ISSUED

Expiration Date: 2-28-2009
Permit Number: 101513
File Number: 108919

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGE PERMIT

Oregon Department of Environmental Quality
Western Region, Salem Office
750 Front Street, Suite 120, Salem, OR 97301-1039
Telephone: (503) 378-8240

Issued pursuant to Oregon Revised Statute 468B.050 and the Federal Clean Water Act

ISSUED TO:	SOURCES COVERED BY THIS PERMIT:
City of Salem 555 Liberty Street SE Room 325 Salem, OR 97301	All Existing and New Discharges of Storm Water from the Municipal Separate Storm Sewer System RECEIVING STREAM INFORMATION: Basin: Willamette River Subbasin: Middle Willamette Streams: Willamette River* **LLID:** 1227618456580, Little Pudding River **LLID:** 1228537450739, Claggett Creek **LLID:** 1230310450293, Pringle Creek* **LLID:** 1230450449387, Battle Creek **LLID:** 1229643448348, Clark Creek* **LLID:** 1230332449270, Croisan Creek **LLID:** 1230550449257, Gibson Gulch* (Creek) **LLID:** 1230917449757, Glenn Creek* **LLID:** 1230650449903, Laurel Creek No LLID, Mill Creek* **LLID:** 1230393449519, Pettijohn Creek **LLID:** 1230728449288, Shelton Ditch **LLID:** 1230368449351, and Willamette Slough **LLID:** 1230447449441 County: Marion & Polk

* These water bodies have been designated water quality-limited or discharge into water quality-limited water bodies. Total Maximum Daily Loads (TMDLs), Wasteload Allocations, and Load Allocations have not been established for these water bodies.

EPA REFERENCE NO.: ORS-108919
Issued in response to Application No. 985986 received on April 26, 2002.

This permit is issued based on the land use findings in the permit record.

Michael H. Kortenhof, Western Region Water Quality Manager — March 2, 2004 Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to implement a storm water management program to reduce the contribution of pollutants in storm water to the maximum extent practicable (MEP), to address where applicable TMDL wasteload allocations, and to discharge storm water to waters of the State, in conformance with all the requirements and conditions set forth in the attached schedules as follows:

Unless authorized by another National Pollutant Discharge Elimination System permit, other direct and indirect discharge to public waters is prohibited.

SCHEDULE A

Controls and Limitations for Storm Water Discharges from Municipal Separate Storm Sewer Systems

1) The permittee must implement all applicable provisions in the Storm Water Management Plan (SWMP). The SWMP is the proposed SWMP submitted with the National Pollutant Discharge Elimination System (NPDES) permit re-application, accepted by the Department April 26, 2002, and any changes made to this proposed SWMP in accordance with Schedules B(1)(b), B(1)(c), D(2)(b), D(2)(d), and D(2)(e). The SWMP is hereby incorporated into this permit by reference. Applicable provisions are those relating to requirements, programs, and operations of the municipal separate storm sewer system (MS4) over which the permittee has jurisdiction or control.

   The SWMP describes a program that includes best management practices (BMPs), monitoring triggers, narrative conditions, and other elements designed to reduce the introduction of pollutants into waters of the State from the MS4 to the maximum extent practicable. The SWMP also includes evaluation and reporting requirements designed to measure the effectiveness of the control measures and other programs.

2) The permittee must reduce the discharge of the pollutants from the MS4 to the maximum extent practicable (MEP). Compliance with the permit and implementation of the SWMP is deemed to be compliance with this MEP requirement, unless or until the Department reopens the permit as provided in Oregon Administrative Rule (OAR) 340-045-0040 and 0050 to require additional controls.

3) The permittee must effectively prohibit non-storm water discharges into the MS4 unless such discharges are otherwise permitted by an existing NPDES permit. Unless identified by the permittee, or the Department, the following non-storm water discharges need not be addressed by the permittee's illicit discharge program, provided appropriate control measures, if needed, to minimize the impacts of such sources are developed under the SWMP: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration; uncontaminated pumped ground water; discharges from potable water sources; start up flushing of groundwater wells; aquifer storage and recovery (ASR) wells; potable groundwater monitoring wells; draining and flushing of municipal potable water storage reservoirs; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; discharges of treated water from investigation, removal and remedial actions selected or approved by the Department pursuant to Oregon Revised Statute (ORS) Chapter 465, the state's environmental cleanup law; and discharges or flows from emergency fire fighting activities where discharges or flows from fire fighting are identified as not a significant sources of pollutants to waters of the state.

SCHEDULE B
Monitoring and Reporting Requirements

1) Monitoring Component Requirements

a) The permittee must conduct the monitoring as described in the monitoring component of the approved SWMP to fulfill the reporting requirements described in Schedule B(2). The permittee must conduct monitoring necessary to track the long-term progress of the SWMP towards achieving improvements in receiving water quality, including progress towards meeting pollutant load reduction benchmarks associated with TMDL parameters as specified in Schedule D(2)(d). The monitoring component of the SWMP must explain how the proposed monitoring program fulfills each of the primary program objectives listed in (i) through (vi) below. To achieve the objectives listed below, the permittee's monitoring activities must include some level of MS4 discharge monitoring and in-stream monitoring, unless the permittee demonstrates that alternative sources of data can adequately support conclusions associated with these objectives.

i) Determine the status of implementing the components of the SWMP;
ii) Evaluate the effectiveness of BMPs for specific source controls;
iii) Evaluate the source of specific pollutants;
iv) Assess the chemical, biological, and physical effects of MS4 runoff on receiving waters;
v) Characterize MS4 runoff discharges; and
vi) Evaluate long-term trends in receiving water quality associated with storm water discharges.

The plan must address ongoing long-term monitoring and may address short-term special studies. The results of the monitoring component must be used to support the adaptive management process and lead to refinements of the SWMP.

* b) The following information must be included in the monitoring component of the SWMP:

i) Program monitoring:
(1) A list of activities to be monitored, and
(2) A list of monitored performance indicator metrics (e.g., number of miles of streets swept, number of cross-connections found, tons of material removed from storm sewers, etc.).

ii) Environmental monitoring:
(1) A list of monitoring sites;
(2) A list of constituents to be analyzed;
(3) The media sampled;
(4) Sample collection frequency and any targeted conditions (such as hydrologic or meteorological); and
(5) Protocols for quality assurance/quality control for sample collection and analysis must be consistent with the quality assurance protocols described in the Department's 303(d) list data requirements.

* c) The permittee must review their monitoring components to ensure that they support the primary program components listed in Schedule B. The permittee must submit any necessary proposed improvements and/or modifications to their monitoring component(s) consistent with any changes to a revised SWMP proposed in the second annual report. The Department may, upon review of any annual report submittal, require revisions to the monitoring component described therein to ensure the requirements of this section are met.

d) In the event the permittee is unable to collect or analyze any sample or pollutant parameter due to circumstances beyond the permittee's control, a written explanation of the circumstances that prevented the collection or analysis must be submitted to the Department in the annual report. The permittee must exercise due diligence in collecting and analyzing all samples as required by Schedule B. Circumstances beyond the control of the permittee may include abnormal climatic conditions (e.g., fewer storms in the annual reporting period than typically are representative of climatic conditions, or the lack of sufficient dry weather in between sampling events.); weather conditions that make the collection or analysis of samples unsafe or impracticable (e.g., storms of such intensity that sampling would present an unreasonable safety risk); or unavoidable equipment failures caused by weather conditions

or other conditions beyond the reasonable control of the permittee (provided that operator error is not a condition beyond the control of the permittee).

2) Reporting Requirements

* a) Annual Report
The permittee must submit by November 1st of each year a system-wide report for the previous fiscal year July 1 through June 30. The second of these annual reports must fulfill the requirements of Schedule B(1)(c) and B(2)(b). Each annual report must contain:
i) The status of implementing the components of the storm water management program;
ii) Proposed changes to the SWMP components, including new BMPs identified through implementing adaptive management. Such proposed changes must be consistent with 40 CFR §122.26(d)(2)(iv). A timeline for the implementation of new BMPs must also be included in the report;
iii) A summary of total storm water program expenditures and funding sources over the reporting fiscal year, and those anticipated in the next fiscal year;
iv) A summary of data, including monitoring data that is accumulated throughout the reporting year;
v) A summary describing the number and nature of enforcement actions, inspections, and public education programs;
vi) Identification of water quality improvements or degradation;
vii) Demonstration of continued legal authority to implement the programs outlined in the SWMP; and
viii) An overview, as related to MS4 discharges, of concept planning, land use changes and new development activities that occurred within UGB expansion areas during the previous year, those forecast for the following year, and an evaluation for consistency with the requirements of Schedule D(2)(c)(i)(2).

b) Requirements for 2nd year annual report-SWMP revision
The permittee submitted SWMPs designed to reduce pollutant discharges from the MS4 to the maximum extent practicable as part of their permit renewal application package in 2000. As explained in Schedule A above, by implementing the SWMP and other provisions of this permit, including any improvements and modifications to the SWMP as required by this permit, the permittee will be deemed to be in compliance with Schedules A(1), A(2), A(3), D(2)(d), and (D)(2)(e). The SWMP and its improvements and modifications cover the duration of the permit.

In addition to the annual reporting requirements listed in Schedule B(2)(a), the second annual report must contain the following:
i) An evaluation of, and proposed revisions to, the previously submitted SWMP which addresses the requirements of Schedules D(2)(b) and B(1)(c).
ii) A description of the current source identification components of the SWMP and the rationale regarding the adequacy of these components.
iii) For each of the listed non-storm water discharges [Schedule A(3)] expected to occur in a permittee's area, the permittee must identify the appropriate control measures and the rationale for the selection of these control measures (or the rationale for why control measures are deemed not necessary).
iv) The required information regarding TMDL pollutants as described in Schedule D(2)(d)(v) and the corresponding proposed revisions to the SWMP, and/or the required information regarding 303(d) listed pollutants as described in Schedule D(2)(e) and the corresponding proposed revisions to the SWMP.
v) An executive summary of the SWMP, no more than 15 pages in length, that describes the main elements of the SWMP.
vi) Maps providing updated information as described in 40 CFR §122.26(d)(1)(iii)(B), where applicable.

The Department may, upon review of this report submittal, require revisions to the SWMP described therein to ensure that the requirements of Schedule B(2)(b) are met.

c) MS4 Permit Renewal Submittal

180 days prior to permit expiration the permittee must submit a permit renewal application package that synthesizes the implementation and findings of the current permit cycle to support the proposed SWMP for the renewed permit. The application documents must evaluate the adequacy of the SWMP in reducing pollutants to the maximum extent practicable. This application must contain:

i) An updated evaluation of the SWMP as outlined in Schedule D(2)(b), including proposed changes to the plan and the underlying rationale for the proposal(s).
ii) An updated estimate of total annual storm water pollutant loads for the original pollutants of concerns listed in the Part 2 of the original application, or other storm water pollutants on the 303(d) list as directed by the Department. The permittee will be notified of such a requirement no later than two (2) years prior to the expiration of the permit.
iii) Estimates of the changes of various land use areas within the permittee's jurisdictional boundaries, the storm water runoff from those changed areas for the appropriate design storm criteria, and volume and percentage of storm water runoff from those changed areas that is treated using structural and nonstructural controls that have occurred since the previous permit renewal submittal.
iv) A suggested storm water management program focus, if appropriate, (e.g. land use, storm water system function, system management practice) for the next permit cycle.
v) For each of the listed non-storm water discharges [Schedule A(3)] expected to occur in the permittee's area, the permittee must identify the appropriate control measures and the rational for the selection of these control measures (or the rationale for why control measures are deemed not necessary).
vi) An evaluation of overall program effectiveness, including non-structural BMP activities. This analysis will include an analysis of monitoring and other data, including a water quality trend analysis and a discussion of likely or potential factors for the presence of observed trends in water quality.
vii) A fiscal evaluation summarizing program expenditures for the current permit term and projected program allocations for next permit cycle based on the proposed SWMP.
viii) If TMDL wasteload allocations were established at the time of permit issuance, an evaluation of progress towards achieving applicable waste load allocations to the maximum extent practicable. Progress will be measured through the TMDL performance measures and benchmarks established in accordance with Schedule D(2)(d).
ix) Any evaluation conducted on the effectiveness of activities designed to reduce, to the maximum extent practicable, pollutants on the Department's 2002 303(d) list for waterbodies to which the permittee's MS4 discharges storm water. Although such an evaluation is not a requirement of this permit, the permittee may choose to demonstrate progress in reducing potential future TMDL pollutants.
x) Maps providing updated information as described in 40 CFR §122.26(d)(1)(iii)(B), where applicable.
xi) A description and summary of the public involvement process and response to on the revised draft SWMP.
xii) An update of the source identification portions of the permittee's original Parts 1 and 2 NPDES MS4 Permit Application.

SCHEDULE D
Special Conditions

1) Adequate Legal Authority
The permittee must maintain adequate legal authority, through ordinance(s), interagency agreement(s) or other means, to effectively implement and enforce the provisions of this permit. The legal authority must enable the permittee to:

a) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal separate storm sewer system by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity.

b) Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer system.

c) Control through ordinance, order or similar means the discharge to a municipal separate storm sewer system of spills, dumping or disposal of materials other than storm water.

d) Control through interagency agreements among the future co-permittee's the contribution of pollutants from one portion of the municipal system to another portion of the municipal system.

e) Require compliance with conditions in ordinances, permits, contracts or orders.

f) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer system.

2) Storm Water Management Plan (SWMP)

a) Adaptive Management
Adaptive management is the appropriate process for assessing new opportunities for improving program effectiveness in controlling storm water pollution to the maximum extent practicable. The permittee is required to use adaptive management to assess options for improving controls on storm water discharges. The permittee must use the monitoring data and analyses required under this permit as well as applicable information from other sources in the adaptive management process. Where TMDL wasteload allocations have been established for pollutant parameters associated with the permittee's MS4 discharges, the permittee must use the estimated pollutant load reductions (benchmarks) established in the SWMP to guide the adaptive management process. The permittee must also use the evaluation of progress towards these TMDL benchmarks, due with the permit renewal submittal [Schedule B(2)(c)(viii)], to guide the adaptive management process in the next permit term. Any revisions to control measures derived from the adaptive management process must be implemented by the permittee, to the maximum extent practicable.

Adaptive management requires the permittee to assess and modify, as necessary, any or all existing SWMP components and adopt new SWMP components to optimize reductions in storm water pollutants to the maximum extent practicable, through an iterative process. The iterative process includes routine assessment of the need to further improve water quality and protection of beneficial uses, review of available technologies and practices to accomplish the needed improvement, and evaluation of resources available to implement the technologies and practices. Changes to the SWMP are considered a part of adaptive management, and such changes do not require modification of this permit, unless new data or information is obtained that demonstrates significant new, or previously unknown, water quality impacts from storm water discharged by the permittee's MS4. In such instances, the permittee or Department may initiate a permit modification action in accordance with OAR 340-045-0040 and 0055.

b) Evaluation of SWMP
The specific components that established the basis for the permittee's original SWMPs are given in the federal rules at 40 CFR §122.26(d)(2)(iv)(A) through (D) and in Schedule D(2)(c) of this permit.

The permittee must review Schedule D(2)(c) and, for each component, determine whether implementation of the components in the SWMP as submitted is sufficient to reduce the discharge of pollutants to the maximum extent practicable. The permittee must submit to the Department details on how each of the components are, or will be, addressed and the rationale for the continued existing or revised level of implementation. (If certain components are not included in the plan, then the rationale for exclusion must also be submitted.) The level of implementation for each component must, when practicable, have measurable performance indicators to assist with the reporting on the status of implementation as part of the annual reports.

During this evaluation, it may be found that the SWMP will need improvement and/or modification to ensure continued reduction of pollutants to the maximum extent practicable. The results of the evaluation, including any proposed revisions to the SWMP, must be reported to the Department as described in Schedule B(2)(b).

c) Required SWMP Elements
i) A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description must include:
(1) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers.
(2) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers that receive discharges from areas of new development and significant redevelopment. Such a plan must address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed. Controls to reduce pollutants in discharges from municipal separate storm sewers containing construction site runoff are addressed in paragraph Schedule D(2)(c)(iv).
(3) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities.
(4) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible.
(5) A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste. The description must identify priorities and procedures for inspections and establishing and implementing control measures for such discharges (this program can be coordinated with the program developed under Schedule D(2)(c)(iii)).
(6) A description of a program to reduce to the maximum extent practicable, pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides and fertilizer that will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities.

ii) A description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate NPDES permit for) illicit discharges and improper disposal into the storm sewer. The proposed program must include:

(1) A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system; this program description must address all types of illicit discharges, however the following category of non-storm water discharges or flows must be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the United States: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, start up flushing of groundwater wells, aquifer storage and recovery (ASR) wells, potable groundwater monitoring wells, draining and flushing of municipal potable water storage reservoirs, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash waters, discharges of treated water from investigation, removal and remedial actions selected or approved by the Department pursuant to Oregon Revised Statute (ORS) Chapter 465, the state's environmental cleanup law; and discharges or flows from emergency fire fighting activities where discharges or flows from fire fighting are identified as not significant sources of pollutants to the waters of the state.

(2) A description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens;

(3) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water [such procedures may include: sampling procedures for constituents such as e. coli, surfactants (MBAS), residual chlorine, fluorides and potassium; testing with fluorometric dyes; or conducting in storm sewer inspections where safety and other considerations allow.] Such a description must include the location of storm sewers that have been identified for such evaluation.

(4) A description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer.

(5) A description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers.

(6) A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials.

(7) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary.

iii) A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program must:

(1) Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges.

(2) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in Schedule D(2)(c)(iii), to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing NPDES permit for a facility; oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen; and any information on discharges required under 40 CFR §122.21(g)(7)(vi) and (vii).

iv) A description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system that must include:

(1) A description of procedures for site planning which incorporate consideration of potential water quality impacts.
(2) A description of requirements for nonstructural and structural best management practices.
(3) A description of procedures for identifying priorities for inspecting sites and enforcing control measures that considers the nature of the construction activity, topography, and the characteristics of soils and receiving water quality.
(4) A description of appropriate educational and training measures for construction site operators.

d) Total Maximum Daily Loads (TMDLs)
The requirements of this section apply to permittee's MS4 discharges to receiving waters with established TMDLs and associated allocations as noted on page 1 of this permit. It is the intent of this section to ensure that pollutant discharges for those parameters listed in the TMDL are reduced to the maximum extent practicable. This would be deemed as achieving adequate progress toward achieving assigned wasteload allocations (WLAs) given in the TMDLs to these MS4 sources.

i) Progress towards reducing TMDL pollutant loads must be evaluated by the permittee through the use of performance measures and pollutant load reduction benchmarks developed and listed in the SWMP.
(1) Performance measures are estimates of the effectiveness of various best management practices (BMPs) implemented by the permittee as per the SWMP; and they are not numeric effluent limits. Performance measures must, where appropriate, be pollutant reduction estimates. The performance measures for the BMPs addressing TMDL pollutants may be based on the same metrics developed in accordance with the program effectiveness monitoring requirements in Schedule B(1)(b)(i).
(2) A benchmark is a total pollutant load reduction estimate for each parameter or surrogate, where applicable, for which a WLA is established at the time of permit issuance. A benchmark is used to measure the overall effectiveness of the storm water management program in making progress toward the wasteload allocation (this estimate will be related to the statistical variability of the underlying data and may be stated as a range), and is intended to be a tool for guiding adaptive management activities. A benchmark is not a numeric effluent limit; rather it is a goal that is subject to the maximum extent practicable standard. The permittee must provide the rationale for the proposed benchmark, which includes an explanation of the relationship between the benchmarks and the TMDL wasteload allocations. Any limiting factors related to the development of a benchmark, such as data availability and data quality, must also be included in this rationale.

ii) The SWMP must describe a program that includes BMPs, monitoring triggers, narrative conditions, or other elements, designed to achieve reductions in the TMDL pollutants. The SWMP must include a specific strategy for implementing monitoring designed to enable the permittee to gauge the effectiveness of the SWMP in reducing TMDL pollutant loads to the maximum extent practicable.

iii) When the permittee applies for permit renewal, the permittee must include an evaluation of the effectiveness of the storm water management program with respect to all pollutant parameters addressed in an applicable TMDL. This evaluation must assess progress towards meeting the pollutant load reductions (benchmarks) using the reporting and monitoring programs and other methods described in Schedules B(1), B(2) and D(2)(d)(v) of this permit. If the permittee has failed to meet the estimated pollutant load reductions during the permit term, they must use the adaptive management process described in Schedule D(2)(a)of this permit to reassess the SWMP and determine what additional or alternative control measures are practicable. The permittee must update the SWMP to include these measures. The permittee must submit the evaluation and any SWMP revisions to the Department as specified in Schedule D(2)(d)(v).

iv) If within three (3) years following permit issuance a TMDL is approved by the Environmental Protection Agency (EPA) and the TMDL has wasteload allocations assigned to storm water within the geographic area covered by this permit, the permittee

must, at the time of the next permit renewal application, complete a review and strategy development, and propose changes, if appropriate, to the SWMP to address the urban storm water discharges.

v) If, at the time of permit issuance, TMDL wasteload allocations have been established for pollutant parameters associated with the MS4's discharges , the permittee must, as appropriate, review its SWMP to determine its adequacy in reducing TMDL pollutant discharges to the maximum extent practicable and develop pollutant load reduction benchmark(s) and performance measures in the SWMP as defined in Schedule D(2)(d)(i)(1) and (2). As part of the SWMP review and benchmark and performance measure development process, the permittee must document, and subsequently report in accordance with Schedule B(2)(b), the following information:
   (1) A description of the methodology and rationale used to develop and select pollutant reduction benchmarks and performance measures. The methodology must address current estimated discharge loadings and TMDL wasteload allocations.
   (2) Any proposed modifications to the SWMP resulting from the adaptive management process [Schedule D(2)(a)] necessary to give reasonable assurance that the SWMP is designed to reduce TMDL pollutants to the maximum extent practicable. This must include selection of control measure(s) and any assumptions related to the proposed control measures.
   (3) Any proposed modifications to the monitoring component of the SWMP that are necessary to ensure adequate data and information are collected to assess SWMP implementation, control measure effectiveness, progress towards the pollutant load reduction benchmarks, discharge characterization, and impacts on receiving waters.
   (4) A description of the public participation process, including a summary of material public comments and the responses to those comments.

e) 303(d) Listed Pollutants

The requirements of this section apply to receiving waters without established TMDL wasteload allocations. The permittee must qualitatively review the pollutants that are on the 2002 303(d) list that are relevant to the permittee's MS4 discharges . This review and corresponding summary of proposed actions must be incorporated into the second year annual report. The review and summary must accomplish the following:

i) Determine whether there is a reasonable likelihood for storm water from the MS4 to cause or contribute to water quality degradation of receiving waters through the discharge of pollutants on the 2002 303(d) list. Provide the rationale for the conclusion, including the results of an evaluation.
ii) If the discharges from the MS4 contribute to specific listed pollutants, determine and describe the relationship between the 303(d) listed pollutant and the MS4 discharges.
iii) Determine whether the BMPs in the existing SWMP are effective to address the 303(d) pollutants. If not, describe how the plan could be adapted to more appropriately address these pollutants. A summary of the rationale for this determination must also be included in the report.

If sufficient information is not available to make the determinations required above, the co-permittee must compile pertinent information necessary to adequately complete these determinations. This additional information must be submitted with the third year annual report.

f) Public Involvement

If not already established, a public involvement component of the SWMP must be developed and implemented that entails the following elements:

i) A process for obtaining input from the public on significant on-going adaptive management changes to the SWMP and new information and data that may form the basis for such proposed changes. This process may be a notice in a local paper that includes information on the proposed change and how to comment, or a review by an advisory group that has broad community representation, or other established process described in the SWMP for obtaining public input.
ii) A process for obtaining input from the public on the information and analysis submitted to the Department in the second annual report [see Schedule B(2)(b)].

The permittee must include in the second annual report a summary of material public comments and how these comments were addressed.

iii) A process for obtaining public input and addressing material public comments on the revised draft SWMP submitted to the Department with the permit renewal application [see Schedule B(2)(c)]. This submittal must also include a summary of material public comments and how these comments were addressed. The public input solicitation process must entail, at a minimum, a public notice placed in a local newspaper outlining how the public can provide comments to the MS4 on the proposed SWMP revision.

3) The permittee is responsible for compliance with the permit only within its jurisdiction, and is not responsible for compliance outside its jurisdiction.

4) All storm water must be managed in accordance with the current SWMP approved by the Department. Minor changes to management activities as described in the approved SWMP may be made without written approval of the Department. Utilizing the adaptive management process in Schedule D(2)(a) may result in minor changes, which are modifications of implementation tasks within a management component of the SWMP that do not change the intent or overall implementation schedule of that activity. Modifications to implementation tasks that change the intent or overall implementation schedule of SWMP activities are considered significant changes, and cannot be made without the prior written approval of the Department. All changes to the SWMP must be summarized in the annual report required by Schedule B(2)(a).

SCHEDULE F
NPDES PERMIT GENERAL CONDITIONS
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply
The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; permit termination, suspension or modification; or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions
ORS 468.140 allows the Director to impose civil penalties up to $10,000 per day for violation of a term, condition, or requirement of a permit. In addition, ORS 468B.990 classifies a willful or negligent violation of the terms of a permit or failure to get a permit as a misdemeanor and a person convicted thereof is punishable by a fine of not more that $25,000 or by imprisonment for not more than one year, or by both. Each day of violation constitutes a separate offense.

3. Duty to Mitigate
The permittee must take all reasonable steps to minimize or prevent any discharge 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 permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non complying discharge.

4. Duty to Reapply
If the permittee wishes to continue the discharge of storm water regulated by this permit after the permit expiration date, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

   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. The 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; or
   c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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

6. Toxic Pollutants
The permittee must comply with any applicable effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants for storm water 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 privileges.

8. Permit Reference
Except for effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants, all rules and statues 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 permittee must at all times properly operate and maintain all MS4 facilities and systems of treatment and control (and related appurtenances) within the permittee's jurisdiction which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

2. Removed Substances
   Solids and other pollutants removed in the course of maintaining the MS4 must be recycled, reused and/or disposed of in such a manner as to minimize pollutants entering public waters, 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 monitored activity. All samples must be taken at the monitoring points specified in this permit. Monitoring points may not be changed without notification to and the approval of the Department.

2. Monitoring Procedures
   Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or subsequent permit actions.

3. Penalties of Tampering
   The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, 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 by both.

4. Additional Monitoring by the Permittee
   If the permittee monitors any pollutant specified in Schedule B at any sample point specified in Schedule B of this permit more frequently than required by this permit, using test procedures approved under 40 CFR Part 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 annual report required by Schedule B. Such increased frequency must also be indicated.

5. Retention of Records
   The permittee must retain records of all monitoring information, including all calibration and maintenance records, and 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 Department at any time.

6. Content of Records
   Records of monitoring information must include:
   a. The date, exact place, time and methods of sampling or measurements;
   b. The name(s) of the individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The name(s) of the individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

7. Inspection and Entry
   The permittee must allow the Department, or an authorized representative upon the presentation of credentials, to:

a. Enter upon the permittee's, premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
b. Access 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 within the MS4.

SECTION D. REPORTING REQUIREMENTS

1. Anticipated Noncompliance
The permittee must give advance notice to the Department of any planned changes in the permitted facilities or activities that may result in noncompliance with permit requirements.

2. Transfers
This permit may be transferred, in whole or part, to a new permittee(s) provided the transferee(s) 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 may be transferred to a third party without prior written approval from the Director or designated representative. The permittee(s) must notify the Department when a transfer of property interest takes place that results in a change of permittee(s).

3. 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.

4. Duty to Provide Information
The permittee must furnish to the Department, within a reasonable period of time, any information that the Department may request to determine compliance with this permit. The permittee must also furnish to the Department, upon request, copies of records required to be kept by this permit.

When the permittee 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, they must promptly submit such facts or information.

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

6. Falsification of Reports
ORS 468B.990 provides that 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 will, upon conviction, be punished by a fine of not more than $25,000 per violation, or by imprisonment for not more than one year per violation, or by both.

SECTION E. DEFINITIONS AND ACRONYMS

1. CFR means Code of Federal Regulations.
2. *Clean Water Act or CWA* means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483 and 97-117; 33 U.S.C. 1251 et seq.
3. *Department* means Department of Environmental Quality.
4. *Director* means Director of the Department of Environmental Quality.
5. *Flow-Weighted Composite Sample* means a sample formed by collection and mixing discrete samples taken periodically and based on flow.

6. *Grab Sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
7. *Illicit Discharges* means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
8. *Major Outfall* means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage *area* of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activities (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
9. *mg/L* means milligrams per liter.
10. *mL/L* means milliliters per liter.
11. *MS4* means a municipal separate storm sewer system.
12. *Municipal Separate Storm Sewer* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
    a) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian Tribal organization, or a designated and approved management agency under §208 of the CWA that discharges to waters of the United States;
    b) Designed or used for collection or conveying storm water;
    c) Which is not a combined sewer; and
    d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined by 40 CFR §122.2.
13. *Outfall* means a point source as defined by 40 CFR §122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
14. *Permit* means the NPDES municipal separate storm sewer system (MS4) permit specified herein, authorizing the permittee listed on Page 1 of this permit to discharge from the MS4.
15. *Storm Water* means storm water runoff, snowmelt runoff, and surface runoff and drainage.
16. *Storm Water Management Plan or SWMP* means the program developed by the permittee to satisfy 40 CFR §122.26(d)(1) and (2) as described in the Part 1 and 2 NPDES Permit application and amendments, and approved by the Department.
17. *Year* means calendar year except where otherwise defined.