



# COMMUNICATION PACKET MEMORANDUM

No decisions will be made based on the information provided herein. The memorandum is for informational purposes only.

March 7, 2025  
Friday

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1. Updated IGA for NPDES MS4 Phase II General Permit Services in Springfield's Urban Transition Zone
2. 14th Annual Canines for Clean Water Calendar Contest

## MEMORANDUM

City of Springfield, Oregon

**Date:** 03/07/2025

**To:** Nancy Newton, City Manager

**From:** Meghan Murphy

**Subject:** Updated IGA for NPDES MS4 Phase II General Permit Services in Springfield's Urban Transition Zone

## COMMUNICATION PACKET MEMORANDUM

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### INFORMATION SHARE:

The City of Springfield (City) and Lane County (County) recently updated an Intergovernmental Agreement (IGA) to continue collaborating on stormwater management under each agency's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II General Permit.

The updated IGA, provided in attachment 1, defines the stormwater services the City provides on behalf of the County within the Urban Transition Zone (UTZ) -- the area between the City Limits and the Urban Growth Boundary. This partnership eliminates duplicative programs in the UTZ while ensuring compliance with stormwater regulations.

### Key Benefits of the Partnership

- The County receives stormwater management services that the City is already implementing.
- The City is financially compensated by the County on a quarterly basis.
- The agreement reduces redundancy in stormwater management programs within the UTZ.

### City Responsibilities Under the IGA

The City is responsible for implementing control measures outlined in its MS4 Phase II General Permit to prevent stormwater pollution in the UTZ, including:

1. Public Education and Outreach;
2. Public Involvement and Participation;
3. Illicit Discharge Detection and Elimination (including MS4 mapping);
4. Construction Site Runoff Control; and
5. Post-Construction Site Runoff Control for New Development and Redevelopment.

The IGA also establishes guidelines for communication, data sharing, and coordination between the City and the County.

### Agreement Duration

The updated IGA expires on December 31, 2026. Both agencies' MS4 Phase II General Permits are currently under administrative extension by the Oregon Department of Environmental Quality (DEQ) while an updated permit is being prepared for MS4 Phase II communities. A new IGA will be drafted once DEQ issues a renewed permit, expected towards the end of calendar year 2025.

### Background

In 2003, through Lane County Board of Commissioners Order 03-3-12-4, the County determined that meeting certain NPDES Phase II permit requirements in the UTZ through an agreement with Springfield was in the public's best interest. In 2010, the Springfield City Council approved Resolution 10-27, and the City began formally partnering with Lane County through an IGA to provide limited NPDES MS4 permit services in the UTZ.

Springfield is responsible for land use planning in the UTZ under a separate IGA, applying Springfield Development Code requirements to new development and redevelopment. This includes provisions of Springfield's Stormwater Management Plan. Managing stormwater-related requirements within the UTZ benefits the public, ensures efficient regulatory oversight, and increases the likelihood of compliance with City code prior to annexation.

For more information, please contact Meghan Murphy, Environmental Services Supervisor, at 541-744-3385.

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#### **Attachments**

1. IGA for NPDES Phase II MS4 General Permit Services in the UTZ

**City Contract # C3796**

Contract Title: NPDES MS4 Phase II General Permit Services Within Springfield Urban Transition Zone

This Agreement is entered into by and between LANE COUNTY ("County"), a political subdivision of the State of Oregon, and the CITY OF SPRINGFIELD ("Springfield"), an Oregon unit of local government, referred to collectively in this Agreement as the "parties".

**RECITALS**

- A. ORS 190.010, the 2001 Springfield Municipal Charter, and the Lane County Home Rule Charter provide that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreements, its officers, or agents have authority to perform.
- B. County and Springfield are subject to the National Pollutant Discharge Elimination System (NPDES) Phase II General Permit regulations for Municipal Separate Storm Sewer Systems (MS4s). The current version of this permit was issued March 1, 2019 (Modified March 12, 2021). This permit is in the renewal process and is on administrative extension at this time.
- C. All regulated small MS4 communities are required to establish a stormwater program that addresses the six minimum measures covered under the Phase II General Permit program.
- D. Springfield has implemented a comprehensive Stormwater Management Program as represented in its adopted Stormwater Management Plan (SWMP) under Phase II of the NPDES MS4 program; and Springfield's Phase II General Permit has existing Best Management Practices (BMPs) described in Springfield's SWMP (November 2010) and 2022 MS4 Plan that cover aspects of the six Phase II General Permit control measures required of County.
- E. The surface water drainage systems of both jurisdictions are interdependent, and a cooperative and effective management agreement affecting both jurisdictions is beneficial to the citizens of both jurisdictions.
- F. The area encompassed in this Agreement includes the area between the city limits of Springfield and the Springfield Urban Growth Boundary (UGB), designated as the Urban Transition Zone (UTZ).
- G. Pursuant to Board Order 16-86 (Springfield's I90 Agreement), Springfield is responsible for land use planning within the UTZ, and applies City of Springfield Development Code requirements as previously adopted by County.
- H. The Springfield Development Code requires that the provisions of the Stormwater Management Plan be implemented, as appropriate, for all development applications.
- I. County agrees that meeting its NPDES Phase II General Permit requirements within the UTZ through this Agreement with Springfield is in the public interest.
- J. Through the adoption of Board Order No. 03-3-12-4, which by this reference is incorporated herein, County's Board of Commissioners authorized an intergovernmental agreement with Springfield under which County would adopt, for application within the UTZ, portions of the Springfield City Code that implement Springfield's SWMP as it pertains to the six minimum Phase II General Permit control measure requirements.
- K. Through the adoption of Board Ordinance No. 23-08 the County co-adopted updated City Post-Construction Stormwater code in December of 2023.
- L. The City and the County are subject to Total Maximum Daily Load (TMDL) regulations in the Willamette Basin. This Agreement supports TMDL implementation and documentation.
- M. Illicit discharge and erosion and sediment control regulations are in Springfield's Municipal Code Chapters 4 and 8, respectively.



N. County illicit discharge and erosion prevention regulations are in Lane Code Chapter 9 and Lane Manual Chapter 9.

O. Post-construction regulations are in Springfield's Development Code Chapter 4.

## **1. SCOPE OF AGREEMENT.**

### **1.1. County's Obligations. County will:**

- 1.1.1.** As requested, provide necessary documentation to Springfield required for annual report writing of Springfield's Phase II MS4 General Permit, and coordinate with Springfield to share water quality information, studies, monitoring results, and enforcement information.
- 1.1.2.** At the request of Springfield, assist in administrative support of regulations for illicit discharge response and enforcement within the UTZ. Enforcement actions that cannot be resolved and need to move to the citation level will remain the responsibility of County, with Springfield assisting to the extent allowable under adopted regulations, as further described in Exhibit A.
- 1.1.3.** Adopt, as necessary, regulations substantially identical to City of Springfield ordinances regarding illicit discharge response and enforcement for application within the UTZ. County shall remain the jurisdictional authority for citation enforcement where the City can provide administrative assistance.
- 1.1.4.** Within 90 days after adoption of any modifications by Springfield of its illicit discharge response and enforcement regulations, consider adopting regulations substantially identical to City of Springfield amended ordinances to administer the illicit discharge response and enforcement regulations as amended.
- 1.1.5.** Waive facility permit requirements per Lane Code 15.500.020 for containment and cleanup activities conducted by Springfield or its third parties in response to illicit discharge events, subject to approval requirements described in Section 1.2.5 of this Agreement, as this work is done on behalf of the County.
- 1.1.6.** Adopt regulations substantially identical to Springfield erosion and sediment control regulations for application within the UTZ, and delegate authority to Springfield to administer the erosion and sediment control regulations and to set appropriate fees within the UTZ. County will notify residents of the adopted regulations. The erosion and sediment control regulations, as referenced here, refer to Springfield ordinances that regulate Springfield's Land Drainage Alteration Permit (LDAP) Program. These include requirements regulating disturbance of soil, as well as construction site erosion and materials management requirements, as further described in Exhibit A.
- 1.1.7.** Within 90 days after adoption of any modifications by Springfield of its erosion and sediment control regulations, consider adopting regulations substantially identical to City of Springfield amended ordinances for adoption as County regulations and delegate authority to the Springfield City Administrator to administer the erosion and sediment control regulations as amended.
- 1.1.8.** Work with City to co-adopt any modifications by Springfield of its Post-Construction regulations according to County Board Order 16-86.
- 1.1.9. Partnering.** As may be further described in Exhibit A, partner with Springfield on:
  - 1.1.9.1. Public Education and Outreach.** County will seek opportunities to partner with Springfield for stormwater-related educational outreach programs and activities within Springfield's UTZ.
  - 1.1.9.2. Public Involvement and Participation.** County will seek to partner on stewardship opportunities.
  - 1.1.9.3. Illicit Discharge Detection and Elimination.** County will work with City to respond to and enforce complaints/reports of illicit discharges within the UTZ. County will administer penalties as appropriate in the UTZ as dictated by

Springfield's Illicit Discharge Detection and Elimination (IDDE) Enforcement Matrix.

- 1.1.9.4. **Construction Site Runoff Control.** County will administer fines as appropriate in the UTZ as dictated by Springfield's LDAP Enforcement Matrix.
- 1.1.9.5. **Post-Construction Site Runoff for New Development and Redevelopment.** Within County ROW, partner with Springfield to ensure that public stormwater controls are operated and maintained consistent with regulations adopted by County under this Agreement.
- 1.1.9.6. **MS4 Map.** County will review and identify mapping gaps and needed updates. County will share relevant stormwater mapping data with the City as needed.
- 1.1.9.7. **University of Oregon Studies.** The County will consider coordinating with the City on partnership opportunities for stormwater-related studies that are being conducted by the University of Oregon through the County's on-call contract with the University.

**1.2. Springfield's Obligations.** Springfield will:

- 1.2.1. Provide necessary documentation to County required for annual report writing of County's Phase II General Permit. Documentation shall be provided no later than September 1<sup>st</sup> to allow sufficient time for the County to meet their reporting deadline of November 1<sup>st</sup>.
- 1.2.2. Administer and enforce adopted regulations as they pertain to illicit discharge response and enforcement in the UTZ. Enforcement actions that cannot be resolved by Springfield and need to move to the citation level will remain the responsibility of County with Springfield assisting to the extent allowable under adopted regulations, as further described in Exhibit A.
- 1.2.3. At the request of County, assist in administrative support of regulations for illicit discharge response and enforcement within the UTZ. See Exhibit A.
- 1.2.4. As needed and following standard City procedure, water quality sampling and testing in regards to illicit discharge within the UTZ will be conducted by the City.
- 1.2.5. Contact the County for approval of cleanup activities conducted in response to illicit discharge events where cleanup will occur in the UTZ and a third party will be involved, except for emergency situations in which the City or its third parties can conduct cleanup without prior approval by the County and inform the County the next business day. Emergency situations are defined as emergent or active spill events that present an immediate hazard or threat of harm to human health, public safety, or the environment.
- 1.2.6. Administer and enforce adopted regulations as they pertain to erosion and sediment control regulations in the UTZ. Springfield shall establish, collect, and retain all fees for erosion control regulations, permits, processing, and appeals, as further described in Exhibit A. Enforcement actions that cannot be resolved by Springfield and need to move to the citation level or that require an injunction will remain the responsibility of County with Springfield assisting to the extent allowable under adopted regulations, as further described in Exhibit A.
- 1.2.7. Give County written notice of any modification of Springfield's regulations pertaining to erosion and sediment control or illicit discharge response and enforcement within 30 days of Council adoption of such change.
- 1.2.8. Notify the County when changes are made to the 2010 SWMP, 2022 MS4 Plan, or equivalent that impact this Agreement.
- 1.2.9. Provide draft post-construction code modifications to County staff with sufficient time (goal: 60 days prior to Planning Commission Meeting) to review and comment before initiating the co-adoption process.

**1.2.10.** Notify County of any code changes related to MS4 General Permit regulations with sufficient time (goal: 60 days prior to public hearing) to review and comment.

**1.2.11. Partnering.** As may be further described in Exhibit A, partner with County on:

**1.2.11.1. Public Education and Outreach.** Springfield will implement its Public Education and Outreach Strategy within the UTZ, including event coordination and staffing, as well as educational material development and distribution.

**1.2.11.2. Public Involvement and Participation.** Springfield will provide stewardship opportunities within the UTZ. Springfield will maintain its website and ensure it is accessible to the UTZ.

**1.2.11.3. Illicit Discharge Detection and Elimination.** Springfield will implement its IDDE program within the UTZ and maintain a tracking system documenting complaint and /incidents, including remediation, enforcement, and follow-up actions.

**1.2.11.4. Construction Site Runoff Control.** Springfield will implement its LDAP program within the UTZ and provide information to the County for fines. Springfield will continue to implement its Municipal Code to enforce construction site erosion prevention and materials management regulations.

**1.2.11.5. Post-Construction Site Runoff for New Development and Redevelopment.** Springfield will continue to require stormwater retention and treatment according to its Development Code within the UTZ. Springfield will map and inspect stormwater controls within the UTZ to ensure that stormwater management systems are operated and maintained consistent with regulations adopted by County under this Agreement.

**1.2.11.6. MS4 Map.** Springfield will review and identify needed updates in the stormwater drainage system within the UTZ, and work to incorporate the updates. Springfield will provide stormwater system information to the County as needed.

**1.2.11.7. University of Oregon Studies.** The City will consider partnering with the County on stormwater-related studies that are being conducted by the University of Oregon through County's on-call contract with the University.

## **2. DOCUMENTS FORMING THE AGREEMENT**

**2.1. The Agreement.** The Agreement consists of this document and all exhibits listed below, which are incorporated into this Agreement:

**2.2. Exhibits.** With this document, the following exhibits are incorporated into the Agreement:  
Exhibit "A" - Description of NPDES MS4 Phase II Services Within Springfield's UTZ.

## **3. CONSIDERATION AND PAYMENT**

**3.1.** In consideration for Springfield's performance under this Agreement, County will compensate Springfield as follows:

**3.1.1.** County will pay Springfield, in an amount not to exceed \$25,000.00 for services from January 1, 2025 to June 30, 2025, for direct and indirect costs associated with implementation of the aforementioned stormwater services and those listed in Exhibit A.

Quarter	Amount
3: January 1, 2025 – March 31, 2025	\$11,330.28
4: April 1, 2025 – June 30 2025	\$11,330.28

For each subsequent fiscal year this amount will increase by 4% resulting in a total not to exceed contract amount of \$75,000. Springfield shall invoice County on a quarterly basis.

Quarter	Amount
1: July 1, 2025 – September 30, 2025	\$11,783.49
2: October 1, 2025 – December 31, 2025	\$11,783.49
3: January 1, 2026 – March 31, 2026	\$11,783.49
4: April 1, 2026 – June 30, 2026	\$11,783.49
1: July 1, 2026 – September 30, 2026	\$12,254.83
2: October 1, 2026 – December 31, 2026	\$12,254.83

3.2. Springfield may choose to provide a reduction or increase in quarterly fees directly correlating to any mutually agreed upon education and outreach projects or studies, as appropriate.

3.3. County compensation to Springfield may be modified after Year 1, subject to both parties reaching mutual agreement, by amendment to this Agreement.

3.4. As a condition of payment, Springfield will:

3.4.1. Prepare quarterly invoices for services provided. If needed, invoicing shall contain any needed documents such as receipts for verification of expense and/or for processing.

3.4.2. Submit invoices electronically to the County Environmental Engineering Supervisor either by email at [Mauria.pappagallo@lanecountyor.gov](mailto:Mauria.pappagallo@lanecountyor.gov), or by mail at:

Lane County Public Works  
C/O Mauria Pappagallo  
3040 N. Delta Hwy  
Eugene, OR 97408

3.5. In consideration for County's performance under this Agreement, County will:

3.5.1 Promptly pay City for service.

3.5.2 County will send check to:

City of Springfield  
Accounts Receivable  
225 5<sup>th</sup> Street  
Springfield, OR 97477

3.5.3 County will note "Contract #3796" on remitted checks.

#### 4. EFFECTIVE DATE AND DURATION

4.1. **Effective Date.** Upon the signature of all parties, this Agreement is effective *January 1, 2025*.

4.2. **Initial Term.** Unless extended or terminated earlier in accordance with its terms, this Agreement will terminate December 31, 2026. However, such expiration shall not extinguish or prejudice either party's right to enforce this Agreement with respect to any breach or default in performance which has not been cured. It is the intent of both parties to update the IGA as soon as a new MS4 Phase II General Permit is issued by DEQ.

4.3. **Renewal.** Upon completion of the initial term listed in subsection 4.2, County may elect to extend the Contract for up to two (2) additional one-year terms by mutual agreement of the parties.

- 5. AUTHORIZED REPRESENTATIVES.** Each of the parties designates the following individuals as their authorized representatives for administration of this Agreement. Either party may designate a new authorized representative by written notice to the other.

**5.1. County's Authorized Representative.**

Mauria Pappagallo, Environmental Engineering Supervisor, Lane County Public Works  
541-682-3332, [mauria.pappagallo@lanecountyor.gov](mailto:mauria.pappagallo@lanecountyor.gov)

**5.2. Springfield's Authorized Representative.**

Meghan Murphy, Environmental Services Supervisor  
541-744-3385, [mmurphy@springfield-or.gov](mailto:mmurphy@springfield-or.gov)

Any notice, demand, consent, approval, or other communication to be given under this Agreement must be in writing and provided by email addressed to the party's authorized representative, except as provided below in this section. However, if, in either party's discretion, email is not the most appropriate method for providing notice, then notice may be provided by personal delivery; certified mail, postage prepaid, return receipt requested; or nationally recognized overnight courier. The effective date of notice shall be: for notice by email, the date and time sent if sent between the hours of 8 am and 5 pm, otherwise effective at 8am the following Business Day; for notice delivered in person, the date and time of delivery; for notice by U.S. mail, three days after the date of certification; and for notice by overnight courier, the next business day after deposit with the courier. If no representative is identified in this section, notice may be given to the person executing the Agreement on behalf of that party below.

**6. SPECIAL CONDITIONS**

[Reserved.]

- 7. INDEMNIFICATION.** To the extent permitted by the Oregon Constitution, and to the extent permitted by the Oregon Tort Claims Act, each party agrees to indemnify, defend, and hold harmless the other party and its officers, employees, and agents from and against all damages, losses and expenses, including but not limited to attorney fees and costs related to litigation, and to defend all claims, proceedings, lawsuits, and judgments arising out of or resulting from the indemnifying party's negligence or its officers', employees', agents' (including but not limited to property owners or third parties) negligence in the performance of or failure to perform under this Agreement.

- 8. PUBLIC BODY STATUS.** In providing the services specified in this Agreement (and any associated services) both parties are public bodies and maintain their public body status as specified in ORS 30.260. Both parties understand and acknowledge that each retains all immunities and privileges granted them by the Oregon Tort Claims Act (ORS 30.260 through 30.295) and any and all other statutory rights granted as a result of their status as local public bodies.

**9. MODIFICATION AND TERMINATION.**

- 9.1. Modification.** No modification or amendment to this Agreement will bind either party unless in writing and signed by both parties.
- 9.2. Termination.** The parties may jointly agree to terminate this Agreement at any time by written agreement. Either party may terminate this Agreement for its convenience at any time with no liability on its part, except to pay for services previously provided, by giving the other party not less than 30 days' advance written notice.
- 9.3. Non-Appropriation.** Each of the parties certifies that it has sufficient funds currently authorized for expenditure to finance the costs of this Agreement for the period within the current budget; however, the parties understand and agree that, if a party does not appropriate funds for the next succeeding fiscal year to continue payments otherwise required by the Agreement, this Agreement will terminate at the end of the last fiscal year for which payments have been appropriated. The non-appropriating party will notify the other party of such non-appropriation not later than 30 days before the beginning of the year within which funds are not appropriated. Upon termination pursuant to this clause, neither party will have a further obligation for payments beyond the termination date.

## 10. MISCELLANEOUS PROVISIONS

- 10.1. **Dispute Resolution.** The parties are required to exert every effort to cooperatively resolve any disagreements that may arise under this Agreement. This may be done at any management level, including at a level higher than the persons directly responsible for administration of the Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they are encouraged to resolve their differences through mediation or other cooperative dispute resolution process.
- 10.2. **Waiver.** Failure of either party to enforce any provision of the Agreement does not constitute a waiver or relinquishment by the party of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.
- 10.3. **Severability.** If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions are not affected; and the rights and obligations of the parties are to be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- 10.4. **Governing Law, Forum, and Venue.** All matters in dispute between the parties to this Agreement arising from or relating to the Agreement, including without limitation alleged tort or violation, are governed by, construed, and enforced in accordance with the laws of the State of Oregon without regard to principles of conflict of laws. This section does not constitute a waiver by County of any form of defense or immunity, whether governmental immunity or otherwise, from any claim or from the jurisdiction of any court. All disputes and litigation arising out of this Agreement will be decided by the state or federal courts of Oregon. Venue for all disputes and litigation will be in Lane County, Oregon.
- 10.5. **Time is of the Essence.** The parties agree that time is of the essence with respect to all provisions of this Agreement.
- 10.6. **No Third-Party Beneficiaries.** County and Agency are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives or may be construed to give or provide any benefit or right to third persons, either directly or indirectly, that is greater than the rights and benefits enjoyed by the general public, unless that party is identified by name in this Agreement.
- 10.7. **Headings.** The headings and captions in this Agreement are for reference and identification purposes only and may not be used to construe the meaning or to interpret the Agreement.
- 10.8. **Force Majeure.** Neither party will be held responsible for delay or default due to force majeure acts, events, or occurrences, including but not limited to fires, riots, wars, and epidemics, unless such delay or default could have been avoided by the exercise of reasonable care, prudence, foresight, and diligence by that party.
- 10.9. **Multiple Counterparts.** This Agreement and any subsequent amendments may be executed in several counterparts, facsimile or otherwise, all of which when taken together will constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement and any amendments so executed will constitute an original.
- 10.10. **Merger and Construction.** This Agreement contains the entire agreement of County and Agency with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings. This Agreement is the result of bilateral negotiations between the parties, and the provisions of this Agreement are to be interpreted and their legal effects determined as a whole, with no part to be construed against the drafter of such part.
- 10.11. **Compliance with Law.** County and Agency agree to comply with all federal, state and local laws applicable to the parties or the subject matter of this Agreement.

EACH PARTY, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

**SPRINGFIELD:**

CITY OF SPRINGFIELD

Signature: Nancy Newton

By: \_\_\_\_\_

Title: Nancy Newton, City Manager

Date: January 3, 2025

Address:  
City of Springfield, City Attorney's Office  
225 5<sup>th</sup> Street  
Springfield, OR. 97477

REVIEWED & APPROVED  
AS TO FORM

Kristina Kraag  
DATE: 1/2/2025  
SPRINGFIELD CITY ATTORNEY'S OFFICE

**COUNTY:**

LANE COUNTY

Signature: \_\_\_\_\_

By: Steve Mokrohisky

Title: Steve Mokrohisky, County Administrator

Date: 1/13/2025

Address:  
Lane County, Public Service Building  
125 E. 8th Avenue  
Eugene, Oregon 97401

Digitally signed by Steve  
Mokrohisky, County  
Administrator  
Date: 2025.01.13  
10:01:46 -08'00'

## City of Springfield's Stormwater Management Program

The City of Springfield (Springfield or the City) implements a comprehensive stormwater management program as represented in their adopted Stormwater Management Plan (SWMP) under Phase II of the NPDES program. Springfield's Phase II permit has existing Best Management Practices (BMPs) described in Springfield's SWMP (dated January 2004, updated November 2010), that cover aspects of the six Phase II control measures required of the Lane County (the County). Springfield developed an MS4 Plan in 2022 to meet the requirements of the MS4 Phase II General Permit (modified June 1, 2021). The Springfield MS4 Phase II General Permit is currently under extended status; updates to the MS4 Plan are expected pending issuance of a new permit.

This Exhibit A was created to provide a more detailed description of some of the services agreed upon between Springfield and County in the agreement for NPDES Services. The location affected by the agreement is the area between Springfield's City Limits and Urban Growth Boundary, also known as the Urban Transition Zone, or UTZ.

Throughout this exhibit references to the control measures (CM) within the General Permit are associated with the NPDES MS4 Phase II General Permit issued by Oregon DEQ in 2019 and modified in 2021 as stated in the IGA.

### CM 1 Public Education and Outreach (Schedule A.3.a)

Springfield and County will partner to provide education and outreach in accordance with the General Permit through networking with regional partners, school workshops, outreach events, and the development and distribution of outreach materials.

- County will:
  - Partner with Springfield and regional partners to provide public outreach programs designed to address stormwater issues of significance within the community.
  - Partner with Springfield to review and distribute septic outreach materials.
- Springfield will:
  - Provide public education and outreach program efforts targeting two of the three target audiences listed (excluding elected officials, land use planners, and engineers) in Schedule A.3.a.iv.(A).
  - Partner with County and regional partners to provide public outreach programs designed to address stormwater issues of significance within the community and are also in alignment with the permit target topics (A.3.a.iv.B). Over the course of this agreement outreach will be done to each target audience (excluding elected officials, land use planners and engineers) at least once throughout the General Permit term.
  - Distribute or offer at least two (2) educational messages or activities per year.  
*Educational messages or activities may include printed materials (for example, brochures or newsletters); electronic materials (for example, social media, websites or e-newsletters); mass media (for example, utility bill inserts, transit advertisements, newspaper articles or public service announcements); targeted workshops, or other educational events or formats.*



## Exhibit A

### Description of NPDES MS4 Phase II Services within Springfield's Urban Transition Zone

- Track and report outreach efforts to County annually. Additionally, an evaluation of one education and outreach activity will be completed and provided to Lane County annually in accordance with the General Permit Schedule A.3.a.vi.
- Partner with County to distribute septic system educational handouts. Springfield will take the lead role in the review, development, printing, and distribution of the handout/brochure and pay for associated printing and distribution costs within the UTZ.

### CM 2 Public Involvement and Participation (Schedule A.3.b)

Springfield and County will partner in public involvement and participation in accordance with the General Permit. This partnership is primarily focused on the City supporting the County with stewardship opportunities. These efforts could be associated with Stream Team events and/or other opportunities for the community to participate in water quality improvement events, and by advertising them.

- County will:
  - Advertise or provide links to stewardship opportunities Springfield is hosting via County's website or social media, when relevant.
- Springfield will:
  - Provide a link to the County's stormwater management program on Springfield's stormwater webpage.
  - Create and offer to the public at least one stewardship opportunity during the current General Permit term. All opportunities are advertised and available to all Lane County residents. An effort will be made to coordinate at least one event site within the UTZ over the course of the current MS4 Phase II permit term.
  - Notify County annually, or more frequently as changes occur, of stewardship opportunities and location information so it can be added to County's website for linking.
  - Consider one of the stewardship opportunities as listed in the MS4 General Permit Schedule A.3.b.iii.
  - Continue to advertise stewardship opportunities via the Springfield website when relevant.
  - Track and report public involvement and participation efforts to County annually.

### CM 3 Illicit Discharge Detection and Elimination (Schedule A.3.c)

Springfield and County will partner to implement and enforce a program to detect and eliminate illicit discharges into the MS4 to meet the requirements of the General Permit. This program will be implemented to the extent allowable by state laws and provide a mechanism for reporting and tracking. Springfield and County will work together as needed to respond, inspect, and enforce illicit discharges within the UTZ. Additionally, each partner will work to maintain consistent codes/ordinances.

- County will:
  - Assist Springfield in administrative support of regulations for illicit discharge response and enforcement in UTZ. If Springfield cannot resolve an enforcement action and the incident needs to move to the citation level, County will take the lead role in implementing and enforcing a citation process. Springfield will assist to the extent allowable under adopted regulations.
- Springfield will:

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Description of NPDES MS4 Phase II Services within Springfield's Urban Transition Zone

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- Administer and enforce adopted regulations as they pertain to illicit discharge response and enforcement, to the extent allowable, within the UTZ per General Permit sections:
  - Schedule A.3.c.iii Ordinance and/or Other Regulatory Mechanisms
  - Schedule A.3.c.iv Enforcement Procedures
    - Assist County in administrative support of regulations for illicit discharge response and enforcement in UTZ, according to Springfield's current IDDE Enforcement Matrix (Attachment 2). Springfield may pursue recovering abatement costs through City abatement procedures. Springfield staff may need to provide incident information and/or documentation in support of a citation process.
  - Schedule A.3.c.v (A) Illicit Discharge Complaints or Reports
  - Schedule A.3.c.v (B) Response to Complaints or Reports
    1. Initial Investigation or Evaluation  
Initiate response and contain/remediate IDDEs in the UTZ. Notify County of IDDEs in the UTZ after response and provide updates throughout process (Attachment 2).
    2. Ongoing Illicit Discharges  
Springfield will mitigate Ongoing Illicit Discharges, to the extent allowable, and assist as needed. If Springfield determines it cannot eliminate the illicit connection within 6 months, Springfield will notify County in advance. If Springfield cannot implement on behalf of County it will assist County to meet the conditions of the permit to the Maximum Extent Practicable. (An example might be a leaky septic system where Springfield has no jurisdiction or control of timeline, but the County does; therefore Springfield would not be responsible for meeting the criteria but would work with the County to gain compliance).
  - Schedule A.3.c.v (C) Notification of Other Authorities
  - Schedule A.3.c.v (D) Complaints Tracking
    - Maintain reporting and tracking systems documenting complaints/incidents from within the UTZ per the General Permit Schedule A.3.c.v(D).

#### MS4 Map (Schedule A.3.c.ii)

MS4 communities must develop and maintain current maps of all known owned or operated MS4 outfalls, conveyance systems, structural stormwater control locations, and must be delineated by drainage basins. Definitions for outfall, MS4, and structural stormwater control are listed in the MS4 General Permit (Attachment 1). Springfield and County will partner in reviewing and updating the stormwater infrastructure within the UTZ.

- County will:
  - Partner with Springfield to review and identify mapping gaps, needed updates, and jurisdictional ownership in the piped stormwater drainage system within the UTZ annually, or as needed. This task includes the collection and updates as needed for information on all known owned or operated MS4 outfalls, conveyance systems, and structural stormwater control locations. Both parties agree to use the DEQ General Permit description as a definition of outfall and structural stormwater controls (Attachment 1).

## Exhibit A

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### Description of NPDES MS4 Phase II Services within Springfield's Urban Transition Zone

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- Share existing County stormwater and open channel infrastructure information with Springfield upon request.
- Work with City to share information on jurisdictional transfers.
- Springfield will:
  - Partner with County to review and identify mapping gaps, needed updates, and jurisdictional ownership in the piped stormwater drainage system within the UTZ annually, or as needed. This task includes the collection and updates as needed for information on all known owned or operated MS4 outfalls, conveyance systems, and structural stormwater control locations.
  - Share existing Springfield stormwater and open channel infrastructure information with County upon request.
  - Continue to maintain Springfield stormwater drainage basin delineation out to the UGB and/or the river, as appropriate to help identify connectivity between Springfield and County systems. Share drainage information/delineation with County upon request.
  - Annually, by September 1<sup>st</sup> as a benchmark timeline, provide County with site location information on chronic illicit discharges within the UTZ, if any have been identified. Both parties agree to use the DEQ General Permit description as a definition of a chronic illicit discharge (Attachment 1).
  - Work with County to share information on jurisdictional transfers.

### CM 4 Construction Site Runoff Control (Schedule A.3.d)

MS4 communities must implement and enforce a construction site runoff control program to reduce discharges of pollutants from construction sites in its coverage area. Springfield and County will partner to implement an erosion and sediment control program within the UTZ.

- County will:
  - Continue to delegate authority to Springfield to administer the City's erosion and sediment control regulations including fees within the UTZ.
  - Assist Springfield in administrative support of Springfield's regulations, adopted by County, for erosion and sediment control and enforcement in UTZ. If Springfield cannot resolve an enforcement action and the incident needs to move to the citation level, County will take the lead role in implementing and enforcing a citation process. Springfield will assist to the extent allowable under adopted regulations.
  - Continue to partner with Springfield for inspections and enforcement to develop and implement code authority to prohibit and enforce the control and proper management of construction site materials.
- Springfield will:
  - Continue to implement and enforce its existing construction site runoff program within the UTZ.
  - Notify County about Right-of Way (ROW)-related erosion and sediment control issues in UTZ.
  - Continue to implement and enforce its erosion and sediment control regulations within the UTZ, and to set appropriate fees. Springfield will establish, collect, and retain all fees for erosion control regulations, permits, processing, and appeals.

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Description of NPDES MS4 Phase II Services within Springfield's Urban Transition Zone

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- Supply County with necessary documentation and information to administer penalties when required by the LDAP Enforcement Matrix (Attachment 3).
- Continue to partner with County for inspections and enforcement to develop and implement code authority to prohibit and enforce the discharge of pollutants associated with construction sites. Enforcement protocols are established in the LDAP enforcement matrix.
- Annually, by September 1st as a benchmark timeline, provide County with erosion and sediment control efforts as required by the NPDES MS4 Phase II Annual Report template within the UTZ (where trackable).

### CM5 Post-Construction Site Runoff for New Development and Redevelopment (Schedule A.3.e)

MS4 communities must implement a post-construction site runoff program to reduce discharges of pollutants and control stormwater runoff from new development and redevelopment project sites. Springfield and County will partner to implement post-construction stormwater management requirements within the UTZ.

- County will:
  - Partner with the Springfield to implement a post-construction site runoff program designed to reduce discharges of pollutants and control stormwater runoff from new development and redevelopment within the UTZ.
- Springfield will:
  - Administer post-construction site runoff Development Code, to the extent allowable, within the UTZ per General Permit sections:
    - Schedule A.3.e.ii Ordinance and/or Regulatory Mechanism
    - Schedule A.3.e.iv Post-Construction Stormwater Management Requirements
    - Schedule A.3.e.v Post-Construction Site Runoff Plan Review
    - Schedule A.3.e.vi Long-Term Operation and Maintenance
      - (A) Continue to require operation and maintenance agreements and plans that allow the City access to inspect and the ability to require operation and maintenance of privately owned and operated stormwater controls (water quality facilities, green stormwater infrastructure, etc.) in the UTZ.
        - Provide copies of stormwater control operation and maintenance agreements and plans for stormwater controls within the UTZ to County annually, with a goal of July 30th.
      - (B) Continue to inspect stormwater controls designed to retain runoff and reduce discharges of pollutants from new development and redevelopment.
      - (C) Document inspections and operation and maintenance requirements for stormwater controls, including enforcement actions and compliance response.
      - (D) Document compliance with private stormwater control operation and maintenance.
      - (E) Map the location of public and private stormwater controls and include them on the MS4 Map.

## Exhibit A

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### Description of NPDES MS4 Phase II Services within Springfield's Urban Transition Zone

- Provide GIS layers of stormwater controls mapped in compliance with Springfield's MS4 permit to County annually, with a goal of July 30th.

## Training

MS4 communities must ensure that all persons responsible for the following are properly trained:

- 1) Investigating and eliminating illicit discharges and connections into the MS4 and conducting dry weather screening activities or responding to reports of illicit discharges and spills into the MS4 (Schedule A.3.c.vii);
- 2) Reviewing erosion and sediment control plans, performing site inspections, and enforcing erosion and sediment control requirements (Schedule A.3.d.viii); and
- 3) Performing post-construction runoff site plan reviews, administering the post-construction program requirements, and performing operations and maintenance practices or evaluating compliance with long-term operation and maintenance requirements (Schedule A.3.e.vii).

County will:

- Support Springfield on illicit discharge, erosion and sediment control, and post-construction stormwater runoff control training opportunities for staff.

Springfield will:

- Notify and partner with County on illicit discharge, erosion and sediment control, and post-construction training opportunities for staff.

## Attachments:

Attachment 1: NPDES MS4 Phase II General Permit

Attachment 2: Springfield's IDDE Enforcement Matrix

Attachment 3: Springfield's LDAP Enforcement Matrix



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Northwest Region Portland Office/Water Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
(503) 229-5263  
FAX (503) 229-6957  
TTY 711

June 1, 2021

Matt Stouder  
City of Springfield  
225 Fifth Street  
Springfield, OR 97477

RE: Issuance of NPDES MS4 Phase II General Permit  
File Number: 84048 EPA Number: ORS084048  
Permit Registrant: City of Springfield

Dear Mr. Stouder:

The Oregon Department of Environmental Quality (DEQ) has issued coverage under the NPDES Municipal Separate Storm Sewer System (MS4) Phase II general permit to the City of Springfield as of June 1, 2021. Enclosed is a signed copy of page 1 of the final permit. The permit is on DEQ's website at: <https://www.oregon.gov/deq/wq/Documents/ms4P2PermitMod.pdf>. If you would like DEQ to mail you a hard copy of the permit, please let me know.

Your first annual report is due by November 1, 2021 for the timeframe of June 1, 2021 to June 30, 2021 (see Table 2 of the permit for a complete list of annual report timeframes and deadlines). The second annual report will be due on November 1, 2022 and will cover the timeframe of July 1, 2021 to June 30, 2022. You must use the Annual Report form provided by DEQ and submit one hard copy and one electronic copy, including any supplemental information on a portable electronic storage device or via email (link to the Annual Report form: <https://www.oregon.gov/deq/wq/Documents/ms4ph2report.pdf>).

I look forward to working with you to learn more about all of the important work you do to implement your stormwater programs. Please let us know if we can provide technical assistance and/or answer any questions as you plan for and conduct your work to comply with the conditions in the permit that help in our collective efforts to protect Oregon's waterways.

Sincerely,

Christine Svetkovich  
Water Quality Manager



[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ). Search "MS4"

**General Permit**

**National Pollutant Discharge Elimination System**  
**Municipal Separate Storm Sewer Systems**  
**Phase II General Permit**

Oregon Department of Environmental Quality  
Stormwater Program  
700 NE Multnomah St., Suite 600  
Portland, OR 97232

*Issued pursuant to Oregon Revised Statute 468B.050 and Section 402 of the Federal Clean Water Act*

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**Registered to:** City of Springfield

**Major Receiving Streams:** Willamette River, McKenzie River, Cedar Creek, Q Street Canal, Springfield Mill Race, Irving Slough, SCS Channel 6

**Wasteload/Load Allocations (if any):** A Total Maximum Daily Load (TMDL) that includes Waste Load Allocations for urban stormwater has been established for the Willamette Subbasin. The TMDL was approved by EPA on September 29, 2006.

---

**Sources Covered By This Permit**

This permit authorizes regulated small municipal separate storm sewer systems to discharge stormwater to surface waters of the state, in accordance with the requirements, limitations and conditions set forth.

A handwritten signature in black ink, appearing to read "Justin Green", is written over a horizontal line.

Justin Green  
Water Quality Division Administrator

Issuance Date: November 30, 2018  
Modification Date: March 12, 2021  
Effective Date: March 1, 2019



[www.oregon.gov/DEQ; Search "MSI"](http://www.oregon.gov/DEQ/Search/MSI)

**General Permit**

**National Pollutant Discharge Elimination System**  
**Municipal Separate Storm Sewer Systems**  
**Phase II General Permit**

Oregon Department of Environmental Quality  
Stormwater Program  
700 NE Multnomah St., Suite 600  
Portland, OR 97232

*Issued pursuant to Oregon Revised Statute 468B.050 and Section 402 of the Federal Clean Water Act*

---

**Registered to:**

**Major Receiving Streams:**

**Wasteload/Load Allocations (if any):**

---

**Sources Covered By This Permit**

This permit authorizes regulated small municipal separate storm sewer systems to discharge stormwater to surface waters of the state, in accordance with the requirements, limitations and conditions set forth.

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Justin Green  
Water Quality Division Administrator

Issuance Date: November 30, 2018  
Modification Date: March 12, 2021  
Effective Date: March 1, 2019



## **PERMITTED ACTIVITIES**

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Until this permit expires or is modified or revoked, the permit registrant is authorized to discharge municipal stormwater to surface waters of the state only in conformance with the requirements, limitations and conditions set forth in the following schedules. Where conflict exists between specific conditions (found in Schedules A-D) and general conditions (Schedule F), the specific conditions supersede the general conditions.

Unless specifically authorized by this permit, by regulation issued by EPA, by another National Pollutant Discharge Elimination System permit, a Water Pollution Control Facilities permit, or by Oregon Administrative Rule, any other direct or indirect discharges to waters of the state are prohibited, including discharges to an underground injection control system.

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## APPLICABILITY AND NOTIFICATION REQUIREMENTS

### 1. Entities Eligible for Coverage

Entities eligible for coverage under this permit are regulated small municipal separate storm sewer systems (MS4s) that discharge stormwater from their MS4 to surface waters of the state.

### 2. Permit Coverage Area

The permit applies to the geographic area served by the regulated small MS4 that is located fully, or partially, within an Urbanized Area in the State of Oregon as defined by a Decennial Census conducted by the U.S. Census Bureau. If the small MS4 is not located entirely within an Urbanized Area, only the portion that is within the Urbanized Area is considered the minimum permit coverage area.

### 3. Eligibility Requirements

#### a. Existing Registrants

Regulated small MS4 owners or operators (hereafter referred to as operators) listed below are currently covered by NPDES MS4 stormwater discharge permits, meet the eligibility requirements of this permit, submitted complete renewal applications, and are therefore not required to submit an application for coverage under this permit. Hereafter the following small MS4s are referred to as Existing Registrants:

- i. City of Ashland
- ii. City of Bend
- iii. City of Corvallis
- iv. City of Keizer
- v. City of Medford
- vi. City of Philomath
- vii. City of Springfield
- viii. City of Troutdale
- ix. City of Turner
- x. City of Wood Village
- xi. Benton County
- xii. Lane County
- xiii. Marion County
- xiv. Polk County
- xv. City of Central Point
- xvi. Rogue Valley Sewer Services - Co-Implementers (City of Phoenix, City of Talent, Jackson County, Rogue Valley Sewer Services)

#### b. New Registrants

Any operator of a regulated small MS4 not identified as an Existing Registrant above, that is not a permit registrant and seeks coverage under this permit, must submit a complete application for coverage under this permit in accordance with the application requirements listed below. An MS4 operator that has not been covered by an NPDES MS4 stormwater discharge permit prior to this MS4 Phase II general permit term is hereafter referred to as a new registrant.

The following new registrants have met the eligibility requirements for this permit, based on the 2010 Decennial Census:

- i. City of Albany
- ii. City of Eagle Point

- iii. City of Grants Pass
- iv. City of Millersburg
- v. City of Rogue River
- vi. Josephine County
- vii. Linn County

Any new registrants that do not yet have permit coverage under this MS4 Phase II general permit must submit an application for permit coverage with the required fee within 30 days of the effective date of the permit modification.

#### **4. Individual Permit**

If coverage under this permit is denied, the permit registrant is unable to meet the terms and conditions of the general permit, or if the permit registrant does not wish to be regulated by this permit, the permit registrant must cease discharge or apply for an individual permit in accordance with Oregon Administrative Rule 340-045-0030.

##### **a. Permit Registrant's Request for Individual Permit**

Any small MS4 operator requesting coverage under an individual permit must submit an individual NPDES MS4 permit application to DEQ within 30 days of the effective date of the permit modification.

After the effective date of the general permit, any small MS4 operator requesting to be covered under an individual permit must submit an individual NPDES MS4 permit application to DEQ.

##### **b. DEQ Individual Permit Decisions**

DEQ may refuse to authorize or may revoke coverage under this permit and require the MS4 operator to apply for an individual NPDES MS4 permit in accordance with the procedures in OAR 340-045-0033(10). If that occurs, DEQ will notify the applicant or registrant in writing that an individual permit is required.

#### **5. Discharge Authorization**

When permit coverage is granted, DEQ will notify the permit applicant that the permit has been granted and that discharge is authorized.

#### **6. Application Requirements**

Any new registrant seeking authorization to discharge under this permit must submit a complete application to DEQ as outlined below.

##### **a. Application Deadlines**

- i. New registrants seeking authorization to discharge under this permit must submit a complete application for new NPDES MS4 Phase II General Permit by January 30, 2019, unless DEQ notifies the applicant of a later application deadline.
- ii. After the effective date of the general permit, new registrants that DEQ determines need permit coverage must submit a complete application for a new NPDES MS4 Phase II General Permit no later than 60 days after the date of DEQ's notification, unless DEQ provides the applicant a later date.

##### **b. Application Form and Fee**

The NPDES MS4 Phase II General Permit application form must be completed and signed in accordance with the signatory requirements of Schedule F. The application submittal must

include the application fee and annual fee for the first year of permit coverage according to OAR 340-045-0075, Table 70H.

**c. Application Submittal**

The applicant must submit a hard copy and an electronic copy of the complete application to DEQ at the following addresses:

Oregon Department of Environmental Quality  
MS4 Stormwater Program, Attention: 7<sup>th</sup> Floor  
700 NE Multnomah St., Suite 600  
Portland, OR 97232

[MS4Stormwater@deq.state.or.us](mailto:MS4Stormwater@deq.state.or.us) (this email address can be used for electronic submittals)

**d. Co-Applicants Under a Single Permit Application**

A co-applicant is any small MS4 operator applying for this permit, in a cooperative agreement with at least one other applicant. Co-applicants must own or operate a small MS4 within or in proximity to another regulated small MS4.

Small MS4 operators may seek to obtain coverage under this permit as a co-applicant with one or more small MS4s eligible for this permit. In this instance, a single joint application, that includes all required information and certification signatures for each co-applicants, must be submitted to DEQ. See Schedule A.2 for permit registrant's Responsibilities.

**7. Renewal Requirements**

If the permit registrant intends to continue to operate under this permit after the permit expiration date, the permit registrant must submit a complete DEQ renewal application along with all other required documents to DEQ at least 180 days prior to permit expiration. DEQ will notify the permit registrant if the renewal application has been approved or denied.

**8. Electronic System Use Requirement**

Permit registrants must submit all required documents and payments using DEQ's electronic reporting system (Your DEQ Online) when directed to do so. Permit registrants unable to submit reports electronically (for example, those who do not have an internet connection) must contact DEQ to request a waiver. DEQ will notify the registrant in writing if an electronic waiver request is approved or denied.

Permit registrants who obtain a waiver not to use DEQ's electronic reporting system must use the reporting forms provided to them by DEQ, if applicable, and an additional fee may be assessed. DEQ may limit the duration of approved waivers from electronic reporting.

## **SCHEDULE A - EFFLUENT LIMITATIONS, CONDITIONS, AND STORMWATER MANAGEMENT PROGRAM**

### **I. Authorized Discharges**

Subject to the terms and conditions of this permit, the permit registrant is authorized to discharge municipal stormwater to surface waters of the state from its MS4, within the defined permit coverage area.

This permit also conditionally authorizes discharges from the permit registrant's MS4, which are categorized as allowable non-stormwater discharges in Schedule A.1.d.

#### **a. Requirement to Reduce the Discharge of Pollutants**

Pursuant to 40 CFR §122.34(a), the permit registrant must at a minimum develop, implement and enforce a Stormwater Management Program (SWMP) designed to reduce pollutants from the MS4 to the maximum extent practicable, to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. This permit identifies the management practices, control techniques and system, and design and engineering methods necessary to meet this standard.

#### **b. Water Quality Standards**

Compliance with all permit requirements is deemed compliance with applicable water quality standards as established in OAR 340-041.

If the permit registrant or DEQ determines that a pollutant in the permit registrant's MS4 discharge is causing or contributing to an exceedance of an applicable water quality standard based on site-specific credible evidence, the permit registrant must take the following corrective actions:

- i. Within 48 hours of becoming aware of or being notified of the exceedance, the permit registrant must begin to investigate the cause of the exceedance;
- ii. Within 30 days of becoming aware of the exceedance, the permit registrant must notify DEQ in writing of the exceedance (for on-going or continuing exceedances, a single written notification will fulfill this requirement); and
- iii. Within 60 days of becoming aware of or being notified of the exceedance, the permit registrant must submit a report to DEQ that documents the following:
  - (A) The results of the investigation, including the date the exceedance was discovered or the date the permit registrant was notified by DEQ;
  - (B) A description of the conditions that are known or suspected to have caused or contributed to the exceedance; and
  - (C) Corrective actions taken or planned, including the date corrective action was completed or is expected to be completed.

DEQ will review the report submitted and either approve it or require modifications. The permit registrant must implement the corrective action(s) in accordance with the schedule approved by DEQ. DEQ may require a timeline and enforceable milestones for completion of the corrective action plan. The details of all corrective actions implemented associated with Schedule A.1.b.iii must be included in the subsequent annual report.

If the exceedance is due to an illicit discharge and the permit registrant confirms the required response per Schedule A.3.c.v (B) occurred, the requirements listed in Schedule A. 1. B. i. ii. and

iii are not required, though the details of the illicit discharge and response must be included in the subsequent annual report.

If the permit registrant determines that the exceedance is already being addressed by actions associated with the implementation of a Total Maximum Daily Load, the permit registrant shall submit a report to DEQ with the next annual report that documents the following:

- i. The results of the investigation, including the date the exceedance was discovered;
- ii. A description of the conditions that are known or suspected to have caused or contributed to the exceedance; and
- iii. The TMDL applicable requirements that are being implemented.

The details of all corrective actions implemented associated with Schedule A. 1. B. iii must be included in the subsequent annual report.

**c. Limitations of Coverage**

The permit does not authorize:

- i. Stormwater discharges associated with industrial activities [as defined in 40 CFR §122.26(b)(14)] or stormwater associated with construction activities [as defined in 40 CFR §122.26(b)(14)(x) and (b)(15)]. Such discharges are regulated through DEQ's NPDES Industrial Stormwater General Permits and DEQ's NPDES Construction Stormwater General Permits; or another appropriate NPDES permit.
- ii. Stormwater discharges to underground injection control (UIC) systems.

**d. Allowable Non-Stormwater Discharges**

The permit does not authorize the discharge of non-stormwater from the MS4, except where such discharges satisfy one of the following conditions:

- i. The non-stormwater discharge is regulated under a separate NPDES permit.
- ii. The non-stormwater discharge originates from emergency firefighting activities.
- iii. The non-stormwater discharge is categorized as an authorized or allowable non-stormwater discharge listed below:
  - (A) Uncontaminated water line flushing.
  - (B) Landscape irrigation. For permit registrant owned or operated areas landscape irrigation will be considered allowable only if pesticides and fertilizers are applied in accordance with the manufacturer's instructions.
  - (C) Diverted stream flows.
  - (D) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers.
  - (E) Rising groundwaters.
  - (F) Uncontaminated pumped ground water.
  - (G) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
  - (H) Start up flushing of groundwater wells.
  - (I) Foundation, footing and crawlspace drains (where flows are not contaminated [i.e., process materials or other pollutant]).
  - (J) Uncontaminated air conditioning or compressor condensate.
  - (K) Irrigation water.
  - (L) Springs.
  - (M) Lawn watering.
  - (N) Individual residential car washing.



- (O) Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).
- (P) Flows from riparian habitats and wetlands.
- (Q) Dechlorinated swimming pool discharges including hot tubs (heated water must be cooled for at least 12 hours prior to discharge).
- (R) Fire hydrant flushing.
- (S) Street and pavement washwaters (provided that chemicals, soaps, detergents, steam or heated water are not used).
- (T) Routine external building wash-down (provided that chemicals, soaps, detergents, steam or heated water are not used).
- (U) Water associated with dye testing activity.
- (V) Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465.

If any of these allowable non-stormwater discharges are or become a significant source of pollutants, the permit registrant must prohibit that discharge or require implementation of appropriate BMPs to reduce the discharge of pollutants associated with the source before discharge to the MS4.

## 2. Permit Registrant's Responsibilities

Each permit registrant is responsible for permit compliance related to the permit registrant's permit coverage area, or where this permit requires the specific permit registrant to take an action.

### a. Coordination Among Registrants and Joint Agreements

- i. If MS4 operators elect to submit a joint application, each co-registrant is jointly responsible for permit compliance. If a single MS4 operator elects to submit an application for multiple registrants (commonly referred to as co-implementers), the sole applicant is solely responsible for permit compliance for each of the co-implementers.
- ii. A permit registrant may elect to work with or delegate implementation of one or more stormwater management program control measures to another permit registrant or entity. The permit registrant remains responsible for compliance with any permit conditions that another permit registrant or entity fails to implement.
- iii. If a permit registrant elects to work with or delegate implementation of one or more SWMP control measures to another permit registrant or entity, there must be a written agreement between the permit registrant and the other permit registrant or entity memorializing the delegation. This agreement must be made available to DEQ upon request.

### b. Maintain Adequate Legal Authority

No later than September 1, 2023, the permit registrant must adopt, update, and maintain adequate legal authority through ordinance(s), code(s), interagency agreement(s), contract(s), and/or other mechanisms to control pollutant discharges into and discharges from its MS4 and to implement and enforce the conditions of this permit, to the extent allowable pursuant to the respective authority granted under state law.<sup>1</sup>

If existing ordinances or regulatory mechanisms are insufficient to meet the criteria required by this permit, the permit registrant must adopt new ordinances. If the permit registrant does not have the authority to adopt ordinances, the permit registrant must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable state law.

---

<sup>1</sup> This deadline is extended to February 28, 2024 for: Albany, Corvallis, Millersburg, Springfield, and Turner.

**c. SWMP Document**

The permit registrant must maintain a written Stormwater Management Program Document (referred to as the SWMP Document), which describes in detail how the permit registrant complies with the required control measures in this permit. The SWMP Document must be reviewed and, if necessary, updated annually and must describe the permit registrant's schedule for implementation of any control measure components to be developed during the term of this permit.

The permit registrant's SWMP Document must be submitted with the second annual report, and made available to the public through the permit registrant's publicly accessible website.<sup>2</sup>

**d. SWMP Information and Metrics**

The permit registrant must maintain a method of gathering, tracking, and using SWMP information to set priorities, and assess its compliance. Permit registrants must track activities and document program outcomes to illustrate progress on the SWMP control measures (for example, the number of inspections, official enforcement actions, and/or types of public education actions, etc.), and cite relevant information and metrics, reflecting the specific reporting period, in each annual report.

**e. SWMP Resources**

The permit registrant must provide finances, staff, equipment and/or other support capabilities to implement the control measures and other requirements outlined in this permit.

**3. Stormwater Management Program Control Measures**

Existing registrants must continue to implement all existing SWMP control measures, and, after the effective date of the permit, must begin to revise their SWMP control measures, as needed, in order to implement any new control measure components required by the implementation deadline specified for that control measure in Table 1 below.

New registrants, upon the effective date of this permit, must begin to develop and implement the SWMP control measures outlined in Schedule A.3.a-f and must fully implement all applicable SWMP control measures no later than September 1, 2023.<sup>3</sup> Any new registrant authorized to discharge after the effective date of this permit must fully implement all applicable SWMP control measures in accordance with the implementation schedule established in their discharge authorization letter.

**Table 1. SWMP Control Measures Implementation Schedule<sup>4</sup>**

SWMP Control Measures	Implementation Deadline	
	Existing Registrants	New Registrants
Public Education and Outreach	February 28, 2020	September 1, 2023
Public Involvement and Participation	February 28, 2020	September 1, 2023
Illicit Discharge Detection and Elimination	February 28, 2022	September 1, 2023
Construction Site Runoff Control	February 28, 2023	September 1, 2023

<sup>2</sup> This deadline is extended to three years after permit coverage assignment for: Albany, Millersburg, and Turner.

<sup>3</sup> This deadline is extended to February 28, 2024 for: Albany, Corvallis, Millersburg, Springfield, and Turner.

<sup>4</sup> These deadlines are extended to February 28, 2024 for: Albany, Corvallis, Millersburg, Springfield, and Turner.

SWMP Control Measures	Implementation Deadline	
	Existing Registrants	New Registrants
Post-Construction Site Runoff for New Development and Redevelopment	February 28, 2023	September 1, 2023
Pollution Prevention and Good Housekeeping for Municipal Operations	February 28, 2022	September 1, 2023

**a. Public Education and Outreach**

The permit registrant must conduct an ongoing education and outreach program to inform the public about the impacts of stormwater discharges on waterbodies and the steps that they can take to reduce pollutants in stormwater runoff. The education and outreach program must be designed to address stormwater issues of significance within the permit registrant's community.

**i. Implementation Dates**

**(A) Existing Registrants**

No later than February 28, 2020, existing registrants must implement the required components described in Schedule A.3.a.ii-vi.<sup>5</sup>

**(B) New Registrants**

Upon the effective date of this permit, new registrants must begin to develop and implement the required components described in Schedule A.3.a.ii-vi; required components must be fully implemented by September 1, 2023.<sup>6</sup>

**ii. Education and Outreach Program**

The permit registrant's public education and outreach program must include educational efforts targeting the three audiences listed in Schedule A.3.a.iv. The goal of the education and outreach program is to reduce the behaviors and practices that cause or contribute to adverse stormwater impacts on receiving waters. The program should promote specific actions to increase audience understanding of how to reduce pollutant discharges in stormwater runoff and prevent illicit discharge from entering the MS4 and impacting receiving waters.

To be considered adequate, the public education and outreach program must include the activities in Schedule A.3.a.iii-vi below.

**iii. Stormwater Education Activities**

The permit registrant must distribute or offer at least two (2) educational messages or activities per year.

Educational messages or activities may include printed materials (for example, brochures or newsletters); electronic materials (for example, social media, websites or e-newsletters); mass media (for example, utility bill inserts, transit advertisements, newspaper articles or public service announcements); targeted workshops, or other educational events or formats.

The permit registrant may use existing materials if applicable. The permit registrant may develop its own educational materials and means of delivering its message(s). Based on the

<sup>5</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>6</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

target audience's demographic, the permit registrant must consider delivering its selected messages and/or activities in an appropriate manner and in language(s) other than English.

iv. Target Audiences and Topics

The permit registrant must at minimum, conduct education and outreach to each target audience identified below at least once during the permit term, construction site operators must be targeted at least twice. The permit registrant must focus its efforts on conveying relevant messages using the target topics identified below or stormwater issues of significance in their community.

(A) Target Audiences:

1. General public, homeowners, homeowner association, schoolchildren, and businesses (including home-based and mobile business).
2. Local elected officials, land use planners and engineers.
3. Construction site operators (See Schedule A.3.a.v below).

(B) Target Topics:

1. Impacts of illicit discharges on receiving waters and how to report them.
2. Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts.
3. Best management practices for proper use, application and storage of pesticides and fertilizers.
4. Best management practices for litter and trash control.
5. Best management practices for recycling programs.
6. Best management practices for power washing, carpet cleaning and auto repair and maintenance.
7. Low-impact development/green infrastructure.
8. Septic systems, information pertaining to maintenance of septic systems.
9. Watershed awareness and how storm drains lead to local creeks and rivers, and potential impacts to fish and other wildlife.
10. Stormwater issues of significance identified by permit registrant.

v. Education on Construction Site Control Measures

At least twice during the permit term, the permit registrant must conduct educational outreach to target construction site operators working within their community. Topics should include appropriate selection, design, installation, use and maintenance of construction site control measures required by the permit registrant's relevant ordinances or other regulatory mechanisms.

vi. Tracking and Assessment

The permit registrant must track implementation of the public education and outreach requirements. In each corresponding annual report, the permit registrant must assess their progress toward implementation of the program, including the evaluation of at least one education and outreach activity corresponding to the reporting timeframe for the associated annual report. The assessment(s) should be used to inform future stormwater education and outreach efforts to most effectively convey the educational material to the target audience(s).

**b. Public Involvement and Participation**

The permit registrant must implement a public involvement and participation program that provides opportunities for the public to effectively participate in the development of the SWMP

control measures. The permit registrant must comply with their public notice requirements when implementing a public involvement and participation process.

i. Implementation Dates

(A) Existing Registrants

No later than February 28, 2020, existing registrants must implement the required components described in Schedule A.3.b.ii-iv.<sup>7</sup>

(B) New Registrants

Upon the effective date of this permit, new registrants must begin to develop and implement the required components described in Schedule A.3.b.ii-iv; required components must be fully implemented by September 1, 2023.<sup>8</sup>

ii. Publicly Accessible Website

The permit registrant must maintain and promote at least one publicly accessible website with information on the permit registrant's SWMP implementation, the SWMP Document, contact information, and educational materials. The website must be maintained with current information, and be updated at least annually. The permit registrant's website must incorporate the following:

- (A) Illicit Discharge Complaint or Report requirements (see Schedule A.3.c.v).
- (B) Draft documents issued for public comment, final reports, plans and other official SWMP policy documents.
- (C) Links to all ordinances, policies and/or guidance documents related to the construction and post-construction stormwater management control programs, including education, training, licensing, and permitting.
- (D) The permit registrant's contact information for relevant staff, including phone numbers, mailing addresses and email addresses.

iii. Stewardship Opportunity

The permit registrant must, at a minimum, create or partner in the development of one stewardship opportunity during the permit term. The permit registrant may consider one of the following stewardship opportunities or a more locally relevant opportunity:

- (A) Stream team activities,
- (B) Storm drain marking or stenciling,
- (C) Volunteer monitoring,
- (D) Riparian plantings/facility enhancement,
- (E) Neighborhood low-impact development activities,
- (F) Adopt-A-Road,
- (G) Citizen advisory committee, or
- (H) Other locally relevant opportunities.

iv. Tracking and Assessment

The permit registrant must track implementation of the public involvement and participation requirements. In each corresponding annual report, the permit registrant must assess their progress towards implementation of the program.

<sup>7</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>8</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

**c. Illicit Discharge Detection and Elimination**

The permit registrant must implement and enforce a program to detect and eliminate illicit discharges into the MS4, to the extent allowable by state laws. An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Conditional exceptions are identified in Schedule A.1.d.

**i. Implementation Dates**

**(A) Existing Registrants**

No later than February 28, 2022, existing registrants must implement all of the required components described in Schedule A.3.c.ii-viii.<sup>9</sup>

**(B) New Registrants**

Upon the effective date of this permit, new registrants must begin to develop and implement the required components described in Schedule A.3.c.ii-viii; all required components must be fully implemented by September 1, 2023.<sup>10</sup>

**ii. MS4 Map**

**(A) MS4 Map and Digital Inventory**

The permit registrant must develop and maintain a current map of their MS4. The MS4 map and digital inventory must include the location of outfalls and an outfall inventory, conveyance system and structural stormwater control locations, and chronic illicit discharges (see Schedule A.3.c.ii.B-D). The permit registrant must delineate their MS4 by storm sewer drainage basin, as appropriate, and identify the location and characteristics of any ongoing dry weather flows.

**(B) Outfall Inventory**

The permit registrant must maintain an inventory of all the known outfall locations, owned or operated by the permit registrant. The outfall location must include a unique identifier (for example, alphanumeric code identifier), any geographic information (for example, streets, manholes, or milepost markers) necessary to locate these outfalls in the field, and the name(s) of the receiving water(s).

**(C) Conveyance System and Structural Stormwater Control Locations**

The permit registrant must maintain a map of the MS4 collection system and all known structural stormwater controls. Where applicable, features must include a unique identifier (for example, alphanumeric code identifier) and any geographic information (for example, streets, manholes, or milepost markers) necessary to locate these features in the field.

**(D) Chronic Illicit Discharges**

If applicable, the permit registrant must include the location(s) of known chronic illicit discharge(s).

The permit registrant must make map(s) and digital inventories available to DEQ upon request. When in digital format, the permit registrant must fully describe mapping standards in the SWMP document.

<sup>9</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>10</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

Existing registrants must submit their MS4 map with the third annual report. New registrants must submit their MS4 map by September 1, 2023.<sup>11</sup> Prior to this date, all existing maps (including GIS data layers) must be shared with DEQ upon request.

iii. Ordinance and/or Other Regulatory Mechanisms

The permit registrant must prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Schedule A.1.d) through enforcement of an ordinance or other regulatory mechanism, to the extent allowable under state law. The permit registrant must implement appropriate enforcement procedures and actions to ensure compliance. The ordinance or other regulatory mechanism must also define the range of illicit discharges it covers including, but not limited to the following:

- (A) Septic, sewage, and dumping or disposal of liquids or materials other than stormwater into the MS4;
- (B) Discharges of washwater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
- (C) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
- (D) Discharges of washwater from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;
- (E) Discharges of washwater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas (including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.) where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- (F) Discharges of runoff from material storage areas, which contain chemicals, fuels, grease, oil, or other hazardous materials from material storage areas;
- (G) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
- (H) Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other landscape or construction-related wastes;
- (I) Discharges of trash, paints, stains, resins, or other household hazardous wastes; and
- (J) Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin washwater, etc.).

iv. Enforcement Procedures

The permit registrant must develop, implement and maintain a written escalating enforcement and response procedure. The procedure must address repeat violations through progressively stricter responses, as needed to achieve compliance. The escalating enforcement and response procedure must describe how the permit registrant will use enforcement techniques to ensure compliance. The enforcement procedures must include timelines for compliance and, when formulating response procedures, must consider factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental.

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<sup>11</sup> This deadline is extended to February 28, 2024 for: Albany, Millersburg, Corvallis, Springfield, and Turner.

For existing registrants the escalating enforcement procedure must be submitted with the third annual report.<sup>12</sup> New registrants must submit the escalating enforcement procedure by September 1, 2023.<sup>13</sup>

v. Program to Detect and Eliminate Illicit Discharges

At a minimum, the permit registrant's program must include the following activities:

(A) Illicit Discharge Complaints or Reports

The permit registrant must publicize a phone number, webpage, and/or other communication channel that the public can use to report illicit discharges. The complaint/reporting communication channel must be answered or responded to by trained staff during normal business hours and must include a system to record or capture incoming complaints or reports during non-business hours.

(B) Response to Complaints or Reports

The permit registrant must respond to all complaints or reports of illicit discharges to the permitted MS4, as soon as possible, or within an average of two working days from the initial time of the permit registrant's knowledge of the complaint or report, unless there is a threat to human health, welfare, or the environment. For discharges, including spills, which constitute a threat to human health, welfare, or the environment, the permit registrant must respond within 24 hours of the permit registrant's knowledge of the threat. Spills, or other illicit discharges, that may endanger human health or the environment must be reported in accordance with all applicable federal and state laws, including notification to the Oregon Emergency Response System (800-452-0311).

The permit registrant's complaint response and the associated investigation must at minimum, use the following timelines:

1. Initial Investigation or Evaluation

Conduct an initial investigation or evaluation within an average of five working days or refer the complaint to the appropriate agency (see Schedule A.3.c.v.C below).

2. Ongoing Illicit Discharges

If the elimination of the illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the permit registrant must within 20 working days of identifying the source, initiate procedures to eliminate the illicit discharge.

Upon confirmation of an illicit connection, the permit registrant must use the enforcement procedures in a documented effort to eliminate the illicit connection within six months to the extent allowable under state law. All known illicit connections to the MS4 must be eliminated.

3. Ongoing Illicit Discharges involving Capital Improvements

If the elimination of the illicit discharge involves the repair or replacement of the permit registrant's wastewater or storm sewer conveyance systems, the permit registrant must remove the source of the illicit discharge within three years of the date of its identification unless the permit registrant receives approval from DEQ for a different

<sup>12</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>13</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.



timeframe that is based on project-specific information and documentation of best efforts to meet the three-year timeframe.

(C) Notification of Other Authorities

If the illicit discharge originates outside the permit registrant's jurisdictional authority, the permit registrant must notify the jurisdictional authority within five working days of becoming aware of the illicit discharge.

(D) Complaints Tracking

The permit registrant must maintain a procedure or system to document all complaints or reports of illicit discharges into and from the MS4. The tracking system must document, at minimum the following:

1. Date the complaint was received and, if available, the complainant's name and contact information.
2. Name of staff responding to the complaint.
3. Date the investigation was initiated.
4. The outcome of the staff investigation.
5. Corrective action(s) taken to eliminate the illicit discharge.
6. The responsible party for the corrective action(s).
7. The status of enforcement procedure(s), when necessary.
8. The date the corrective action(s) was completed and staff that evaluated final compliance.

Complaint tracking information must be summarized in each annual report.

vi. Dry Weather Screening Program

At a minimum, the permit registrant must conduct dry weather screening at the following percentages:

(A) Existing Registrants

Existing registrants must conduct dry weather screening of at least 40 percent of their MS4 outfalls no later than February 28, 2022. Subsequently, existing registrants must conduct dry weather screening at an additional 20 percent of their MS4 outfalls each year thereafter.<sup>14</sup>

(B) New Registrants<sup>15</sup>

New registrants must conduct dry weather screening of at least 25 percent of their MS4 outfalls no later than September 1, 2023, then an additional 20 percent each year thereafter.

Once all the known outfalls are inspected, or if all the known outfalls have been previously screened, the permit registrant must identify and document priority locations. The 20 percent annual field screening must include a portion of all of the permit registrant's identified priority locations.

(C) Annual Field Screening of Priority Locations

Priority locations must, when possible, be located at an accessible location downstream of any source of suspected illegal or illicit activity or location as identified by the permit registrants. Priority locations must be based on an

<sup>14</sup> Corvallis, Springfield, and Turner must conduct dry weather screening of at least 40 percent of their MS4 outfalls no later than February 28, 2024.

<sup>15</sup> Albany and Millersburg must conduct dry weather screening of at least 25 percent of their MS4 outfalls no later than February 28, 2024.

equitable consideration of hydrological conditions, total drainage area of the location, population density of the location, traffic density, age of the structures or buildings in the area, history of the area, land use types, personnel safety, accessibility, historical complaints or other appropriate factors as identified by the permit registrant.

The dry-weather field screening activities must occur after an antecedent dry period of at least 72-hours. The dry-weather field screening activities must be documented and include:

- (D) General Observations  
General observations must include visual presence of flow, turbidity, oil sheen, trash, debris or scum, condition of conveyance system or outfall, color, odor and any other relevant observations related to the potential presence of non-storm water or illicit discharges.
- (E) Field Screening and Analysis  
If flow is observed, and the source is unknown, a field analysis must be conducted to determine the cause of the dry-weather flow. The field analysis must include sampling for pollutant parameters that are likely to be found based upon the suspected source of discharge or by other effective investigatory approaches or means to identify the source or cause of the suspected illicit discharge. Where appropriate, field screening pollutant parameter action levels, identified by the permit registrant, must be considered.
- (F) Pollutant Parameter Action  
The permit registrant must develop or identify pollutant parameter action levels to be used as part of the field screening. The pollutant parameter action levels and rationale must be documented in an enforcement response plan (or similar document) or in the SWMP Document. The permit registrant may use the following as indicator constituents: ammonia, biochemical oxygen demand, pH, total chlorine, detergents as surfactants, E. coli, total phosphorus, turbidity, temperature, and total suspended solids.  
Existing registrants must submit their pollutant parameter action levels with the third annual report.<sup>16</sup> New registrants must submit the pollutant parameter action levels by September 1, 2023.<sup>17</sup>
- (G) Laboratory Analysis  
If general observations and field screening indicate an illicit discharge and the presence of a suspected illicit discharge cannot be identified through other investigatory methods, the registrant must collect a water quality sample for laboratory analyses for ongoing discharges. The water quality sample must be analyzed for pollutant parameters or identifiers that will aid in the determination of the source of the illicit discharge. The types of pollutant parameters or identifiers may include, but are not limited to genetic markers, industry-specific toxic pollutants, or other pollutant parameters that may be specifically associated with a source type.

vii. Illicit Discharge Detection and Elimination Training and Education

<sup>16</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>17</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

The permit registrant must ensure that all persons responsible for investigating and eliminating illicit discharges and illicit connections into the MS4 are appropriately trained to conduct such activities. All staff directly responsible for conducting dry weather screening activities or responding to reports of illicit discharges and spills into the MS4 must be properly trained to conduct such activities.

The permit registrant must provide orientation and training to all new staff working to implement the IDDE program within 30 days of their assignment to this program. All staff must receive training at least once during the permit term. The permit registrant must provide follow-up training as procedures or technology utilized in this program change.

viii. Tracking and Assessment

The permit registrant must track implementation of the IDDE program requirements. In each corresponding annual report, the permit registrant must assess their progress towards implementation of the program.

**d. Construction Site Runoff Control**

The permit registrant must implement and enforce a construction site runoff control program to reduce discharges of pollutants from construction sites in its coverage area. Existing permit registrants must continue to implement their construction site runoff program as they develop, and implement the requirements of Schedule A.3.d.

i. Implementation Dates

(A) Existing Registrants<sup>18</sup>

No later than February 28, 2023, Existing Registrants must implement all of the required components described in Schedule A.3.d.ii-ix.

(B) New Registrants<sup>19</sup>

Upon the effective date of this permit, New Registrants must begin to develop and implement the required components described in Schedule A.3.d.ii-ix; and all required components must be fully implemented by September 1, 2023.

ii. Ordinance and/or Other Regulatory Mechanism

Through ordinance or other regulatory mechanism, to the extent allowable under state law, the permit registrant must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects from initial clearing through final stabilization to reduce pollutants in stormwater discharges to the MS4 from construction sites.

The permit registrant must require construction site operators to complete and implement an Erosion and Sediment Control Plan (ESCP) for construction project sites that results in a minimum land disturbance of:

(A) For Large Communities, 7,000 square feet or more; and

(B) For Small Communities, 10,890 square feet (a quarter of an acre) or more.

The permit registrant must use appropriate enforcement procedures and actions to ensure compliance with Schedule A.3.d.ii-vi.

iii. Compliance with Other NPDES Permits

<sup>18</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>19</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

For construction projects that disturb one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres), the permit registrant must refer project sites to DEQ, or the appropriate DEQ agent, to obtain NPDES Construction Stormwater Permit coverage. The NPDES Construction Stormwater General Permit requirements are in addition to the permit registrant's construction site runoff control requirements identified in this permit (Schedule A.3.d.iv).

iv. Erosion and Sediment Control Plans

The permit registrant must maintain written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in their coverage area. At a minimum, the written specifications must include an erosion and sediment control plan, or ESCP template, worksheet or similar document for construction site operators to document how erosion, sediment, and waste material management controls will be implemented at the construction project site. At a minimum, through ordinance or other regulatory mechanism the permit registrant must:

- (A) Provide the construction site operator an ESCP template prior to commencement of construction/land disturbance;
- (B) Require construction site operator to complete a site-specific ESCP prior to commencement of construction/land disturbance;
- (C) Require the ESCP be maintained and updated as site conditions change, or as needed; and
- (D) Require ESCPs to be kept on site and made available for review by the permit registrant, DEQ, or another administering entity.

The ESCP must, at a minimum consist of sizing criteria, performance criteria, design specifications, and guidance on selection and placement of controls, and specifications for long term operation and maintenance, including appropriate inspection interval and self-inspection checklists for use by the construction site operator.

v. Erosion and Sediment Control Plans Review

At a minimum, the permit registrant must review ESCPs from construction projects that will result in land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres) using a checklist or similar document to determine compliance with the ordinance or other regulatory mechanism required.

ESCP review procedures must include consideration of the construction activities' potential water quality impacts, and remain in accordance with applicable state and local public notice requirements.

vi. Construction Site Inspections

The permit registrant must inspect construction sites to ensure compliance with Schedule A.3.d.iii-iv.

(A) Minimum Triggers for Inspection

At a minimum, the permit registrant must inspect construction sites if:

- 1. The construction activity will result in land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres). Each site must be inspected at least once during the permit term;

2. Sediment is visible or reported in stormwater discharge or dewatering activities from the construction site; or
3. A complaint or report is received. At minimum, the permit registrant must respond to the initial complaint if more than one report or complaint is received.

(B) Minimum Inspection Documentation Requirements

If the permit registrant inspects a construction site, at a minimum the site inspection must include and document the following:

1. A review and evaluation of the ESCP to determine if the described control measures were installed, implemented and maintained properly.
2. An assessment of the site's compliance with the permit registrant's ordinances or requirements, including the implementation and maintenance of required control measures.
3. Visual observations and documentation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site. Documentation of recommendations to the construction site operator for follow-up.
4. If necessary, education or instruction provided to the construction site operator related to additional stormwater pollution prevention practices to comply with the approved ESCP.
5. A written or electronic inspection report, including documentation of all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance with their applicable requirements.

(C) Inspection Requirements for Existing Large Communities

In addition to Schedule A.3.d.vi.A, existing large communities must inspect at least 25% of the qualifying new construction sites that disturb less than one acre at least once during the permit term to ensure compliance with the site's ESCP.

vii. Enforcement Procedures

The permit registrant must develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites. The procedure must address repeat violations through progressively stricter response, as needed, to achieve compliance. The escalating enforcement and response procedure must describe how the permit registrant will use enforcement techniques to ensure compliance. The enforcement procedures must include timelines for compliance and, when formulating response procedures, must consider factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental. For existing registrants, the escalating enforcement procedure must be submitted with the third annual report.<sup>20</sup> New registrants must submit the escalating enforcement procedure by September 1, 2023.<sup>21</sup>

viii. Construction Runoff Control Training and Education

<sup>20</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>21</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

The permit registrant must ensure that all staff responsible for ESCP reviews, site inspections, and enforcement of the permit registrant's requirements are trained or otherwise qualified to conduct such activities.

The permit registrant must provide orientation and training to all new staff working to implement the construction runoff control program within 30 days of their assignment to this program. The staff must be properly trained and knowledgeable in the technical understanding of erosion, sediment, and waste material management controls to conduct such ESCP reviews and inspections. All staff must receive training at least once during the permit term. The permit registrant must provide follow-up training as procedures and/or technology utilized in this program change.

ix. Tracking and Assessment

The permit registrant must track implementation of the construction site runoff program's required activities. In each corresponding annual report, the permit registrant must assess their progress toward implementing the construction site runoff program's control measures.

**e. Post-Construction Site Runoff for New Development and Redevelopment**

Existing permit registrants must continue to implement their post-construction stormwater pollutant control program as they develop programs to meet the requirements of Schedule A.3.e to reduce discharges of pollutants and address stormwater runoff from new development and redevelopment project sites in its coverage area. New registrants must develop programs to meet Schedule A.3.e requirements to reduce discharges of pollutants and address stormwater runoff from new development and redevelopment project sites in its coverage area.

All registrants must describe their programs in the SWMP Document.

i. Implementation Deadline

(A) Existing Registrants

No later than February 28, 2023, existing registrants must implement all of the required components described in Schedule A.3.e.ii-viii.<sup>22</sup>

(B) New Registrants

Upon the effective date of the permit, new registrants must begin to develop and implement the required components described in Schedule A.3.e.ii-viii; all required components must be fully implemented by September 1, 2023.<sup>23</sup>

ii. Ordinance and/or Other Regulatory Mechanism

Through ordinance or other regulatory mechanism, to the extent allowable under state and federal law, the permit registrant must require the following for project sites discharging stormwater to the MS4 that create or replace 5,000 square feet or more of impervious surface area:<sup>24</sup>

(A) The use of structural stormwater controls at all qualifying sites.

(B) A site-specific stormwater management approach that targets natural surface or

<sup>22</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>23</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

<sup>24</sup> For counties, through ordinance or other regulatory mechanism, to the extent allowable under state law, the permit registrant must require the following for project sites discharging stormwater to the MS4 that create or replace 10,890 square feet (a quarter of an acre) or more of new impervious surface area.

predevelopment hydrological function through the installation and long-term operation and maintenance of structural stormwater controls.

- (C) Long-term operation and maintenance of structural stormwater controls at project sites that are under the ownership of a private entity.

The permit registrant must use appropriate enforcement procedures and actions to ensure compliance with Schedule A.3.e.iv. The local ordinance or other regulatory mechanism adopted must meet the requirements of Schedule A.3.e.ii-vi.

### iii. Removing Barriers to Low Impact Development

The permit registrant must identify, minimize or eliminate ordinance, code and/or development standard barriers within their legal authority that inhibit design and implementation techniques, such as Low Impact Development and Green Infrastructure, intended to minimize impervious surfaces and reduce stormwater runoff. Consideration of such modifications to ordinance, or codes are only required to the extent the modifications are permitted under federal and state laws.

The permit registrant must review ordinance, code and development standards for barriers by September 1, 2023. If an ordinance, code or development standard barrier is identified at any time subsequent to September 1, 2023, the applicable ordinance, code or development standard must be modified within three years.<sup>25</sup>

### iv. Post-Construction Stormwater Management Requirements

The permit registrant must develop enforceable post-construction stormwater management requirements in ordinance or other regulatory mechanism that, at a minimum, include the following technical standards:

#### (A) Site Performance Standard

The permit registrant must establish a site performance standard with a Numeric Stormwater Retention Requirement (NSRR) to target natural surface or predevelopment hydrologic function to retain rainfall on-site and minimize the offsite discharge of precipitation utilizing structural stormwater controls that infiltrate, capture and/or evapotranspire stormwater. This NSRR volume must be determined by the use of one of the following:

1. Volume-based method (for example, the first inch of each storm event).
2. Storm event percentile-based method (for example, the 95<sup>th</sup> percentile storm event- 95% of the time the data is below this value).
3. Annual average runoff-based method (for example 80% of annual average runoff).

The site performance standard is met when 100% of the NSRR volume (determined by the method chosen above) from the project site is routed to one or more structural stormwater controls with sufficient capacity to accommodate this stormwater runoff and will fully infiltrate (after any necessary treatment), evapotranspire and/or be reused onsite without stormwater runoff discharging from the site. Evapotranspiration and reuse can be used to meet the retention

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<sup>25</sup> Albany, Corvallis, Millersburg, Springfield, and Turner must review ordinance, code and development standards for barriers, and make necessary amendments to minimize or eliminate the barriers, at least once within the permit term.

requirements but are not required prior to pursuing treatment or alternative compliance options discussed below.

At sites where 100% of the NSRR volume cannot be retained due to technical infeasibility and/or site constraints, the permit registrant may develop an exception process for the retention in the site performance standard by following the Step-Wise Alternative Compliance procedure outlined below (see Schedule A.3.e.iv.B and C). Such feasibility or site constraint factors may include, but are not limited to, shallow bedrock, high groundwater, groundwater contamination, soil instability as documented by geotechnical analysis, or a land use that is inconsistent with capture, and infiltration of stormwater.

(B) Treatment Standard

1. For projects that are unable to fully meet the NSRR, the remainder of the rainfall runoff associated with this retention requirement must be treated prior to discharge with a structural stormwater control. This stormwater structural control must be designed to remove a defined percentage of total suspended solids and may include an upper and lower bound to their treatment requirement that reflect the practical limitation of an engineered control (e.g., 80% removal of TSS for typical influent concentrations ranging from 100mg/L to 200 mg/L). The permit registrant should establish treatment requirements that target the equivalent water quality benefits as onsite retention of stormwater from new development or redevelopment sites using a model, such as a continuous simulation model or other evaluation tool. The permit registrant should encourage the use of treatment trains of structural post-construction stormwater controls, and must give priority to implementing green infrastructure before considering hardscaped structural stormwater controls for stormwater treatment. **Detention ponds are not a sufficient stand-alone treatment method and must be combined with other structural stormwater controls.** Treating the volume of water that would otherwise be retained under the NSRR satisfies the retention requirement.

2. Structural Stormwater Control Design and Specifications

For sites that utilize the treatment option to satisfy the NSRR, the permit registrant must provide a description of all allowable structural stormwater controls including site-specific design requirements, design requirements that do not inhibit maintenance, conditions where each control applies, and operation and maintenance standards for each control. The permit registrant must identify conditions where the implementation of green infrastructure or equivalent approaches may be impracticable.

A permit registrant may adopt specifications created by another entity that complies with this requirement.

(C) Offsite Mitigation Alternative Compliance

For projects unable to fully meet the NSRR and/or treatment standard alternative, the permit registrant may choose to allow offsite alternatives for projects based on factors of technical infeasibility or site constraints. The determination that the NSRR and/or treatment standards cannot be achieved at the project site must be based on review criteria and cannot be based solely on increased cost. The offsite alternatives must account for retention or treatment at least equal to the NSRR volume not met onsite.



For project sites requesting alternative compliance, the permit registrant must require and subsequently evaluate the written technical justification documenting the infeasibility or site constraints, which prevent the onsite management of the runoff amount stipulated in the NSRR. The written technical justification must be in the form of a site-specific hydrologic or design analysis conducted and endorsed by an Oregon registered Professional Engineer or Oregon Certified Engineering Geologist.

If the permit registrant agrees that alternative compliance with the retention requirement is necessary, meaning retention of or treatment up to the NSRR volume is not feasible, the permit registrant must require that the site operator use one or more of the stormwater mitigation options outlined in the Offsite Stormwater Mitigation Options below for any portion of the NSRR not retained or treated.

(D) Offsite Stormwater Mitigation Options

If the permit registrant chooses to develop mitigation options for alternative compliance, such options may include, but are not limited to a payment-in lieu program or other option that matches the water quality goal of the NSRR at any given site. Before allowing offsite alternative compliance with the NSRR, the permit registrant must establish stormwater mitigation options for alternative compliance, including institutional standards and management systems to value, estimate, and account for how these mitigation projects address the unmet volume of the stormwater specified in this retention requirement. The mitigation project or site must be within the same subwatershed as the site undergoing development. Stormwater mitigation options must include one or more of the following for alternative compliance:

1. Offsite Mitigation

General offsite mitigation options may include meeting the retention requirement at another location, the use of a stormwater mitigation bank program, the use of stormwater payment-in-lieu program, or offsite treatment up to the NSRR.

2. Offsite Groundwater Replenishment Projects

Groundwater replenishment projects include implementing a project that the permit registrant has determined to provide an opportunity to replenish regional groundwater supplies.

v. Post-Construction Site Runoff Plan Review

The ordinance or other regulatory mechanism must include procedures for the permit registrant's review and approval of structural stormwater control plans for new development and redevelopment projects.

At a minimum, the permit registrant must review and approve plans for structural stormwater control at new development and redevelopment sites that result from a land disturbance of one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres); and sites that use alternative compliance to meet the retention requirement, before the start of the project. The permit registrant must review plans for consistency with the ordinance/regulatory mechanism and specifications required by Schedule A.3.e.vi. The permit registrant must not approve or recommend for approval any plans for structural controls that do not meet minimum requirements to meet Schedule A.3.e.iv and Schedule A.3.e.vi.

vi. Long-Term Operation and Maintenance (O&M)

The permit registrant must maintain an inventory and implement a strategy to ensure that all structural stormwater controls installed in compliance with this permit are operated and maintained to meet the site performance standard in Schedule A.3.e.iv. This strategy must, at minimum, include the following:

- (A) Documented efforts to obtain legal authority to allow the permit registrant to inspect and require effective operation and maintenance of privately owned and operated structural stormwater controls that discharge to the MS4, to the extent allowable under state and federal law.
- (B) Inspection procedures and an inspection schedule ensuring compliance with the O&M requirements of each structural stormwater control operated by the permit registrant and by other private entities.
- (C) A tracking mechanism for documenting inspections and the O&M requirements for structural stormwater controls. This tracking mechanism must document enforcement actions and compliance response. For structural stormwater controls that include vegetation, the O&M requirements must at minimum include requirements to maintain and/or replace vegetation to ensure the functionality of the control. For structural stormwater controls that include soils in the treatment process, O&M requirements must at minimum include requirements to maintain soil permeability.
- (D) Reporting requirements for privately owned and operated structural stormwater controls that document compliance with O&M requirements.
- (E) The location of all public and private structural stormwater controls installed in compliance with this permit must be included with the MS4 Map.

vii. Training and Education

The permit registrant must ensure that staff responsible for performing post-construction runoff site plan reviews, administering the post-construction program requirements and performing O&M practices or evaluating compliance with long-term O&M requirements are trained or otherwise qualified to conduct such activities.

The permit registrant must provide orientation and training to all new staff working to implement the post-construction runoff control program within 30 days of their assignment to this program. All staff working to implement the post-construction runoff control program must receive training at least once during the permit term. Permit registrant must provide follow-up training as procedures and/or technology utilized in this program change.

viii. Tracking and Assessment

The permit registrant must maintain records for activities conducted to meet the requirements of the Post-Construction Site Runoff program and include a descriptive summary of their activities in the corresponding Annual Report.

**f. Pollution Prevention and Good Housekeeping for Municipal Operations**

The permit registrant must properly operate and maintain its facilities, using prudent pollution prevention and good housekeeping to reduce the discharge of pollutants through the MS4 to waters of the state.

i. Implementation Date

- (A) Existing Registrants

No later than February 28, 2022, existing registrants must implement all of the required components described in Schedule A.3.f.ii-ix.<sup>26</sup>

(B) New Registrants

Upon the effective date of this permit, new registrants must begin to develop and implement the required components described in Schedule A.3.f.ii-ix; all required components must be fully implemented by September 1, 2023.<sup>27</sup>

ii. Operation and Maintenance Strategy for Existing Structural Stormwater Controls

For existing structural stormwater controls installed or permitted by the permit registrant prior to the effective date of this permit, the permit registrant must develop and implement an operation and maintenance strategy for both permit registrant-owned controls and controls owned and operated by other non-MS4 entities discharging to the permit registrant's MS4. The O&M strategy for existing structural stormwater controls must meet the long term O&M requirements in Schedule A.3.e.vi but not the site performance standards outlined in Schedule A.3.e.iv.

iii. Inspection and Cleaning of Catch Basins

The permit registrant must inspect at least 50 percent of the permit registrant-owned or operated catch basins and inlets within the MS4 at least once every five years and take all appropriate maintenance or cleaning action based on those inspections to ensure the catch basins and inlets continue to function as designed. The permit registrant may establish a catch basin inspection prioritization system, and establish alternate inspection frequency, provided the permit registrant describes all relevant factors it uses to target its inspections to specific areas of its MS4 in the SWMP Document.

The permit registrant must maintain catch basin inspection records and cleaning records.

iv. Pollution Prevention in Facilities and Operations

The permit registrant must conduct its municipal O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality. For the O&M activities it conducts, the permit registrant must develop, review, and if necessary update procedures for inspection and maintenance schedules to ensure pollution prevention and good housekeeping practices are conducted for the following activities:

- (A) Pipe cleaning for stormwater and wastewater conveyance systems.
- (B) Cleaning of culverts conveying stormwater in roadside ditches.
- (C) Ditch maintenance.
- (D) Road and bridge maintenance.
- (E) Road repair and resurfacing including pavement grinding.
- (F) Dust control for roads and municipal construction sites.
- (G) Winter road maintenance, including salt or de-icing storage areas.
- (H) Fleet maintenance and vehicle washing.
- (I) Building and sidewalk maintenance including washing.
- (J) Solid waste transfer and disposal areas.
- (K) Municipal landscape maintenance.

<sup>26</sup> This deadline is extended to February 28, 2024 for: Corvallis, Springfield, and Turner.

<sup>27</sup> This deadline is extended to February 28, 2024 for: Albany and Millersburg.

- (L) Material storage and transfer areas, including fertilizer and pesticides, Hazardous materials, used oil storage, and fuel
- (M) Firefighting training activities.
- (N) Maintenance of municipal facilities including public parks and open space, golf courses, airports, parking lots, swimming pools, marinas, etc.

v. Registrant-owned NPDES Industrial Stormwater Permit Facilities

Permit registrant-owned or operated facilities with industrial activity as defined in 40 CFR §122.26(b)(14) discharging stormwater to the waters of the state must have coverage under DEQ's NPDES Industrial Stormwater General Permit. The permit registrant may use the actions required in the NPDES Industrial Stormwater Permit to address the applicable facility requirements in Schedule A.3.f.iv.

vi. Requirements for Pesticide and Fertilizer Applications

The permit registrant must implement practices to reduce the discharge of pollutants to the MS4 associated with the permit registrant's application and storage of pesticides and fertilizers. At a minimum, such areas include the permit registrant's public right-of-ways, parks, recreational facilities, golf courses, and landscaped areas. All employees or contractors of the permit registrant applying pesticides must follow all label requirements, including those regarding application methods, rates, number of applications allowed, and disposal of the pesticide, fertilizer and rinsate.

vii. Litter Control

The permit registrant must implement methods to reduce litter within its jurisdiction. The permit registrant may work cooperatively with other departments, organizations, or other entities to control litter on a regular basis and after major public events, in order to reduce the discharge of pollutants and litter to the MS4.

viii. Materials Disposal

All collected material or pollutants removed in the course of maintenance, treatment, control of stormwater, or other wastewaters must be managed and disposed of in a manner to prevent such pollutants from entering the waters of the state in accordance with state and federal rules.

ix. Stormwater Infrastructure Staff Training

The permit registrant must ensure that staff responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements or ensuring pollution prevention at facilities and during operations are trained or otherwise qualified to conduct such activities.

The permit registrant must provide orientation and training to all new staff working to implement the pollution prevention and good housekeeping for municipal operations program within 30 days of their assignment to this program and at least once during the permit term. The permit registrant must provide follow-up training as procedures and/or technology utilized in this program change.

x. Tracking and Assessment

The permit registrant must maintain records for activities conducted to meet the requirements of the pollution prevention and good housekeeping for municipal operations program requirements and include a descriptive summary of their activities in the corresponding annual report.

## **SCHEDULE B - MONITORING AND REPORTING REQUIREMENTS**

### **1. Compliance Evaluation**

At least once per year, the permit registrant must evaluate their compliance with the requirements of this permit using the DEQ annual report template. This self-evaluation includes assessment of progress toward implementing the SWMP control measures in Schedule A, and implementation of actions to comply with any additional requirements identified pursuant to Schedule D.1 (Requirements for Discharges to Impaired Waterbodies).

### **2. Annual Report**

No later than November 1 each year, beginning in 2020, the permit registrant must submit an annual report to DEQ. The permit registrant must use the annual report form provided by DEQ. The reporting period for the annual report is from July 1 through June 30 of the following year (for example, July 1, 2020 through June 30, 2021). Reporting periods for subsequent annual reports is specified in Table 2 below. The permit registrant must make all annual reports available to the public, including any required documents attached to the annual report, through the permit registrant's maintained website.

DEQ may extend the due date for the annual report in the event of extraordinary circumstances including, but not limited to, pandemic, wildfire, earthquake, flood, or other natural disaster provided the permit registrant requests an extension in writing and provides all documentation available regarding the specific impacts as to why the November 1 deadline cannot be met. In that circumstance, DEQ will respond to the extension request in writing and will document any revised annual report due date when applicable.

**Table 2. Annual Report Deadlines<sup>28</sup>**

<b>Annual Report</b>	<b>Reporting Period</b>	<b>Due Date</b>
1st Year Annual Report	Mar. 1, 2019 - June 30, 2020	Nov. 1, 2020
2nd Year Annual Report	July 1, 2020 - June 30, 2021	Nov. 1, 2021
3rd Year Annual Report	July 1, 2021 - June 30, 2022	Nov. 1, 2022
4th Year Annual Report	July 1, 2022 - June 30, 2023	Nov. 1, 2023
5th Year Annual Report	July 1, 2023 - June 30, 2024	Nov. 1, 2024

### **3. Monitoring Requirements**

If the permit registrant discharges to a waterbody for which a TMDL has been approved or is listed on the 303(d) list, the permit registrant must comply with all monitoring requirements under Schedule D.1. In addition, if the permit registrant performs municipal stormwater monitoring at outfall locations in the receiving waterbody or to demonstrate compliance with this permit, all monitoring data must be submitted to DEQ.

- a. When the permit registrant conducts stormwater monitoring, the following monitoring requirements must be followed:
  - i. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
  - ii. Sample collection, preservation, and analysis must be conducted according to methods and procedures outlined in 40 CFR § 136, unless otherwise approved by DEQ. Where an

<sup>28</sup> Albany, Corvallis, Millersburg, Springfield, and Turner must submit the required annual report beginning on the first due date listed after permit coverage is issued.

approved 40 CFR § 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from DEQ.

- b. Records of monitoring information must include:
  - i. The date, exact place, and time of sampling or measurements.
  - ii. The names(s) of the individual(s) who performed the sampling or measurements.
  - iii. The date(s) analyses were performed.
  - iv. The names of the individuals who performed the analyses.
  - v. The analytical techniques or methods used.

The results of such analyses must be reported in the annual report.

#### **4. Submissions**

The permit registrant must provide DEQ with one hard copy and one electronic copy (on a portable electronic storage device or via email) of the annual report and any supplemental information required by the due date in Table 2, above. For electronic submittal of documents (i.e., e-Reporting), DEQ may provide the permit registrant with instructions for submittal when required. Once the permit registrant receives permission to submit electronically, it will no longer be required to submit such materials to DEQ in hardcopy.

All hardcopy annual reports, attachments, and other required submittals must be sent to DEQ at the following addresses:

Oregon Department of Environmental Quality  
MS4 Stormwater Program, Attention: 7th Floor  
700 NE Multnomah St., Suite 600  
Portland, OR 97232  
[MS4Stormwater@deq.state.or.us](mailto:MS4Stormwater@deq.state.or.us)

#### **5. Recordkeeping**

##### **a. Records Retention**

The permit registrant must retain records and copies of all information (for example, all monitoring, calibration, and maintenance records; all original strip chart recordings for any continuous monitoring instrumentation; copies of all reports required by this permit; annual reports; a copy of the NPDES permit; and, records of all data or information used in the development and implementation of the SWMP) for a period of at least five years from the start of the permit compliance action date or for the term of this permit, whichever is longer. This period may be extended at the request of DEQ at any time.

##### **b. Availability of Records**

The permit registrant must submit records to DEQ when requested. The permit registrant must also make all records described above available to the public, if requested to do so in writing. The public must be able to view the records during normal business hours.

**SCHEDULE C - COMPLIANCE CONDITIONS AND DATES**

Compliance conditions and dates are not included at this time.

**SCHEDULE D - SPECIAL CONDITIONS****1. Requirements for Discharges to Impaired Waterbodies****a. Applicability**

The requirements of Schedule D.1 apply to MS4 discharges to receiving waters with established TMDLs and with new or modified TMDLs approved by EPA before the effective date of the permit where urban stormwater is identified as a source of TMDL pollutant loading. Schedule D.1 also applies to MS4 discharges to receiving waters identified as impaired on DEQ's current Integrated Report and 303(d) list for particular pollutants, identified before the effective date of the permit. DEQ has identified receiving waters in all urban areas covered by this permit as being water quality impaired for a variety of pollutants and most of these receiving waters are also under a TMDL load allocation. Established TMDLs in the permit registrant's coverage area are noted on the coverage page of this permit.

**b. Performance Measures**

DEQ incorporated performance measures in Schedule A.3.c, d, e, and f to address water quality impairments and EPA approved TMDL allocations issued to date. Compliance with the permit's terms and conditions is presumed to be in compliance with TMDL allocations issued before the effective date of this permit, unless specified below.

- i. The City of Wood Village must provide a summary of the following to evaluate the control strategies established for the Lower Columbia Slough: Phosphate, Lead, and Bacteria TMDLs:
  - (A) For phosphate, monitor influent and effluent dissolved orthophosphate concentrations and total phosphate concentrations at a representative site in Fairview Lake (Reach 4) and Fairview Creek (Reach 5).
  - (B) For lead, estimate of the effectiveness of controls to remove TSS.
  - (C) For bacteria, measure E. coli concentrations and its distribution over flows (for example, flow duration intervals) to demonstrate compliance with E. coli criteria.



## 2. Definitions:

- a. **Total Maximum Daily Load (TMDL) or applicable TMDL** is any TMDL, which has been approved by EPA on or before the issuance date of this permit.
- b. **Best Management Practices (BMPs)** means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also mean treatment requirements, operating procedures, and practices to control runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw material storages. See 40 CFR § 122.2 and 122.44(k). For the purposes of this permit, BMPs are synonymous with structural and non-structural stormwater controls and include the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution.
- c. **Bioretention** means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater runoff.
- d. **CFR** means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.
- e. **Chronic Illicit Discharges** are continuous illicit discharges resulting from sanitary/wastewater connections to an MS4, sanitary/wastewater inflows into a MS4 and unpermitted industrial wastewater discharges to the MS4.
- f. **Clean Water Act (CWA)** refers to what was formally called the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].
- g. **Common Plan of Development** means a contiguous construction project or projects where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan.
- h. **Construction Activity** includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of residential buildings and non-residential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).
- i. **Erosion and Sediment Control Plan** is a site-specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in storm water runoff. For the purposes of this permit, an ESCP means a document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable permit requirements.
- j. **Control Measure**, as used in this permit, refers to any action, activity, Best Management Practice or other method used to control the amount of pollutants in MS4 discharges.
- k. **Discharge of a pollutant** means any addition of any "pollutant" or combination of pollutants to "waters of the state" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the state from surface runoff, which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person, which do not lead to a treatment works; and discharges through

pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger" [40 CFR §122.2].

- l. **Erosion** is the process of carrying away soil particles by the action of water, wind, or other process.
- m. **Evaporate** is rainfall that is changed or converted into a vapor.
- n. **Evapotranspiration** is the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.
- o. **Final Stabilization** is determined by satisfying the following criteria: (1) there is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters; (2) construction materials and waste have been removed and disposed of properly. This includes any sediment that was being retained by the temporary erosion and sediment controls; (3) all temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements; (4) all soil disturbance activities have stopped and all stormwater discharges from construction activities that are authorized by this permit have ceased; (5) all disturbed or exposed areas of the site are covered by either final vegetative stabilization or permanent stabilization measures. However, temporary or permanent stabilization measures are not required for areas that are intended to be left unvegetated or unstabilized following construction (such as dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials), provided that measures are in place to eliminate or minimize erosion.
- p. **Green Infrastructure (GI)** is a specific type of stormwater control using vegetation, soils, and natural processes to manage stormwater. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems designed to mimic nature by reducing and/or storing stormwater through infiltration, evaporation, and transpiration. At the scale of city or county, green infrastructure refers to the patchwork of natural areas that provides flood protection and natural processes that remove pollutants from stormwater.
- q. **Impaired Water** means any waterbody that does not meet applicable water quality standards for one or more parameters as identified on Oregon's 303(d) list.
- r. **Infiltration** is the process by which stormwater penetrates into soil.
- s. **Illicit Connections** include, but are not limited to, pipes, drains, open channels, or other conveyances that have the potential to result in an illicit discharge.
- t. **Illicit Discharge** is any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges authorized under Section A.1.d, discharges permitted by a NPDES permit or other state or federal permit, or otherwise authorized by DEQ.
- u. **Impervious Surface** is any surface resulting from development activities that prevents the infiltration of water. Common impervious surfaces include: building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily-compacted earthen materials.
- v. **Large Community** is defined as any permit registrant not defined as a Small Community.
- w. **Low Impact Development (LID)** is a stormwater management approach that seeks to mitigate the impacts of increased runoff and stormwater pollution using a set of planning, design and construction approaches and stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater, and can occur at a wide range of landscape scales (i.e., regional, community and site). Low impact development is a comprehensive land planning and engineering design approach to stormwater management with

a goal of mimicking the pre-development hydrologic regime of urban and developing watersheds.

- x. **Maintenance Activities**, as used in the definition of Redevelopment means activities such as pavement preservation projects; restoration of impervious surfaces disturbed by construction, maintenance or repair utilities; and roof replacement projects.
- y. **Maximum Extent Practicable (MEP)** is the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by Section 402(p)(3)(B)(iii) of the Clean Water Act [33 U.S.C §1342(p)(3)(B)(iii)].
- z. **Minimize** means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available, economically practicable, and achievable in light of best industry or municipal practices.
- aa. **Municipal Separate Storm Sewer System (MS4)** is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) 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 Section 208 of the Clean Water Act that discharges to waters of the state; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works as defined at 40 CFR §122.2.
- bb. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act.
- cc. **National Pollutant Discharge Elimination System (NPDES)** is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of Clean Water Act [40 CFR §122.2].
- dd. **Non-structural Stormwater Controls** or **BMPs** are stormwater controls in the form of development standards or other regulatory mechanisms intended to minimize and treat stormwater by minimizing impervious surfaces and by using soil infiltration, evaporation, and transpiration. These controls may also take the form of procedural practices to prevent pollutants from contaminating stormwater. The use of this term in this permit is consistent with the discussion of non-structural stormwater BMPs in 64 Federal Register 68760 (December 9, 1999) which encompasses preventative actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive waterbodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about project designs that minimize water quality impacts; and (4) other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
- ee. **Outfall** is defined as a point source at the point where a municipal separate storm sewer discharges to waters of the state, 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 state and are used to convey waters of the State.

- ff. **Owner or Operator** is the owner or operator of any "facility or activity" subject to regulation under the NPDES program.
- gg. **Pesticide** as used in this permit carries the same definition as used in the Federal Insecticide, Fungicide, and Rodenticide Act and is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Under FIFRA, a pest is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism
- hh. **Plant Intercept** is the capture of precipitation by the plant canopy and its subsequent return to the atmosphere through evaporation or sublimation.
- ii. **Pollutant** is dredged soil; solid waste; incinerator residue; sewage; garbage; sewerage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water.
- jj. **Predevelopment Hydrologic Function** is the hydrology of a site reflecting the local rainfall patterns, soil characteristics, land cover, evapotranspiration, and topography. The term predevelopment as used in predevelopment hydrologic function is consistent with the term predevelopment as discussed in Federal Register Volume 64, Number 235 and refers to the runoff conditions that exist onsite immediately before the planned development activities occur. Predevelopment is not intended to be interpreted as the period before any human-induced land disturbance activity has occurred.
- kk. **Post-Construction Site Runoff Plan** is a plan developed by a site owner or operator and/or their designer to demonstrate compliance with the post-construction stormwater management and long-term operation and maintenance requirements of this permit.
- ll. **Redevelopment** means a project that entails Construction Activities, occurs on a previously developed site and results in the addition or replacement of impervious surface. To the extent allowable under federal law, Redevelopment does not include: Maintenance Activities; Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities within an existing footprint to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.
- mm. **Regulated small MS4** is a municipal separate storm sewer that is not a medium or large MS4. A large MS4 is defined in 40 CFR §122.26(b)(4). A medium MS4 is defined in 40 CFR § 122.26(b)(7). For the purposes of this permit, a small MS4 is any municipal separate storm sewer system located within a Census-defined Urbanized Area. Regulated small MS4s are automatically designated as needing an NPDES permit pursuant to federal requirements found in 40 CFR § 122.30-37. A regulated small MS4 also means any MS4 designated by DEQ pursuant to 40 CFR §122.26((a)(1)(v) and/or 123.35 as needing a NPDES permit.
- nn. **Small Community** is defined as any permit registrant that has a population of less than 10,000 people or is a county that is the sole permit registrant/applicant. If the county is a co-registrant at the time of permit coverage or becomes a co-registrant at any time of permit coverage under this permit, it is not eligible for this exemption.
- oo. **Small MS4**, is defined at 40 CFR § 122.26(b)(16) and (17), respectively, and means all separate storm sewers that are: (i) owned or operated by the United States, 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 section 208 of the Clean Water Act that discharges to waters of the state; (ii) not defined as “large” or “medium” municipal separate storm sewer systems pursuant to 40 CFR § 122.26(b)(4) and (b)(7), or designated under 40 CFR § 122.26(a)(1)(v); and (iii) includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

- pp. **Stormwater or stormwater runoff** includes snow melt runoff, and surface runoff and drainage, and is defined in 40 CFR §122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.
- qq. **Stormwater Control** refers to non-structural, structural stormwater controls and/or BMPs.
- rr. **Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the SWMP consists of the actions and activities conducted by the permit registrant as required by the permit and described in the permit registrant’s SWMP Document.
- ss. A **SWMP Document** is the written summary describing the unique and/or cooperative means by which an individual permit registrant or entity implements the specific stormwater management control measures required by the permit.
- tt. **Stormwater Mitigation Bank Program** is a program for offsite compliance that establishes a market with an entity that tracks the life cycle of an offsite mitigation credit by certifying the credit, issuing a tradable credit to the seller, transferring the ownership of the credit from the seller to the buyer, and use or retirement of the credit to receive a benefit when the buyer of the credit is unable to meet a retention requirement on their site.
- uu. **Stormwater Payment-in-Lieu Program** is a program for offsite compliance where the permit registrant or site owner/operator pays a fee in lieu of full compliance on the development site with this fee based on volume ratios (i.e., volume of stormwater to be retained onsite to the volume to be retained at the mitigation site) and a rate specified by the registrant. The registrant can aggregate fees and apply them to a public stormwater structural or non-structural control at a later point in time.
- vv. **Structural Stormwater Controls or BMPs** are stormwater controls that are physically designed, installed, and maintained to prevent or reduce the discharge of pollutants in stormwater to minimize the impacts of stormwater on waterbodies. As noted in the 64 Federal Register 68760 (December 9, 1999), examples of structural stormwater controls or BMPs include: (1) storage practices such as wet ponds and extended-detention outlet structures; (2) filtration practices such as grassed swales, sand filters and filter strips; and, (3) infiltration practices such as infiltration basins and infiltration trenches.
- ww. **Subwatershed** is a subdivision of a watershed and is the sixth-level 12-digit unit of the hydrologic unit hierarchy as defined by the National Watershed Boundary Dataset (USGS et al 2013).
- xx. **Transpiration** means to release water vapor into the atmosphere through plant stomata or pores.
- yy. **Waters of the State** means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not

combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the State, or within its jurisdiction.

## **SCHEDULE F - NPDES PERMIT GENERAL (MS4)**

The general conditions in this schedule apply only to the extent they do not conflict with the requirements contained in Schedules A through E. If the permit requirements in Schedule A through D conflict with these general conditions, the permit requirements in Schedule A through D will control.

### **SECTION A. STANDARD CONDITIONS**

#### **A1. Duty to Comply with Permit**

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

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

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

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$25,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine up to \$250,000, imprisonment for not more than 10 years or both. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

#### **A3. Duty to Mitigate**

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

#### **A4. Duty to Reapply**

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

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

**A5. Permit Actions**

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

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions.
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR § 122.62, 122.64, and 124.5.

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

**A6. Toxic Pollutants**

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

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

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

**A8. Permit References**

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

**A9. Permit Fees**

The permittee must pay the fees required by OAR.



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

### **B1. Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### **B2. Need to Halt or Reduce Activity Not a Defense**

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

### **B3. Bypass of Treatment Facilities**

#### **a. Definitions**

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

#### **b. Prohibition of bypass.**

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

#### **c. Notice and request for bypass.**

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.

- (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

**B4. Upset**

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

**B5. Treatment of Single Operational Upset**

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

**B6. Public Notification of Effluent Violation**

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

**B7. Emergency Response and Public Notification Plan**

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

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

**B8. Removed Substances**

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

**SECTION C. MONITORING AND RECORDS**

**C1. Representative Sampling**

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

**C2. Flow Measurements**

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

**C3. Monitoring Procedures**

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

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

**C4. Penalties for Tampering**

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not

more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

**C5. Reporting of Monitoring Results**

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

**C6. Additional Monitoring by the Permittee**

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

**C7. Averaging of Measurements**

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

**C8. Retention of Records**

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

**C9. Records Contents**

Records of monitoring information must include:

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

**C10. Inspection and Entry**

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

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

#### **C11. Confidentiality of Information**

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

### **SECTION D. REPORTING REQUIREMENTS**

#### **D1. Planned Changes**

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

#### **D2. Anticipated Noncompliance**

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

#### **D3. Transfers**

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

#### **D4. Compliance Schedule**

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

#### **D5. Twenty-Four Hour Reporting**

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

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

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

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- e. A description of noncompliance and its cause;
- f. The period of noncompliance, including exact dates and times;
- g. The estimated time noncompliance is expected to continue if it has not been corrected;
- h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
- i. Public notification steps taken, pursuant to General Condition B7.

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

#### **D6. Other Noncompliance**

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

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

#### **D7. Duty to Provide Information**

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

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

#### **D8. Signatory Requirements**

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

#### **D9. Falsification of Information**

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter

161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

#### **D10. Changes to Discharges of Toxic Pollutant**

The permittee must notify DEQ as soon as it knows or has reason to believe the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
  - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).
- b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
  - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

#### **SECTION E. DEFINITIONS**

- E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m<sup>3</sup>/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.



**Illicit Discharge Detection and Elimination Escalating Enforcement Response Matrix**

Violation Type	Verbal Notice	Written notice	Written warning (of citation)	Citation Issued	Billed for clean- up
<b>Minor incident (1<sup>st</sup> offense)</b>	Contact individual(s) in person or over phone. Provide with City Municipal code 4.372 information and BMP fact sheet(s). Discuss infraction and timeline for remediation.	Send letter detailing necessary steps (identified as "Corrective Actions") and timeline to remediate incident.			
<b>Minor incident (2<sup>nd</sup> offense)</b>	Contact individual(s) in person or over phone. Provide with City Municipal code information and BMP fact sheet(s). Discuss infraction and timeline for remediation.	Send letter detailing necessary steps (identified as "Corrective Actions") and timeline to remediate incident.			
<b>Minor incident (3<sup>rd</sup> offense)</b>	Contact individual(s) in person or over phone. Provide with City Municipal code information and BMP fact sheet(s). Discuss infraction and timeline for remediation.		Send warning letter, with Corrective Actions required and timeline to remediate incident.		
<b>Minor incident (4<sup>th</sup> and additional offenses)</b>				Issue citation or other applicable penalty.*	If applicable.
<b>Major incident (1<sup>st</sup> offense)</b>	Contact individual(s) in person or over phone. Provide with City Municipal code 4.372 information and BMP fact sheet(s). Discuss infraction and timeline for remediation.	Send letter detailing necessary steps (identified as "Corrective Actions") and timeline to remediate incident.	Send warning letter, with Corrective Actions required and timeline.	Issue citation or other applicable penalty.*	If applicable.
<b>Major incident (2<sup>nd</sup> offense)</b>	Contact individual(s) in person or over phone. Provide with City Municipal code information and BMP fact sheet(s). Discuss infraction and timeline for remediation.		Send warning letter, with Corrective Actions required and timeline.	Issue citation or other applicable penalty.*	If applicable.
<b>Major incident (3<sup>rd</sup> and additional offenses)</b>	Contact individual(s) in person or over phone. Provide with City Municipal code information and BMP fact sheet(s). Discuss infraction and timeline for remediation.			Issue citation or other applicable penalty.*	If applicable.

\*These actions will be taken depending on the severity of the offense and whether it was intentional or accidental. Second, third, and fourth offenses may be similar/related issues to first incident addressed or unaddressed first-time incidents.

Updated: February 2024

[https://springfielddoregon.sharepoint.com/sites/DPW-ESD-WaterResources/WaterResources/IGAs\\_Agreements/Lane\\_County\\_NPDES\\_IGA/2024 IGA/For Legal Review/04 IDDE Escalating Enforcement Matrix\\_2024.docx](https://springfielddoregon.sharepoint.com/sites/DPW-ESD-WaterResources/WaterResources/IGAs_Agreements/Lane_County_NPDES_IGA/2024%20IGA/For%20Legal%20Review/04%20IDDE%20Escalating%20Enforcement%20Matrix_2024.docx)

**Minor incidents include (but are not limited to):** minor vehicle leak, pressure washing (without chemicals), minor mud/debris in driveway or ROW, blowing/sweeping lawn clippings or other vegetation into ROW, improper storage of chemicals.

**Minor incident timelines for compliance:** Preventative or corrective actions are implemented immediately (e.g. placing booms/pads around storm drains or on/around spilled materials and vacuuming out of catch basins) when feasible. Timelines and corrective actions for "Minor" incidents are included when contacting the responsible party in person, and/or in the Corrective Action letter. The timeline for addressing minor automotive leaks is five business days. The timeline for other minor incidents (e.g. mud/debris in driveway, blowing/sweeping lawn clippings or other vegetation into the ROW, and improper storage of chemicals, etc.) is five to seven business days. Timelines are adjusted if rain is predicted, which could contribute to potential pollutants entering the stormwater system.

**Major incidents include (but are not limited to):** dumping paint, chemicals, auto fluids, carpet cleaning wash water, etc. directly into storm system; pressure washing with chemicals; stockpiling soil/debris in ROW, driveway, ditches, etc.; auto shop or factory floor drains plumbed to storm system; sewage spills; directing gray or wastewater into the stormwater system; and some industrial hazardous waste incidents.

**Major incidents timelines for compliance:** The timeline for remediation for dumping of paint, carpet-cleaning washwater, and other in-progress "Major" incidents is immediate. Timelines and corrective actions for "Major" incidents are included when contacting the responsible party/company in person or over the phone. A Corrective Action letter may follow up the immediate response in order to outline any additional corrective actions which are necessary, and to prevent its recurrence. Preventative or corrective actions are implemented immediately (e.g. placing booms/pads around storm drains or on/around spilled materials and vacuuming out of catch basins) when feasible. In the case of illicit connections, enforcement procedures are implemented to eliminate the illicit connection within six (6) months. In cases of septic system failure, the flowing discharge must be stopped, but the installation of a new system may require additional time. A re-inspection is completed following the stated completion date provided to ensure compliance. If corrective actions are incomplete by the deadline the citation process may be initiated depending upon the severity of the offense.

#### Explanation of Progressive Enforcement Escalation by the City of Springfield

The purpose of all enforcement actions is to eliminate the potential for stormwater contamination through education and communication of City codes (and state and federal regulations) to residents and businesses. Warning letters and citations are issued after all other enforcement avenues have been exhausted.

As identified in the Illicit Discharge Enforcement Escalating Enforcement Matrix, the Corrective Action letter will identify the nature of the violation, Corrective Action(s) required to correct the violation, and a timeline by which the Corrective Action(s) must be completed within, and applicable Springfield Municipal Code information. If the identified Corrective Actions are completed by the responsible party (or parties), the City will determine the issue has been resolved, and will notify the responsible party (or parties) that the necessary Corrective Actions have been completed; however, if the identified violation remains uncorrected and persists, the City may issue a citation and other applicable penalties.

#### Per Springfield's MS4 permit Schedule A.3.c.v

##### **(B) Response to Complaints or Reports**

*The permit registrant must respond to all complaints or reports of illicit discharges to the permitted MS4, as soon as possible, or within an average of two working days from the initial time of the permit registrant's knowledge of the complaint or report, unless there is a threat to human health, welfare, or the environment. For discharges, including spills, which constitute a threat to human health, welfare, or the environment, the permit registrant must respond within 24 hours of the permit registrant's knowledge of the threat. Spills, or other illicit discharges, that may endanger human health, or the environment must be reported in accordance with all applicable federal and state laws, including notification to the Oregon Emergency Response System (800-452-0311).*

(B)2 Ongoing Illicit Discharges

*If the elimination of the illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the permit registrant must within 20 working days of identifying the source, initiate procedures to eliminate the illicit discharge.*

*Upon confirmation of an illicit connection, the permit registrant must use the enforcement procedures in a documented effort to eliminate the illicit connection within six months to the extent allowable under state law. All known illicit connections to the MS4 must be eliminated.*

(C) Notification of Other Authorities

*If the illicit discharge originates outside the permit registrant's jurisdictional authority, the permit registrant must notify the jurisdictional authority within five working days of becoming aware of the illicit discharge.*

Springfield Municipal Code

4.370-4.372 Illicit Discharge: [https://library.gcode.us/lib/springfield\\_or/pub/municipal\\_code/item/chapter\\_4-illicit\\_discharge?view=all](https://library.gcode.us/lib/springfield_or/pub/municipal_code/item/chapter_4-illicit_discharge?view=all)

5.600-5.626 Civil Enforcement of Code Infractions: [https://library.gcode.us/lib/springfield\\_or/pub/municipal\\_code/item/chapter\\_5-civil?view=all](https://library.gcode.us/lib/springfield_or/pub/municipal_code/item/chapter_5-civil?view=all)

## Land & Drainage Alteration Program Enforcement Matrix

Stage	Inspectors Memo or Educational Letter	Issue a Notice of Violation	Stop Work	Issue Citation
<b>Description</b>	Inspection memo identifying potential negative impacts. Send educational letters or have educational out reach. On-site meetings.	Deliver a Notice of Violation. A violation and necessary compliance or corrective measures. Charge re-inspection fees. (when established)	Written notice posted on site to stop work activity that violates the LDAP program / enforcement matrix.	Financial citation imposed due to non-compliance or a violation with the LDAP program.
<b>Purpose</b>	Identify minor corrections or action to take to remain in compliance with the LDAP program requirements and for consistency with approved LDAP plans.	Code-authorized enforcement action for repetitive minor non-compliance, or for clear violations of LDAP program.	Address crisis or potential crisis situations, on-going or forthcoming probable serious impacts, or beginning work without an LDAP or any implementation of the LDAP plan.	Attention grabber for repetitive violations, or for a large violation.
<b>Examples</b>	<ul style="list-style-type: none"> <li>-Lack of maintenance on erosion prevention measures, covering stockpiles, sweeping the street, maintaining storm inlet protection.</li> <li>-Not following the LDAP correctly.</li> </ul>	<ul style="list-style-type: none"> <li>-Construction activity, actions, or site conditions that may negatively impact storm water may be considered as violations.</li> <li>-Minor problems which have led to prior Inspector Memos exceeding limits.</li> <li>-Failure to comply with an educational letter, on-site meetings or Inspector Memo's.</li> <li>-High potential for, but not immediate to Safety, unapproved Drainage Alteration, or Water Quality.</li> <li>-Failure to implement or maintain an LDAP plan.</li> </ul>	<ul style="list-style-type: none"> <li>-Working without approved permits.</li> <li>-Failure to correct violations.</li> <li>-Ineffective BMP's installed on-site.</li> <li>-Not following the approved LDAP plans.</li> <li>-A Stop Work Order can occur before an on-site meeting, memo, citation, or NOV occurs.</li> </ul>	<ul style="list-style-type: none"> <li>-Violations after receiving one or more Notice of Violation issued to a single entity.</li> <li>-Violations that include a discharge into the public storm water system.</li> </ul>
<b>Goal</b>	Intervention. Inform and educate. Prevent violations.	Bring violations into compliance.	Stop construction activity occurring without proper permits or in a violation mode. Protect the safety of adjacent properties, right of way, water quality, and unapproved drainage alteration.	Recover cost of correcting violations. Eliminate and discourage reoccurring violations.
<b>Limits</b>	-Maximum of three memos or special site visits on different issues per permit holder per year.	Failure to comply with a Notice of Violation will trigger a Stop Work Order and/or a possible citation. -Multiple NOV's will trigger penalty discussion.	Determine if a Stop Work Order is necessary if the owner / permit holder is making efforts to correct a violation.	Review the owner / permit holders history of violations prior to issuing a citation.

**-Re-inspection fees will be charged for inspecting work that is out of compliance with the LDAP program.**

**-Corrective LDAP's will only be issued when there is an immediate threat to public safety.**

**-Currently LDAP & IDDE staff are working on the citation portion of this enforcement chart. The citations may change to civil penalties.**

*The conditions of this enforcement matrix may be waived at the discretion of the Public Works Director.*

**MEMORANDUM****City of Springfield, Oregon**

**Date:** 02/24/2025  
**To:** Nancy Newton, City Manager  
**From:** Peter Jaeger  
**Subject:** 14th Annual Canines for Clean Water Calendar Contest

**COMMUNICATION  
PACKET  
MEMORANDUM**

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**INFORMATION SHARE:**

The Development & Public Works Department is excited to announce the launch of the 14th annual Canines for Clean Water calendar contest. This contest aims to raise awareness about the importance of picking up after pets to protect local water quality.

Springfield residents will have the opportunity to enter their dogs into the contest for a chance to be featured in the 2026 Canines for Clean Water calendar. Over the years, hundreds of community members have participated, helping to promote responsible pet ownership and environmental stewardship.

The calendar also serves as an important educational tool, supporting public outreach requirements outlined in the City's Municipal Separate Storm Sewer System (MS4) permit and Total Maximum Daily Load (TMDL) Implementation Plan, which focuses on reducing bacteria pollution in our waterways.

**Objectives of the Calendar Contest:**

- Increase community understanding of how individual actions contribute to protecting local water quality.
- Engage at least 200 participants.

**Contest Details:**

- Dates: March 21 -- April 4, 2025
- Eligibility: Open to Springfield dog owners
- How to Enter: Submit a dog photo via Facebook or email and pledge to "scoop the poop"
- More Information: [bit.ly/caninecal](https://bit.ly/caninecal)

The 2026 calendars will be available for free at various locations throughout Springfield starting in November 2025. For further details, please contact Peter Jaeger, Environmental Services Technician, at 541-726-3693.

Thank you for your support in spreading awareness and encouraging community participation.

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