

**Water Pollution Control Facilities Permit**  
**For Class V Stormwater Underground Injection Control Systems**  
**Department of Environmental Quality**

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

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

---

---

**ISSUED TO:**

Multnomah County  
Department of Community Services  
1620 SE 190<sup>th</sup> Avenue  
Portland, OR 97233

Multnomah County  
Department of County Assets  
Facilities and Property Management  
401 N. Dixon Street  
Portland, OR 97227

**SYSTEM TYPE:**

Class V Underground Injection Control Systems

**Waters of the State:** Groundwater

**SOURCES COVERED BY THIS PERMIT:**

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

**SYSTEM LOCATIONS:**

Multiple locations within Multnomah County

---

---

**Effective Permit Issuance Date:** April 21, 2014

**Permit Expiration Date:** March 31, 2024

**Permit Number:** WPCF-DOM-UIC-103076

**DEQ File Number:** 111884

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

---

Matthew Kohlbecker, RG  
Senior Hydrogeologist

---

Date

---

Ron Doughten  
Manager, Stormwater

---

Date

**DEFINITIONS**

1. *We or us* means the Oregon Department of Environmental Quality (DEQ).
2. *You* means the permittee, person, legal entity, organization, or municipality that is applying for or has received coverage under this permit.
3. *Groundwater protectiveness demonstration and demonstrate that groundwater is protected* mean that you have modeled or otherwise scientifically shown that the discharge will not cause or contribute (a) to an exceedance of an applicable maximum contaminant level under 40 CFR part 141 or of a groundwater quality reference or guideline level under OAR chapter 340, division 040, at a well that is or could be used for drinking water or (b) to any other reduction in the quality of water withdrawn from a well that makes the water no longer suitable for drinking, irrigation, or other beneficial uses that are made of the water.
4. *Endangerment of health or the environment* means that discharge to an underground injection system is reasonably likely to lead to pollutant concentrations at a point of groundwater use that (a) exceed an applicable maximum contaminant level under 40 CFR part 141, or (b) exceed a groundwater quality reference or guideline level under OAR chapter 340, division 040, or (c) otherwise harm the beneficial use of groundwater. An exceedance of a discharge action level does not in itself constitute an endangerment of health or the environment.
5. *Definitions* of 40 Code of Federal Regulations (CFR) part 144.3 and Oregon Administrative Rules (OAR) 340 Divisions 040, 044, and 045 apply to this permit unless the definitions are inconsistent with the provisions of the permit.

**PERMITTED ACTIVITIES**

The permittee owns or operates Underground Injection Control systems (UICs, or *injection systems*) to manage stormwater. These injection systems are individual point sources that discharge stormwater and other incidental fluids below the ground surface.

As provided under federal law, this is an *area permit*, which means it covers all permittee-owned or permittee-operated injection systems for stormwater and incidental fluids, located at multiple locations in Multnomah County.

Until we modify or revoke this permit, or until it expires, we authorize you to construct, install, modify, operate, or close (decommission) injection systems in accordance with this permit. We also authorize you to discharge stormwater or other fluids specifically identified in this permit into injection systems that are under your ownership or operation, or that you will construct, or that will be transferred to your ownership or operation while the permit is in effect, provided you conform to the requirements, limitations, and conditions described in the following schedules:

Schedule A. Control and Limitation Conditions .....3  
Schedule B. Monitoring and Reporting Conditions.....5  
Schedule C. Safe Drinking Water Act Compliance Schedule.....7  
Schedule D. Special Conditions .....7  
Schedule E. Pretreatment Conditions í í í í í í í í í í í í í í í í í ..í Not Applicable  
Schedule F. General Conditions .....9

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

## SCHEDULE A CONTROL AND LIMITATION CONDITIONS

1. **Authorized Discharges.** You may discharge stormwater into your injection systems in accordance with the conditions of this permit. You may also discharge the incidental non-stormwater fluids listed below into your injection systems. If any of these non-stormwater discharges cause or contribute to an exceedance of the action levels in Table 1, you must reduce or eliminate the discharge of pollutants associated with the source.
  - a. Water line flushing;
  - b. Landscape irrigation;
  - c. Uncontaminated groundwater infiltration;
  - d. Uncontaminated pumped groundwater;
  - e. Discharges from potable water sources;
  - f. Water from potable groundwater monitoring wells;
  - g. Draining and flushing of municipal potable water storage reservoirs;
  - h. Foundation drains;
  - i. Air conditioning condensate;
  - j. Springs;
  - k. Water from crawl space pumps;
  - l. Footing drains;
  - m. Lawn watering;
  - n. Individual residential car washing;
  - o. Charity car washing;
  - p. Vehicle washing that does not use detergents or hot water;
  - q. De-chlorinated swimming pool and fountain discharges;
  - r. Incidental street wash water;
  - s. Routine external building wash-down and pavement wash waters that do not use detergents or hot water.
  - t. Discharges or flows from emergency fire-fighting activities provided you take precautions, to the extent practicable, to protect injection systems during emergency fire-fighting activities. Wash down of spills into any underground injection system is prohibited;
  - u. Discharges of treated water from investigation, removal, and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465 (Hazardous Waste and Hazardous Materials);
  - v. Start-up flushing of groundwater wells; and
  - w. Other similar temporary discharges of uncontaminated water.
  
2. **Action Levels.** We have established action levels for pollutants in Table 1. The action levels are guideline concentrations, not limitations; an action level exceedance, therefore, is not a permit violation. The exceedance of an action level, however, may require corrective action in accordance with Schedule A, conditions 4 and 5. The action levels apply at the point of discharge into the underground injection system. You may request changes to these action levels at any time during the permit period, especially if they change based on a groundwater protectiveness demonstration. **After two years of monitoring and a minimum of four samples you may request in writing to DEQ that monitoring of specific pollutants be eliminated based on monitoring results.** You must incorporate approved changes into your Underground Injection Control System Management Plan or Stormwater Monitoring Plan, as appropriate.

| <b>TABLE 1 – Action Levels for Pollutants</b> |   |
|---|---|
| <b>Monitoring Parameter</b>                   | <b>Action Level at Injection Point (µg/L)</b> |
| Benzo(a)pyrene                                | 2   |
| Pentachlorophenol                             | 10  |
| Di(2-ethylhexyl)phthalate                     | 300   |
| Lead (Total)                                  | 500   |
| Zinc (Total)                                  | 50,000  |
| Copper (Total)                                | 1,300   |

3. **Table 1 Action Level Exceedance.** When stormwater concentrations exceed a Table 1 Pollutant action level, you must respond as described below:
  - a. **Table 1 Individual Sample Exceedance.** Individual exceedances may only reflect localized conditions and may not necessarily indicate a system-wide concern. You must take corrective action with respect to the UIC that exceeded the action level as described in Schedule A, condition 5.
  - b. **Table 1 Annual Geometric Mean Exceedance.** A geometric mean exceedance may indicate a system-wide risk to groundwater. You must take corrective action in accordance with Schedule A, condition 5 to ensure system-wide protection of groundwater. You must address the area drained by the monitored UICs indicating a system-wide risk to groundwater.
  
4. **If discharges from one or more UICs endanger health or the environment, you must:**
  - a. Inform us consistent with Schedule F, condition 4(f), and
  - b. Take corrective action to eliminate any endangerment of health or the environment. You must complete all corrective actions as soon as practicable, with DEQ approval of work scope and schedule. You must submit updates regarding progress to us at least annually, and you may include them in annual reports required under Schedule B, condition 4.
  
5. **Corrective Action.** Corrective action always includes actions 4(a) and 4(b) above. It also includes additional actions 5(a) through 5(g) as required to protect groundwater or to demonstrate that it is already protected:
  - a. Attempt to identify the source(s) of an exceedance of Table 1 action levels;
  - b. When source identification efforts are complete, determine the set of UICs that require corrective action, based on the identified source(s) or other factors;
  - c. Assess whether best management practices need adjustment to eliminate or reduce influent concentrations and make appropriate, practicable changes;
  - d. Resample the discharge to UICs that had exceedances of Table 1 action levels to allow for calculation of a geometric mean that verifies or invalidates the original influent concentration;
  - e. Demonstrate that groundwater is protected through modeling or other approved approach;
  - f. Retrofit the affected UIC(s) so that groundwater is protected;
  - g. Decommission the UIC.

6. **Site Control Measures and Best Management Practices.** You must implement and maintain site control measures and best management practices to reduce or eliminate pollutants, in accordance with the DEQ-approved Underground Injection Control System Management Plan described in Schedule D, condition 5.
7. **Underground Injection Systems - Horizontal Setbacks.** All injection systems are subject to the following horizontal setback requirements.
  - a. **No Further Action.** You do not need to take further action for injection systems that are:
    - i. Outside the two-year Time-of-Travel, if one has been determined by the Oregon Health Authority for public water wells, or
    - i. More than 500 feet away from a public or private drinking water or irrigation water supply well, if the Oregon Health Authority has not designated a two-year Time-of-Travel.
  - b. **Existing Systems within Horizontal Setbacks.** It is not a permit violation for existing injection systems not to meet the horizontal setbacks described above. However, for each existing injection system that does not have the horizontal setbacks described above, you must provide a protectiveness demonstration within one year of discovery. If protectiveness cannot be demonstrated for a UIC, you must complete the following as soon as practicable during the ten-year term of this permit with DEQ approval of a work plan and schedule:
    - i. Retrofit or implement a variety of passive, structural, and/or technological controls to reduce or eliminate pollutants to the underground injection system to provide protection; or
    - ii. Close the underground injection system.You may consider the proposed work approved if you have not received a response from DEQ within 30 calendar days of submitting your work plan and schedule.
  - c. **New Systems within Horizontal Setbacks.** You may construct and operate new injection systems inside a horizontal setback if you are able to provide a groundwater protectiveness demonstration for the new injection system.

## SCHEDULE B MONITORING AND REPORTING CONDITIONS

1. **System-Wide Assessment.** We have approved your June 2013 System-Wide Assessment of injection systems you own or operate, in conjunction with the issuance of this permit. By the end of the fifth year of the permit term, you must update the System-Wide Assessment to reflect any changes that have occurred and submit a revised System-Wide Assessment to us. If no significant changes have occurred over the previous five years, you may include the fifth year System-Wide Assessment in the annual underground Underground Injection Control System Report described in Schedule D, condition 5. The revised System-Wide Assessment must include:
  - a. An updated inventory of all injection systems that receive stormwater or other fluids and their locations by latitude and longitude in decimal degrees using the NAD 83 datum. If a different datum becomes the standard during the permit term, update the underground injection system inventory using the new datum at the five year review;
  - b. An updated estimate of vehicle trips per day for the area(s) drained by the injection systems;
  - c. An updated inventory of all injection systems that discharge directly into groundwater;
  - d. An updated inventory of all injection systems that are known by the permittee to not meet the setback distances listed in Schedule A;
  - e. An updated inventory of all injection systems that are prohibited by OAR 340-044-0015(2), which includes injection systems in vehicle maintenance areas, fuel dispensing areas, floor pits, non-vehicle maintenance facilities, floor drains, and fire station bay floor drain. For these prohibited systems, you also must report and take corrective actions as described in Schedule D, conditions 4 and 5;

- f. An updated inventory of all industrial facilities and commercial properties that pose a risk of pollutant discharge to injection systems that you own or operate.
2. **Stormwater Monitoring Plan.** You must implement your July 2013 Stormwater Monitoring Plan that we have approved within 180 days of issuance of this permit, and comply with the plan requirements. You must submit any proposed revisions to the plan to us, and we must approve the revisions before you may implement them. You may assume that any revisions on which we do not take action within 30 days of submission are approved. The Stormwater Monitoring Plan must be updated by the end of the fifth year of the permit term for adjustments to monitoring and reporting supported by site-specific information collected during the first five years of the permit, consistent with revisions to the fifth-year update to the System-wide Assessment Report described in Schedule B, condition 1.
  3. **Groundwater Monitoring.** If you cannot meet the action levels established in Schedule A, Table 1, or other information indicates that your injection systems may be adversely impacting groundwater quality, we may require you to monitor groundwater or take additional actions in accordance with OAR 340-040-0030. Prior to completing such monitoring, you may apply for a concentration limit variance as provided in OAR 340-040-0030. If we grant a concentration limit variance, the action levels established in Table 1 may be revised, as appropriate.
  4. **Annual Reporting.** The annual reporting period shall be July 1 to June 30 of the following year. By December 31 of each year, starting in 2014, you must submit an annual Underground Injection Control System Report. Unless we approve otherwise, the annual Underground Injection Control System Report must:
    - a. Include the results of your stormwater monitoring conducted in accordance with your Stormwater Monitoring Plan. This must include a spreadsheet of all data from sampled UICs provided in the analytical laboratory reports;
    - b. Discuss any Table 1 action level exceedances and actions taken to address the exceedances;
    - c. Describe any actions taken to implement the Underground Injection Control System Management Plan required in Schedule D, condition 5, any proposed modifications to the Underground Injection Control System Management Plan, and any additional actions taken to manage your injection systems to ensure groundwater protection;
    - d. Describe any actions described in your Underground Injection Control System Management Plan that you were not able to complete and why;
    - e. Identify any injection systems that you closed, retrofitted, or installed during the year;
    - f. Describe your future (in the next year) known plans to install, modify, convert, or close any underground injection system;
    - g. Identify any changes to the key personnel or areas of responsibility for the permit;
    - h. Identify any newly-discovered underground injection control system; and
    - i. Provide one hard copy and one electronic copy of the annual Underground Injection Control System Report. Copies of laboratory results do not need to be submitted with the annual Underground Injection Control System Report, however you must retain copies of analytical laboratory reports as described in Schedule F condition 3.
  5. **Closing an Underground Injection System.** You must provide prior notice of converting or closing any underground injection system you own or operate. Either you may notify us in advance by listing future decommissioning plans in your annual Underground Injection Control System Report as in Schedule B, condition 4 above, or you may notify us in accordance with OAR 340-044-0040.

THIS COLUMN  
IS CORRECT  
↓

SOME DATES  
ARE WRONG  
↓

6. Summary of Submittals & Notifications.

| <u>Submittal/Notification</u>                                       | <u>Permit Reference</u> | <u>Submittal/Notification Requirement</u>        | <u>Estimated Date</u>  |
|---|-------------------------|--|--|
| Progress Report for Corrective Actions                              | A.4.b                   | Annually   | December 2014,<br>December 2015, <b>OK</b><br>December 2016... |
| Revised System-wide Assessment Report                               | B.1                     | End of 5 <sup>th</sup> year of permit term       | <del>October</del> 2018<br><b>APRIL</b>                        |
| Revised Stormwater Monitoring Plan                                  | B.2                     | End of 5 <sup>th</sup> year of permit term       | <del>October</del> 2018<br><b>APRIL</b>                        |
| UIC System Report   | B.4                     | Annually   | December 2014,<br>December 2015, <b>OK</b><br>December 2016... |
| Permit noncompliance that endangers human health or the environment | F.4.f                   | Within 24 hours (verbal) and five days (written) | N/A  |
| Corrective actions for prohibited UICs                              | D.3                     | Within 24 hours (verbal) and five days (written) | N/A  |
| Permit Re-application   | F.1.d                   | No later than 60 days before permit expiration   | <del>June 30, 2023</del><br><b>JANUARY 31, 2024</b>            |

**NOTE:**

CHANGES TO "ESTIMATED DATE" COLUMN MADE BY M. KOHLBECKER, DEQ UIC HYDROGEOLOGIST, ON 10/3/2014.

SCHEDULE C  
SAFE DRINKING WATER ACT COMPLIANCE SCHEDULE

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

SCHEDULE D  
SPECIAL CONDITIONS

1. **Legal Authority.** Within 18 months of the effective permit issuance date, you must adopt and maintain, through ordinance or other means, adequate legal authority to implement and enforce the provisions of this permit. At a minimum, the legal authority must enable you to:
  - a. Implement the DEQ-approved Stormwater Monitoring Plan and Underground Injection Control System Management Plan required in Schedule B, condition 2 and Schedule D, condition 5;
  - b. Prohibit discharge to an underground injection system that may cause a violation of the conditions of this permit from publicly or privately owned properties; and
  - c. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the conditions of this permit.
  
2. **Permittee Personnel Responsible for Permit.** You must identify the key personnel positions and contact information responsible for establishing and maintaining compliance with all conditions of the permit. Contact information includes the employee's name, phone number, business section where the employee works, and the employee's area of responsibility for the permit. You must notify us in writing of any changes

to the key personnel or areas of responsibility for the permit in the annual Underground Injection Control System Report required under Schedule B, condition 4.

3. **Reporting and Corrective Actions for Underground Injection Systems Prohibited by OAR 340-044-0015.** Within 24 hours of discovery you must verbally or in writing provide DEQ with any information you have about prohibited underground injection systems. You must submit a written report within five working days of discovery and take the following actions unless otherwise approved by DEQ:
  - a. To the extent practicable, you must temporarily divert the discharge away from the UIC within five days of discovering the UIC.
  - b. You must permanently close the prohibited injection systems as soon as practicable, with DEQ approval of work scope and schedule.
4. **Underground Injection Systems Discovered After the Permit is Issued.** For any underground injection system you discover or identify after the permit is issued, you must:
  - a. Submit the necessary information to us, either with the updated System-Wide Assessment Report or the next annual Underground Injection Control System Report, whichever is submitted first, so that we may add the underground injection system to our underground injection system database;
  - b. Include the underground injection system in the first annual Underground Injection Control System Report after you discover or identify it; and
  - c. Ensure that the newly identified injection system is represented by either the current DEQ-approved Stormwater Monitoring Plan, or by a revised Stormwater Monitoring Plan that is implemented for the annual monitoring period following discovery of the injection system.
5. **Underground Injection Control System Management Plan.** We approve your February 2013 Underground Injection Control System Management Plan. You must implement the management plan and any update that we approve. You may assume that any proposed revision on which we do not take action within 30 days is approved. Any proposed revision to the management plan must include an updated description, as applicable, of how the elements listed below will be implemented in order to protect groundwater quality:
  - a. Stormwater Monitoring Plan, described in Schedule B, condition 2, including how you will use stormwater monitoring results to ensure compliance with the action levels in Schedule A, Table 1;
  - b. Injection system decommissioning;
  - c. Employee education and public outreach;
  - d. Injection system operation and maintenance;
  - e. Protecting injection systems from accidental spills or illicit disposal of wastes or contaminants;
  - f. Preventing injection of stormwater from loading docks, refueling areas, areas of hazardous and toxic material storage or handling, materials storage or handling areas, or other discharges that may contain pollutants above levels of concern;
  - g. Housekeeping practices to protect groundwater quality;
  - h. Facility designs or practices that allow you to block discharge into any underground injection systems in the event of an accident, spill, or emergency fire-fighting activity.
6. **Adaptive Management.** You must follow an adaptive management approach to assess annually, and modify as necessary, any or all existing Underground Injection Control System Management Plan components, and adopt new or revised Underground Injection Control System Management Plan components to ensure the program is efficient and effective. You must at least annually assess the need to further improve groundwater quality and protect groundwater beneficial uses, review of available technologies and practices, review monitoring data and analyses as required in Schedule B, and evaluate resources available to implement the program. You must evaluate trends in emerging pollutant types and concentrations in the fifth year after

permit issuance and for the permit renewal application. Your evaluation must address the implications of any significant findings for protection of beneficial uses and for the application of best management practices.

7. **Rule Authorization.** This permit covers all UICs owned or operated by the permittee, including those that have been previously rule authorized.
8. **Permit Shield.** Compliance with this permit constitutes compliance, for purposes of enforcement, with the UIC provisions of the federal Safe Drinking Water Act, implementing federal regulations, and OAR chapter 340, divisions 040 and 044. This provision, however, does not preclude modification, revocation and reissuance, or termination of this permit as authorized by applicable federal and state law.

### SCHEDULE E PRETREATMENT CONDITIONS

*Not applicable to this permit*

### SCHEDULE F GENERAL CONDITIONS

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

- (1) **Violation.** The violation of any term, condition, or requirement of this permit, or a related state rule or statute, or a federal regulation related to underground injection control for injection wells;
  - (2) **Misrepresentation.** Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
  - (3) **Change of condition.** A change of any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- ii. You may request a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, but this request does not stay the effectiveness of any permit condition.
- f. **Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges.
  - g. **Permit Reference.** All rules and statutes referred to in this permit are those in effect on the date we issue this permit, or the date we modify the permit to incorporate new provisions as provided in OAR 340-045-0055, whichever occurs later.
  - h. **Penalties for False Information.** Under ORS 486.953, any person who supplies false information to us commits a Class C felony. Under OAR 340-012-0053(1)(b), providing us with false information is a Class 1 civil violation. Providing us with false information includes the following:
    - i. Falsifying, tampering with, or knowingly rendering inaccurate, any monitoring device or method required to be maintained under this permit;
    - ii. Making any false material statement, representation or certification knowing it to be false, in any application, notice, plan, record, report or other document required by any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B;
    - iii. Omitting any material or required information, knowing it to be required, from any document described in paragraph (a) of this subsection; or
    - iv. Altering, concealing or failing to file or maintain any document described in paragraph (a) of this subsection in knowing violation of any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B.
  - i. **Duty to Provide Information.** You must furnish to us, within a time specified, any information that we may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. You must also furnish to us upon request, copies of records that this permit requires you to keep.
  - j. **Need to Halt or Reduce Activity not a Defense.** It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
  - k. **Permit Modifications.** You may request a permit modification or we can initiate it. Any modification to the permit must be in accordance with the provisions of OAR 340-045-0055 and 40 CFR 144.41, as applicable.
- 2. Operation and Maintenance.**
- a. **Proper Operation and Maintenance.** You must at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that you install or use to comply with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facilities or similar systems only when necessary to comply with the conditions of the permit.
  - b. **Removed Substances.** You must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to a UIC in accordance with 40 CFR 144.82(b).

- 3. Monitoring and Records.** You must comply with monitoring requirements of 40 CFR 144.51(j) and this condition:
- a. Samples and measurements taken for monitoring must be representative of the monitored activity.
  - b. **Records Contents.** Records of monitoring information you must retain include:
    - i. The date, exact place, time and methods of sampling or measurements;
    - ii. The name(s) of the individual(s) who performed the sampling or measurements;
    - iii. The date(s) analyses were performed;
    - iv. The name(s) of the individual(s) who performed the analyses;
    - v. The analytical techniques or methods used;
    - vi. The results of such analyses;
    - vii. The nature and composition of all injected fluids until three years after completion of any plugging and decommissioning procedures; and
    - viii. We may require the owner or operator to deliver the records to us at the conclusion of the retention period.
  - c. **Inspection and Entry.** You must allow us, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
    - i. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
    - ii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
    - iii. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Safe Drinking Water Act or state law, any substances or parameters at any location.
  - d. **Retention of Records.** You must retain records of all monitoring and maintenance information, including all field notes, calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, all analyses of the data generated, all reports required by this permit, and records of all data used to complete the application for this permit. You must keep them for a period of at least 10 years from the date of the sample, measurement, report, or application. You must make the records available to us upon request.
- 4. Reporting and Signatory Requirements.** You must comply with the reporting requirements of 40 CFR 144.51(j) and this condition:
- a. **Planned changes.** You must give us notice of any planned physical alterations or additions to the permitted facility as described in Schedule B, condition 4.
  - b. **Anticipated noncompliance.** You must give us advance notice of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
  - c. **Anticipated Violations.** You must give us advance notice of any planned changes in the permitted facilities or activities that may result in violations of permit requirements.
  - d. **Transfers** This permit is not transferrable to any person except after giving us notice and meeting the conditions of OAR 340-045-0045. We may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the federal Safe Drinking Water Act (see 40 CFR 144.38; in some cases, modification or revocation and reissuance is mandatory).
  - e. **Compliance Schedule.** You must make compliance reports on all interim and final requirements contained in any compliance or implementation schedule included in this permit. The reports must explain the cause of any noncompliance, if known, any remedial actions taken, and the probability of meeting the next scheduled requirements.
  - f. **Twenty-Four-Hour and Five-Day Reporting.** Unless a different compliance schedule and reporting requirements are otherwise noted in this permit, you must report any non-compliance that endangers

health or the environment in accordance with 40 CFR 144.51(l)(6). You must provide any information of non-compliance that endangers health or the environment orally within 24 hours from the time you become aware of the circumstances. You must submit a written report within 5 days of the time you become aware of the circumstances. The written report must contain:

- i. A description of the violation and its cause, if known;
  - ii. The period of violation, if known;
  - iii. The estimated time the violation is expected to continue if it has not been corrected; and
  - iv. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.
- g. **Other Compliance.** In accordance with 40 CFR 144.51(l)(7), you must report all other instances of non-compliance not reported in Schedule F, conditions 4(e) and 4(f) at the time the annual reports are submitted. The reports must contain the information listed in Schedule F, condition 4(f).
- h. **Other Violations.** You must report all permit violations that occurred during a permit-established reporting period in the annual Underground Injection Control System Management Report for that period. The reports must contain the information listed in Schedule F, condition 4(f).
- i. **Signatory Requirements.** You must sign and certify all applications, reports or information submitted to us as provided in 40 CFR 144.32.