description of agent). If an agent is receiving the application materials, submit two copies of the SWPCP.
 - ii) *Existing facility operating without coverage under the permit* - Submit a complete application, which includes a department-approved application form; a SWPCP; and applicable permit fees, to the department or agent immediately. If an agent is receiving the application materials, submit two copies of the SWPCP.
 - iii) *Existing facility operating under permit coverage that intends to change industrial processes* - Submit a complete application, which includes a department-approved application form; a SWPCP; and applicable permit fees, to the department or agent at least 60 calendar days before the planned change, unless otherwise approved by the department or agent. If an agent is receiving the application materials, submit two copies of the SWPCP.
- b) Public Review Period on new application and SWPCP*
 - i) The application form and SWPCP are subject to a 14-calendar day public review period before permit registration is granted by the department.
 - ii) The public review period will not begin if the application form or SWPCP are incomplete.
- c) Registration
 - i) The department or agent will notify the applicant in writing if registration is approved or denied. Permit coverage does not begin until the applicant receives written notice from the department or agent that the registration is approved.
 - ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

2) Renewal Application for Permit Coverage

- a) An owner or operator of a facility registered under the 1200-Z permit that expires on June 30, 2007 must submit a complete renewal application, which includes a department-approved renewal application form; an updated SWPCP, if revisions to the SWPCP are necessary to address changed conditions or meet new permit requirements of this permit; and applicable permit fees, to the department or agent by January 30, 2007 to ensure uninterrupted permit coverage for industrial stormwater discharges. If an updated SWPCP is not submitted, the department will use the existing SWPCP for public notice purposes.
- b) Public Review Period on renewal application and SWPCP*
 - i) The renewal application and SWPCP are subject to a 14-calendar day public review period before permit coverage may be renewed by the department or agent.
 - ii) The public review period will not begin if the renewal application or SWPCP are incomplete.
- c) Registration
 - i) The department or agent will notify the applicant in writing if registration is approved or denied.

- ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

* The public review period described in conditions 1.b and 2.b above do not apply to registration applications and accompanying SWPCPs for new or existing facilities that were subject to public notice and comment requirements prior to July 1, 2007.

3. Name Change or Transfer of Permit Coverage

- a) For a name change or transfer of permit coverage between legal entities with no industrial process changes at the site, the owner or operator must submit a complete copy of the department-approved Name Change or Permit Transfer application form; an updated SWPCP, if revisions are necessary to address changed conditions, and applicable fees to the department or agent within 30 calendar days of the name change or planned transfer. If submittal is made to the agent, two copies of the SWPCP are required.
- b) The department or agent will notify the applicant in writing if the transfer is approved or denied. The department will transfer coverage under the permit after the department approves the application.
- c) For a name change or transfer of permit coverage between legal entities that intend to change industrial processes, the owner or operator must submit a new application for coverage under this permit as required in condition 1.a.iii above.

4) "No Exposure" Conditional Exclusion from Permit Coverage

- a) An owner or operator that applies for a "no exposure" conditional exclusion from coverage under this permit must:
 - i) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff, 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). Storm resistant shelters with unsealed zinc or copper roofing materials are not eligible for the "no exposure" conditional exclusion.
 - ii) Ensure that contaminated soil or materials from previous operations is not exposed.
 - iii) Complete and sign a certification, on a form approved by the department, that there is no stormwater exposure to industrial materials and activities from the entire facility, except as provided in 40 CFR §122.26(g)(2). The EPA *Guidance Manual* (EPA 833-B-00-001) may be used to determine whether the no exposure criteria are met.
 - iv) Submit the signed certification to the department or agent once every five years. If the department or agent does not comment on the "no exposure" certification within 30 days, the "no exposure" conditional exclusion is deemed approved. The department or agent may notify the applicant in writing or by email of its approval. The owner or operator must keep a copy of the certification on site and any notification of approval on site.
 - v) Allow the department or agent to inspect the facility to determine compliance with the "no exposure" conditions, and allow the department or agent to make any "no exposure" inspection reports available to the public upon request.
 - vi) Submit a copy of the "no exposure" certification to the municipal separate storm sewer system (MS4) operator (i.e., local municipality, district), upon their request, if facility discharges through an MS4; 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 outfalls.

- ii) If industrial materials or activities become exposed to rain, snow, snow melt, or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances must apply for and obtain permit coverage before the change of circumstances.
- iii) The department or agent retains the authority to make a determination that the “no exposure” conditional exclusion no longer applies and require the owner or operator to obtain permit coverage.

5. **Revocation of Permit Coverage** - The department may revoke a permit registrant’s coverage under the permit pursuant to OAR 340-045-033(10).

**SCHEDULE A
STORMWATER POLLUTION CONTROL PLAN**

1. **Preparation and Implementation of Stormwater Pollution Control Plan (SWPCP)**
 - a) The permit registrant must ensure that the SWPCP contains the applicable information described in condition A.3.
 - b) The SWPCP must be prepared by a person knowledgeable in stormwater management and familiar with the facility.
 - c) The name of the person(s) preparing the SWPCP must be included in the plan.
 - d) The SWPCP must be signed and certified in accordance with 40 CFR §122.22.
 - e) The SWPCP must be implemented according to conditions A.3.c and Schedule C. Failure to implement any portion of the SWPCP constitutes a violation of the permit.
 - f) The SWPCP must be kept current and updated as necessary to reflect any changes in facility operation.
 - g) A copy of the SWPCP must be kept at the facility and made available upon request to government agencies responsible for stormwater management in the permit registrant's area.

2. **SWPCP Revisions and Actions Plans**
 - a) After the permit registration is approved, if the permit registrant proposes to revise its SWPCP or the department or agent require revisions to the SWPCP, the permit registrant must clearly describe these revisions in an Action Plan.
 - b) The Action Plan is considered an addendum to the SWPCP and must be prepared in compliance with condition A.1 above.
 - c) Within 30 calendar days of making SWPCP revisions, permit registrant must submit an Action Plan to the department or agent for approval. If the department or agent does not comment within 10 business days of receiving the Action Plan, it is deemed approved. Failure to implement any portion of the Action Plan constitutes a violation of the permit.

3. **Required SWPCP Elements**
 - a) **Title Page** - The title page of the SWPCP must contain the following information:
 - i) Name of the site.
 - ii) Name of the site operator or owner.
 - iii) Site or file number as indicated on the permit.
 - iv) Contact person's name and telephone number.
 - v) Physical address, including county, and mailing address if different.

 - b) **Site Description** - The SWPCP must contain the following information:
 - i) A description of the industrial activities conducted at the site. Include a description of the significant materials (see condition D.3, Definitions) that are stored, used, treated or disposed of in a manner that allows exposure to stormwater. Also describe the methods of storage, usage, treatment or disposal.
 - ii) A general location map showing the location of the site in relation to surrounding properties, transportation routes, surface waters and other relevant features.
 - iii) A site map including the following:
 - (1) drainage patterns;
 - (2) drainage and discharge structures (piping, ditches, etc.);
 - (3) outline of the drainage area for each stormwater outfall;
 - (4) paved areas and buildings within each drainage area;

- (5) areas used for outdoor manufacturing, treatment, storage, or disposal of significant materials;
 - (6) existing structural control measures for reducing pollutants in stormwater runoff;
 - (7) material loading and access areas;
 - (8) hazardous waste treatment, storage and disposal facilities;
 - (9) location of wells including waste injection wells, seepage pits, drywells, etc., and
 - (10) location of springs, wetlands and other surface waterbodies both on site and adjacent to the site.
- iv) Estimates of the amount of impervious surface area (including paved areas and building roofs) relative to the total area drained by each stormwater outfall.
 - v) For each area of the site where a reasonable potential exists for contributing pollutants to stormwater runoff, identify the potential pollutants that could be present in stormwater discharges.
 - vi) The name(s) of the receiving water(s) for stormwater drainage. If drainage is to a municipal storm sewer system, the name(s) of the ultimate receiving waters and the name of the municipality.
 - vii) Identification of the discharge outfall(s) and the point(s) where stormwater monitoring will occur as required by Schedule B. If multiple discharge outfalls exist but will not all be monitored, include a description of the outfalls and data or analysis supporting that the outfalls are representative as described in condition B.2.b.
- c) **Site Controls** - The permit registrant must develop, implement, and maintain the controls that are appropriate for the site. The purpose of these controls is to eliminate or minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater before it discharges to surface waters. In developing a control strategy, the permit registrant must include the following four (4) types of controls in the SWPCP and describe the specific components of each control:
- i) **Stormwater Best Management Practices** - The permit registrant must employ the following types of best management practices that are appropriate for the site. A schedule for implementation of these practices must be included in the SWPCP if the practice has not already been accomplished. This schedule must be consistent with the requirements for implementing the SWPCP in Schedule C of this permit.
 - (1) **Containment** - All hazardous substances (see condition D.3, Definitions) must be stored within berms or other secondary containment devices to prevent leaks and spills from contaminating stormwater. If the use of berms or secondary containment devices is not possible, then hazardous substances must be stored in areas that do not drain to the storm sewer system.
 - (2) **Oil and Grease** - Oil/water separators, booms, skimmers or other methods must be employed to eliminate or minimize oil and grease contamination of stormwater discharges.
 - (3) **Waste Chemicals and Material Disposal** - Wastes must be recycled or properly disposed of in a manner to eliminate or minimize exposure of pollutants to stormwater. All waste contained in bins or dumpsters where there is a potential for drainage of stormwater through the waste must be covered to prevent exposure of stormwater to these pollutants. Acceptable covers include, but are not limited to, storage of bins or dumpsters under roofed areas and use of lids or temporary covers such as tarps.
 - (4) **Erosion and Sediment Control** - Erosion control methods such as vegetating exposed areas, graveling or paving must be employed to minimize erosion of soil at the site.

Sediment control methods such as detention facilities, vegetated filter strips, bioswales, or other permanent erosion or sediment controls must be employed to minimize sediment loads in stormwater discharges. For activities that involve land disturbance, the permit registrant must contact the local municipality to determine if there are other applicable requirements.

- (5) Debris Control - Screens, booms, settling ponds, or other methods must be employed to eliminate or minimize debris in stormwater discharges.
 - (6) Stormwater Diversion - Stormwater must be diverted away from fueling, manufacturing, treatment, storage, and disposal areas to prevent exposure of uncontaminated stormwater to potential pollutants.
 - (7) Covering Activities - Fixed fueling, manufacturing, treatment, storage, and disposal areas must be covered to prevent exposure of stormwater to potential pollutants. Acceptable covers include, but are not limited to, permanent structures such as roofs or buildings and temporary covers such as tarps.
 - (8) Housekeeping - Areas that may contribute pollutants to stormwater must be kept clean. Sweeping, litter pick-up, prompt clean up of spills and leaks, and proper maintenance of vehicles must be employed to eliminate or minimize exposure of stormwater to pollutants.
- ii) *Spill Prevention and Response Procedure* - Permit registrant must include in the SWPCP methods to prevent spills along with clean-up and notification procedures. These methods and procedures must be made available to appropriate personnel. The required clean-up material must be on-site or readily available and the location of materials must either be shown on the site drawings or indicated in the text of the SWPCP. Spills prevention plans required by other regulations may be substituted for this provision providing that stormwater management concerns are adequately addressed.
- iii) *Preventative Maintenance* - Permit registrant must include in the SWPCP a preventative maintenance program to ensure the effective operation of all stormwater best management practices. At a minimum the program must include:
- (1) Monthly inspections of areas where potential spills of significant materials or industrial activities could impact stormwater runoff.
 - (2) Monthly inspections of stormwater control measures, structures, catch basins, and treatment facilities.
 - (3) Cleaning, maintenance or repair of all materials handling and storage areas and all stormwater control measures, structures, catch basins, and treatment facilities as needed upon discovery. Cleaning, maintenance, and repair of such systems must be performed in such a manner as to prevent the discharge of pollution.
- iv) *Employee Education* - Permit registrant must develop and maintain an employee orientation and education program to inform personnel of the components and goals of the SWPCP. The program must also address spill response procedures and the necessity of good housekeeping practices. A schedule for employee education must be included in the SWPCP. The education and training must occur within 30 calendar days of hiring an employee who works in areas where stormwater is exposed to industrial activities or conducts duties related to the implementation of the SWPCP, and annually thereafter.

- d) **Record Keeping and Internal Reporting Procedures** - Permit registrant must record and maintain at the facility the following information, which does not need to be submitted to the department, agent or other government agencies, unless it is requested.
- i) Inspection, maintenance, repair and education activities as required by the SWPCP.
 - ii) Spills or leaks of significant materials (See condition 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.

ADDITIONAL REQUIREMENTS

4. Non-Stormwater Discharges

- a) The following non-stormwater discharges are authorized by this permit:
- i) Discharges from fire-fighting activities.
 - ii) Fire hydrant flushings.
 - iii) Potable water, including water line flushings.
 - iv) Uncontaminated air conditioning condensate.
 - v) Irrigation drainage.
 - vi) Landscape watering, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions.
 - vii) Pavement wash waters where no detergents or hot water are used, 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 washdown that does not use detergents or hot water.
 - ix) Uncontaminated ground water or spring water.
 - x) Foundation or footing drains where flows are not contaminated with process materials.
 - 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).
- b) Piping and drainage systems for interior floor drains and process wastewater discharge points must be separated from the storm drainage system to prevent inadvertent 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, must be permitted in a separate permit, unless the wastewater is reused or recycled without discharge or disposal, or discharged to the sanitary sewer with approval from the local sanitary authority.

5. Water Quality Standards

- a) The permit registrant must not cause a violation of instream water quality standards as established in OAR 340-041.
- b) If the permit registrant develops, implements, and revises its SWPCP in compliance with Schedule A of this permit, the department presumes that the discharges authorized by this permit will comply with instream water quality standards unless the department obtains evidence to the contrary. Coincident samples of the discharge and at upstream and downstream locations in the receiving waterbody must be collected to establish a violation of an instream water quality standard is caused by the discharge.
- c) In instances where the department determines that the permit registrant's stormwater discharges are not complying with instream water quality standards, the department may take

enforcement action for violations of the permit and will require the permit registrant to do one or more of the following:

- i) Develop and implement an Action Plan that describes additional effective BMPs to address the parameters of concern and their locations at the site;
- ii) Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is meeting water quality standards; or
- iii) Curtail stormwater pollutant discharges to the extent possible and submit an individual permit application.

6. **Discharges to Impaired Waterbodies** - If a Total Maximum Daily Load (TMDL) Order (see condition D.3, Definitions) is established and the discharge from a permitted source is assigned a waste load allocation or is required to meet other conditions in the TMDL Order, then an application for an individual or different general permit or other appropriate tools may be required to address the allocation or other requirements.

CODE OF FEDERAL REGULATION STORMWATER DISCHARGE LIMITATIONS

7. **Effluent Limitations** - The permit registrant with the following activities must comply with the applicable limitations:

CFR Industry		Parameter	Limitation	
Category	Subcategory			
Cement manufacturing (40 CFR §411)	Materials storage piles runoff	pH	6.0 - 9.0 SU	
		Total Suspended Solids (TSS)	50 mg/l	
Steam powered electric power generating (40 CFR §423)	Coal pile runoff	TSS	50 mg/l, Daily Maximum	
Paving and roofing materials (tars and asphalt) (40 CFR §443)	Runoff from manufacturing of asphalt paving or roofing emulsion	Oil & Grease	15 mg/l, Daily Maximum	10 mg/l, 30 Day Average
		pH	6.0 - 9.0 SU	

STORMWATER DISCHARGE BENCHMARKS

8. **Benchmarks** - Benchmarks are guideline concentrations, not limitations. They are designed to assist the permit registrant in determining whether their SWPCP is effectively reducing pollutant concentrations in stormwater discharged from the site. For facilities that are subject to federal limitations, benchmarks apply to only those pollutants that are not limited by the federal regulations. See condition A.7 for a list of facilities subject to federal limitations.

The following benchmarks apply to each point source discharge of stormwater associated with industrial activity:

Parameter	Benchmark
Total Copper	0.1 mg/l
Total Lead	0.4 mg/l
Total Zinc	0.6 mg/l
pH*	5.5 – 9.0 SU
Total Suspended Solids*	130 mg/l
Total Oil & Grease*	10 mg/l
E. coli**	406 counts/100 ml
Floating Solids (associated with industrial activities)	No Visible Discharge
Oil & Grease Sheen	No Visible Sheen

* See condition A.7 for list of facilities subject to federal limitations.

**The benchmark for E. coli applies only to landfills, if septage and sewage biosolids are disposed at the site, and sewage treatment plants.

9. **Response to a Benchmark Exceedance**

- a) If a stormwater sampling result exceeds any of the benchmark values, the permit registrant must, within 30 calendar days of receiving the sampling results, investigate the cause of the elevated pollutant levels, review the SWPCP and submit an Action Plan for department or agent approval.
- b) The purpose of this review is to determine if:
 - i) The SWPCP is being followed;
 - ii) There are alternative methods for implementing the existing site controls identified in the SWPCP;
 - iii) The benchmark exceedance resulted from background or natural conditions not associated with industrial activities at the site; and
 - iv) Additional effective site controls are needed to address the parameters of concern.
- c) The Action Plan must contain the following, unless condition A.9.d applies:
 - i) The results of the review;
 - ii) The corrective actions the permit registrant will take to address the benchmark exceedance; and
 - iii) An implementation schedule including alternative methods for implementing existing site controls or methods for implementing additional effective site controls, if the site controls have not already been implemented.

- d) If the permit registrant believes that the benchmark exceedance resulted from natural or background conditions, the Action Plan must propose a sampling plan and methodology for demonstrating that the elevated pollutant levels are due to background or natural conditions.
- e) If the department or agent does not comment on the Action Plan within 10 business days of its receipt, it is deemed approved. The department or agent's approval of the Action Plan does not constitute compliance with this permit.
- f) Upon approval, the permit registrant must implement the corrective actions identified in the Action Plan within 60 calendar days, unless otherwise approved by the department or agent.
- g) If the department or agent affirms the assertion that background or natural conditions contributed to the benchmark exceedance, the permit registrant is not required to make this demonstration again during the term of this permit.

10. Benchmark Compliance Evaluation

- a) By June 30th of the 4th year of permit coverage, the permit registrant must evaluate the last four samples collected from each outfall monitored and determine whether the geometric mean of the samples exceeds benchmark(s). This condition is not applicable to a permit registrant with a monitoring waiver as described in condition B.3.
- b) The permit registrant must report this information in a Discharge Monitoring Report (DMR) and submit the DMR to the department or agent by July 31st of the 4th year of permit coverage as described in condition B.4.a.
- c) If the geometric mean of the samples exceeds benchmark(s), the department will revoke the permit registrant's coverage under this permit and will require the permit registrant to apply for an individual permit pursuant to OAR 340-045-0033(10) and OAR 340-045-0060.

**SCHEDULE B
 MONITORING AND REPORTING REQUIREMENTS**

1. **Minimum Monitoring Requirements** - All permit registrants must monitor stormwater associated with industrial activity for the following:

GRAB SAMPLES OF STORMWATER*	
Parameter	Frequency**
Total Copper	Four times per Year
Total Lead	Four times per Year
Total Zinc	Four times per Year
pH	Four times per Year
Total Suspended Solids	Four times per Year
Total Oil & Grease	Four times per Year
E. coli***	Four times per Year

- * For each outfall monitored, the permit registrant may collect a single grab sample or a series of equal volume grab samples. Samples must be collected from the same storm event.
- ** The permit registrant is allowed to collect more samples than the minimum frequency requires and must report this data.
- ***The monitoring for E. coli applies only to landfills, if septage and sewage biosolids are disposed at the site, and sewage treatment plants.

VISUAL MONITORING OF STORMWATER	
Parameter	Frequency
Floating Solids (associated with industrial activities)	Once per Month (when discharging)
Oil & Grease Sheen	Once per Month (when discharging)

2. **Grab Sampling and Visual Monitoring Procedures and Locations** - The following requirements apply to monitoring conducted in compliance with condition B.1 above.

- a) **Grab Sampling and Visual Monitoring Methodology** - The monitoring period is from July 1 to June 30th. Grab samples must be representative of the discharge and must be taken at least 14 calendar days apart. Two samples must be collected before December 31, and two samples must be collected after January 1. Time or flow-weighted compositing of samples may be used as an alternative to grab samples, except when monitoring for pH, oil and grease, and E. coli. Visual monitoring must occur at outfall(s) or discharge point(s) identified in the SWPCP as outfall(s) or point(s) where stormwater monitoring will occur.
- b) **Multiple Point Source Discharges** - Each stormwater outfall must be monitored unless:
- i) The outfall serves an area with no exposure of stormwater to industrial activities; or
 - ii) The outfall has effluent that is substantially similar to the effluent(s) of a monitored outfall and the same BMPs are implemented and maintained at the similar outfalls or drainage areas that lead to the outfalls. 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 or effluent(s)

must be based on past monitoring or an analysis of industrial activities and site characteristics. The data or analysis supporting that the outfalls are representative must be included in the SWPCP as described in A.3.b.vii.

- iii) If sampling points are modified, permit registrants must notify the department or agent and submit an Action Plan as described in condition A.2.c.
 - c) **Monitoring Location** - All samples must be taken at monitoring points specified in the SWPCP before the stormwater joins or is diluted by any other wastestream, body of water or substance, unless otherwise approved in writing by the department.
 - d) **Sampling Variance**
 - i) Permit registrants may request a sampling variance for missed samples if one of the following criteria is met:
 - a) State or federal authorities declared the year a drought year.
 - b) Demonstrate that rainfall in the area where the permit registrant's facility is located was 20% or more below the three-year average rainfall for that area.
 - c) Demonstrate to the department or agent's satisfaction that samples were unable to be collected due to the infrequency of storm events of sufficient magnitude to produce run-off. Supporting data and analysis must be submitted to the department or agent.
 - ii) Permit registrants must submit to the department or agent a written request for a sampling variance by July 31st of the monitoring year in which the missed sampling occurred.
3. **Monitoring Waiver**
- a) **Visual Observations** - There is no reduction allowed of the required visual observations.
 - b) **Grab Samples** - If at least four consecutive sampling results meet the benchmarks specified in condition A.8, the permit registrant is not required to collect grab samples for the remainder of the permit term. Where the permit registrant demonstrates to the department or agent's satisfaction that a benchmark exceedance resulted from background or natural conditions as described in condition A.9, the department or agent will consider these samples as meeting the benchmark(s) for the purposes of granting a monitoring waiver. There is no reduction in monitoring allowed for facilities subject to CFR limitations as described in condition A.7.
 - i) Results from sampling events cannot be averaged to meet the benchmarks.
 - ii) Monitoring waivers may be allowed for individual parameters.
 - iii) The permit registrant must submit to the department or agent a request to exercise the monitoring waiver that includes the analytical results from the four sampling events. If the department or agent does not comment within 30 calendar days, the monitoring waiver is deemed approved.
 - c) **Revocation of Monitoring Waiver**
 - i) The permit registrant must conduct monitoring as specified in condition B.1 if:
 - a) The department or agent determines that prior monitoring efforts used to establish the monitoring waiver were improper or sampling results were incorrect;
 - b) The department, agent or permit registrant determines that changes to site conditions are likely to affect stormwater discharge characteristics, or
 - c) The department, agent or permit registrant conducts additional monitoring and the sampling results exceed benchmark(s).

- ii) The department or agent will notify the permit registrant in writing if the monitoring waiver is revoked.
4. **Monitoring Reporting Requirements** - The permit registrant must submit the following to the appropriate DEQ regional office or agent:
- a) **Monitoring Data** - The permit registrant must submit by July 31st of each year grab sampling and visual monitoring results for the previous monitoring period (July 1- June 30). The permit registrant must also report the minimum detection levels and analytical methods for the parameters analyzed. Non-detections must be reported as "ND" with the detection limit in mg/L parentheses, e.g., ND (0.005 mg/L). In calculating the geometric mean as described in condition A.10, one-half of the detection limits must be used for non-detections.
 - b) **Report Forms** - The permit registrant must use a department-approved Discharge Monitoring Report (DMR) form for both visual and analytical monitoring results.

**SCHEDULE C
COMPLIANCE CONDITIONS AND SCHEDULES**

1. **An Existing Permit Registrant** that is either renewing or transferring coverage under the permit where there are no changes to operation or industrial type (for a facility operating under an NPDES stormwater discharge permit prior to July 1, 2007):
 - a) Not later than 90 calendar days after renewing or transferring coverage under the permit, permit registrant must implement new site controls identified in the SWPCP to meet new permit requirements.
 - b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of renewing or transferring coverage under this permit.

2. **A New Permit Registrant with an Existing Facility** (for a facility operating before July 1, 2007, without an NPDES stormwater discharge permit):
 - a) Not later than 90 calendar days after obtaining permit coverage, the permit registrant must implement site controls identified in the SWPCP to meet the new permit requirements.
 - b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

3. **A New Permit Registrant with a New Facility** (for a facility beginning operation after July 1, 2007 without an NPDES stormwater discharge permit):
 - a) A permit registrant must begin implementation of the SWPCP before starting operations. Not later than 90 calendar days after obtaining permit coverage, the permit registrant must fully implement site controls identified in the SWPCP.
 - b) Site controls that require capital improvements (see Schedule D.3, Definitions), must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

4. **A New Permit Registrant Discharging to Clackamas River, McKenzie River above Hayden Bridge (River Mile 15) or North Santiam River** (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) Not later than 180 calendar days after obtaining permit coverage, permit registrant must submit to the department a monitoring and water quality evaluation program. This program must be effective in evaluating the in-stream impacts of the discharge as required by OAR 340-041-0470.

- b) Within 30 calendar days of department approval, the permit registrant must implement the monitoring and water quality evaluation program.

**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 (SWPCP) or stormwater monitoring data must be made available to government agencies responsible for stormwater management in the permit registrant's area.
3. **Definitions**
 - a) *Action Plan* means an addendum to the SWPCP developed in response to modification to the SWPCP or in response to a benchmark exceedance.
 - b) *Capital Improvements* means the following improvements that require capital expenditures:
 - i) Treatment best management practices including but not limited to settling basins, oil/water separation equipment, catch basins, grassy swales, detention/retention basins, and media filtration devices.
 - ii) Manufacturing modifications that incur capital expenditures, including process changes for reduction of pollutants or wastes at the source.
 - iii) Concrete pads, dikes and conveyance or pumping systems utilized for collection and transfer of stormwater to treatment systems.
 - iv) Roofs and appropriate covers for manufacturing areas.
 - c) *Hazardous Substances* as defined in 40 CFR §302 Designation, Reportable Quantities, and Notification.
 - d) *Material Handling Activities* include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.
 - e) *Point Source Discharge* means a discharge from any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit.
 - f) *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; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.
 - g) *Site Controls* is analogous to Best Management Practices.
 - h) *Stormwater Associated With Industrial Activity* includes, but is not limited to, stormwater discharges from the following:
 - 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 (Material handling activities include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.)
- Refuse sites
- Sites used for the application or disposal of process waste waters (as defined in 40 CFR § 401)
- Sites used for storage or 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 finished products
- Areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. 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; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.

- i) *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.
- j) *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. If a receiving water body has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

4. **Local Public Agencies Acting as the Department's Agent**

The department authorizes local public agencies to act as its agent in implementing this permit if they entered into a Memorandum of Agreement (MOA). The agent may be authorized to conduct the following activities, including but not limited to: application review and approval, inspections, monitoring data review, stormwater and wastewater monitoring, SWPCP review, and verification and approval of no-exposure certifications. Where the department has entered into such an agreement, the department or its agent must notify the permit registrant of where to submit no-exposure certifications, and other notifications or correspondence associated with this permit. Annual discharge monitoring reports, including analytical monitoring data and visual monitoring results, SWPCPs and Actions Plans must be submitted to both the department and the agent.

SCHEDULE F
NPDES GENERAL CONDITIONS – INDUSTRIAL FACILITIES

SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permit registrant must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and 40 CFR 122.41(a) and is grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

ORS 468.140 allows the department to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. Additionally, 40 CFR 122.41, modified by 40 CFR 19.4, provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed \$32,500 per day of each violation.

Under ORS 468.943 and 40 CFR 122.41, modified by 40 CFR 19.4, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$32,500 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state, is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison. Additionally, under 40 CFR §122.41(a) any person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a federal civil penalty not to exceed \$100,000, and up to 6 years in prison.

3. Duty to Mitigate

The permit registrant must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permit registrant 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 non-complying discharge.

4. Duty to Reapply

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

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

5. Permit Actions

This permit may be modified, suspended, 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 permit registrant 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 re-opener conditions;
- h. Correction of technical mistakes made in determining permit conditions;
- i. Determination that the permitted activity endangers human health or the environment, or
- j. Other causes as specified in 40 CFR §§122.62, 122.64, and 124.5.

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

6. Toxic Pollutants

The permit registrant must comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants 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.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit References

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

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permit registrant must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permit registrant 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 which are installed by a permit registrant only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permit registrant 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 permit registrant 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.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which 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 unless:

- (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
- (b) 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 which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The permit registrant submitted notices and requests as required under General Condition B.3.c.

(2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director determines that it will meet the three conditions listed above in General Condition B.3.b.(1).

c. Notice and request for bypass.

(1) Anticipated bypass. If the permit registrant knows in advance of the need for a bypass, it must submit prior written notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permit registrant must submit notice of an unanticipated bypass as required in General Condition D.5.

4. 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 permit registrant. 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 B.4.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 permit registrant 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 permit registrant can identify the causes(s) of the upset;

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

(3) The permit registrant submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and

(4) The permit registrant complied with any remedial measures required under General Condition A.3 hereof.

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

5. Treatment of Single Operational Event

For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter must be treated as a single violation. A single operational event is an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational event does not include 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 event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions

(1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.

(3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.

b. Prohibition of overflows. Overflows are prohibited unless:

(1) Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and

- (3) The overflows are the result of an upset as defined in General Condition B.4. and meeting all requirements of this condition.
- c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.
- d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled overflows must be reported orally to the Department within 24 hours from the time the permit registrant becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.
7. Public Notification of Effluent Violation or Overflow
If effluent limitations specified in this permit are exceeded or an overflow occurs, upon request by the Department, the permit registrant must take such steps as are necessary to alert the public about the extent and nature of the discharge. 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.
8. 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 public waters, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

1. 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 the Director.
2. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.
3. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR §136, unless other test procedures have been specified in this permit.
4. Penalties of Tampering
The 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 must, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years, or by 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.
5. Reporting of Monitoring Results
Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. 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.
6. Additional Monitoring by the Permit registrant
If the permit registrant monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR §136 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 (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

7. Averaging of Measurements

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

8. Retention of Records

Except for records of monitoring information required by this permit related to the permit registrant's sewage sludge use and disposal activities, which must be retained for a period of at least five years (or longer as required by 40 CFR §503), the permit registrant must retain records of all monitoring information, including all calibration and maintenance records of 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, 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 the Director at any time.

9. 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.

10. Inspection and Entry

The permit registrant must allow the Director, or an authorized representative upon the presentation of credentials to:

- a. Enter upon the permit registrant'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.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permit registrant must comply with Oregon Administrative Rules (OAR) 340, Division 052, "Review of Plans and Specifications". Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers must be commenced until the plans and specifications are submitted to and approved by the Department. The permit registrant must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permit registrant must give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit may be transferred to a new permit registrant provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit must be transferred to a third party without prior written approval from the Director. The permit registrant must notify the Department when a transfer of property interest takes place.



CITY OF PORTLAND ENVIRONMENTAL SERVICES



Water Pollution Control Laboratory
6543 N. Burlington Ave., Portland, Oregon 97203-5452
(503) 823-5600

Expiration Date : 01/15/2011
Permit Number: 400.088
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WASTEWATER DISCHARGE PERMIT

ISSUED TO: Metro Service District
SIC CODE: 4953
PLANT TYPE: Municipal solid waste transfer and recycling station
EPA CATEGORY: N/A
LOCATION: 6161 NW 61st Street
Portland, Oregon 97210
MAILING ADDRESS: 600 NE Grand Avenue
Portland, Oregon 97232
RESPONSIBLE OFFICIAL: Penny Erickson
PHONE NUMBER: (503) 797-1659
FAX NUMBER: (503) 797-1795

EXPIRATION DATE: 01/15/2011

INDUSTRIAL SOURCE
CONTROL MANAGER

Gerald W. Baumgartner 3-3-06
Gerald W. Baumgartner Effective Date

PREPARED BY:
CHECKED BY :

Wesley C. McDaniel *WCM*
Miguel Santana *MS*

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INTRODUCTION

PERMITTED ACTIVITIES

The permittee is authorized to discharge industrial wastewater to the City of Portland's sewer system in compliance with Chapter 17.34 of the City Code, the Bureau of Environmental Services Administrative Rules and any applicable provisions of federal or state laws or regulations and in accordance with discharge point(s), effluent limitations, monitoring requirements, and all other conditions set forth herein.

It is the permittee's duty to comply with all conditions of this permit. Any noncompliance with permit requirements constitutes a violation of Chapter 17.34 of Portland's City Code and, as such, subjects the permittee to enforcement action(s).

**Schedule A
 WASTEWATER DISCHARGE LIMITATIONS**

Listed below are the waste discharge limitations not to be exceeded after **the permit effective date**. Applicable regulations include Chapters 17.34 (Schedule F of this permit lists the General Discharge Prohibitions) and 17.36 of the Code of the City of Portland and 40 CFR 403. The point of compliance with the discharge limitations shall be

POC (*)	Pollutant Name	Local Limit Daily Max (mg/L)	Categorical Limit (.mg/l, lb / off lb)	
			Daily	Monthly
	<u>METALS</u>			
	Arsenic	0.2		
	Cadmium	0.7		
	Chromium	5.0		
	Copper	3.7		
	Lead	0.7		
	Mercury	0.010		
	Molybdenum	1.4		
	Nickel	2.8		
	Selenium	0.6		
	Silver	0.4		
*	Zinc	3.7		
	<u>NON-METALS (INORGANICS)</u>			
	Cyanide	1.2		
*	pH	5.0-11.5 su		
	<u>NON-METALS (ORGANICS)</u>			
	1,2-Dichloroethane	0.50		
	2,4-Dinitrotoluene	0.13		
	Acrylonitrile	1.00		
	Chlordane	0.03		
	Chlorobenzene	0.20		
	Chloroform	0.20		
	Nitrobenzene	2.00		
	Pentachlorophenol	0.04		
	Trichloroethylene	0.20		
*	Non-polar Oil & Grease	110		

Notes:

1. This schedule may be revised upon written notification by the City to accommodate process changes by the permittee or as determined by the Director of Environmental Services.
2. In addition to the limits stated in Schedule A, the permittee shall comply with all other applicable City, State and Federal regulations.

**SCHEDULE A
WASTEWATER DISCHARGE
LIMITATIONS**

Expiration Date : 01/15/2011
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3. The pollutant parameters marked with an asterisk (*) are the pollutants of concern. At a minimum, the permittee is required to monitor for pollutants of concern. All limits are applicable at the point of compliance.
4. The permittee is required to meet the **MOST** stringent limitation listed, denoted in bold type in the above table, when comparing the *Local Limit* column with the *Categorical Limit* column.

**SCHEDULE B
MONITORING AND
REPORTING REQUIREMENTS**

Expiration Date: 01/15/2011
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**Schedule B
MONITORING AND
REPORTING REQUIREMENTS**

II. Periodic Compliance Self-Monitoring Report

Parameter	Sample Type	First Quarter			Second Quarter			Third Quarter			Fourth Quarter		
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Metals													
Zinc (total)	Composite	✓						✓					
Non-Metals													
pH	Grab	✓			✓			✓			✓		
Oil and Grease (total)		✓			✓			✓			✓		
Due Dates		Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sept 15	Oct 15	Nov 15	Dec 15	Jan 15

**Schedule B
MONITORING AND
REPORTING REQUIREMENTS**

II. Periodic Compliance Self-Monitoring Report, Notes:

1. Periodic Compliance Reports are to be submitted to the Industrial Source Control Division by the 15th of the month following the conclusion of the reporting period. Sampling, analysis, and reporting will follow the schedule above.
2. All official sampling shall be taken at the approved sampling location. (See Appendix 2: sampling location map.)
3. The permittee shall analyze samples for all listed parameters plus any other which might be expected to be present in significant quantities.
4. The permittee shall submit all self-monitoring results to the Industrial Source Control Division as part of their monitoring and reporting requirements.
5. All monitoring results are to be mailed to:

Industrial Source Control Division
Bureau of Environmental Services
City of Portland
6543 N. Burlington Ave.
Portland, OR 97203

**SCHEDULE B
MONITORING AND
REPORTING REQUIREMENTS**

Expiration Date: 01/15/2011
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6. Periodic Compliance Reports are to be submitted by the 15th of each month following the report period for each sampling location. The reports shall consist of:
 - a. Statement of compliance/noncompliance, signed by the officially designated contact person (statement is found on bottom of the self-monitoring report form).
 - b. Sample analysis results recorded on the appropriate self-monitoring report form and chain of custody for sample collected.
 - c. Originals of all laboratory analysis sheets showing who analyzed sample, date and time sample was analyzed, analytical methods used, method detection limit, test result, and quality assurance/quality control.
 - d. Copies of pH charts (if any) showing violations (if any).
 - e. Any other reports that may be required.
 - f. Calculations of monthly average, if appropriate.
7. The permittee should instruct its laboratory that, if the oil and grease (total) concentration exceeds 110 mg/L, the laboratory should determine the concentrations of the polar and non-polar oil and grease fractions.
8. The City may reduce or increase the frequency of sampling, based on the analytical results submitted.
9. As per 40 CFR 403.12(g)(5), if an industrial user subject to the reporting requirements of Schedule B monitors any parameter from the official sampling location more frequently than required, using procedures specified in Schedule E14(c), the results of their monitoring must be submitted in the required report.

**SCHEDULE C
COMPLIANCE SCHEDULE**

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**Schedule C
COMPLIANCE SCHEDULE**

Not Applicable

**SCHEDULE D
SPECIAL CONDITIONS**

Expiration Date: 01/15/2011
Permit Number: 400.088
Page: D1

**Schedule D
SPECIAL CONDITIONS**

Not Applicable

Schedule E
GENERAL CONDITIONS

1. Accidental Spill Prevention Plan

To comply with Section 17.34.090 of the City Code, the permittee shall submit a new or revised Accidental Spill Prevention Plan (ASPP) to the Industrial Wastewater Management Section 90 days after the effective date of this permit. The plans shall include the following elements.

- a. A description of the hazardous substances handled and their potential points of entry into the City sewer system or storm runoff
- b. A description of the measures to be taken to prevent entry at the described points before a spill occurs
- c. Measures to be taken to contain a spill if one occurs
- d. A description of employee training in the prevention and control of spills
- e. A posted notice informing employees of the requirement to notify the Bureau of Environmental Services in case of spills or uncontrolled discharges.

2. Appeal

Upon receipt of a final industrial wastewater discharge permit, a permittee may appeal any of its terms or conditions to the Code Hearings Officer in accordance with procedures set out at Chapter 22.10 of the Portland City Code; provided that such an appeal shall include a copy of the permit that is the subject of the appeal, shall state the basis for the appeal, and shall be filed with the Code Hearings Officer and the Bureau of Environmental Services.

3. Authorized Discharge

All discharge and activities authorized herein shall be consistent with the terms and conditions of this permit, Chapter 17.34 of the City Code and the Administrative rules. The discharge of any pollutant in excess of these limits shall constitute a violation of the terms and conditions of this permit.

4. Bypass or Diversion

The diversion or bypass (the intentional diversion of wastestreams from any portion of a permittee's treatment facility) of any discharge, from facilities used by the permittee, to maintain compliance with the terms and conditions of this permit is prohibited except:

- a. When unavoidable to prevent loss of life or severe property damage.
- b. When excessive storm drainage or runoff would damage facilities necessary for compliance with the terms and conditions of this permit.

4. Bypass or Diversion (continued)

The permittee shall immediately notify the City in writing of each such diversion or bypass, in accordance with the procedure specified in condition No. 23.

5. Certification

Legible copies of all applications, reports, and information submitted to the City shall be signed and certified as follows in accordance with 40 CFR 403.12.

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

6. Chemical Storage

Chemicals shall be stored in a manner that will prevent the entry of these substances into the sanitary, combined sewer, or storm sewer system, or waters of the state.

7. Continuous Compliance

Compliance with Schedule E, No. 23 shall not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit.

8. Dilution Prohibition

It is unlawful for a discharger to use dilution as a partial or complete substitute for adequate treatment to achieve compliance with the standards and limitations set forth in this permit. The Director may impose mass limitations on dischargers who are using dilution to meet the applicable pretreatment standards or the requirement set forth in this permit.

9. Enforcement Provision

A violation of any conditions, standards or requirements of this permit constitutes a violation of Chapter 17.34 of the City Code and any rules promulgated thereunder. Therefore, the City may seek any or all of the remedies or penalties provided for in Section 17.34.110 of the City Code, including recovery of costs incurred by the City, in response to the following:

- a. Any violation by the permittee of the provisions in this Industrial Wastewater Discharge Permit.
- b. Any violation by the permittee of the provisions of the City Code.

9. Enforcement Provision (continued)

- c. Any violation by the permittee of an Enforcement Action requirement with respect to provisions set forth in this Industrial Wastewater Discharge Permit and the City Code and Administrative Rules.

The range or severity of enforcement actions taken by the City against the permittee will be determined by, but not limited to, the nature, magnitude, duration, and frequency of the violation as provided by City Code and Administrative Rules.

10. Extra-Strength Sewer Charge (ESSC)

Discharges exceeding 300 mg/L for the 5-day biochemical oxygen demand (BOD) or 350 mg/L total suspended solids (TSS) concentrations (as defined in Section 17.36.060(1) of the City Code) shall be subject to the extra-strength sewer charge (ESSC) established in Section 17.36.060(1).

11. Hazardous Waste Notification

The industrial user shall notify the Industrial Source Control Division Section, the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

12. Inspection and Entry

The permittee shall, at all reasonable times, allow authorized representatives of the City:

- a. To enter the permittee's premises where an effluent source or disposal system is located or where any records associated with this permit are kept.
- b. To have access to any required records and permission to copy these records. At no time can wastewater effluent data be claimed or held as confidential information.
- c. To inspect and evaluate any *monitoring* equipment or monitoring methods required by this permit.
- d. To sample any discharge to the sewer system.

13. Liability

The City of Portland, its officers, agents or employees shall not sustain any liability due to the issuance of this permit or the construction or maintenance of facilities resulting from this permit.

14. Monitoring

- a. The permittee shall record the following information:
- * The exact date, time, and place of sampling
 - * Name of person who collected the sample(s)
 - * Type of sample(s) collected
 - * The dates analyses were performed
 - * Who performed the analyses
 - * The analytical techniques or methods used
 - * The results of all required analyses
 - * Whether quality assurance and quality control laboratory procedures are followed
- b. Samples and measurements, taken to meet the requirements of the above condition, shall be representative of the effluent. Grab samples must be collected for pH, cyanide, phenol, sulfide, volatile organic compounds and oil and grease monitoring.
- c. All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise approved in writing by the City, conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants as specified in 40 CFR, Part 136. Laboratory quality assurance and quality control programs should be documented. EPA QA/QC programs should be followed.
- d. The permittee is required to document proper installation, and maintenance of flow monitoring and sampling equipment.
- e. If the results of the permittee's wastewater analysis indicate that a noncompliance has occurred, the permittee must notify the City's Industrial Source Control Division Section within 24 hours of becoming aware of the noncompliance. The permittee must also repeat the sampling within 24 hours of the effluent noncompliance or next process day and submit the analysis to the City within 30 days after becoming aware of the noncompliance.
- f. The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

14. Monitoring (continued)

- g. If requested, the permittee shall provide or split discharge samples with the City of Portland Water Pollution Control Laboratory.

15. Permit Modification

This permit may be modified with 30 days prior written notification, in whole or in part, for causes including but not limited to the following:

- a. A change in the City's NPDES permit or any other condition that requires either a temporary or permanent elimination of any authorized discharge.
- b. To incorporate new or revised federal, state, or local pretreatment standards or requirements.
- c. Information indicating that the permitted discharge poses a threat to the City's collection and treatment system, POTW personnel, or the receiving waters and sludge.
- d. To correct typographical or other errors in the permit.
- e. Any significant change in the volume of a permitted discharge.

16. Permit Renewal

This permit is issued to a specific entity and cannot be transferred by the industrial user and must be renewed pursuant to Section 17.34.070 of the Code of the City of Portland and Permit Applications must be received 90 days prior to:

- a. Expiration date of current permit.
- b. In the event the permittee plans to cease operations at the present location, and plans to relocate within the City of Portland's jurisdiction and continue the same permitted activities.
- c. The permitted industrial process being significantly altered or changed so that pollutants not specifically mentioned in the current permit are present in the permittee's discharge.

17. Permit Suspension or Termination

- a. Violation of any terms or conditions of this permit or any applicable rule, standard, or order of the director of the Bureau of Environmental Services.
- b. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts.
- c. Falsifying self-monitoring reports.
- d. Tampering with monitoring equipment.

17. Permit Suspension or Termination (continued)

- e. Refusing to allow prompt access to the facility premises and records.
- f. Failure to meet effluent limitations.
- g. Failure to pay fines.
- h. Failure to meet compliance schedules.

18. Plant Closure

In the event the permittee plans to cease operations at the present business location, and not to relocate within the City of Portland's jurisdiction, the permittee shall inform this office, in writing, 60 days prior to plant closure.

19. Property Rights or Privileges

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges; it does not authorize any injury to private property or any invasion of personal rights; and it does not authorize any infringements or federal, state, or local laws or regulations.

20. Records Retention

All records of monitoring activities and results, including all original strip chart recordings for continuous monitoring instrumentation (and calibration and maintenance records), shall be retained by the permittee for a minimum of three years. This retention period shall be extended during the course of any unresolved litigation pertaining to the discharge of pollutants by the permittee, or whenever it is requested by the City, the Approval Authority (DEQ), the Regional Administrator (EPA).

21. Reporting Requirements

- a. Accidental or Slug Loading

If accidental or slug loading to the sanitary sewer occurs, the permittee shall notify the City Permit Manager immediately, if no response then call the City Duty Officer at 503-823-7180 (M-F 8:00am - 4:30pm) or 503-323-3398 (after 4:30pm and weekends). A formal written report, discussing circumstances and remedies, shall be submitted to the City within 5 days of the occurrence

- b. Changes in Wastewater Characteristics

The permittee shall give notice to the Industrial Source Control Division Section 90 days before any facility expansion, production increase, or process modifications that result in new or substantially increased discharges or a change in the nature of the discharge.

- c. Change in representative

**SCHEDULE E
GENERAL CONDITIONS**

Expiration Date 01/15/2011
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21. Reporting Requirements (continued)

If the responsible corporate official changes, notify the City within 10 days, as per 40 CFR 403.12 (1) (4).

22. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to the other circumstances and the remainder of this permit shall not be affected.

23. Slug Load Notification

If the permittee is unable to comply with all the conditions of this permit due to a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, or should any condition cause the release of any slug load, the permittee shall:

- a. Immediately take action to stop, contain, clean up the unauthorized discharges, and correct the problem.
- b. Immediately call the City Permit Manager, if no response then call the City Duty Officer at 503-823-7180 (M-F 8:00am - 4:30pm) or 503-323-3398 (after 4:30pm and weekends).
- c. Within five (5) days submit a detailed written initial report to the City Permit Manager describing the breakdown, the actual quantity of resultant waste discharges, the corrective action taken, the steps taken to prevent recurrence, and any other pertinent information.
- d. Samples shall be taken immediately upon discovery of the Slug load. Within 15 days, a follow-up report shall be submitted. The report shall contain analysis of samples taken during such discharge and samples taken after normal conditions have been restored. The samples, at a minimum, shall be analyzed for the parameters required in Schedule B. Sampling shall be continued until all parameters are within discharge limits.

24. Upset

- a. Definition:

For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards, because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- b. Effect of an Upset:

An upset will constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards, if the requirements of paragraph c are met.

24. Upset (continued)

c. Conditions Necessary for a Demonstration of an Upset:

A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the permittee can identify the specific cause(s) of the upset.
- (2) The facility was, at the time, being operated prudently, efficiently, and in compliance with applicable operation and maintenance procedures.
- (3) The permittee has submitted the following information to the Industrial Source Control Division within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days).
 - * A description of the indirect discharge and cause of noncompliance
 - * The period of noncompliance, including exact dates and times or, if not corrected, the anticipated duration of noncompliance
 - * Steps planned or now being taken to reduce, eliminate, and prevent recurrence of the noncompliance

d. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset shall have the burden of proof.

e. Permittee Responsibility in Case of an Upset.

If reduction, loss, or failure of its treatment facility occurs, the permittee shall control production of all discharges in order to maintain compliance with applicable pretreatment standards until the facility is restored or an alternative method of treatment is provided. This requirement especially applies if the primary source of the treatment facility power is reduced, lost, or failed.

Schedule F
GENERAL DISCHARGE PROHIBITIONS

The permittee shall not discharge, cause to discharge or allow to discharge directly or indirectly into the City sewer system any of the following:

1. Wastewater containing substances in such concentrations that they inhibit or interfere with the operation or performance of the sewer system, or that are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment such that the sewage treatment plant effluent cannot meet the requirements of any agency having jurisdiction over its discharge to the receiving waters, or that prevent or impair the use or disposal of sewage treatment plant sludge and sludge products in accordance with applicable State and federal regulations;
2. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the sewer system, or wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius (using test methods prescribed at 40 CFR 261.21), or discharges which cause the atmosphere in any portion of the sewer system to reach a concentration of 10% or more of the Lower Explosive Limit (LEL).
3. Any solid or viscous substances capable of obstructing wastewater which will or may cause obstruction to the flow of wastewater or other interference with the operation of the sewer system;
4. Any noxious, malodorous or toxic liquids gases, vapors or fumes, solids, or other substances which, either singly or by interaction with other wastes, may cause acute or chronic worker health and safety problems, a public nuisance, a hazard or interference with any part of the sewer system;
5. Any industrial wastewater containing a hazardous or toxic substance which, either singly or by interaction with other substances, injures or interferes with the sewer system or constitutes a hazard to humans or animals, or creates a hazard in, or adversely affects the receiving waters, or results in such substances being discharged in combined sewer overflows or sewage treatment plant effluent in any concentrations in excess of limitations imposed by any permit, law or regulation;
6. Any wastes, wastewaters or substances having a pH less than 5.0 or more than 11.5, or capable of causing damage or hazard to structures, equipment, processes or personnel of the sewer system, unless these limits are modified by permit.
7. Any liquid or vapor having a temperature higher than 65 degrees Celsius (149 degrees Fahrenheit) or containing heat in amounts which will inhibit biological activity, or result in interference at the treatment plant. In no case shall a discharge to the sewer system contain heat in such quantities that the temperature of the treatment plant influent exceeds 27 degrees Celsius (80 degrees Fahrenheit);
8. Any material trucked or hauled from a cesspool, holding or septic tank or any other nondomestic source, except such material received at designated locations under City contract or permit in accordance with any other applicable requirements of the City Code 17.34 or rules adopted hereunder;
9. Any substance which may solidify or become discernibly viscous at temperatures above 0 degrees Celsius or 32 degrees Fahrenheit;

**SCHEDULE F
GENERAL DISCHARGE PROHIBITIONS**

Expiration Date 01/15/2011
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10. Any material that has not been properly comminuted to 0.65 centimeters (1/4 inch) or less in any dimension;
11. Any slugload, as defined in City Code 17.34 or rules adopted hereunder;
12. Any substances with excessive color, as determined by the Director of Environmental Services, which are not removed in the treatment process;
13. Any batch discharges without written permission from the Director of Environmental Services. Batch discharges shall comply with all other requirements of City Code 17.34 and rules adopted hereunder;
14. Any concentrations of inert suspended or settleable solids which may interfere with the operation of the sewer system;
15. Any concentrations of dissolved solids which may interfere with the operation of the sewer system;
16. Any radioactive material, except in compliance with a current permit issued by the Oregon State Health Division or other state or federal agency having jurisdiction;
17. Any substance which may cause sewer system effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or which interferes with the reclamation process. (In no case, shall a substance discharged to the sewer system cause the City to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901), the Clean Air Act (42 USC 1857), the Toxic Substances Control Act (15 USC 2601), or any other federal or State statutes, regulations or standards applicable to the sludge management method being used, or any amendments thereto.)
18. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
19. Noncontact cooling water (except that noncontact cooling water may be discharged to the separate storm sewer system upon approval by the Director of Environmental Services);
20. Any substance that causes the City to violate the terms of its NPDES permit.

**Appendix 1
DEFINITIONS**

Abbreviations

BOD ₅	Five-day biochemical oxygen demand
mg/L	Milligrams per liter
k	Kilograms
m ³ /d	Cubic meters per day
ppm	Parts per million (assumed equal to milligrams per liter)
POTW	Publicly owned treatment works
WPCL	Water Pollution Control Laboratory

Averages for BOD, TSS, and chemical parameters are based on arithmetic mean of samples taken.

Definitions

Bypass

The intentional diversion of wastestreams from any portion of a permittee's treatment facility.

Compatible Pollutant

Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, and additional pollutants that the City treatment works is designed to treat.

Conventional Pollutants

Classification of industrial pollutants, which includes BOD (biochemical oxygen demand), suspended solids, fecal coliform, pH (acidity/alkalinity), and other pollutants so designated by EPA, as defined by Section 304(a)(4) of the Clean Water Act.

Director of Environmental Services

The Director of Environmental Services of the City of Portland, Oregon, or that person's duly authorized representative or agent.

City, or City of Portland

The municipality of Portland, Oregon, a municipal corporation of the State of Oregon, acting through the City Council or any board, committee, body, official, or person to whom the Council shall have lawfully delegated the power to act on behalf of the City. Unless a particular board, committee, official, or person is specifically designated in these rules and regulations, wherever action by the City is explicitly required or implied herein, it shall be understood to mean action by the Director of Environmental Services of Portland, Oregon, or that person's duly authorized representative or agent.

**APPENDIX 1
DEFINITIONS**

Expiration Date: 01/15/2011
Permit Number: 400.088
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Effective Date of this Permit

The date this permit is signed by the Director of the Bureau of Environmental Services.

Expiration Date

From 1 to 5 years beyond the effective date of this permit.

Hazardous or toxic substances

Hazardous or toxic substances are those substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S. Code 9601 et seq.), section 502(13) of the Clean Water Act, and any other substances so designated by the Director of Environmental Services and contained in rules adopted pursuant to this Chapter.

Industrial Waste

Any liquid, solid, or gaseous substance (or combination thereof) resulting from any process of industry, manufacturing, commercial food processing, business, agriculture, trade, or research, including but not limited to the development, recovery, or processing of natural resources and leachate from landfills or other disposal sites.

Industrial Wastewater Discharge Permit

A permit to discharge industrial wastewater into the City sewer system issued under the authority of the City Code, which prescribes certain discharge requirements and limitation.

Interference

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the normal operation of the City sewer system, or which causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or any increase in the cost of treatment of sewage or in the cost of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations); Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title II, more commonly referred to as the Resource Conservation and Recovery Act), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of RCRA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum Daily Discharge Limitation

The highest allowable daily discharge.

Nonconventional Pollutants

All pollutants that are not specifically designated as either conventional or toxic.

Oil and Grease

Fats, Oils and Grease. Fats, oils and grease are those substances which are measured by USEPA Method 1664: N-Hexane Extractable Method (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM).

- (a) Non-polar fats, oils and grease are that portion of fats, oils and grease which is measured as non-polar (from petroleum sources) by USEPA Method 1664.
- (b) Polar fats, oils and grease are that portion of fats, oils and grease which is determined to be polar (of animal or vegetable origin) by USEPA Method 1664.

Pass Through

Pass through means a discharge which exits the POTW into waters of the United States in Quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

POTW

POTW means Publicly Owned Treatment Works, which includes any devices and systems, owned by a State or municipality, used in the collection, transportation, storage, treatment, recycling and reclamation of wastewater.

Pretreatment

The reduction of the amount of pollutants, the elimination of pollutants, or the alternation of the nature of pollutant properties in wastewater to a non-harmful state, prior to or in lieu of discharge of such pollutants into the City sewer system.

Sampling

- a. The "monthly average" other than pH is the arithmetic mean of samples collected during a calendar month.
- b. The "daily maximum" is defined as the greatest allowable value for any calendar day.
- c. The "four day average" is defined as the average of four discrete sampling events for a particular pollutant, which is determined by the sampling frequency and not necessarily four consecutive calendar days.
- d. A "composite sample" is a series of individual discrete samples taken at selected intervals based on either an increment of flow or time. The samples are mixed together to approximate the average composition of discharge to the City sewer system. A composite sample for one day shall consist of a pool of samples, collected over the operational period of the production day.

- e. A "Grab" sample is an individual sample collected in less than 15 minutes, without regard for flow or time.
- f. A "Grab-Composite" is a minimum of four grab samples collected and preserved over a 24-hour period and combined to provide a representative sample of effluent being discharged.

Schedule of Compliance

A schedule of remedial measures, including an enforceable sequence of actions or operations leading to compliance with an effluent limitation or other limitation, prohibition, or standard.

Severe Property Damage

Substantial physical damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Slugload

A slugload is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Solid Waste

Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits.

Solid Waste Disposal

The final placement of refuse that cannot be salvaged or recycled.

Solvent Management Plan

A plan that specifies the toxic organic compounds used, the method of disposal used (instead of dumping into wastestreams), and procedures for ensuring that toxic organics do not spill or leak into wastewater discharged to the City sewer system.

Total Dissolved Solids

The total dissolved (filterable) solids as determined by use of the method specified in the list of approved test procedures.

Total Organic Active Ingredients

The sum of all organic active ingredients covered by the organic pesticide chemicals manufacturing subcategory, which are manufactured at a facility subject to the effluent guidelines for pesticides chemicals manufacturing.

Total Solids

The sum of dissolved and undissolved constituents in water or wastewater, usually expressed as milligrams per liter.

Total Suspended Solids

Total suspended matter that either floats on the surface or is in suspension in water or wastewater and that are removable by laboratory filtering (as described in *Standard Methods for the Examination of Water and Wastewaters*, current edition) or Guidelines Establishing Test Procedures for the analysis of Pollutants, contained in 40 CFR 136, as published in the *Federal Register*. (Bureau of Environmental Services Administrative Rules I[22])

Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards, because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waste

Unwanted materials left over from manufacturing processes, or refuse from places of human or animal habitation.

Wastewater

Industrial waste, sewage, or any other waste, including that which may be combined with any groundwater, surface water, or stormwater that may be discharged to the city sewer system.

Water Pollution

The addition of enough harmful or objectionable material to damage water quality.

Appendix 2
SAMPLING LOCATION MAP



**APPENDIX 3
ACCIDENTAL SPILL PREVENTION PLAN**

Expiration Date: 01/15/2011
Permit Number: 400.088
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**Appendix 3
RESERVED: ACCIDENTAL SPILL PREVENTION PLAN**

Prepared by the permittee and approved by the City.

**APPENDIX 4
INDIVIDUAL ORGANIC COMPOUNDS
POLLUTANT PROHIBITIONS**

Expiration Date: 01/15/2011
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**Appendix 4
Total Toxic Organics**

Not applicable

**APPENDIX 4
INDIVIDUAL ORGANIC COMPOUNDS
POLLUTANT PROHIBITIONS**

Expiration Date: 01/15/2011
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Page: 1

**Appendix 5
Individual Organic Compounds - Pollutant Prohibitions**

Not applicable

**APPENDIX 5
PERMIT AMENDMENTS**

Expiration Date: 01/15/2011
Permit Number: 400.088
Page: 1

Permit Amendments

Metro South Transfer Station Permits

1. Metro South Solid Waste Disposal Site Permit
2. Metro South Stormwater Discharge Permit
3. Metro South Wastewater Discharge Permit



State of Oregon
Department of
Environmental
Quality

Permit Number: 350
Expiration Date: April 22, 2019
Page 1 of 22

**SOLID WASTE DISPOSAL SITE PERMIT:
TRANSFER STATION/MATERIAL RECOVERY FACILITY**

**Oregon Department of Environmental Quality
2020 SW 4th Ave, Suite 400
Portland OR 97201**

Telephone: (503) 229-5353

**Issued in accordance with the provisions of ORS Chapter 459 and
subject to the land use compatibility statement referenced below.**

ISSUED TO:

Metro Regional Government
600 NE Grand Avenue
Portland OR 97232-2736

FACILITY NAME AND LOCATION:

Metro South Transfer Station
2001 Washington Street
Oregon City, OR 97045
Section 29 T25, R2E, WM

PROPERTY OWNER:

Metro Regional Government
600 NE Grand Avenue
Portland OR 97232-2736

OPERATOR:

The operator of the Transfer Station/Material
Recovery Facility is:

Allied Waste Industries, Inc.
2001 Washington Street
Oregon City, OR 97045

The operator of the Hazardous Waste Facility is:

Metro Regional Government
600 NE Grand Avenue
Portland OR 97232-2736

ISSUED IN RESPONSE TO:

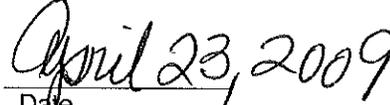
- A Solid Waste Permit application received on May 30, 2008; and
- A Land Use Compatibility Statement from City of Oregon City, dated April 23, 2007.
- A periodic review of the Metro South conditional use approval on November 9, 2006.

The determination to issue this permit is based on findings and technical information included in the permit record.

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY



Audrey O'Brien
SW Manager, NW Region



Date

Permitted Activities

Until such time as this permit expires or is modified or revoked, Metro Regional Government (permittee) is authorized to operate and maintain a Solid Waste Transfer Station/Material Recovery Facility (TS/MRF) and Hazardous Waste Facility (HWF) in conformance with the requirements, limitations, and conditions set forth in this document including all attachments.

TABLE OF CONTENTS

Introduction This document is a Solid Waste Permit issued by the Oregon Department of Environmental Quality (DEQ) in accordance with Oregon Revised Statutes (ORS) 459 and Oregon Administrative Rules (OAR), Chapter 340.

In this document This document contains the following sections:

Section	Topic	See Page
----	Permit Administration	3
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3.0	Authority	4
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12.0	Recycling Requirements	21

PERMIT ADMINISTRATION

1.0 ISSUANCE

1.1	In this section	This section describes the parameters surrounding permit issuance including: <ul style="list-style-type: none"> • Permittee; • Permit number; • Permit term; • Facility type; • Facility owner/operator; • Basis for issuance; • Definitions; • Legal control of property; and • Organization of permit. 	
1.2	Permittee	This permit is issued to Metro Regional Government , known as Metro .	
1.3	Permit number	This permit will be referred to as Solid Waste Permit Number 350 .	
1.4	Permit term	The issue date of this permit is the date this document is signed. The expiration date of this permit is April 22, 2019.	
1.5	Facility type	The facility is permitted as a Solid Waste Transfer Station/Material Recovery Facility (TS/MRF).	
1.6	Facility owner/operator	The owner of this facility is: Metro 600 NE Grand Avenue Portland OR 97232-2736	The operator of the TS/MRF facility is: Allied Waste Industries, Inc. 2001 Washington Street Oregon City, OR 97045 The operator of the HWF is: Metro 600 NE Grand Avenue Portland OR 97232-2736
1.7	Basis for issuance	This permit is issued based upon the following documents submitted by the permittee: <ul style="list-style-type: none"> • A Solid Waste Permit application received on May 30, 2008; and • A Land Use Compatibility Statement from City of Oregon City, dated April 23, 2007. • A periodic review of the Metro South conditional use approval on November 9, 2006. 	
1.8	Definitions	Unless otherwise specified, all terms are as defined in OAR 340-93-030.	
1.9	Legal control of property	The permittee shall at all times maintain legal control of the disposal site property; including maintaining a current permit, contract or agreement that allows the operation of the facility if the site is not owned by the permittee.	
1.10	Organization of permit	This permit includes requirements for the HWF as well as the TS/MRF. The intent of the permit organization is to be as clear as possible about which requirements are for the TS/MRF and which are for the HWF. If a requirement is specific to either the HWF or the TS/MRF, it will specify one facility or the other. If there is no facility specified, the requirement applies to the whole site including both the TS/MRF and HWF.	

2.0 DISCLAIMERS

- 2.1 **In this section** This section describes disclaimer information for the DEQ including:
- Property rights; and
 - DEQ liability.
-
- 2.2 **Property rights** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
-
- 2.3 **DEQ liability** The DEQ, its officers, agents, or employees do not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance, or operation of facilities pursuant to this permit.
-

3.0 AUTHORITY

- 3.1 **In this section** This section describes the authority of the Oregon Department of Environmental Quality to issue this permit including:
- Term of permit;
 - Documents superseded;
 - Permittee responsibility and liability;
 - DEQ access to disposal site;
 - Other compliance; and
 - Penalties.
-
- 3.2 **Term of permit** This permit is issued for a maximum of 10 years as authorized by Oregon Revised Statutes 459.245(2).
-
- 3.3 **Documents superseded** This document is the primary Solid Waste Permit for the facility, superseding all other Solid Waste Permits issued for Metro South TS/MRF by the DEQ.
-
- 3.4 **Permittee responsibility and liability** Conditions of this permit are binding upon the permittee. The permittee must conduct all facility activities in compliance with the provisions of this permit. The permittee is liable for all acts and omissions of the permittee's contractors and agents in carrying out the operations and other responsibilities pursuant to this permit.
-
- 3.5 **DEQ access to disposal site** The permittee shall allow representatives of the DEQ access to the disposal facility at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.
Reference: OAR 340-093-0050(6).
-
- 3.6 **Other compliance** Issuance of this permit does not relieve the permittee from the responsibility to comply with all other applicable federal, state, or local laws or regulations. This includes the following solid waste requirements, as well as all updates or additions to these requirements:
- Solid Waste Permit Application received on May 30, 2008
 - ORS Chapters 459, 459A, 465, and 466;
 - OAR Chapter 340;
 - Metro regulations;
 - Local ordinances; and
 - Any documents submitted by the permittee and approved by the DEQ.
-

3.7 Penalties Violation of permit conditions will subject the permittee to civil penalties of up to \$10,000 for each day of each violation [ORS 459.995(1) (a)].

4.0 PERMIT MODIFICATION

4.1 In this section This section describes information about when and how this permit may be modified including:

- Permit review;
- Modification;
- Modification and revocation by DEQ;
- Modification by permittee;
- Public participation; and
- Changes in ownership or operator.

4.2 Permit review During the life of the permit, the DEQ may review the permit and determine whether or not the permit should be amended.

While not an exclusive list, the following factors will be used in making that determination:

- Compliance history of the facility;
- Changes in volume, waste composition, or operations at the facility;
- Changes in state or federal rules which should be incorporated into the permit;
- A significant release to the environment from the facility; and
- Significant changes to a DEQ-approved site development plan and/or conceptual design.

4.3 Modification At any time in the life of the permit, the DEQ or the permittee may propose changes to the permit.

4.4 Modification and revocation by DEQ The Director may, at any time before the expiration date, modify, suspend, or revoke this permit in whole or in part, in accordance with ORS 459.255, for reasons including but not limited to the following:

- Violation of any terms or conditions of this permit or any applicable statute, rule, standard, or order of the Commission;
- Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- A significant change in the quantity or character of solid waste received or in the operation of the disposal site.

4.5 Modification by permittee The permittee must apply for a modification to this permit if there is a significant change in facility operations or a deviation from activities described in this document.

4.6 Public participation The DEQ will issue a public notice to inform the public of any significant changes to the permit as required by DEQ rules.

Reference: OAR 340-093-0100

4.7 Changes in ownership or operator The permittee must report to the DEQ any changes in either ownership of the disposal site property or of the name or address of the permittee within ten (10) days of the change.

The permittee must report to the DEQ any change in the operator of the TS/MRF or HWF within ten (10) days of the change.

ALLOWABLE ACTIVITIES

5.0 AUTHORIZATIONS

5.1 In this section

This section describes the activities the permittee is authorized to conduct in the TS/MRF (Sections 5.2 – 5.7) and the HWF (Sections 5.8 – 5.13) including:

TS/MRF:

- Wastes authorized for receipt;
- Authorization of other wastes;
- Authorization of activities;
- Duration of authorization;
- Waste tire management; and
- Salvaging and recycling.

HWF

- Wastes authorized for receipt;
- Waste acceptance limits;
- Management of HHW & CEG wastes;
- Authorization of other wastes;
- Authorization of activities; and
- Duration of authorization.

Transfer Station/Material Recovery Facility

5.2 Wastes authorized for receipt

The TS/MRF is authorized to accept putrescible and non-putrescible solid wastes, except those wastes specifically prohibited in Section 6.0 (Prohibitions). Solid waste includes but is not limited to: rubbish, refuse, ashes, paper and cardboard, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, electronics waste, manure, vegetable or animal solid and semisolid materials

A DEQ approved Special Waste Management Plan (SWMP) is required for acceptance of certain wastes that require special management due to the threat proposed to human health or the environment (See SWMPs in Section 7.4).

Reference: Solid waste is defined in ORS 459.005 and OAR 340-093-0030(82).

5.3 Authorization of other wastes

The DEQ may authorize the TS/MRF to accept other wastes if:

- The permittee updates the operations plan that includes a SWMP if needed and submits it to the DEQ for review and approval;
- The DEQ approves the updated operations plan and SWMP; and
- The permittee can demonstrate that the materials are not hazardous waste, as defined by state and federal regulations, or otherwise a threat to human health or waters of the state.

5.4 Authorization of activities

The permittee must conduct all TS/MRF activities in accordance with the provisions of this permit. Once approved by the DEQ any permit-required plans become part of the permit by reference. The DEQ may provide notice and opportunity for review of permit-required plans.

5.5 Duration of authorization

The authorization to accept solid waste will terminate at the time of site closure. After that time no solid waste may be accepted without written authorization by the DEQ.

-
- 5.6 Waste tire management** The TS/MRF is authorized to accept up to 100 whole tires for storage and removal. TS/MRF is authorized to accept up to 2,000 whole tires for storage and removal if the permittee maintains a contract with a waste tire carrier to remove the tires from the site.
Reference: OAR 340-64-0050(2)
-
- 5.7 Salvaging and recycling** The TS/MRF is authorized to conduct salvaging and recycling in a controlled and orderly manner.
-

Hazardous Waste Facility

- 5.8 Wastes authorized for receipt** The HWF is authorized to accept for storage and transfer to an appropriate facility or end use, the following wastes:
1. household hazardous waste (HHW);
 2. universal waste (UW); and
 3. hazardous wastes from conditionally exempt small quantity generators (CEGs).
- Acceptance of certain wastes is specifically prohibited in Section 6 (Prohibitions).
Reference: HHW is defined in ORS 459.005(12). Universal waste (UW) is defined in 40 CFR 273.1 and OAR 340-113-010. Hazardous waste (HW) is defined in ORS 466.005(7). CEG is defined in ORS 459.412 and ORS 465.003(1).
Note: A DEQ approved, SWMP is required for acceptance of certain wastes that require special management due to the threat posed to human health or the environment (see SWMPs in Section 7.4).
-
- 5.9 Waste acceptance limits** The HWF must not accept more than 2,200 pounds of CEG hazardous waste from any one person/entity at any one time or more than 2,640 pounds cumulative from any person/entity within a single calendar year unless such entity/person obtains written permission from the DEQ.
- Requests for permission must be submitted in writing to:
- Oregon Department of Environmental Quality
Manager, Solid Waste Program
2020 SW Fourth Avenue, Suite 400
Portland, OR 97201
Telephone: (503) 229-5353
-

- 5.10 Management of HHW & CEG waste** HHW and CEG Waste accepted at the HWF that would be defined as hazardous waste under Oregon or federal law had it not been generated by households or CEGs, must be managed in a manner consistent with all applicable requirements for hazardous waste collection, storage, transport, and disposal.
- See Section 5.8 for definitions of HHW, CEG and hazardous waste.
- Exclusions:
- Explosive materials if managed by the Metropolitan Bomb Disposal Squad;
 - Radioactive wastes if managed by the Oregon Radiation Protective Services;
 - Gas cylinders if returned to the cylinder distributors;
 - Reuse of hazardous household products according to the DEQ approved HWF operations plan;
 - DEQ must approve in writing any other exclusions from this section.
-
- 5.11 Authorization of other wastes** The DEQ may authorize the HWF to accept other wastes if:
- The permittee updates the operations plan that includes a SWMP if needed and submits it to the DEQ for review and approval;
 - The DEQ approves the updated operations plan and SWMP; and
 - The permittee can demonstrate that the materials are not hazardous waste, as defined by state and federal regulations, or otherwise a threat to human health or waters of the state.
-
- 5.12 Authorization of activities** All HWF activities must be conducted in accordance with the provisions of this permit. Once approved by the DEQ any permit-required plans become part of the permit by reference. The DEQ may provide notice and opportunity for review of permit-required plans.
-
- 5.13 Duration of authorization** The authorization to accept HHW and CEG waste will terminate at the time of site closure. After that time no HHW or CEG waste may be accepted without written authorization by the DEQ.
-

6.0 PROHIBITIONS

6.1 In this section This section describes specific activities the permittee is prohibited from conducting at the TS/MRF (Sections 6.2 – 6.15) and the HWF (Sections 6.16 – 6.20) including acceptance and/or management of (except as described below):

TS/MRF

- Hazardous waste;
- Liquid waste;
- Batteries;
- Recyclable materials;
- Friable or non-friable asbestos containing materials;
- Infectious waste;
- Explosives;
- Large home or industrial appliances;
- Used oil;
- Discarded or abandoned vehicles;
- Tires for disposal;
- Electronic waste disposal;
- Large dead animals; and
- Open burning.

HWF

- Hazardous waste;
 - Non-hazardous waste;
 - Friable or non-friable asbestos containing materials;
 - Infectious waste; and
 - Electronic waste disposal.
-

Transfer Station/Material Recovery Facility

6.2 Hazardous waste The TS/MRF must not accept any regulated hazardous wastes.
Reference: 40 CFR 258.20 (b)

6.3 Liquid waste The TS/MRF must not accept liquid waste, except in accordance with the liquid waste acceptance/management procedures in the DEQ approved Special Waste Management Plan. Liquid wastes accepted at the TS/MRF for disposal at a landfill must be managed such that free liquid is absorbed by dry wastes.

Definition: Liquid wastes are wastes that do not pass the paint filter test performed in accordance with EPA Method 9095

Reference: Section 10.3 Vehicles

6.4 Batteries The TS/MRF may collect lead-acid batteries at the facility for recycling but must not knowingly mix lead-acid batteries in municipal solid waste at the TS/MRF or transfer lead-acid batteries to a landfill for disposal.

- 6.5 Recyclable materials** The TS/MRF may collect source separated recyclable material at the facility for recycling but must not transfer source separated recyclable material to a landfill for disposal.
Exception: If the source separated material is determined by the DEQ to be in a condition which makes the material unusable or not recyclable then it may be disposed. The TS/MRF must consult with the DEQ prior to disposal of any source separated recyclable materials.
-
- 6.6 Friable and non-friable asbestos containing materials** The TS/MRF must not accept friable or non-friable asbestos or asbestos-containing material at the facility.
Exception: Asbestos-containing waste material inadvertently accepted in waste received must be managed for disposal by the TS/MRF according to a SWMP approved by DEQ which addresses procedures for receipt, handling, storage, spill cleanup and disposal of the asbestos-containing waste materials. See Section 7.4 Special Waste Management Plans for more details.
-
- 6.7 Infectious waste** The permittee must not accept infectious wastes at the TS/MRF.
Exception: Sharps may be accepted when handled in accordance with OAR 340-93-190(1)(d)(B).
-
- 6.8 Explosives** The permittee must not accept explosives at the TS/MRF.
-
- 6.9 Large home or industrial appliances** The permittee may collect large home or industrial appliances at the TS/MRF for recycling but must not knowingly dispose of large home or industrial appliances with the solid waste or transfer them to a landfill for disposal.
-
- 6.10 Used oil** Used oil may be collected at the TS/MRF for recycling but must not knowingly be disposed of with the solid waste or transferred to a landfill for disposal.
-
- 6.11 Discarded or abandoned vehicles** Discarded or abandoned vehicles may be collected at the TS/MRF for recycling but must not knowingly be disposed of with the solid waste or transferred to a landfill for disposal.
-
- 6.12 Tires for disposal** Whole tires may be collected at the TS/MRF for recycling but must not knowingly be disposed of with the solid waste or transferred to a landfill for disposal.
-

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- 6.13 Electronic waste disposal** After January 1, 2010, the permittee must not knowingly accept the following covered electronic devices for disposal:
- Computer monitors having a viewable area greater than four (4) inches diagonally;
 - Televisions having a viewable area greater than four (4) inches diagonally;
 - Desktop computers; or
 - Portable computers.
- Reference: ORS 459.247 and 459A. 300-365.
-
- 6.14 Large dead animals** The permittee must only accept large dead animals according to the DEQ approved SWMP for large dead animals. See Section 7.4 for details on SWMPs.
- Definition: Large animals are defined as any animal larger than a dog.
-
- 6.15 Open burning** The permittee must not conduct open burning at the facility unless specifically authorized in writing by the DEQ prior to burning.
-

Hazardous Waste Facility

-
- 6.16 Hazardous waste** The HWF must not accept any hazardous waste from hazardous waste generators including, but not limited, to small and large quantity generators.
- Exception: CEGs as per Section 5.8 of this permit.
- Reference: Hazardous wastes are defined in ORS 466.005 and OAR 340 Divisions 100 and 101. Large and small quantity hazardous waste generators are defined in ORS 465.003 and 40 CFR 260.10. See permit Section 5.8.
-
- 6.17 Non-hazardous waste** The HWF must not accept non-hazardous waste such as empty containers and regular household trash from customers. These wastes must be disposed at the TS/MRF.
- Exceptions: In the operations of the HWF, non-hazardous waste may be generated from the process of bulking and lab packing. In addition, incidental non-hazardous, non-putrescible waste brought in by customers with their HHW is acceptable to be collected at the HWF. These wastes if non-hazardous should be ultimately disposed or recycled at the TS/MRF.
-
- 6.18 Friable and non-friable asbestos containing materials** The HWF may only accept small loads of either friable or non-friable asbestos containing materials defined as a maximum of two (2), 25 lb. bags.
- Small loads defined as a maximum of two (2), 25-lb bags may be accepted when handled according to the Operations Plan.
-
- 6.19 Infectious waste** The permittee must not accept infectious wastes at the HWF.
- Exception: Sharps may be accepted when handled in accordance with OAR 340-93-190(1)(d)(B)
-

-
- 6.20 Electronic waste disposal** After January 1, 2010, the permittee must not knowingly accept the following covered electronic devices for disposal:
- Computer monitors having a viewable area greater than four (4) inches diagonally;
 - Televisions having a viewable area greater than four (4) inches diagonally;
 - Desktop computers; or
 - Portable computers.
- Reference: ORS 459.247 and 459A. 300-365.
-

SITE DESIGN AND OPERATIONS

7.0 OPERATIONS PLAN

- 7.1 In this section** This section describes the requirements associated with preparing and implementing facility Operations Plans including:
- Operations Plans;
 - Plan content;
 - Special Waste Management Plans;
 - Plan maintenance; and
 - Submittal address.
-
- 7.2 Operations plans** The permittee must operate the facility in accordance with the TS/MRF Operations Plan, HWF Operations Plan & any SWMPs, including any amendments, approved by the DEQ.
-
- 7.3 Contents of plans** TS/MRF
The TS/MRF Operations Plan must describe the current method of operation of the facility in accordance with all regulatory and permit requirements.
- Note: The operations plan must include among other things:
- Waste unloading and handling;
 - Handling and removal of waste tires;
 - Management of transfer containers;
 - Washing equipment;
 - Maintaining leachate collection systems;
 - Maintaining surface water control structures;
 - Screening procedures for detection of unauthorized wastes;
 - Handling and removal of unauthorized wastes discovered at the facility;
 - Procedures for dealing with cleanup of an oil or hazardous materials spill. The plan must also include the procedure for reporting the spill to the Oregon Emergency Response System (OERS) at 1-800-452-0311;
 - Procedures for handling, storage, and transporting of asbestos-containing wastes;
 - Establishing and maintaining the operating record;
 - Providing fire protection equipment; and
 - Notifying the DEQ about emergencies and fires.
- HWF
The HWF Operations Plan must address types and anticipated quantities of waste to be accepted during an average month and the following procedures for waste: 1) receipt; 2) identification; 3) handling; 4) sorting; 5) storage; 6) packaging; 7) shipping; 8) record keeping; 9) facility inspections; and 10) waste disposal/recycling. In addition, the plan must address:
-

- Screening procedures describing how the facility will screen hazardous waste generators to ensure their CEG status, including procedures to inform DEQ when a large or small quantity hazardous waste generator has attempted to use the facility to manage their hazardous waste;
 - Worker safety protections;
 - Emergency Response Plan which addresses procedures for spill prevention, emergency response, emergency contacts list, layout of the facility, evacuation routes, properties of wastes handled and types of equipment on-site;
 - Personnel Training Plan including HAZWOPER and asbestos awareness and handling training; and
 - Facility Closure Plan.
-

**7.4 Special
Waste
Management
Plans**

Individual SWMPs are required as part of the Operations Plan, for certain waste materials that because of their nature can be potentially hazardous to human health or the environment and require careful handling at transfer facilities. The SWMP must address, among other things, procedures for identification, receipt, handling, storage, spill cleanup and transport for reuse, recovery or disposal of the material at an appropriately permitted facility.

Special wastes requiring individual Plans include but are not limited to:

- Fluorescent bulbs and lamps;
- Used oil;
- CFC containing appliances;
- Electronic waste;
- Friable and non-friable asbestos containing materials;
- Infectious waste (other than sharps);
- Septage;
- Sewage sludges and grits;
- Liquid waste; and
- Large dead animals.

Notes:

1. Except as noted below, SWMPs are only required if the facility chooses to accept special solid wastes.
2. Wastes that are accepted at the HWF and discussed in the DEQ approved HWF operations plan do not need a SWMP.
3. DEQ must approve a SWMP before the permittee may accept any special waste. However, the permittee may continue to accept the special wastes listed above that the permittee has historically been accepting. The permittee must prepare SWMPs for these wastes and submit them to DEQ for approval within 60 days of the issuance of this permit.

Exception: Even though it is listed in this section, friable and non-friable asbestos beyond what is allowed by condition 6.18 above is still a prohibited waste. A SWMP is required for friable and non-friable asbestos containing waste materials to account for these wastes inadvertently accepted in the waste stream.

Reference: Guidance on SWMPs can be found in OAR 340-093-0190(1) and OAR 340-094-0040(11)(b)(J) and in Section 9.5 of the DEQ's *Solid Waste Guidance Municipal Solid Waste Landfills*, dated September 1, 1996.

7.5 Plan maintenance The Operations Plan for the TS/MRF dated September, 2008 and the Operations Plan for the HWF dated November 2007 have been reviewed and approved by the DEQ with this permit issuance. The permittee must revise the Operations Plan as necessary to keep it current and reflective of current facility conditions and procedures.

The permittee must submit revisions of the Operations Plan to the DEQ for approval any time the Operations Plan is updated within the life of this permit.

The DEQ requires that a revised or new SWMP be submitted any time the SWMP is updated within the life of this permit.

7.6 Submittal address All submittals to the DEQ under this section must be sent to:

Oregon Department of Environmental Quality
Manager, Solid Waste Program
2020 SW Fourth Avenue, Suite 400
Portland, OR 97201
Telephone: (503) 229-5353

8.0 RECORDKEEPING AND REPORTING

8.1 In this section This section describes recordkeeping and reporting information for the facility including:

- Non-compliance reporting;
- Permit display;
- Access to records;
- Data collection;
- Submittal;
- Fees;
- Complaint log;
- Recycling information;
- Records; and
- Submittal Address.

8.2 Non-compliance reporting In the event that any condition of this permit or of the DEQ's rules is violated, the permittee must immediately take action to correct the unauthorized condition and immediately notify the DEQ at:

(503) 229-5353

Response: In response to such a notification, the DEQ may conduct an investigation to evaluate the nature and extent of the problem, and to evaluate plans for additional corrective actions, as necessary.

8.3 Permit display The permittee must display this permit, or a photocopy thereof, where it can be readily referred to by operating personnel.

8.4 Access to records Upon request, the permittee must make all records and reports related to the permitted facility available to the DEQ.

8.5 Data collection

TS/MRF

The permittee must collect information on a monthly basis:

- Number of compactor, drop box, and private vehicles that used the facility;
- Volume (i.e., pounds, tons, cubic yards) of solid waste transferred and where;
- Tons of incoming materials received;
- Types and amounts of salvage or recyclables removed monthly; and
- Tons of residual waste sent for disposal and where.

HWF

The permittee must monitor the collection of HHW, difficult to manage solid waste (SW), universal waste (UW), and waste from conditionally exempt small quantity generators (CEG) at the household hazardous waste facility and maintain records of the following required data for a minimum of 3 years:

Item or Parameter	Monitoring Frequency
Name and address of any person delivering more than 1100 lbs HHW, and date waste was accepted	Each occurrence
Name of fully regulated generator disposing of UW, type and amount of UW, and date waste was accepted	Each occurrence
Business name of generator disposing of CEG waste, type and amount of CEG waste, and date waste was accepted	Each occurrence
Inventory of all products that are on site including locations for each container.	Daily
Manifests and certificates of disposal for all waste shipped from site.	Annually
Information on waste spills, including date, volume, type of waste and cleanup response.	Each occurrence

8.6	Submittal	<p><u>TS/MRF</u></p> <p>The permittee must submit the information collected above, on an approved form, and the solid waste fee to the DEQ in accordance with the annual invoice sent by the DEQ.</p> <p><u>HWF</u></p> <p>By March 31st of each year, the permittee must submit a hazardous waste facility annual inventory report for the previous calendar year indicating:</p> <ul style="list-style-type: none">• The number of drums and estimated total weight in each storage area at the beginning of the year.• The number of drums and estimated total weight shipped off-site from each storage area during the year.• Disposal method and disposal contractor for each category of waste collected at the facility. Estimated pounds of waste received by waste category on a form provided by DEQ.• The number of drums and estimated total weight in each storage area at the end of the year.• The number of private vehicles delivering household hazardous waste to the facility.
<hr/>		
8.7	Fees	<p>The permittee must pay the Solid Waste Compliance Fee each year this permit is in effect. An invoice indicating the amount of the fee, set in accordance with the DEQ's regulations, will be mailed by the DEQ prior to the date due.</p>
<hr/>		
8.8	Complaint log	<p>The permittee must maintain a log recording all written complaints, complaints received via telephone or in person by the facility operator or staff that specifically refer to a complaint of dust, odor, noise or other nuisance condition caused by this facility. The log must also record the permittee's actions to investigate, make a determination as to the validity of the complaint, and resolve the nuisance problem, if possible, within two working days, but no longer than 10 working days of receiving the complaint.</p> <p><u>Reference:</u> OAR 340-096-0040 (4)(e)</p>
<hr/>		
8.9	Recycling information	<p>The permittee must collect and submit to the wasteshed representative information about the amount of each material recovered for recycling or other beneficial purpose each quarter by January 25th of each year.</p>
<hr/>		
8.10	Records	<p>The permittee must keep copies of all records and reports for five years from the date created.</p> <p><u>HWF</u></p> <p>The HWF must keep documentation available in the operating records which demonstrates that the items described below have been accomplished.</p> <ul style="list-style-type: none">• Submit the most recent Operations and Emergency Response Plans, updated emergency contacts list and if appropriate establish response agreements with all appropriate agencies, including as applicable, all local police, fire departments, state and local emergency response teams and the appropriate DEQ regional office.• Take steps to make sure that the above agencies, as applicable, are familiar with the layout of the facility, properties of wastes handled, and evacuation routes.

8.11 Submittal address	Except where otherwise noted, all submittals to the DEQ under the Section 8 must be sent to the following address: Oregon Department of Environmental Quality Land Quality Division Solid Waste Program 811 SW Sixth Ave Portland, OR 97204
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9.0 SITE DESIGN AND CONSTRUCTION

9.1 In this section	This section describes specific conditions for site design and construction including: <ul style="list-style-type: none">• Design;• Construction report;• "As Constructed" documents;• Completion of construction; and• Submittal address.
9.2 Design	The facility, including any additions, must be designed and constructed in accordance with the plans approved by the DEQ and any amendments approved in writing by the DEQ.
9.3 Construction report	Upon completion of construction, a report prepared by the project engineer must be submitted to the DEQ verifying and certifying that the construction is in accordance with the approved plans. The engineer must report construction observations and identify any construction flaws or deviations from the approved plans.
9.4 "As constructed" documents	"As Constructed" facility plans which note any changes from the original approved plans must be completed and submitted to the DEQ within 90 days of completion of construction.
9.5 Completion of construction	When construction is nearly complete, the permittee must notify the DEQ so that an inspection can be made before the facility is placed into operation.
9.6 Submittal address	All submittals to the DEQ under this section must be sent to: Oregon Department of Environmental Quality Manager, Solid Waste Program 2020 SW Fourth Avenue, Suite 400 Portland, OR 97201 Telephone: (503) 229-5353

10.0 POLLUTION CONTROL

10.1	In this section	This section describes activities the facility must perform in order to control pollution including: <ul style="list-style-type: none">• Containers;• Vehicles;• Litter control;• Air quality and noise;• Drainage;• Leachate prevention and management; and• Stormwater management.
10.2	Containers	The permittee must clean all transfer containers as needed to maintain a sanitary operating environment, and to prevent malodors, unsightliness, and attraction of insects.
10.3	Vehicles	All solid waste transfer vehicles and devices using public roads must be constructed, maintained, and operated so as to prevent leaking, shifting, or spilling of solid waste while in transit.
10.4	Litter control	Litter that results from facility operation must be controlled such that the entire disposal site and adjacent lands are maintained virtually free of litter at all times. Any debris from the facility must be retrieved and properly disposed of as soon as possible that operational day.
10.5	Air quality and noise	Dust, malodors, and noise must be controlled in accordance with the DEQ's rules on air pollution and noise control. According to OAR 340-208-0450, no person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person when notified by the DEQ that the deposition exists and must be controlled.
10.6	Drainage	The permittee must divert surface drainage around or away from waste handling and storage area and must maintain surface water diversion ditches or structures in a serviceable condition and free of obstructions and debris at all times. Any significant damage must be reported to the DEQ and repairs made as soon as possible.
10.7	Leachate prevention and management	The permittee must operate the facility in a manner that deters leachate production to the maximum extent practicable. Leachate must be collected, removed and managed in a manner approved by the DEQ to prevent malodors, public health hazards, and discharge to public waters.
10.8	Stormwater management	The permittee must manage and monitor stormwater in accordance with all federal and state requirements.

11.0 OPERATING CONDITIONS

11.1 In this section	<p>This section describes specific conditions to which site operations must conform including:</p> <ul style="list-style-type: none">• Waste removal;• Discovery of prohibited waste;• Spill response;• Unloading area;• Access;• Legal control of property;• Fire protection;• Equipment;• Roads;• Signs;• Vector control; and• Load covers.
11.2 Waste removal	<p><u>TS/MRF</u></p> <p>The permittee must remove all waste from the TS/MRF at least as often as necessary to prevent malodors, unsightliness and attraction of insects or other vectors.</p> <p><u>HWF</u></p> <p>The permittee must remove all waste from the transfer station in accordance with the schedule in the DEQ approved Operations Plan for the HWF.</p>
11.3 Discovery of prohibited waste	<p>If prohibited wastes are discovered at the facility, the permittee must notify the DEQ within 24 hours and begin to isolate or remove the waste. In addition, the permittee must take digital photos of the prohibited waste to document its quantity, nature, identity, and source.</p> <p>Within 60 days following the discovery, the permittee must transport non-putrescible, non-hazardous prohibited waste to a disposal or recycling facility authorized to accept such waste, unless otherwise approved or restricted by the DEQ. The permittee must obtain the DEQ's written approval to store putrescible, non-hazardous, prohibited wastes.</p> <p>If discovered wastes are hazardous or suspected to be hazardous, the permittee must, within 48 hours, notify the DEQ and initiate procedures to identify and remove the waste. Hazardous wastes must be removed within 90 days, unless otherwise approved by the DEQ. Temporary storage and transportation must be carried out in accordance with the rules of the DEQ.</p>

11.4 Spill Response	<p>Any spill of oil or hazardous material must be cleaned up immediately as described in the facility Operations Plan. In addition to notifying the appropriate DEQ office, the permittee must immediately report the spill to the Oregon Emergency Response System (OERS) at 1-800-452-0311, if the spill is of a reportable quantity. Reportable quantities include:</p> <ul style="list-style-type: none">• Any amount of oil spilled to waters of the state;• Oil spills on land in excess of 42 gallons;• 200 pounds (25 gallons) of pesticide residue;• Hazardous materials that are equal to, or greater than, the quantity listed in the Code of Federal Regulations, 40 CFR Part 302 (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002. <p>For a complete list of hazardous materials required to be reported, please refer to OAR 340-142-0050.</p> <p><u>HWF</u></p> <p>See Section 8.10 for additional requirements for the HWF facility.</p>
11.5 Unloading area	<p>The area(s) for unloading of solid waste must be clearly defined by signs, fences, barriers, or other devices.</p>
11.6 Access	<p>Public access to the facility must be controlled as necessary to prevent unauthorized entry and dumping.</p>
11.7 Legal Control of Property	<p>The permittee shall at all times maintain legal control of the disposal site property; including maintaining a permit or other legal agreement with the owner of the property allowing operation of the facility.</p>
11.8 Fire protection	<p>The permittee must make arrangements with the local fire control agency to immediately acquire their services when needed and must provide adequate on-site fire protection as determined by the local fire control agency.</p> <p>The permittee must immediately and thoroughly extinguish any fire. The permittee must initiate and continue appropriate fire-fighting methods until all smoldering, smoking and burning ceases.</p> <p>The permittee must report fires to the DEQ within twenty-four (24) hours at: 503-229-5353.</p> <p>The permittee must provide water in sufficient quantities for fire protection, dust suppression, and other site operations requiring water. <u>HWF</u></p> <p>See Section 8.10 for additional requirements for the HWF facility.</p>
11.9 Equipment	<p>Equipment of adequate size and design to properly operate the facility must be available at all times. In the event of an equipment breakdown, alternative equipment must be provided, unless an exemption from the DEQ is granted in writing.</p>
11.10 Roads	<p>Roads from the facility property line to the active operational area must be constructed and maintained to deter, to the maximum extent practical, traffic hazards, dust and mud, and to provide reasonable all-weather access for vehicles using the site.</p>

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- 11.11 Signs** The permittee must post signs at the facility which are clearly visible and legible, providing the following information:
- Name of facility;
 - Emergency telephone number;
 - Days and hours of operation;
 - Authorized and prohibited wastes;
 - Solid waste permit number; and
 - Operator's address.
-
- 11.12 Vector Control** The permittee must provide rodent and insect control measures as necessary to prevent vector production and sustenance.
-
- 11.13 Load Covers** The permittee must notify all in-coming haulers that loads must be covered or suitably cross-tied to prevent any load loss during shipment.
-

12.0 RECYCLING REQUIREMENTS

- 12.1 In this section** This section describes the requirements associated with the recycling operations of source separated materials conducted at the facility including:
- Materials;
 - Receiving location;
 - Material use;
 - Recycling information;
 - Signs; and
 - Storage.
-
- 12.2 Materials** The permittee must provide a place for receiving the following source separated recyclable materials:
- | | |
|---|---|
| <input checked="" type="checkbox"/> ferrous scrap metal | <input checked="" type="checkbox"/> non-ferrous scrap metal (including aluminum) |
| <input checked="" type="checkbox"/> motor oil | <input checked="" type="checkbox"/> corrugated cardboard and kraft paper (brown paper bags) |
| <input checked="" type="checkbox"/> newspaper | <input checked="" type="checkbox"/> tin cans |
| <input checked="" type="checkbox"/> container glass | |
| <input checked="" type="checkbox"/> hi-grade office paper | |
- The permittee is encouraged to provide recycling opportunities for recyclable materials in addition to the list above.
-
- 12.3 Receiving location** The place for receiving recyclable material must be located at the TS/MRF or at another location more convenient to the population served by the TS/MRF. The recycling center must be available to every person whose solid waste enters the disposal site.
-
- 12.4 Material use** All source separated recyclable materials must be reused, recycled or recovered for energy. The permittee shall not landfill or dispose of any source separated recyclable material.
-

12.5 Recycling information

The permittee must provide, or have available upon request, recycling information to disposal site users on printed handbills, which include the following:

- The location of the recycling center at the disposal site or another location;
- The hours of operation of the recycling center;
- Instructions for correct preparation of accepted source separated recyclable material;
- The material accepted for recycling; and
- Reasons why people should recycle.

In addition this material should be available on the permittee's Internet web site.

12.6 Signs

A sign must be prominently displayed which indicates:

- The availability of recycling at the disposal site or another location;
- The materials accepted at the recycling center; and
- The hours of operation of the recycling center (if different than disposal site hours).

Note: the sign must indicate the recycling center location, if not at the facility site.

12.7 Storage

All recyclable materials, except car bodies, white goods and other bulky items, must be stored in containers unless otherwise approved by the DEQ. The storage area must be maintained in an orderly manner and kept free of litter. Recyclable materials shall be removed at sufficient frequency to avoid creating nuisance conditions.



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region Portland Office

2020 SW Fourth Avenue, Suite 400

Portland, OR 97201-4987

(503) 229-5263

FAX (503) 229-6957

TTY (503) 229-5471

November 16, 2007

Penny Erickson
METRO
600 NE Grand Ave
Portland, OR 97232-2736

Re: NPDES 1200-Z Industrial Stormwater Discharge Permit Coverage
File No.: 116824
Site: METRO SOUTH STATION
CLACKAMAS COUNTY

Dear Penny Erickson:

In August 2006, the Oregon Environmental Quality Commission adopted a newly revised National Pollutant Discharge Elimination System Industrial Stormwater Discharge Permit No. 1200-Z. The Oregon Department of Environmental Quality (DEQ) has received your application to renew your coverage under this permit. DEQ is approving your registration under the new permit. The permit expires on June 30, 2012.

The purpose of the stormwater permit is to ensure registrants are providing adequate Best Management Practices on site to minimize adverse impacts to the environment from stormwater runoff, and prevent violations of the state's instream water quality standards.

Permit Provisions

Please review your copy of the permit carefully as there are new conditions and requirements, some of which are listed below:

- Each monitored outfall must be sampled at least four (4) times per year, at least 14 calendar days apart. Two sampling events are to occur prior to December 31st each year and the remaining two are to occur between January 1 and June 30. Once a month you must conduct visual monitoring of your outfalls when stormwater discharge is occurring. Please use the Department's Discharge Monitoring Report (DMR) form to report your stormwater sampling and visual monitoring results to BES by July 31st each year.
- If a benchmark is exceeded within 30 calendar days of receiving the sampling results, you must investigate the cause, review the Storm Water Pollution Control Plan, and submit an Action Plan for approval to DEQ. See Section A.9 of the permit.
- By June 30, 2011, evaluate the last four samples collected from each outfall for each benchmark parameter, calculate the geometric mean of the sample results, and report the geometric mean value on your DMR form. If the geometric mean of these sampling results exceeds any of the benchmark parameters, the Department will revoke your coverage under this permit and require that you apply for an individual NPDES permit.



A fact sheet comparing the new permit requirements to the old permit requirements is also included with this packet. In the coming months, DEQ will be completing a guidance document that should assist with implementing some of these new permit requirements. This document will be on the DEQ website at <http://www.deq.state.or.us/wq/stormwater/industrial.htm>. Other information such as permit forms, including the DMR form, and technical assistance on best management practices can be found on this website as well.

Please be aware that you will be assessed an annual fee for each year of permit coverage. The Department recently increased the annual fee revenue by 3%. As a result the annual fee increased from \$391 to \$403. The \$403 fee will be invoiced shortly before the anniversary date of your facility first obtaining coverage under the permit.

Please send any written correspondence regarding your registration under the permit, stormwater monitoring results, and any other information required by the permit to DEQ. If you have any questions about this permit, please contact Dennis Jurries, Stormwater Engineer at, DEQ, Northwest Region, at (503) 229-5937. Please send any written correspondence to:

Department of Environmental Quality
Northwest Region Office
2020 SW 4th Avenue, Suite 400
Portland, Oregon 97201-4987
Attn: Dennis Jurries E-mail: <mailto:Jurries.Dennis@deq.state.or.us>

Sincerely,



Dennis Jurries, PE
Northwest Region Storm Water Engineer

Enclosure

cc: File



New 1200-Z Permit Requirements

Category	Old 1200-Z	New 1200-Z
Benchmark Exceedances	Review and update the Storm Water Pollution Control Plan (SWPCP).	Within 30 days of receiving the results of a benchmark exceedance, submit Action Plan that contains (1) results of review, (2) a corrective action, (3) and an implementation schedule.
Sampling	Sampling 2 times per year.	Sampling 4 times per year
	Samples must be collected at least 60 days apart.	Samples must be collected at least 14 days apart.
Time or flow-weighted composite samples	No allowance for time or flow-weighted composite sampling for grab samples.	Time or flow-weighted composite samples can be used, except for pH, oil & grease, and e.coli as an alternative to grab samples.
Monitoring Period	One sample collected between October 1 st and December 31 st and one sample collected between January 1 st and April 30 th .	Two samples collected between July 1 st and December 31 st and two samples collected between January 1 st and June 30 th .
Employee Training	Develop an employee education program. Inform employees on the elements of the SWPCP, including spill response and good housekeeping.	Hold training within 30 days of hiring new employee who will conduct duties related to implementing the SWPCP or working in areas where stormwater is exposed to industrial activities. Conduct education program annually.
Monthly Inspections	Monthly inspections of areas where potential spills of significant materials or industrial activities occur. May occur during any weather.	Same.
	Monthly inspections of stormwater control measures, structures, catch basins, and treatment facilities.	Same.
Visual Monitoring	Monthly visual monitoring for (1) oil and grease, and (2) floating solids at all outfall(s) or discharge point(s) where stormwater monitoring will occur. Must occur while discharging stormwater, i.e. when it is raining.	Same.
Documentation	Records of inspection, maintenance and repair, education activities, and any spills.	Same.
Monitoring Waiver	Monitoring waiver can be obtained for individual parameters after four consecutive samples collected are at or below the benchmark	Limited to one permit term. Re-sample designated sampling points to establish the waiver.
	ALL outfalls must be sampled unless (1) outfall serves area with no exposure to industrial activity or (2) outfall has similar effluents as other monitored outfalls. Data or analysis must be provided to support this determination..	ALL outfalls must be sampled unless (1) outfall serves an area with no exposure to industrial activity or (2) outfall has similar effluents and <i>same</i> BMPs as other monitored outfalls. Data or analysis must be provided to support this determination.
	No monitoring waiver for visual observations	Same.
Data Submittal	Submit annual reports and laboratory results sheets to the DEQ by July 15 th .	Submit Discharge Monitoring Report form (DMR) along with laboratory results sheets to DEQ or Agent by July 31 st .
		In the 4 th year only, evaluate the last 4 samples collected from each outfall for each benchmark parameter, calculate the geometric mean of sample results, and report geometric mean value in DMR.
Authorization of Non-Stormwater	No authorization for non-stormwater discharges in permit	Authorization for certain discharges such as fire-fighting activities, fire hydrants, potable water, irrigation drainage, landscape watering.

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGE PERMIT
Department of Environmental Quality
811 S.W. Sixth Avenue, Portland, OR 97204
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

ISSUED TO: 11/16/2007 GEN 12-Z CLACKAMAS/NWR
File No: 116824 ORR507035

METRO
600 NE Grand Ave
Portland, OR 97232-2736

Site: METRO SOUTH STATION

SOURCES THAT ARE REQUIRED TO OBTAIN COVERAGE UNDER THIS PERMIT

Pursuant to 40 Code of Federal Regulation (CFR) § 122.26(b)(14)(i - ix, xi) and OAR 340-045-0033(5), facilities identified in *Table 1: Sources Covered* on p. 3 below that may discharge stormwater from a point source to surface waters or to conveyance systems that discharge to surface waters. These facilities must complete the application and registration procedures to obtain coverage under the permit; see *Permit Coverage and Exclusion from Coverage* on p. 5 below.

Note:

- 1) Facilities may apply for conditional exclusion from the requirement to register for 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* on p. 5 below.
- 2) Sources meeting the description above, but that are excluded from this permit include: (i) Construction activities, asphalt mix batch plants, concrete batch plants and Standard Industrial Classification code 14, *Mining and Quarrying of Nonmetallic Minerals, Except Fuels*. These activities are regulated under separate general permits; and (ii) any source that has obtained a individual NPDES permit for the discharge.



Lauri Aunan, Administrator
Water Quality Division

Date: August 23, 2006

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permit registrant is authorized to construct, install, modify, or operate stormwater treatment or control facilities, and to discharge stormwater to public waters in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	<u>Page</u>
Permit Coverage and Exclusion From Coverage	5
Schedule A - Stormwater Pollution Control Plan, Additional Requirements, Limitations, and Benchmarks.....	8
Schedule B - Monitoring and Reporting Requirements	15
Schedule C - Compliance Conditions and Schedules	18
Schedule D - Special Conditions	20
Schedule F - General Conditions	22

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

Schedule F contains General Conditions that are included in all general permits issued by DEQ. Should conflicts arise between Schedule F and any other schedule of the permit, the requirements in Schedule F will not apply.

TABLE 1: SOURCES COVERED

Types of Industrial Sources required to obtain coverage under this permit.

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 and 2491 Wood Preserving. (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 (excluding 2874 Phosphate Fertilizer Manufacturing)
- 29 Petroleum Refining and Related Industries
- 30 Rubber and Miscellaneous Plastics Products
- 31 Leather and Leather Products
- 32 Stone, Clay, Glass, and Concrete Products
- 33 Primary Metal Industries
- 34 Fabricated Metal Products, Except Machinery and Transportation Equipment
- 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:

- 40 Railroad Transportation
- 41 Local and Suburban Transit and Interurban Highway Passenger Transportation
- 42 Motor Freight Transportation and Warehousing (excluding 4221 Farm Product Warehousing and Storage, 4222 Refrigerated Warehousing and Storage, and 4225 General Warehousing and Storage)
- 43 United States Postal Service
- 44 Water Transportation
- 45 Transportation by Air
- 5171 Petroleum Bulk Stations and Terminals, except as provided in Note 1 below.

Facilities storing, transferring, formulating, or packaging bulk petroleum products or vegetable oils, except as provided in Note 1 below.

Steam Electric Power Generation including coal handling sites

Landfills, land application sites and open dumps (excluding landfills regulated by 40 CFR §445 that discharge "contaminated stormwater" (as defined by 40 CFR §445.2) to waters of the U.S.)

Hazardous Waste Treatment, Storage and Disposal Facilities [excluding hazardous waste landfills regulated by 40 CFR §445 that discharge "contaminated stormwater" (as defined by 40 CFR §445.2) to waters of the U.S.]

TABLE 1: SOURCES COVERED

Types of Industrial Sources required to obtain coverage under this permit.

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.

Note 1:

Permit registration is not required for a facility covered in Table 1 if discharges are only from:

- a) Stormwater that contacts oil-filled electrical equipment in transformer substations that are equipped with properly functioning oil spill prevention measures such as containment areas or oil/water separators.
- b) Stormwater that contacts petroleum product receiving or dispensing areas or product dispensing equipment from which product is dispensed to final users, whether or not the stormwater is treated by an oil/water separator.
- c) Stormwater that collects in a secondary containment area at a petroleum product dispensing site, where the secondary containment area is associated with storage tanks from which product is dispensed only to final users, and the discharge from the containment area is treated by an oil/water separator.
- d) Stormwater that collects in a secondary containment area at a bulk petroleum product storage site, where the total storage capacity at the site does not exceed 150,000 gallons, and the discharge from the containment area is treated by an oil/water separator. A site with multiple containment areas is considered a single site for determining total storage capacity.

PERMIT COVERAGE AND EXCLUSION FROM COVERAGE

1) New Application for Permit Coverage

- a) An owner or operator of a new facility or existing facility that is required to be covered under this permit must:
 - i) *New facility* - Submit a complete application, which includes a department-approved application form; a Stormwater Pollution Control Plan (SWPCP); and applicable permit fees, to the department or agent at least 60 calendar days before the planned activity that requires permit coverage, unless otherwise approved by the department or agent (see Schedule D for description of agent). If an agent is receiving the application materials, submit two copies of the SWPCP.
 - ii) *Existing facility operating without coverage under the permit* - Submit a complete application, which includes a department-approved application form; a SWPCP; and applicable permit fees, to the department or agent immediately. If an agent is receiving the application materials, submit two copies of the SWPCP.
 - iii) *Existing facility operating under permit coverage that intends to change industrial processes* - Submit a complete application, which includes a department-approved application form; a SWPCP; and applicable permit fees, to the department or agent at least 60 calendar days before the planned change, unless otherwise approved by the department or agent. If an agent is receiving the application materials, submit two copies of the SWPCP.
- b) Public Review Period on new application and SWPCP*
 - i) The application form and SWPCP are subject to a 14-calendar day public review period before permit registration is granted by the department.
 - ii) The public review period will not begin if the application form or SWPCP are incomplete.
- c) Registration
 - i) The department or agent will notify the applicant in writing if registration is approved or denied. Permit coverage does not begin until the applicant receives written notice from the department or agent that the registration is approved.
 - ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

2) Renewal Application for Permit Coverage

- a) An owner or operator of a facility registered under the 1200-Z permit that expires on June 30, 2007 must submit a complete renewal application, which includes a department-approved renewal application form; an updated SWPCP, if revisions to the SWPCP are necessary to address changed conditions or meet new permit requirements of this permit; and applicable permit fees, to the department or agent by January 30, 2007 to ensure uninterrupted permit coverage for industrial stormwater discharges. If an updated SWPCP is not submitted, the department will use the existing SWPCP for public notice purposes.
- b) Public Review Period on renewal application and SWPCP*
 - i) The renewal application and SWPCP are subject to a 14-calendar day public review period before permit coverage may be renewed by the department or agent.
 - ii) The public review period will not begin if the renewal application or SWPCP are incomplete.
- c) Registration
 - i) The department or agent will notify the applicant in writing if registration is approved or denied.

- ii) If registration is denied or the applicant does not wish to be regulated by this permit, the applicant may apply for an individual permit in accordance with OAR 340-045-0030.

* The public review period described in conditions 1.b and 2.b above do not apply to registration applications and accompanying SWPCPs for new or existing facilities that were subject to public notice and comment requirements prior to July 1, 2007.

3. Name Change or Transfer of Permit Coverage

- a) For a name change or transfer of permit coverage between legal entities with no industrial process changes at the site, the owner or operator must submit a complete copy of the department-approved Name Change or Permit Transfer application form; an updated SWPCP, if revisions are necessary to address changed conditions, and applicable fees to the department or agent within 30 calendar days of the name change or planned transfer. If submittal is made to the agent, two copies of the SWPCP are required.
- b) The department or agent will notify the applicant in writing if the transfer is approved or denied. The department will transfer coverage under the permit after the department approves the application.
- c) For a name change or transfer of permit coverage between legal entities that intend to change industrial processes, the owner or operator must submit a new application for coverage under this permit as required in condition 1.a.iii above.

4) "No Exposure" Conditional Exclusion from Permit Coverage

- a) An owner or operator that applies for a "no exposure" conditional exclusion from coverage under this permit must:
 - i) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff, 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). Storm resistant shelters with unsealed zinc or copper roofing materials are not eligible for the "no exposure" conditional exclusion.
 - ii) Ensure that contaminated soil or materials from previous operations is not exposed.
 - iii) Complete and sign a certification, on a form approved by the department, that there is no stormwater exposure to industrial materials and activities from the entire facility, except as provided in 40 CFR §122.26(g)(2). The EPA *Guidance Manual* (EPA 833-B-00-001) may be used to determine whether the no exposure criteria are met.
 - iv) Submit the signed certification to the department or agent once every five years. If the department or agent does not comment on the "no exposure" certification within 30 days, the "no exposure" conditional exclusion is deemed approved. The department or agent may notify the applicant in writing or by email of its approval. The owner or operator must keep a copy of the certification on site and any notification of approval on site.
 - v) Allow the department or agent to inspect the facility to determine compliance with the "no exposure" conditions, and allow the department or agent to make any "no exposure" inspection reports available to the public upon request.
 - vi) Submit a copy of the "no exposure" certification to the municipal separate storm sewer system (MS4) operator (i.e., local municipality, district), upon their request, if facility discharges through an MS4; 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 outfalls.

- ii) If industrial materials or activities become exposed to rain, snow, snow melt, or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances must apply for and obtain permit coverage before the change of circumstances.
 - iii) The department or agent retains the authority to make a determination that the “no exposure” conditional exclusion no longer applies and require the owner or operator to obtain permit coverage.
5. **Revocation of Permit Coverage** - The department may revoke a permit registrant’s coverage under the permit pursuant to OAR 340-045-033(10).

SCHEDULE A
STORMWATER POLLUTION CONTROL PLAN

1. **Preparation and Implementation of Stormwater Pollution Control Plan (SWPCP)**
 - a) The permit registrant must ensure that the SWPCP contains the applicable information described in condition A.3.
 - b) The SWPCP must be prepared by a person knowledgeable in stormwater management and familiar with the facility.
 - c) The name of the person(s) preparing the SWPCP must be included in the plan.
 - d) The SWPCP must be signed and certified in accordance with 40 CFR §122.22.
 - e) The SWPCP must be implemented according to conditions A.3.c and Schedule C. Failure to implement any portion of the SWPCP constitutes a violation of the permit.
 - f) The SWPCP must be kept current and updated as necessary to reflect any changes in facility operation.
 - g) A copy of the SWPCP must be kept at the facility and made available upon request to government agencies responsible for stormwater management in the permit registrant's area.

2. **SWPCP Revisions and Actions Plans**
 - a) After the permit registration is approved, if the permit registrant proposes to revise its SWPCP or the department or agent require revisions to the SWPCP, the permit registrant must clearly describe these revisions in an Action Plan.
 - b) The Action Plan is considered an addendum to the SWPCP and must be prepared in compliance with condition A.1 above.
 - c) Within 30 calendar days of making SWPCP revisions, permit registrant must submit an Action Plan to the department or agent for approval. If the department or agent does not comment within 10 business days of receiving the Action Plan, it is deemed approved. Failure to implement any portion of the Action Plan constitutes a violation of the permit.

3. **Required SWPCP Elements**
 - a) **Title Page** - The title page of the SWPCP must contain the following information:
 - i) Name of the site.
 - ii) Name of the site operator or owner.
 - iii) Site or file number as indicated on the permit.
 - iv) Contact person's name and telephone number.
 - v) Physical address, including county, and mailing address if different.

 - b) **Site Description** - The SWPCP must contain the following information:
 - i) A description of the industrial activities conducted at the site. Include a description of the significant materials (see condition D.3, Definitions) that are stored, used, treated or disposed of in a manner that allows exposure to stormwater. Also describe the methods of storage, usage, treatment or disposal.
 - ii) A general location map showing the location of the site in relation to surrounding properties, transportation routes, surface waters and other relevant features.
 - iii) A site map including the following:
 - (1) drainage patterns;
 - (2) drainage and discharge structures (piping, ditches, etc.);
 - (3) outline of the drainage area for each stormwater outfall;
 - (4) paved areas and buildings within each drainage area;

- (5) areas used for outdoor manufacturing, treatment, storage, or disposal of significant materials;
 - (6) existing structural control measures for reducing pollutants in stormwater runoff;
 - (7) material loading and access areas;
 - (8) hazardous waste treatment, storage and disposal facilities;
 - (9) location of wells including waste injection wells, seepage pits, drywells, etc., and
 - (10) location of springs, wetlands and other surface waterbodies both on site and adjacent to the site.
- iv) Estimates of the amount of impervious surface area (including paved areas and building roofs) relative to the total area drained by each stormwater outfall.
 - v) For each area of the site where a reasonable potential exists for contributing pollutants to stormwater runoff, identify the potential pollutants that could be present in stormwater discharges.
 - vi) The name(s) of the receiving water(s) for stormwater drainage. If drainage is to a municipal storm sewer system, the name(s) of the ultimate receiving waters and the name of the municipality.
 - vii) Identification of the discharge outfall(s) and the point(s) where stormwater monitoring will occur as required by Schedule B. If multiple discharge outfalls exist but will not all be monitored, include a description of the outfalls and data or analysis supporting that the outfalls are representative as described in condition B.2.b.
- c) **Site Controls** - The permit registrant must develop, implement, and maintain the controls that are appropriate for the site. The purpose of these controls is to eliminate or minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater before it discharges to surface waters. In developing a control strategy, the permit registrant must include the following four (4) types of controls in the SWPCP and describe the specific components of each control:
- i) *Stormwater Best Management Practices* - The permit registrant must employ the following types of best management practices that are appropriate for the site. A schedule for implementation of these practices must be included in the SWPCP if the practice has not already been accomplished. This schedule must be consistent with the requirements for implementing the SWPCP in Schedule C of this permit.
 - (1) Containment - All hazardous substances (see condition D.3, Definitions) must be stored within berms or other secondary containment devices to prevent leaks and spills from contaminating stormwater. If the use of berms or secondary containment devices is not possible, then hazardous substances must be stored in areas that do not drain to the storm sewer system.
 - (2) Oil and Grease - Oil/water separators, booms, skimmers or other methods must be employed to eliminate or minimize oil and grease contamination of stormwater discharges.
 - (3) Waste Chemicals and Material Disposal - Wastes must be recycled or properly disposed of in a manner to eliminate or minimize exposure of pollutants to stormwater. All waste contained in bins or dumpsters where there is a potential for drainage of stormwater through the waste must be covered to prevent exposure of stormwater to these pollutants. Acceptable covers include, but are not limited to, storage of bins or dumpsters under roofed areas and use of lids or temporary covers such as tarps.
 - (4) Erosion and Sediment Control - Erosion control methods such as vegetating exposed areas, graveling or paving must be employed to minimize erosion of soil at the site.

Sediment control methods such as detention facilities, vegetated filter strips, bioswales, or other permanent erosion or sediment controls must be employed to minimize sediment loads in stormwater discharges. For activities that involve land disturbance, the permit registrant must contact the local municipality to determine if there are other applicable requirements.

- (5) Debris Control - Screens, booms, settling ponds, or other methods must be employed to eliminate or minimize debris in stormwater discharges.
 - (6) Stormwater Diversion - Stormwater must be diverted away from fueling, manufacturing, treatment, storage, and disposal areas to prevent exposure of uncontaminated stormwater to potential pollutants.
 - (7) Covering Activities - Fixed fueling, manufacturing, treatment, storage, and disposal areas must be covered to prevent exposure of stormwater to potential pollutants. Acceptable covers include, but are not limited to, permanent structures such as roofs or buildings and temporary covers such as tarps.
 - (8) Housekeeping - Areas that may contribute pollutants to stormwater must be kept clean. Sweeping, litter pick-up, prompt clean up of spills and leaks, and proper maintenance of vehicles must be employed to eliminate or minimize exposure of stormwater to pollutants.
- ii) *Spill Prevention and Response Procedure* - Permit registrant must include in the SWPCP methods to prevent spills along with clean-up and notification procedures. These methods and procedures must be made available to appropriate personnel. The required clean-up material must be on-site or readily available and the location of materials must either be shown on the site drawings or indicated in the text of the SWPCP. Spills prevention plans required by other regulations may be substituted for this provision providing that stormwater management concerns are adequately addressed.
- iii) *Preventative Maintenance* - Permit registrant must include in the SWPCP a preventative maintenance program to ensure the effective operation of all stormwater best management practices. At a minimum the program must include:
- (1) Monthly inspections of areas where potential spills of significant materials or industrial activities could impact stormwater runoff.
 - (2) Monthly inspections of stormwater control measures, structures, catch basins, and treatment facilities.
 - (3) Cleaning, maintenance or repair of all materials handling and storage areas and all stormwater control measures, structures, catch basins, and treatment facilities as needed upon discovery. Cleaning, maintenance, and repair of such systems must be performed in such a manner as to prevent the discharge of pollution.
- iv) *Employee Education* - Permit registrant must develop and maintain an employee orientation and education program to inform personnel of the components and goals of the SWPCP. The program must also address spill response procedures and the necessity of good housekeeping practices. A schedule for employee education must be included in the SWPCP. The education and training must occur within 30 calendar days of hiring an employee who works in areas where stormwater is exposed to industrial activities or conducts duties related to the implementation of the SWPCP, and annually thereafter.

- d) **Record Keeping and Internal Reporting Procedures** - Permit registrant must record and maintain at the facility the following information, which does not need to be submitted to the department, agent or other government agencies, unless it is requested.
- i) Inspection, maintenance, repair and education activities as required by the SWPCP.
 - ii) Spills or leaks of significant materials (See condition 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.

ADDITIONAL REQUIREMENTS

4. Non-Stormwater Discharges

- a) The following non-stormwater discharges are authorized by this permit:
- i) Discharges from fire-fighting activities.
 - ii) Fire hydrant flushings.
 - iii) Potable water, including water line flushings.
 - iv) Uncontaminated air conditioning condensate.
 - v) Irrigation drainage.
 - vi) Landscape watering, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions.
 - vii) Pavement wash waters where no detergents or hot water are used, 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 washdown that does not use detergents or hot water.
 - ix) Uncontaminated ground water or spring water.
 - x) Foundation or footing drains where flows are not contaminated with process materials.
 - 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).
- b) Piping and drainage systems for interior floor drains and process wastewater discharge points must be separated from the storm drainage system to prevent inadvertent 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, must be permitted in a separate permit, unless the wastewater is reused or recycled without discharge or disposal, or discharged to the sanitary sewer with approval from the local sanitary authority.

5. Water Quality Standards

- a) The permit registrant must not cause a violation of instream water quality standards as established in OAR 340-041.
- b) If the permit registrant develops, implements, and revises its SWPCP in compliance with Schedule A of this permit, the department presumes that the discharges authorized by this permit will comply with instream water quality standards unless the department obtains evidence to the contrary. Coincident samples of the discharge and at upstream and downstream locations in the receiving waterbody must be collected to establish a violation of an instream water quality standard is caused by the discharge.
- c) In instances where the department determines that the permit registrant's stormwater discharges are not complying with instream water quality standards, the department may take

enforcement action for violations of the permit and will require the permit registrant to do one or more of the following:

- i) Develop and implement an Action Plan that describes additional effective BMPs to address the parameters of concern and their locations at the site;
- ii) Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is meeting water quality standards; or
- iii) Curtail stormwater pollutant discharges to the extent possible and submit an individual permit application.

6. **Discharges to Impaired Waterbodies** - If a Total Maximum Daily Load (TMDL) Order (see condition D.3, Definitions) is established and the discharge from a permitted source is assigned a waste load allocation or is required to meet other conditions in the TMDL Order, then an application for an individual or different general permit or other appropriate tools may be required to address the allocation or other requirements.

CODE OF FEDERAL REGULATION STORMWATER DISCHARGE LIMITATIONS

7. **Effluent Limitations** - The permit registrant with the following activities must comply with the applicable limitations:

CFR Industry		Parameter	Limitation	
Category	Subcategory			
Cement manufacturing (40 CFR §411)	Materials storage piles runoff	pH	6.0 - 9.0 SU	
		Total Suspended Solids (TSS)	50 mg/l	
Steam powered electric power generating (40 CFR §423)	Coal pile runoff	TSS	50 mg/l, Daily Maximum	
Paving and roofing materials (tars and asphalt) (40 CFR §443)	Runoff from manufacturing of asphalt paving or roofing emulsion	Oil & Grease	15 mg/l, Daily Maximum	10 mg/l, 30 Day Average
		pH	6.0 - 9.0 SU	

STORMWATER DISCHARGE BENCHMARKS

8. **Benchmarks** - Benchmarks are guideline concentrations, not limitations. They are designed to assist the permit registrant in determining whether their SWPCP is effectively reducing pollutant concentrations in stormwater discharged from the site. For facilities that are subject to federal limitations, benchmarks apply to only those pollutants that are not limited by the federal regulations. See condition A.7 for a list of facilities subject to federal limitations.

The following benchmarks apply to each point source discharge of stormwater associated with industrial activity:

Parameter	Benchmark
Total Copper	0.1 mg/l
Total Lead	0.4 mg/l
Total Zinc	0.6 mg/l
pH*	5.5 – 9.0 SU
Total Suspended Solids*	130 mg/l
Total Oil & Grease*	10 mg/l
E. coli**	406 counts/100 ml
Floating Solids (associated with industrial activities)	No Visible Discharge
Oil & Grease Sheen	No Visible Sheen

* See condition A.7 for list of facilities subject to federal limitations.

**The benchmark for E. coli applies only to landfills, if septage and sewage biosolids are disposed at the site, and sewage treatment plants.

9. **Response to a Benchmark Exceedance**

- a) If a stormwater sampling result exceeds any of the benchmark values, the permit registrant must, within 30 calendar days of receiving the sampling results, investigate the cause of the elevated pollutant levels, review the SWPCP and submit an Action Plan for department or agent approval.
- b) The purpose of this review is to determine if:
 - i) The SWPCP is being followed;
 - ii) There are alternative methods for implementing the existing site controls identified in the SWPCP;
 - iii) The benchmark exceedance resulted from background or natural conditions not associated with industrial activities at the site; and
 - iv) Additional effective site controls are needed to address the parameters of concern.
- c) The Action Plan must contain the following, unless condition A.9.d applies:
 - i) The results of the review;
 - ii) The corrective actions the permit registrant will take to address the benchmark exceedance; and
 - iii) An implementation schedule including alternative methods for implementing existing site controls or methods for implementing additional effective site controls, if the site controls have not already been implemented.

- d) If the permit registrant believes that the benchmark exceedance resulted from natural or background conditions, the Action Plan must propose a sampling plan and methodology for demonstrating that the elevated pollutant levels are due to background or natural conditions.
- e) If the department or agent does not comment on the Action Plan within 10 business days of its receipt, it is deemed approved. The department or agent's approval of the Action Plan does not constitute compliance with this permit.
- f) Upon approval, the permit registrant must implement the corrective actions identified in the Action Plan within 60 calendar days, unless otherwise approved by the department or agent.
- g) If the department or agent affirms the assertion that background or natural conditions contributed to the benchmark exceedance, the permit registrant is not required to make this demonstration again during the term of this permit.

10. Benchmark Compliance Evaluation

- a) By June 30th of the 4th year of permit coverage, the permit registrant must evaluate the last four samples collected from each outfall monitored and determine whether the geometric mean of the samples exceeds benchmark(s). This condition is not applicable to a permit registrant with a monitoring waiver as described in condition B.3.
- b) The permit registrant must report this information in a Discharge Monitoring Report (DMR) and submit the DMR to the department or agent by July 31st of the 4th year of permit coverage as described in condition B.4.a.
- c) If the geometric mean of the samples exceeds benchmark(s), the department will revoke the permit registrant's coverage under this permit and will require the permit registrant to apply for an individual permit pursuant to OAR 340-045-0033(10) and OAR 340-045-0060.

**SCHEDULE B
 MONITORING AND REPORTING REQUIREMENTS**

1. **Minimum Monitoring Requirements** - All permit registrants must monitor stormwater associated with industrial activity for the following:

GRAB SAMPLES OF STORMWATER*	
Parameter	Frequency**
Total Copper	Four times per Year
Total Lead	Four times per Year
Total Zinc	Four times per Year
pH	Four times per Year
Total Suspended Solids	Four times per Year
Total Oil & Grease	Four times per Year
E. coli***	Four times per Year

* For each outfall monitored, the permit registrant may collect a single grab sample or a series of equal volume grab samples. Samples must be collected from the same storm event.

** The permit registrant is allowed to collect more samples than the minimum frequency requires and must report this data.

***The monitoring for E. coli applies only to landfills, if septage and sewage biosolids are disposed at the site, and sewage treatment plants.

VISUAL MONITORING OF STORMWATER	
Parameter	Frequency
Floating Solids (associated with industrial activities)	Once per Month (when discharging)
Oil & Grease Sheen	Once per Month (when discharging)

2. **Grab Sampling and Visual Monitoring Procedures and Locations** - The following requirements apply to monitoring conducted in compliance with condition B.1 above.

- a) **Grab Sampling and Visual Monitoring Methodology** - The monitoring period is from July 1 to June 30th. Grab samples must be representative of the discharge and must be taken at least 14 calendar days apart. Two samples must be collected before December 31, and two samples must be collected after January 1. Time or flow-weighted compositing of samples may be used as an alternative to grab samples, except when monitoring for pH, oil and grease, and E. coli. Visual monitoring must occur at outfall(s) or discharge point(s) identified in the SWPCP as outfall(s) or point(s) where stormwater monitoring will occur.
- b) **Multiple Point Source Discharges** - Each stormwater outfall must be monitored unless:
- i) The outfall serves an area with no exposure of stormwater to industrial activities; or
 - ii) The outfall has effluent that is substantially similar to the effluent(s) of a monitored outfall and the same BMPs are implemented and maintained at the similar outfalls or drainage areas that lead to the outfalls. 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 or effluent(s)

must be based on past monitoring or an analysis of industrial activities and site characteristics. The data or analysis supporting that the outfalls are representative must be included in the SWPCP as described in A.3.b.vii.

iii) If sampling points are modified, permit registrants must notify the department or agent and submit an Action Plan as described in condition A.2.c.

c) **Monitoring Location** - All samples must be taken at monitoring points specified in the SWPCP before the stormwater joins or is diluted by any other wastestream, body of water or substance, unless otherwise approved in writing by the department.

d) **Sampling Variance**

i) Permit registrants may request a sampling variance for missed samples if one of the following criteria is met:

a) State or federal authorities declared the year a drought year.

b) Demonstrate that rainfall in the area where the permit registrant's facility is located was 20% or more below the three-year average rainfall for that area.

c) Demonstrate to the department or agent's satisfaction that samples were unable to be collected due to the infrequency of storm events of sufficient magnitude to produce run-off. Supporting data and analysis must be submitted to the department or agent.

ii) Permit registrants must submit to the department or agent a written request for a sampling variance by July 31st of the monitoring year in which the missed sampling occurred.

3. **Monitoring Waiver**

a) **Visual Observations** - There is no reduction allowed of the required visual observations.

b) **Grab Samples** - If at least four consecutive sampling results meet the benchmarks specified in condition A.8, the permit registrant is not required to collect grab samples for the remainder of the permit term. Where the permit registrant demonstrates to the department or agent's satisfaction that a benchmark exceedance resulted from background or natural conditions as described in condition A.9, the department or agent will consider these samples as meeting the benchmark(s) for the purposes of granting a monitoring waiver. There is no reduction in monitoring allowed for facilities subject to CFR limitations as described in condition A.7.

i) Results from sampling events cannot be averaged to meet the benchmarks.

ii) Monitoring waivers may be allowed for individual parameters.

iii) The permit registrant must submit to the department or agent a request to exercise the monitoring waiver that includes the analytical results from the four sampling events. If the department or agent does not comment within 30 calendar days, the monitoring waiver is deemed approved.

c) **Revocation of Monitoring Waiver**

i) The permit registrant must conduct monitoring as specified in condition B.1 if:

a) The department or agent determines that prior monitoring efforts used to establish the monitoring waiver were improper or sampling results were incorrect;

b) The department, agent or permit registrant determines that changes to site conditions are likely to affect stormwater discharge characteristics, or

c) The department, agent or permit registrant conducts additional monitoring and the sampling results exceed benchmark(s).

- ii) The department or agent will notify the permit registrant in writing if the monitoring waiver is revoked.
4. **Monitoring Reporting Requirements** - The permit registrant must submit the following to the appropriate DEQ regional office or agent:
- a) **Monitoring Data** - The permit registrant must submit by July 31st of each year grab sampling and visual monitoring results for the previous monitoring period (July 1- June 30). The permit registrant must also report the minimum detection levels and analytical methods for the parameters analyzed. Non-detections must be reported as "ND" with the detection limit in mg/L parentheses, e.g., ND (0.005 mg/L). In calculating the geometric mean as described in condition A.10, one-half of the detection limits must be used for non-detections.
 - b) **Report Forms** - The permit registrant must use a department-approved Discharge Monitoring Report (DMR) form for both visual and analytical monitoring results.

**SCHEDULE C
COMPLIANCE CONDITIONS AND SCHEDULES**

1. **An Existing Permit Registrant** that is either renewing or transferring coverage under the permit where there are no changes to operation or industrial type (for a facility operating under an NPDES stormwater discharge permit prior to July 1, 2007):
 - a) Not later than 90 calendar days after renewing or transferring coverage under the permit, permit registrant must implement new site controls identified in the SWPCP to meet new permit requirements.
 - b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of renewing or transferring coverage under this permit.

2. **A New Permit Registrant with an Existing Facility** (for a facility operating before July 1, 2007, without an NPDES stormwater discharge permit):
 - a) Not later than 90 calendar days after obtaining permit coverage, the permit registrant must implement site controls identified in the SWPCP to meet the new permit requirements.
 - b) Site controls that are developed to meet new permit requirements that require capital improvements (see Schedule D.3, Definitions) must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

3. **A New Permit Registrant with a New Facility** (for a facility beginning operation after July 1, 2007 without an NPDES stormwater discharge permit):
 - a) A permit registrant must begin implementation of the SWPCP before starting operations. Not later than 90 calendar days after obtaining permit coverage, the permit registrant must fully implement site controls identified in the SWPCP.
 - b) Site controls that require capital improvements (see Schedule D.3, Definitions), must be completed in accordance with the schedule set forth in the SWPCP, but must be completed within two years of obtaining permit coverage.

4. **A New Permit Registrant Discharging to Clackamas River, McKenzie River above Hayden Bridge (River Mile 15) or North Santiam River** (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) Not later than 180 calendar days after obtaining permit coverage, permit registrant must submit to the department a monitoring and water quality evaluation program. This program must be effective in evaluating the in-stream impacts of the discharge as required by OAR 340-041-0470.

- b) Within 30 calendar days of department approval, the permit registrant must implement the monitoring and water quality evaluation program.

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 (SWPCP) or stormwater monitoring data must be made available to government agencies responsible for stormwater management in the permit registrant's area.
3. **Definitions**
 - a) *Action Plan* means an addendum to the SWPCP developed in response to modification to the SWPCP or in response to a benchmark exceedance.
 - b) *Capital Improvements* means the following improvements that require capital expenditures:
 - i) Treatment best management practices including but not limited to settling basins, oil/water separation equipment, catch basins, grassy swales, detention/retention basins, and media filtration devices.
 - ii) Manufacturing modifications that incur capital expenditures, including process changes for reduction of pollutants or wastes at the source.
 - iii) Concrete pads, dikes and conveyance or pumping systems utilized for collection and transfer of stormwater to treatment systems.
 - iv) Roofs and appropriate covers for manufacturing areas.
 - c) *Hazardous Substances* as defined in 40 CFR §302 Designation, Reportable Quantities, and Notification.
 - d) *Material Handling Activities* include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.
 - e) *Point Source Discharge* means a discharge from any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit.
 - f) *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; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.
 - g) *Site Controls* is analogous to Best Management Practices.
 - h) *Stormwater Associated With Industrial Activity* includes, but is not limited to, stormwater discharges from the following:
 - 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 (Material handling activities include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.)
- Refuse sites
- Sites used for the application or disposal of process waste waters (as defined in 40 CFR § 401)
- Sites used for storage or 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 finished products
- Areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. 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; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with stormwater discharges.

- i) *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.
- j) *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. If a receiving water body has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

4. **Local Public Agencies Acting as the Department's Agent**

The department authorizes local public agencies to act as its agent in implementing this permit if they entered into a Memorandum of Agreement (MOA). The agent may be authorized to conduct the following activities, including but not limited to: application review and approval, inspections, monitoring data review, stormwater and wastewater monitoring, SWPCP review, and verification and approval of no-exposure certifications. Where the department has entered into such an agreement, the department or its agent must notify the permit registrant of where to submit no-exposure certifications, and other notifications or correspondence associated with this permit. Annual discharge monitoring reports, including analytical monitoring data and visual monitoring results, SWPCPs and Actions Plans must be submitted to both the department and the agent.

SCHEDULE F NPDES GENERAL CONDITIONS – INDUSTRIAL FACILITIES

SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permit registrant must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and 40 CFR 122.41(a) and is grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

ORS 468.140 allows the department to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. Additionally, 40 CFR 122.41, modified by 40 CFR 19.4, provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed \$32,500 per day of each violation.

Under ORS 468.943 and 40 CFR 122.41, modified by 40 CFR 19.4, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$32,500 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state, is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison. Additionally, under 40 CFR §122.41(a) any person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a federal civil penalty not to exceed \$100,000, and up to 6 years in prison.

3. Duty to Mitigate

The permit registrant must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permit registrant 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 non-complying discharge.

4. Duty to Reapply

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

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

5. Permit Actions

This permit may be modified, suspended, 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 permit registrant 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 re-opener conditions;
- h. Correction of technical mistakes made in determining permit conditions;
- i. Determination that the permitted activity endangers human health or the environment, or
- j. Other causes as specified in 40 CFR §§122.62, 122.64, and 124.5.

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

6. Toxic Pollutants

The permit registrant must comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants 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.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit References

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

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permit registrant must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permit registrant 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 which are installed by a permit registrant only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permit registrant 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 permit registrant 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.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which 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 unless:

- (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
- (b) 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 which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The permit registrant submitted notices and requests as required under General Condition B.3.c.

(2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director determines that it will meet the three conditions listed above in General Condition B.3.b.(1).

c. Notice and request for bypass.

(1) Anticipated bypass. If the permit registrant knows in advance of the need for a bypass, it must submit prior written notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permit registrant must submit notice of an unanticipated bypass as required in General Condition D.5.

4. 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 permit registrant. 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 B.4.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 permit registrant 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 permit registrant can identify the causes(s) of the upset;

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

(3) The permit registrant submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and

(4) The permit registrant complied with any remedial measures required under General Condition A.3 hereof.

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

5. Treatment of Single Operational Event

For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter must be treated as a single violation. A single operational event is an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational event does not include 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 event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions

(1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.

(3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.

b. Prohibition of overflows. Overflows are prohibited unless:

(1) Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and

- (3) The overflows are the result of an upset as defined in General Condition B.4. and meeting all requirements of this condition.
- c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.
- d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled overflows must be reported orally to the Department within 24 hours from the time the permit registrant becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.
7. Public Notification of Effluent Violation or Overflow
If effluent limitations specified in this permit are exceeded or an overflow occurs, upon request by the Department, the permit registrant must take such steps as are necessary to alert the public about the extent and nature of the discharge. 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.
8. 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 public waters, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

1. 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 the Director.
2. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.
3. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR §136, unless other test procedures have been specified in this permit.
4. Penalties of Tampering
The 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 must, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years, or by 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.
5. Reporting of Monitoring Results
Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. 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.
6. Additional Monitoring by the Permit registrant
If the permit registrant monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR §136 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 (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

7. Averaging of Measurements

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

8. Retention of Records

Except for records of monitoring information required by this permit related to the permit registrant's sewage sludge use and disposal activities, which must be retained for a period of at least five years (or longer as required by 40 CFR §503), the permit registrant must retain records of all monitoring information, including all calibration and maintenance records of 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, 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 the Director at any time.

9. 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.

10. Inspection and Entry

The permit registrant must allow the Director, or an authorized representative upon the presentation of credentials to:

- a. Enter upon the permit registrant'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.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permit registrant must comply with Oregon Administrative Rules (OAR) 340, Division 052, "Review of Plans and Specifications". Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers must be commenced until the plans and specifications are submitted to and approved by the Department. The permit registrant must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permit registrant must give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit may be transferred to a new permit registrant provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit must be transferred to a third party without prior written approval from the Director. The permit registrant must notify the Department when a transfer of property interest takes place.

4. 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.

5. Twenty-Four Hour Reporting

The permit registrant must report any noncompliance which may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the permit registrant becomes aware of the circumstances. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permit registrant becomes aware of the circumstances. If the permit registrant is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, and in which case if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission 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;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
- e. Public notification steps taken, pursuant to General Condition B.7.

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

- a. Any unanticipated bypass which exceeds any effluent limitation in this permit.
- b. Any upset which exceeds any effluent limitation in this permit.
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

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

6. Other Noncompliance

The permit registrant must report all instances of noncompliance not reported under General Condition D.4 or D.5, 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.

7. Duty to Provide Information

The permit registrant must furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permit registrant must also furnish to the Department, upon request, copies of records required to be kept by this permit.

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

8. Signatory Requirements

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

9. Falsification of Reports

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 \$100,000 per violation and up to 5 years in prison.

SECTION E. DEFINITIONS

1. BOD means five-day biochemical oxygen demand.
2. TSS means total suspended solids.
3. mg/l means milligrams per liter.
4. kg means kilograms.
5. m³/d means cubic meters per day.
6. MGD means million gallons per day.
7. Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
8. FC means fecal coliform bacteria.
9. 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.
10. CBOD means five day carbonaceous biochemical oxygen demand.
11. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
12. Quarter means January through March, April through June, July through September, or October through December.
13. Month means calendar month.
14. Week means a calendar week of Sunday through Saturday.
15. Total residual chlorine means combined chlorine forms plus free residual chlorine.
16. The term "bacteria" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
17. POTW means a publicly owned treatment works.

Industrial Wastewater Discharge Permit - Section 1

1. Applicant Business Name: Metro South Transfer Station

2. Address of Premises Discharging Wastewater:
 Street 2001 Washington Street
 City Oregon City State OR Zip 97045

3. Assessor's Map and Tax Lot Number: 22E9 801, 904

4. Mailing Address (if different from above):
 Name Metro
 Street 600 NE Grand Avenue
 City Portland State OR Zip 97236

Permit No.	<u>02T-004-0</u>
Renewable	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Initial	<input type="checkbox"/> Renewal <input checked="" type="checkbox"/>
SIC No.	<u>4953</u>
EPA Category	<u>N/A</u>
Billing Responsibility	
City	<u>Oregon City</u>
or District	<input type="checkbox"/>
Treatment Plant	<u>Tri-City WPCP</u>

5. Persons to be Contacted About This Permit:

(Primary) Name Penny Erikson Title Operations Supervisor Phone 503-797-1659
 (Alternate) Name Jim Watkins Title Engineering Manager Phone 503-797-1699
 (Billing) Name _____ Title _____ Phone _____

6. Method Used to Compute Industrial Monthly Sewer Service Charges:

- Metered Water Consumption Wastewater Strength
 Volume of Wastewater Discharge Other _____

7. Authorization and Fees:

The above named applicant is hereby authorized to discharge wastewater to the public sewer subject to said applicant's compliance with the District's Rules and Regulations, appropriate City Ordinance's, any applicable provisions of Federal or State law or regulation, and in accordance with the discharge limitations, monitoring requirements, and other conditions set forth herein, including the payment of all fees and charges as set forth below.

	Permit Fee
A. First Year	\$ 250.00
B. Second Year	\$
C. Third Year	\$
D. Fourth Year	\$
E. Fifth Year	\$
TOTAL	\$ 250.00

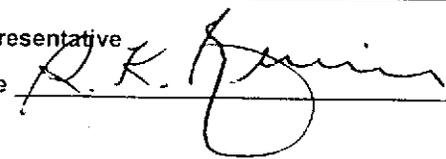
This permit is granted in accordance with the application filed on March 9, 2004 in the office of the Clackamas County Water Environment Services, and in conformity with plans, specifications, and other data submitted in support of the above application, all of which are filed with and considered as part of this permit:

8. Effective Date June 1, 2004 Expiration Date May 31, 2009

9. City's Representative

Signature _____ Date _____

10. District's Representative

Signature  Date 05-19-2004

Tri-City Service District
15941 S. Agnes, Bldg. B
Oregon City, OR 97045
503-557-2833

Industrial Wastewater Discharge Permit - Section 1

1. Applicant Business Name: Metro South Transfer Station

2. Address of Premises Discharging Wastewater:

Street 2001 Washington Street

City Oregon City State OR Zip 97045

3. Assessor's Map and Tax Lot Number: 22E9 801, 904

4. Mailing Address (if different from above):

Name Metro

Street 600 NE Grand Avenue

City Portland State OR Zip 97236

Permit No.	<u>02T-004-O</u>
Renewable	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Initial	<input type="checkbox"/> Renewal <input checked="" type="checkbox"/>
SIC No.	<u>4953</u>
EPA Category	<u>N/A</u>
Billing Responsibility	
City	<u>Oregon City</u>
or District	<input type="checkbox"/>
Treatment Plant	<u>Tri-City WPCP</u>

5. Persons to be Contacted About This Permit:

(Primary) Name Penny Erikson Title Operations Supervisor Phone 503-797-1659

(Alternate) Name Jim Watkins Title Engineering Manager Phone 503-797-1699

(Billing) Name _____ Title _____ Phone _____

6. Method Used to Compute Industrial Monthly Sewer Service Charges:

- Metered Water Consumption Wastewater Strength
 Volume of Wastewater Discharge Other _____

7. Authorization and Fees:

The above named applicant is hereby authorized to discharge wastewater to the public sewer subject to said applicant's compliance with the District's Rules and Regulations, appropriate City Ordinance's, any applicable provisions of Federal or State law or regulation, and in accordance with the discharge limitations, monitoring requirements, and other conditions set forth herein, including the payment of all fees and charges as set forth below.

	Permit Fee
A. First Year	\$ 250.00
B. Second Year	\$
C. Third Year	\$
D. Fourth Year	\$
E. Fifth Year	\$
TOTAL	\$ 250.00

This permit is granted in accordance with the application filed on March 9, 2004 in the office of the Clackamas County Water Environment Services, and in conformity with plans, specifications, and other data submitted in support of the above application, all of which are filed with and considered as part of this permit:

8. Effective Date June 1, 2004

Expiration Date May 31, 2009

9. City's Representative

Signature _____

Date _____

10. District's Representative

Signature R. K. [Signature]

Date 05-19-2004

Industrial Wastewater Discharge Permit - Section 2b

Business Name Metro South Transfer Station

Permit No. 02T-004-O

11. **Wastewater Discharge Limitations (continued)**

The Industrial user shall comply with the discharge limitations and sampling requirements specified below by the effective date of this permit.

3. NOTES:

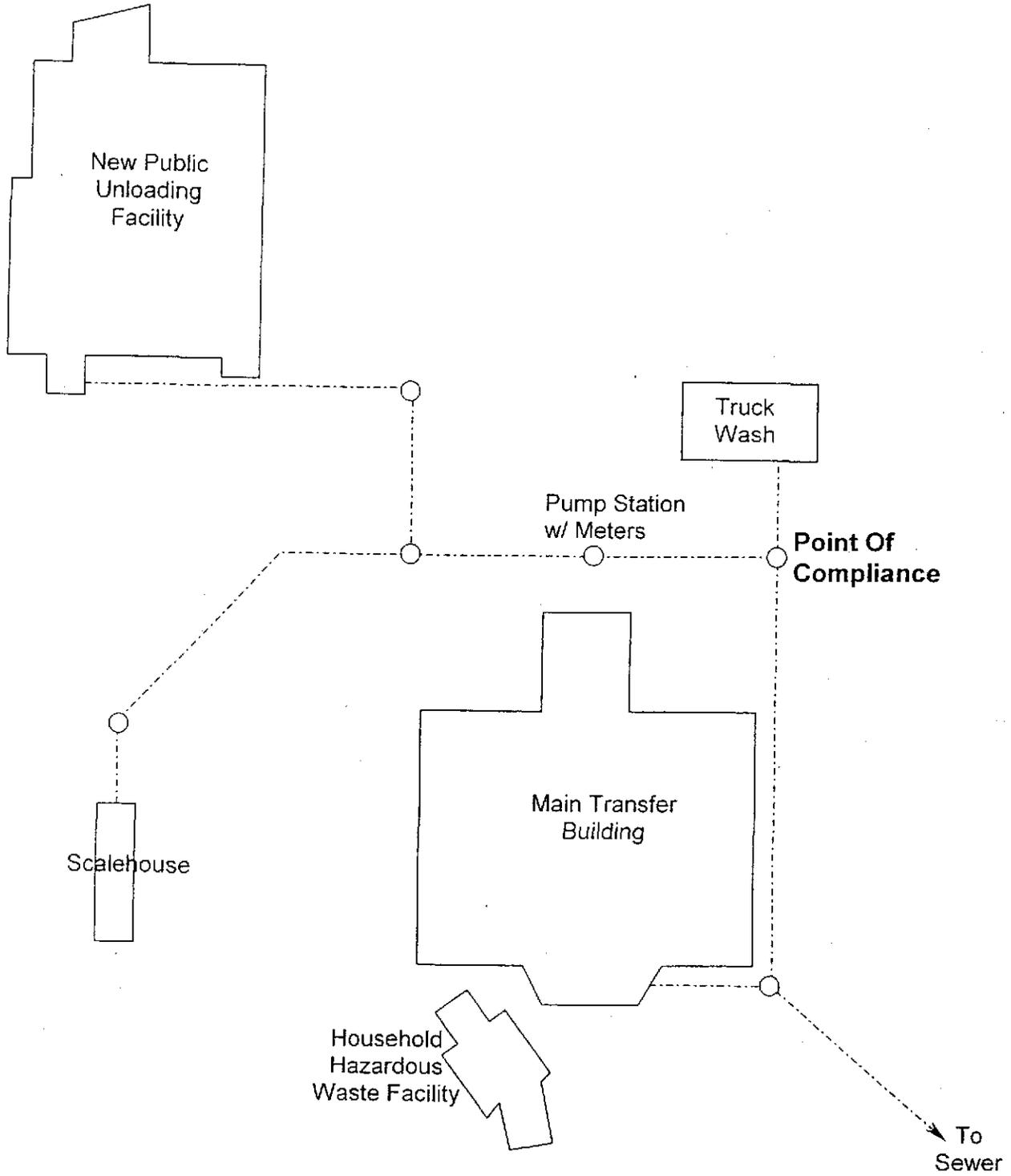
- a) The permittee shall comply with all other applicable regulations and standards contained in the District's Rules & Regulations. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, local law, rule, standard, ordinance, order, judgment, or decree.
- b) Should analysis reveal the presence of pollutants other than those listed on Section 4a in quantities greater than 0.10 mg/L, the permittee shall analyze for those pollutants. The permittee is responsible for continuous compliance with all of the above limitations.
- c) No discharge of potentially toxic or harmful materials other than those listed above is permitted unless specifically approved by the District.
- d) The permittee shall have or construct monitoring facilities approved by the Tri-City Service District to be used for the monitoring of wastewater discharges.
- e) Oil and Grease shall be determined by EPA Method 1664.

Industrial Wastewater Discharge Permit - Section 2c

Business Name Metro South Transfer Station

Permit No. 02T-004-O

11. Wastewater Discharge Limitations (continued)



Industrial Wastewater Discharge Permit - Section 3

Business Name Metro South Transfer Station Permit No. 02T-004-O

12. Special Conditions

1. If required by the District, all process wastewater shall receive pretreatment before discharge to the public sewer system in order to meet local and federal discharge standards.
2. The permittee shall establish and comply with written standards, operating instructions, and employee training to ensure the proper and safe handling of all chemicals used on the premises and the proper operation of pollution control equipment. Such documentation shall be made available to the District upon request.
3. The permittee shall operate and maintain all pollution control facilities. A log detailing all maintenance, including preventive maintenance, performed on the pollution control and monitoring equipment shall be kept and made available to the District upon request.
4. The permittee shall provide monitoring of all industrial wastewater discharged to the public sewer using a flow-proportional or time-based sampling device and closed sample container used for this purpose. Sampled effluent shall be collected and analyzed in accordance with this permit and 40 CFR 136. Sampling of batch discharges shall be by grab sample.
5. Any other environmental control permits issued to the permittee shall be made available to the District upon request and included by reference as part of this permit.
6. If the permittee experiences an accidental spill or an upset as defined in Section 14(U), the permittee shall:
 - a) Immediately take action to stop, contain and clean up the unauthorized discharge, and correct the problem.
 - b) Immediately call the Source Control Coordinator at 503-557-2833 and the Tri-City Treatment Plant at 503-557-2803. In the event the Source Control Coordinator cannot be reached, the permittee shall notify the Water Environment Services Office at 503-353-4567.
 - c) Within five (5) days, submit a detailed written report to the District describing the breakdown, the actual quantity and quality of resultant waste discharges, the corrective action taken, the steps taken to prevent a recurrence, and any other pertinent information.
7. Compliance with (6) above shall not relieve the permittee of responsibility for maintaining continuous compliance with the conditions of this permit or for the resulting liability for its failure to comply.

Industrial Wastewater Discharge Permit - Section 4a

Business Name Metro South Transfer Station **Permit No.** 02T-004-O

13. Reporting Requirements

- 1) The Periodic Compliance Report (Continuous Requirements):

Samples to be taken from the Point of Compliance prior to discharge into the sanitary sewer.

Pollutant or Parameter	Type of Sample	Frequency	Reporting Requirements
Average Flow	Meter	Monthly	Report due by the last day of the following month being sampled
pH	Grab	Monthly	
Total Oil & Grease	Grab	Quarterly	"
Non Polar Oil & Grease	Grab	(January – March	
Polar Oil & Grease	Grab	April – June, July – September, October – December)	
Copper	Composite	"	"
Lead	Composite	"	"
Zinc	Composite	"	"
Mercury	Composite	"	"
BOD	Composite	"	"
TSS	Composite	"	"

Industrial Wastewater Discharge Permit - Section 4b

Business Name Metro South Transfer Station Permit No. 02T-004-O

13. Reporting Requirements

- 2) The Periodic Compliance Report shall consist of the following:
 - a) A signed District Discharge Certification Report Form.
 - b) Copies of all laboratory results, including the analytical methods used, the date sampled, the date analyzed, and a copy of the Chain-of-Custody Form
 - c) Discharge Pump Meter readings.
 - d) Calculations of daily flow averages.
- 3) If the permittee monitors any pollutant more frequently than required by this permit at the Point of Compliance, the results of such monitoring shall be submitted to the District. Monitoring reports shall be signed and sworn to by a principal executive officer or his/her designee.
- 4) The permittee shall notify the District 30 days prior to any planned changes to these wastewater discharges, including, but not limited to, addition or deletion of wastestreams contributory to any sampling point, long-term changes in the relative flow of the component wastestreams, or a change in process or materials that may cause a change in the category of the industry.
- 5) All reports shall be submitted to the following:

Source Control
Tri-City Service District
15941 S. Agnes, Bldg. B
Oregon City, OR 97045

Industrial Wastewater Discharge Permit - Section 5

Business Name Metro South Transfer Station Permit No. 02T-004-O

14. Standard Conditions:

- A. **General.** The Industrial User shall comply with all the general prohibitive discharge standards contained in Section 3 of the District's Rules and Regulations.
- B. **Right of Entry.** The Industrial User shall allow the District or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours, for the purposes of inspection, sampling, or records inspection and copying. The right of entry is to the Industrial User's entire premises and includes, but is not limited to, access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting or other wise handling wastes, for storing records, reports or documents relating to pretreatment, sampling, and discharging wastes.
- C. **Records Retention.** The Industrial User shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any all summaries thereof, relating to monitoring, sampling and chemical analysis made by or in behalf of the user in connection with its discharge.

This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or the District or when requested by DEQ or the EPA.

- D. **Confidential Information.** Except for data determined to be confidential under Section 4.9 of the District's Rules and Regulations, all reports required by this permit shall be available for public inspection at the office of Water Environment Services of Clackamas County. Under no circumstances can wastewater effluent data be claimed or held to be confidential information.
- E. **Recording of Results.** For each measurement or sample taken pursuant to the requirements of this permit, the user shall record the following information:
- The exact place, date, and time of sampling;
 - The name of the person who collected the sample;
 - The type of sample(s) collected;
 - The dates the analyses were performed;
 - The person(s) who performed the analysis;
 - The analytical techniques or methods used;
 - The results of all required analysis;
 - The quality assurance and quality control laboratory procedures followed.

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise approved in writing by the District within, to the Guidelines Establishing Test Procedures for the Analysis of Pollutants as specified in 40 CFR, Part 136.

- F. **Resampling Requirement.** If the results of the permittee's wastewater analysis indicate that a violation has occurred, the permittee must notify the District within 24 hours of becoming aware of the noncompliance. The permittee must also repeat the sampling and submit the analysis to the District within 30 days after becoming aware of the violation.
- G. **Dilution.** No Industrial User shall increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.
- H. **Proper disposal of Pretreatment Sludges and Spent Chemicals.** The disposal of sludges and spent chemicals generated shall be done in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.
- I. **Imposition of Civil Penalties.** In accordance with Section 4.10 of the District's Rules and Regulations, the District may impose civil penalties including, but not limited to fines, damages, modification or revocation of permit and/or cessation of services when any Industrial User (1) fails to factually report the wastewater constituents or characteristics; (2) refuses reasonable access to the user's premises by representatives of the District for the purpose inspection or monitoring; and (3) violates any condition or provision of its permit, with District's Rules and Regulations Ordinance, any rule adopted pursuant hereto, or any final judicial order entered with respect thereto.

Industrial Wastewater Discharge Permit - Section 5

Business Name Metro South Transfer Station Permit No. 02T-004-O

- J. **Certification and Signatory Requirements.** In accordance with 40 CFR 403.12, all reports required by this permit shall be signed and certified by a principal executive officer of the industrial user or his designee. If the responsible corporate official changes, the District is to be notified as required in 40 CFR 403.12 (l)(4).
- K. **Permit Modifications.** The District reserves the right to amend this permit in order to assure compliance with applicable laws and regulations. This permit may be modified with 30 days prior written notification, in whole or in part for causes including, but not limited to: (1) preventing violation(s) of the District's NPDES permit; (2) incorporating new or revised federal, state or local pretreatment standards or requirements; (3) upon receiving information indicating the permitted discharge poses a threat to the District's collection and treatment system, POTW personnel, receiving waters and sludge; (4) correcting typographical or other errors in the permit; and (5) any significant change in volume of a permitted discharge.
- L. **Permit Revocation.** An industrial wastewater permit may be revoked at any time for the following reasons:
- Violation of any terms or conditions of this permit or the District's Rules and Regulations;
 - Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
 - Falsifying self-monitoring reports;
 - Tampering with monitoring equipment
 - Refusing to allow the District timely access to the facility premises and records;
 - Failure to meet effluent limitations;
 - Failure to pay fines;
 - Failure to pay user charges;
 - Failure to meet compliance schedules;
 - Failure to provide advance notice of the transfer of a permitted facility.
- M. **Limitation on Permit Transfer.** Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the District and provision of a copy of the existing permit to the new owner or operator. Sale of a user shall obligate the purchaser to seek prior written approval of the District for continued discharge to the sewerage system.
- N. **Property Rights.** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of Federal, State or local regulations.
- O. **Accidental Spill Prevention Plan (ASPP).** Each Discharger shall provide protection from the accidental discharge of prohibited substances or other substances regulated by the District's Rules and Regulations. Where necessary, facilities to prevent accidental discharge of such substances shall be provided and maintained by the Discharger, at the Discharger's own cost and expense. Detailed plans showing such facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District for review. In accordance with 40 CFR 403.8(f)(2)(v), dischargers are to be evaluated every two years by the District as to the need for an Accidental Spill Prevention Plan (ASPP).
- P. **Liability.** The District, its officers, agents or employees shall not sustain any liability due to the issuance of this permit or the construction or maintenance of facilities resulting from this permit.
- Q. **Severability.** The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected.
- R. **Bypass or Diversion.** The diversion or bypass (the intentional diversion of wastestreams) from any portion of a permittee's treatment facility to maintain compliance with the terms and conditions of this permit is prohibited except "... if the bypass is unavoidable to prevent loss of life, personal injury or severe property damage and there are no feasible alternatives" (40 CFR 403.17).

The permittee shall immediately notify the District in writing of each such diversion or bypass, in accordance with the procedure specified in Section 4.10.6 of the Rules and Regulations.

Industrial Wastewater Discharge Permit - Section 5

Business Name Metro South Transfer Station Permit No. 02T-004-O

- S. **Notification of Slug Load.** If the permittee is unable to comply with all conditions of this permit due to a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other causes such as an act of nature, the permittee shall follow the procedures outlined in the Special Conditions Section of this permit.
- T. **Continuous Compliance.** Compliance with S. above shall not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for its failure to comply.
- U. **Upset.** The District's Rules and Regulations defines an upset as an exceptional incident in which an industrial user unintentionally and temporarily is in a state of noncompliance with the District's Ordinance, due to factors beyond the reasonable control of the industrial user and excluding noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance or careless or improper operation thereof.
- An upset will constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the conditions stated in the Federal Regulations 40 CFR 403.16 (c) and in the District's Rules and Regulations are met.
- V. **Hazardous Waste Notification.** The industrial user shall notify the District, the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.+
- W. **Toxics Reopening.** If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307 (a) of the Federal Clean Water Act (PL95-217, as amended) for toxic pollutants present in the permittee's discharge, and such standard or prohibition is more stringent than limits upon these pollutants in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition, and the permittee shall be so notified.
- X. **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 submit an application for a new permit at least 90 days before the expiration date of this permit.
- Y. **Representative Sampling.** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to and the approval of the District.