

# Water Pollution Control Facilities Permit For Class V Stormwater Underground Injection Control Systems

## Department of Environmental Quality

700 NE Multnomah Street, Suite 600, Portland, Oregon 97232  
(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:**

City of Gresham  
1333 NW Eastman Parkway  
Gresham, Oregon 97030-38123

**SOURCES COVERED BY THIS PERMIT:**

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

**SYSTEM TYPE:**

Class V Underground Injection Controls

**SYSTEM LOCATIONS:**

Within the jurisdictional boundaries of the City of Gresham

**Waters of the State:** Groundwater

---

**Effective Permit Issuance Date:** October 11, 2024

**Permit Expiration Date:** November 30, 2034

**Permit Number:** WPCF-DOM-UIC-103043

**DEQ File Number:** 112110

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

*Kevin D. Weberling*

Kevin D. Weberling, RG  
UIC Senior Hydrogeologist

October 11, 2024

Date

*Benjamin Benninghoff*

Benjamin Benninghoff  
Water Quality Manager

October 11, 2024

Date

## DEFINITIONS

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.

1. *Adaptive Management* is a structured, iterative process designed to refine and improve stormwater programs over time by evaluating results and adjusting actions based on learnings during the current permit term.
2. *Best Management Practices* or *BMPs* means the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures, and practices to control stormwater runoff.
3. *City* means the City of Gresham
4. *Corrective action* means measures taken to improve a situation that may adversely affect groundwater quality or supply, endanger groundwater, or violate the prohibition of fluid movement standard.
5. *De minimis* in the context of discharge means that the potential lowering of water quality is of little to no consequence to human health and the environment.
6. *DEQ* means Oregon Department of Environmental Quality
7. *Endangerment of health or the environment* means that discharge to an Underground Injection Control 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 and endangerment of health or the environment.
8. *Groundwater protectiveness* means that a discharge will not endanger groundwater or violate the prohibition of fluid movement standard as defined in 40 CFR 144.12(a)
9. *Hazardous materials* are defined in ORS 466.605(7) and include: materials designated under ORS 466.630, hazardous wastes as defined at 466.005(7), radioactive wastes, communicable disease agents, and hazardous substances.
10. *Hazardous substances* are substances designated by the Environmental Protection Agency pursuant to section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, oil or petroleum products, or any substance designated by the Environmental Quality Commission under ORS 465.400.
11. *Retrofitting* means physically modifying an existing Underground Injection Control system from its original construction design.
12. *Source controls* are methods intended to decrease pollutant levels entering stormwater runoff by preventing pollutant contact with rainfall and runoff.

## PERMITTED ACTIVITIES

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

This is an *area permit* as provided under federal law. This means it covers all permittee-owned or permittee-operated injection systems for stormwater and incidental fluids, at multiple locations within the jurisdictional boundary of the City.

Until DEQ modifies or revokes this permit, or until it expires, this permit authorizes the City to construct, install, modify, operate, or close (decommission) injection systems in accordance with this permit. This permit also

authorizes the City to discharge stormwater or other fluids specifically identified in this permit into injection systems that are under the City’s ownership or operation, or that the City will construct, or that will be transferred to the City’s ownership or operation while the permit is in effect, provided the City conforms to the requirements, limitations, and conditions described in the following schedules:

Schedule A. Control and Limitation Conditions ..... 3  
Schedule B. Monitoring and Reporting Conditions ..... 6  
Schedule C. Safe Drinking Water Act Compliance Schedule ..... 8  
Schedule D. Special Conditions ..... 8  
Schedule E. Pretreatment Conditions .....10  
Schedule F. General Conditions ..... 10

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

**SCHEDULE A  
CONTROL AND LIMITATION CONDITIONS**

**1. Authorized Discharges.** The City may allow discharge of stormwater into its UICs in accordance with the conditions of this permit. The City may also allow discharge of the incidental non-stormwater fluids listed below into its UICs. DEQ may approve other similar temporary discharges after this permit is issued, provided the permittee shows DEQ in writing that the discharge is *de minimis* and complies with OAR 340-040-0020(3), and the permittee obtains written approval from DEQ prior to discharge. If any of these non-stormwater discharges cause or contribute to an exceedance of the action levels in Table 1, the City must reduce or eliminate the discharge of pollutants associated with the source. Incidental non-stormwater fluids include:

- a. Uncontaminated water line flushing (with the exception of super-chlorinated discharges);
- 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 that has not been contaminated with oils or other chemicals;
- l. Footing drains;
- m. Lawn watering;
- n. Individual residential and charity car washing activity restricted to the outside of the vehicle (no engines, transmissions or undercarriages);
- o. De-chlorinated swimming pool and fountain discharges;
- p. Incidental street wash water;
- q. External building wash-down and pavement wash waters provided that chemicals, soaps, detergents, steam or heated water are not used;
- r. Discharges or flows from emergency fire-fighting activities provided the City takes precautions, to the extent practicable, to protect injection systems during emergency fire-fighting activities. Wash down of

- spills into any Underground Injection Control system is prohibited;
- s. 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);
- t. Start-up flushing of groundwater wells;
- u. Non-turbid construction discharges;
- v. Other similar temporary discharges of uncontaminated water.

**2. Action Levels.** DEQ has established action levels for pollutants in Table 1 based upon EPA National Primary Drinking Water Regulations and the City of Gresham’s DEQ-approved groundwater protectiveness demonstration. 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 Control 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 Stormwater Management Plan.

**Table 1: Action Levels for Pollutants**

<b>Monitoring Parameter</b>	<b>Action Level at Injection Point µg/L (micrograms per liter)</b>
Benzo(a)pyrene	2
Pentachlorophenol	10
Di(2-ethylhexyl)phthalate	300
Copper (Total)	1,300
Lead (Total)	500
Zinc (Total)	50,000

- 3. Action Level Exceedance.** When the Action Levels for Pollutants in stormwater (or other Authorized Discharges listed in Schedule A (1)) exceed a Table 1 concentration, the City must take corrective action, as described in Schedule A (5), with respect to the UIC(s) that receive that discharge.
- a. **Table 1 Individual Sample Exceedance.** The City has chosen to monitor enough injection system sampling points each year to represent the entire system inventory. This sampling strategy includes stratification and prioritization primarily based on vehicle traffic. Because individual exceedances may only reflect localized conditions and may not necessarily indicate a systemwide concern, you must take corrective action with respect to the UIC that exceeded the action level as described in Schedule A, condition 5(e).
  - b. **Table 1 Annual Geometric Mean Sample Exceedance.**  
 If the City has determined through repeat sampling that individual UIC Table 1 Action Level exceedances are not anomalous, this may indicate that an annual geometric mean exceedance poses a systemwide risk to groundwater. The City must then take corrective action as described in Schedule A, condition 5 (a-h).
- 4. Imminent Endangerment of Human Health or the Environment.** If discharges to one or more UICs may endanger human health or the environment or violate the prohibition of fluid movement standard, the City must:
- a. Notify Oregon Emergency Response System at 1-800-452-0311 consistent with Schedule F(4)(f)

- b. Contact DEQ's UIC program Hydrogeologist at [UIC@deq.oregon.gov](mailto:UIC@deq.oregon.gov) or 503-229-6371
- c. Take spill response measures in accordance with your DEQ approved Underground Injection Control System Management Plan;
- d. Take corrective action to eliminate any endangerment of human health or the environment as defined in 42 USC 300h(d)(2) or violation of the prohibition of fluid movement standard in 40 CFR 144.12(a).

**5. Corrective Action.** The City must complete corrective action in response to discharges that endanger human health or the environment according to Schedule A(4). Corrective action also includes the additional actions identified in 5(a) through 5(h):

- a. Attempt to identify the source(s) of a spill or parameter action level exceedance from Table 1;
- b. When source identification efforts are complete in the case of a spill, determine the UIC(s) affected, based on the identified source(s) or other factors;
- c. When source identification efforts are complete in the case of a Table 1 action level exceedance, determine the UIC(s) affected, based on the identified source(s) or other factors;
- d. Assess whether best management practices need adjustment to eliminate or reduce influent concentrations during spills or action level exceedances and make appropriate, practicable changes;
- e. Resample discharge to UIC(s) with exceedances of the Table 1 parameter action level(s) that are deemed anomalous and calculate a geometric mean that verifies or invalidates the original influent concentration;
- f. Demonstrate that groundwater is protected through modeling or other approved approach;
- g. Retrofit the affected UIC(s) so that groundwater is protected;
- h. Decommission the UIC(s).

**6. Source Control Measures and Best Management Practices.** Except for UICs used to drain roof-only runoff, the City must implement and maintain source control measures and best management practices to reduce or eliminate pollutants from entering UICs in accordance with OAR 340-040-0020(11) and the DEQ-approved Underground Injection Control System Management Plan (UICMP) described in Schedule D, condition 4.

Structural best management practices for UIC's installed during the current permit term must include pre-treatment devices that allow for attenuation of contaminants and/or separation of oil and settlement of solids prior to stormwater entering the UIC. These devices can include but are not limited to, bioswales, catch basins, sedimentation manholes, etc. It is not a permit violation if UICs are not equipped with these devices at the time of permit issuance, however the City must abide by its best management practices that have been approved by DEQ.

**7. Underground Injection Control Systems - Setbacks.** UIC rules presume that stormwater injection systems located within specific horizontal distances ("setbacks") of domestic drinking or public water supply wells may pose a human health risk. All stormwater UICs are subject to the following horizontal setback requirements.

- a. **No Further Action.** The City does not need to take further action for stormwater UICs that:
  - i. Are outside the two-year Time-of-Travel for public water supply wells, if one has been determined by the Oregon Health Authority, or;
  - ii. Are more than 500 feet away from a known domestic drinking water supply well or public water supply well, if the Oregon Health Authority has not designated a two-year Time-of-Travel for the latter.
- b. **Existing Systems within Setbacks.** It is not a permit violation for existing stormwater UICs that do not meet the setbacks described above in Schedule A 7(a)(i) or 7(a)(ii). The City has previously identified existing UICs that are within these setbacks during the prior permit term; however, for each newly-discovered stormwater UIC that the City determines does not meet these criteria, the City must:

- i. Notify DEQ within 30 calendar days of the determination
- ii. Ensure that the UIC is protective according to the City's current DEQ approved groundwater protectiveness demonstration.
- iii. Take the following action, as soon as practicable during the ten-year term of this permit, if groundwater protectiveness cannot be demonstrated:
  - (1) Submit a work plan and schedule, for approval by DEQ, which takes either of the following actions:
    - (a) Retrofits the affected UIC(s) so that groundwater is protected; or
    - (b) Close the UIC(s).
    - (c) The City may consider the proposed work to be approved if the City has not received a response from DEQ within 30 calendar days of the plan submittal.
- c. **New Installation of Systems within Setbacks.** The City may construct and operate new stormwater UICs inside a setback if it is able to provide confirmation that the UICs meet the current DEQ approved groundwater protectiveness demonstration.

## **SCHEDULE B MONITORING AND REPORTING CONDITIONS**

1. **System-Wide Assessment.** A System-Wide Assessment must be submitted to DEQ at the end of years 5 and 10 (permit renewal) of the current permit term that includes the items in Schedule B 1(a) through 1(g). If the previously submitted System-wide Assessment is accurate and up to date, it does not need to be resubmitted, but system updates must be submitted to DEQ following Schedule B 1(g).
  - a. Current inventory at renewal application date 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 (should datum standards change during current permit coverage, DEQ will notify the City). If previously submitted System-wide Assessment is accurate and up to date, it does not need to be resubmitted;
  - b. Whether the vehicle trips per day for the area(s) drained by the injection systems is greater than 1,000 or less than 1,000.
  - c. Current inventory of all injection systems that are known to discharge directly into groundwater;
  - d. Current inventory of all stormwater injection systems that are known by the City to not meet the setback distances listed in Schedule A(7);
  - e. Current inventory of City-owned and operated 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 drains. For these prohibited systems, the City must also report and take corrective actions as described in Schedule A(4) and A(5);
  - f. Current inventory of all industrial facilities and commercial properties that pose a risk of pollutant discharge to injection systems that the City owns or operates.
  - g. Updates to the UIC inventory including new installations, retrofits to existing UICs, UIC closures, and UIC transfer of ownership must be addressed in the Annual UIC Reporting requirements described in Schedule B (4).
2. **Stormwater Monitoring Plan.** Stormwater sampling is required to determine whether source controls and best management practices are sufficient to prevent endangerment of groundwater per the City's DEQ approved Stormwater Monitoring Plan.
  - a. The City's monitoring period is between July 1-June 30 of each fiscal year during the permit term.
  - b. The City must collect at least one stormwater sample annually from the locations determined by the City in the DEQ approved Stormwater Monitoring Plan. Stormwater samples must be collected from the end of pipe where stormwater discharges into the UIC, or upstream of the end of pipe. DEQ may require

monitoring of additional or different UICs at any time during the ten-year term of this permit and will provide the requirement in writing

- c. The City must analyze samples for the pollutants in Schedule A, Table 1. All monitoring analyses must be performed by a State of Oregon accredited laboratory.
  - d. The City may discontinue stormwater sampling for a Schedule A, Table 1 pollutant at each sampling location if the average concentration of the pollutant from at least two separate annual sampling events for that sampling location is below the applicable Table 1 action level, demonstrating the effectiveness of site controls and best management practices. Discontinuation of sampling will require a permit modification with DEQ. If the City discontinues stormwater monitoring through the formal DEQ permit modification process, then it must certify in its annual report that there have been no changes to site conditions that would significantly change stormwater quality (see Schedule B(4)(b)). DEQ may require re-initiation of stormwater sampling at all monitoring locations during the ten-year term of the permit. DEQ will provide the requirement in writing.
  - e. DEQ may modify existing permit language to add additional pollutants to Schedule A, Table 1 for monitoring purposes should the State of Oregon or federal requirements change during the current permit term.
- 3. Groundwater Monitoring.** If the City cannot meet the action levels established in Schedule A, Table 1, or other information indicates that the City's injection systems may be adversely impacting groundwater quality, DEQ may require groundwater monitoring or additional actions in accordance with OAR 340-040-0030 or both. Prior to completing such monitoring, the City may apply for a concentration limit variance as provided in OAR 340-040-0030. If DEQ grants a concentration limit variance, the action levels established in Schedule A, Table 1 may be revised.
- 4. Annual Reporting.** The annual reporting year shall be from July 1<sup>st</sup> through June 30<sup>th</sup>. By December 31<sup>st</sup> of each year, the City must submit an annual Underground Injection Control System Report for the prior reporting year, using the [Your DEQ Online](#) electronic application and filing system. The first annual report, for the partial calendar year 2024, will be due on or before December 31<sup>st</sup>, 2025. The annual Underground Injection Control System Report must:
- a. Include the certification of accuracy required by 40 CFR 144.32(d);
  - b. Include the results of stormwater monitoring conducted in accordance with Schedule B(2), or, if sampling has been discontinued in accordance with Schedule B(2)(c), a certification that there have been no changes to site conditions that would significantly change stormwater quality;
  - c. Discuss any Schedule A, Table 1 action level exceedances and actions taken to address the exceedances;
  - d. Describe any actions in Schedule D(4) that were not completed and the reason they were not completed;
  - e. Identify any UICs closed, retrofitted, newly installed, newly discovered, or transfer of ownership during the year;
  - f. Describe the City's known plans to install, modify, convert, or close (decommission) any UICs in the next year;
  - g. Identify the key personnel positions that are responsible for this permit and their contact information (see Schedule D(1)).
- 5. Decommissioning an Underground Injection Control System.** The City must provide prior notice of decommissioning any Underground Injection Control system it owns or operates, including UICs that are converted or closed. The City may notify DEQ in advance by listing future decommissioning plans in its annual Underground Injection Control System Report as described in Schedule B(4)(f), or the City may notify DEQ in accordance with OAR 340-044-0040.

**Summary of Submittals & Notifications.** A summary of the submittals and notifications required under this permit is provided in Table 2

<b>TABLE 2 – SUMMARY OF SUBMITTALS</b>			
<b>Submittal/Notification</b>	<b>Permit Reference</b>	<b>Submittal/Notification Requirement</b>	<b>Estimated Date(s)</b>
<u>Annual UIC System Report</u> and (when applicable) <u>System-Wide Assessment Update</u>	B(4), D(3) and B(1)	Annually	December 31 <sup>st</sup>
Permit noncompliance that endangers human health or the environment	F(4)(f)	Within 24 hours (oral) and five working days (written)	N/A
Corrective actions for prohibited UICs	F(4)(f)	Within 24 hours (oral) and five working days (written)	N/A
Permit Re-application	F(1)(d)	60 calendar days before permit expiration	September 30, 2034

**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 the City does not own any injection systems known to violate the Safe Drinking Water Act, state or federal Underground Injection Control system rules or regulations, or state groundwater quality protection rules.

**SCHEDULE D  
 SPECIAL CONDITIONS**

- 1. Permittee Personnel Responsible for Permit.** The City must identify the key personnel positions and contact information responsible for establishing and maintaining compliance with all conditions of this permit. Contact information includes the employee’s name, title, mailing address, email address, phone number, business section where the employee works, and the employee’s area of responsibility for this permit. The City must notify DEQ in the Your DEQ Online system of any changes to the key personnel or areas of responsibility for this permit in the annual Underground Injection Control System Report required under Schedule B(4).
- 2. Reporting and Corrective Actions for Underground Injection Control Systems Prohibited by OAR 340-044-0015.** The City must provide DEQ with any information it has about newly-discovered prohibited



Underground Injection Control systems that it owns within 24 hours of discovery. The City must submit a written report within five working days of discovery and take the following actions unless otherwise approved by DEQ:

- a. The City must temporarily divert the discharge away from the UIC within five working days of discovering the UIC.
- b. The City must permanently close the prohibited injection systems as soon as practicable, with DEQ approval of work scope and schedule.

**3. Underground Injection Control Systems Discovered or Installed After the Permit is Issued.** Additional UICs may be authorized under this permit, provided they inject permit-approved fluids into facilities within the City's jurisdictional boundaries and they are constructed, installed, modified, operated, or closed in accordance with this permit. For any underground injection system the City discovers, installs, modifies, or closes after this permit is issued, the City must report changes in the Annual Report outlined in Schedule B (4). Discovered or new UICs are subject to monitoring in accordance with Schedule B (2). The City must still report prohibited underground injection systems according to Schedule D(2) above.

**4. Underground Injection Control System Management Plan.** The City must manage its UIC system in accordance with the following conditions:

- 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. Construction stormwater discharge is allowed, however the City must implement erosion prevention and sediment control standards that require the treatment and control of construction runoff so that incidental runoff does not transport excess sediment to UICs;
- h. Housekeeping practices to protect groundwater quality;
- i. Facility designs or practices that allow you to block discharge into any Underground Injection Control systems in the event of an accident, spill, or emergency fire-fighting activity

**5. Adaptive Management.**

- a. Permittees must follow an adaptive management approach during the current permit term to assess, modify and improve ongoing learnings regarding source controls and best management practices to ensure minimizing stormwater contamination injection.
- b. Permittees must routinely assess methods to further improve groundwater quality, protect beneficial groundwater uses and review new technologies and practices that improve groundwater protection.
- c. The City must address findings by year five from the emerging pollutant study conducted during the prior permit term by updating the existing Groundwater Protectiveness Demonstration to include fate and transport modeling of PFOA and Simazine.
- d. The City must continue to evaluate trends in emerging pollutant types and concentrations by year ten for the next 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.

**6. Rule Authorization.** This permit covers all UICs owned or operated by the City within its jurisdictional boundaries, including those that have been previously rule authorized.

**7. Permit Compliance.** 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

Adhere to pretreatment rules outlined in Schedule A (6) of this permit regarding *Source Control and Best Management Practices*

## SCHEDULE F GENERAL CONDITIONS

### 1. Standard Conditions.

- a. **Duty to Comply.** The City 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 the City 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 provides for 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 this 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.** The City must take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit. The City 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, the City must correct any adverse impact on the environment or human health or safety resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
- d. **Duty to Reapply.** If the City wishes to continue an activity regulated by this permit after the expiration date of this permit, it must apply for and obtain a new permit. In accordance with OAR 340-045-0040(1), the City must submit the application at least 60 calendar days before the expiration date of this permit. DEQ may grant the City permission to submit an application less than 60 calendar days in advance of this permit expiration date. DEQ will not grant permission for a renewal application that the City submits later than the expiration date of the existing permit.
- e. **Permit Actions.**

- i. DEQ 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 systems 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. The City may request a permit modification, revocation-and-reissuance, termination, 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 DEQ issues this permit, or the date DEQ modifies this permit to incorporate new provisions as provided in OAR 340-045-0055, whichever occurs later.
- h. **Penalties for False Information.** Under ORS 486.953, a person commits the crime of supplying false information if the person:
  - i. Falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit;
  - ii. Makes any false material statement, representation or certification knowing it to be false, in any application, notice, plan, record, report or other document required by any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B;
  - iii. Omits any material or required information, knowing it to be required, from any document described in paragraph (h)(ii) above; or
  - iv. Alters, conceals or fails to file or maintain any document described in paragraph (h)(ii) above 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.** The City must furnish to DEQ, within a time specified, any information that DEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The City must also furnish to DEQ upon request, copies of records that this permit requires the City 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 this permit.
- k. **Permit Modifications.** The City may request a permit modification or DEQ can initiate it. Any modification to this 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.** The City must at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that it installs or uses 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 this permit.

- b. **Removed Substances.** The City 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.** The City 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 the City 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. DEQ may require the City to supply the records to DEQ at the conclusion of the retention period.
- c. **Inspection and Entry.** The City must allow DEQ, 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.** The City 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. The City must keep them for a period of at least 10 years from the date of the sample, measurement, report, or application.

**4. Reporting and Signatory Requirements.** The City must comply with the reporting requirements of 40 CFR 144.51(j) and this condition:

- a. **Planned changes.** The City must give DEQ notice of any planned physical alterations or additions to the permitted facility as described in Schedule B(4).
- b. **Anticipated noncompliance.** The City must give DEQ advance notice of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- c. **Anticipated Violations.** The City must give DEQ 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 DEQ notice and meeting the conditions of OAR 340-045-0045. DEQ may require modification or revocation and reissuance of this 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.** The City 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, the City must report any non-compliance that endangers health or the environment in accordance with 40 CFR 144.51(1)(6). The City must provide any information of non-compliance that endangers health or the environment orally within 24 hours from the time the City becomes aware of the circumstances by notifying the Oregon Emergency Response System at 1-800-452-0311. The City must submit a written report within 5 working days of the time the City 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(1)(7), the City must report all other instances of non-compliance not reported in Schedule F(4)(e) and 4(f) at the time the annual reports are submitted. The reports must contain the information listed in Schedule F(4)(f).
- h. **Other Violations.** The City must report all permit violations that occurred during a permit-established reporting period in the annual Underground Injection Control System Report for that period. The reports must contain the information listed in Schedule F(4)(f).
- i. **Signatory Requirements.** The City must sign and certify all applications, reports or information submitted to DEQ as provided in 40 CFR 144.32.