

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

700 NE Multnomah Street, Suite 600, Portland, Oregon 97232  
(503) 229-5263

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

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**ISSUED TO:**  
City of Bend  
62975 Boyd Acres Road  
Bend, OR 97701

**SOURCES COVERED BY THIS PERMIT:**  
**Type of Waste:** Stormwater and Incidental Fluids  
**Outfall:** Multiple Individual Injection Systems  
**Method of Disposal:** Class V Underground Injection Systems

**SYSTEM TYPE:**  
Class V Underground  
Injection Control Systems

**SYSTEM LOCATIONS:**  
Multiple locations within the City of Bend

**Waters of the State:** Groundwater

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**Effective Permit Issuance Date:** TBD  
**Permit Expiration Date:** April 30, 2035  
**Permit Number:** WPCF-DOM-UIC-103052  
**DEQ File Number:** 112361

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

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*Kevin D. Weberling*  
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Kevin D. Weberling, RG  
UIC Senior Hydrogeologist

07/23/2025  
\_\_\_\_\_  
Date

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Benjamin Benninghoff  
\_\_\_\_\_  
Benjamin Benninghoff  
Water Quality Manager

7/23/2025  
\_\_\_\_\_  
Date

## DEFINITIONS

Definitions of 40 Code of Federal Regulations (CFR) part 144.3 and Oregon Administrative Rules (OAR) 340 Divisions 040, 044, and 045 apply to this permit unless the definitions are inconsistent with the provisions of the permit.

1. *Adaptive Management* is a structured, iterative process designed to refine and improve stormwater programs over time by evaluating results and adjusting actions based on learnings during the current permit term.
2. *Best Management Practices* or *BMPs* means the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures, and practices to control stormwater runoff.
3. *City* means the City of Bend
4. *Corrective action* means measures taken to improve a situation that may adversely affect groundwater quality or supply, endanger groundwater, or violate the prohibition of fluid movement standard.
5. *De minimis* in the context of discharge means that the potential lowering of water quality is of little to no consequence to human health and the environment.
6. *DEQ* means Oregon Department of Environmental Quality
7. *Endangerment of health or the environment* means that discharge to an Underground Injection Control system is reasonably likely to lead to pollutant concentrations at a point of groundwater use that (a) exceed an applicable maximum contaminant level under 40 CFR part 141, or (b) exceed a groundwater quality reference or guideline level under OAR chapter 340, division 040, or (c) otherwise harm the beneficial use of groundwater. An exceedance of a discharge action level does not in itself constitute an endangerment of health or the environment.
8. *Groundwater protectiveness* means that a discharge will not endanger groundwater or violate the prohibition of fluid movement standard as defined in 40 CFR 144.12(a)
9. *Hazardous materials* are defined in ORS 466.605(7) and include: materials designated under ORS 466.630, hazardous wastes as defined at 466.005(7), radioactive wastes, communicable disease agents, and hazardous substances.
10. *Hazardous substances* are substances designated by the Environmental Protection Agency pursuant to section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, oil or petroleum products, or any substance designated by the Environmental Quality Commission under ORS 465.400.
11. *Retrofitting* means physically modifying an existing Underground Injection Control system from its original construction design.
12. *Source controls* are methods intended to decrease pollutant levels entering stormwater runoff by preventing pollutant contact with rainfall and runoff.

## PERMITTED ACTIVITIES

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

As provided under federal law, this is an *area permit*, which means it covers all permittee-owned or permittee-operated injection systems for stormwater and incidental fluids, located at multiple locations in the City of Bend and on property owned by the City of Bend outside city limits in Deschutes County.

Until DEQ modifies or revokes this permit, or until it expires, DEQ authorizes the City to construct, install,

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

Schedule A. Control and Limitation Conditions .....	3
Schedule B. Monitoring and Reporting Conditions .....	6
Schedule C. Safe Drinking Water Act Compliance Schedule.....	8
Schedule D. Special Conditions .....	8
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Any other direct or indirect discharge of waste to waters of the state or to an underground injection system is prohibited, unless specifically authorized by this permit; by another DEQ permit, agreement, authorization, or order; or by Oregon state or administrative rule.

## **SCHEDULE A CONTROL AND LIMITATION CONDITIONS**

- 1. Authorized Discharges.** The City may discharge stormwater into its UICs in accordance with the conditions of this permit. The City may also discharge incidental non-stormwater fluids listed below into its UICs. DEQ may approve other similar temporary discharges after this permit is issued, provided the permittee shows DEQ in writing that the discharge is *de minimis* and complies with OAR 340-040-0020(3), and the permittee obtains written approval from DEQ prior to discharge. If any of these non-stormwater discharges cause or contribute to an exceedance of the action levels in Table 1, the City must reduce or eliminate the discharge of pollutants associated with the source. Incidental non-stormwater fluids include:
  - a. Uncontaminated water line flushing (with the exception of super-chlorinated discharges);
  - b. Landscape irrigation;
  - c. Uncontaminated groundwater infiltration;
  - d. Uncontaminated pumped groundwater ;
  - e. Discharges from potable water sources;
  - f. Water from potable groundwater monitoring wells;
  - g. Draining and flushing of municipal potable water storage reservoirs;
  - h. Foundation drains;
  - i. Air conditioning condensate;
  - j. Springs;
  - k. Water from crawl space pumps that has not been contaminated with oils or other chemicals;
  - l. Footing drains;
  - m. Lawn watering;
  - n. Individual residential and charity car washing activity restricted to the outside of the vehicle (no engines, transmissions or undercarriages);
  - o. De-chlorinated swimming pool and fountain discharges;
  - p. Incidental street wash water;
  - q. External building wash-down and pavement wash waters provided that chemicals, soaps, detergents, steam or heated water are not used;

- r. Discharges or flows from emergency fire-fighting activities provided the City takes precautions, to the extent practicable, to protect injection systems during emergency fire-fighting activities. Wash down of spills into any Underground Injection Control system is prohibited;
- s. Discharges of treated water from investigation, removal, and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465 (Hazardous Waste and Hazardous Materials);
- t. Start-up flushing of groundwater wells;
- u. Non-turbid construction discharges;
- v. Other similar temporary discharges of uncontaminated water.

**2. Action Levels.** DEQ has established action levels for pollutants in Table 1 based upon EPA National Primary Drinking Water Regulations and the City of Bend's DEQ-approved groundwater protectiveness demonstration. Action levels are guideline concentrations, not limitations. An action level exceedance, therefore, is not a permit violation. The exceedance of an action level, however, may require corrective action in accordance with Schedule A, condition 5. The action levels apply at the point of discharge into the underground injection system. You may request changes to these action levels at any time during the permit period, especially if they change based on a groundwater protectiveness demonstration. After two individual years of monitoring and a minimum of four samples you may request in writing to DEQ that monitoring of specific pollutants be eliminated based on monitoring results. You must incorporate approved changes into your Stormwater Monitoring Plan.

**Table 1: Action Levels for Pollutants**

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

- 3. Action Level Exceedance. Table 1 Action Level Exceedance.** When stormwater concentrations exceed a Table 1 Pollutant action level, you must respond as described below:
  - a. Table 1 Individual Sample Exceedance.** Individual exceedances may only reflect localized conditions and may not necessarily indicate a system-wide concern. You must take corrective action with respect to the UIC that exceeded the action level as described in Schedule A, condition 5.
  - b. Table 1 Annual Geometric Mean Exceedance.** A geometric mean exceedance may indicate a system-wide risk to groundwater. You must take corrective action in accordance with Schedule A, condition 5 to ensure system-wide protection of groundwater. You must address all UICs represented by the exceedance.
- 4. Imminent Endangerment of Human Health or the Environment.** If discharges to one or more UICs may endanger human health or the environment or violate the prohibition of fluid movement standard, the City must:
  - a. Notify Oregon Emergency Response System at 1-800-452-0311 consistent with Schedule F(4)(f)

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

**5. Corrective Action.** The City must complete corrective action in response to discharges that endanger human health or the environment according to Schedule A(4). Corrective action may also include the additional actions identified in 5(a) through 5(f) as required to protect groundwater or to demonstrate that it is already protected:

- a. Attempt to identify the source(s) of a parameter Action Level exceedance from Table 1;
- b. When source identification efforts are complete, determine the set of UICs affected, based on the identified source(s) or other factors;
- c. Assess whether best management practices need adjustment to eliminate or reduce influent concentrations and make appropriate, practicable changes; and resample discharge to UIC(s) that had exceedances of the Table 1 parameter Action Level(s) and calculate a geometric mean that verifies or invalidates the original influent concentration;
- d. Demonstrate that groundwater is protected through modeling or other approved approach;
- e. Retrofit the affected UIC(s) so that groundwater is protected; and/or
- f. Decommission the UIC(s).

**6. Source Control Measures and Best Management Practices.** With the exception of UICs used to drain roof-only runoff, the City must implement and maintain source control measures and best management practices to reduce or eliminate pollutants from entering UICs in accordance with OAR 340-040-0020(11) and the DEQ-approved Underground Injection Control System Management Plan (UICMP) described in Schedule D(4). Structural best management practices for UICs installed during the current permit term must include pre-treatment devices that allow for attenuation of contaminants and/or separation of oil and settlement of solids prior to stormwater entering the UIC. These devices can include but are not limited to, bioswales, catch basins, sedimentation manholes, etc. It is not a permit violation if existing UICs are not equipped with these devices at the time of permit issuance.

**7. Underground Injection Systems - Horizontal Setbacks.** All stormwater UICs are subject to the following horizontal setback requirements.

- a. **No Further Action.** You do not need to take further action for injection systems that are:
  - i. Outside the two-year Time-of-Travel, if one has been determined by the Oregon Health Authority for public water wells, or
  - ii. More than 500 feet away from a public or private drinking water or irrigation water supply well, if the Oregon Health Authority has not designated a two-year Time-of-Travel.
- b. **Existing Systems within Setbacks.** It is not a permit violation for existing stormwater UICs that do not meet the setbacks described above in Schedule A 7(a)(i) or 7(a)(ii). The city has previously identified existing UICs that are within these setbacks during the prior permit term; however, for each newly-discovered stormwater UIC that the city determines does not meet these criteria, the city must:
  - i. Evaluate each newly discovered UIC to determine whether the UIC is protective according to the city's most recent DEQ approved groundwater protectiveness demonstration and include the evaluation results in the subsequent annual UIC System Report in accordance with Schedule B(4).
  - ii. Take the following action, as soon as practicable during the ten-year term of this permit, if groundwater protectiveness cannot be demonstrated:
    - (1) Submit a work plan and schedule, for approval by DEQ, which takes either of the following

actions:

- (a) Retrofits the affected UIC(s) so that groundwater is protected; or
- (b) Closes the UIC(s).
- (c) The City may consider the proposed work to be approved if the City has not received a response from DEQ within 30 calendar days of the plan submittal.

c. **New Installation of Systems within Setbacks.** The city may construct and operate new stormwater UICs inside a setback if it is able to provide confirmation that the UICs meet the current DEQ approved groundwater protectiveness demonstration.

## SCHEDULE B MONITORING AND REPORTING CONDITIONS

1. **System-Wide Assessment.** A System-Wide Assessment must be submitted to DEQ at the end of years 5 and 10 (permit renewal) of the current permit term that includes the items in Schedule B 1(a) through 1(g). If the previously submitted System-wide Assessment is accurate and up to date, it does not need to be resubmitted, but system updates must be submitted to DEQ following Schedule B 1(g).
  - a. Current inventory at renewal application date of all injection systems that receive stormwater or other fluids and their locations by latitude and longitude in decimal degrees using the NAD 83 datum (should datum standards change during current permit coverage, DEQ will notify the city). If previously submitted System-wide Assessment is accurate and up to date, it does not need to be resubmitted;
  - b. Whether the vehicle trips per day for the area(s) drained by the injection systems is greater than 1,000 or less than 1,000.
  - c. Current inventory of all injection systems that are known to discharge directly into groundwater;
  - d. Current inventory of all stormwater injection systems that are known by the city to not meet the setback distances listed in Schedule A(7);
  - e. Current inventory of city-owned and operated injection systems that are prohibited by OAR 340-044-0015(2), which includes injection systems in vehicle maintenance areas, fuel dispensing areas, floor pits, non-vehicle maintenance facilities' floor drains, and fire station bay floor drains. For these prohibited systems, the city must also report and take corrective actions as described in Schedule A(4) and A(5);
  - f. Current inventory of all industrial facilities and commercial properties that pose a risk of pollutant discharge to injection systems that the city owns or operates;
  - g. Updates to the UIC inventory including new installations, retrofits to existing UICs, transfer of UIC ownership to City, and UIC closures must be addressed in the annual UIC reporting requirements described in Schedule B(4).
2. **Stormwater Monitoring Plan.** Stormwater sampling is required to determine whether source controls and best management practices are sufficient to prevent endangerment of groundwater per the City's DEQ approved Stormwater Monitoring Plan. Any updates to the prior monitoring plan must be submitted to DEQ within 12 months if necessary to incorporate provisions of this new renewal permit.
  - a. The city must collect at least one stormwater sample annually from the sampling locations determined by the City, as documented in the DEQ approved Stormwater Monitoring Plan. Stormwater samples must be collected from the end of pipe where stormwater discharges into the UIC, or upstream of the end of pipe. DEQ may require monitoring of additional or different UICs at any time during the ten-year term of this permit and will provide the requirement in writing.
  - b. The city must analyze samples for the pollutants in Schedule A, Table 1. All monitoring analyses must be performed in accordance with the City's DEQ approved Stormwater Monitoring Plan.
  - c. The city may discontinue stormwater sampling for a Schedule A, Table 1 pollutant if the average concentration of the pollutant from at least two separate annual sampling events for that sampling location

is below the applicable Table 1 action level, demonstrating the effectiveness of site controls and best management practices. If the city discontinues stormwater monitoring, then it must certify in its annual report that there have been no changes to site conditions that would significantly change stormwater quality (see Schedule B(4)(b)). DEQ may require re-initiation of stormwater sampling at any time and at any or all monitoring locations during the ten-year term of the permit and will provide the requirement in writing.

- 3. Groundwater Monitoring.** If you cannot meet the action levels established in Schedule A, Table 1, or other information indicates that your injection systems may be adversely impacting groundwater quality, we may require you to monitor groundwater or take additional actions in accordance with OAR 340-040-0030. Prior to completing such monitoring, you may apply for a concentration limit variance as provided in OAR 340-040-0030. If we grant a concentration limit variance, the action levels established in Table 1 may be revised, as appropriate.
- 4. Annual Reporting.** By November 1<sup>st</sup> of each year, the city must submit an annual Underground Injection Control System Report for the prior reporting year of July 1 through June 30 using the [Your DEQ Online](#) electronic application and filing system. The first annual report, for the partial reporting year from permit issuance through June 1, 2025, will be due on or before November 1, 2025. The annual Underground Injection Control System Report must:
  - a. Include the certification of accuracy required by 40 CFR 144.32(d);
  - b. Include the results of stormwater monitoring conducted in accordance with Schedule B(2), or, if sampling has been discontinued in accordance with Schedule B(2)(c), a certification that there have been no changes to site conditions that would significantly change stormwater quality;
  - c. Discuss any Schedule A, Table 1 action level exceedances and actions taken to address the exceedances;
  - d. Describe any actions in Schedule D(4) that were not completed and the reason they were not completed;
  - e. Identify any UICs closed, retrofitted, newly installed, newly discovered, or newly transferred to City ownership during the reporting year and, for any newly discovered UICs or UICs newly transferred to City ownership, include the results of any associated groundwater protectiveness demonstration evaluation conducted in accordance with Schedule A(7);
  - f. Describe the city's known plans to install, modify, convert, or close (decommission) any UICs in the next year;
  - g. Identify the key personnel positions that are responsible for this permit and their contact information (see Schedule D(1));
- 5. Decommissioning an Underground Injection System.** You must provide prior notice of converting or closing any underground injection system you own or operate. Either you may notify us in advance by listing future decommissioning plans in your annual Underground Injection Control System Report as in Schedule B, condition 4 above, or you may notify us in accordance with OAR 340-044-0040.

### **Summary of Submittals & Notifications.**

A summary of the submittals and notifications required under this permit is provided in Table 2.

<b>TABLE 2 – SUMMARY OF SUBMITTALS</b>			
<b>Submittal/Notification</b>	<b>Permit Reference</b>	<b>Submittal/Notification Requirement</b>	<b>Due Date(s)</b>
Annual UIC System Report	B(4), D(3)	Annually	November 1 <sup>st</sup>
Systemwide Assessment Update	B(1)a	Year 5, permit renewal	November 1 <sup>st</sup> 2030, February 28, 2035
Updated emerging pollutant evaluation	D(5)	With permit renewal	February 28, 2035
Permit noncompliance that endangers human health or the environment	F(4)(f)	Within 24 hours (oral) and five working days (written)	N/A
Corrective actions for prohibited UICs	F(4)(f)	Within 24 hours (oral) and five working days (written)	N/A
Permit Re-application	F(1)(d)	60 calendar days before permit expiration	February 28, 2035

### **SCHEDULE C SAFE DRINKING WATER ACT COMPLIANCE SCHEDULE**

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

### **SCHEDULE D SPECIAL CONDITIONS**

- 1. Permittee Personnel Responsible for Permit.** The city must identify the key personnel positions and contact information responsible for establishing and maintaining compliance with all conditions of this permit. Contact information includes the employee's name, title, mailing address, email address, phone number, business section where the employee works, and the employee's area of responsibility for this permit. The city must notify DEQ in the Your DEQ Online system of any changes to the key personnel or areas of responsibility for this permit in the annual Underground Injection Control System Report required under Schedule B(4).
- 2. Reporting and Corrective Actions for Underground Injection Systems Prohibited by OAR 340-044-0015.** The city must provide DEQ with any information it has about newly-discovered prohibited underground injection systems that it owns within 24 hours of discovery. The city must submit a written report within five working days of discovery and take the following actions unless otherwise approved by DEQ:
  - The city must temporarily divert the discharge away from the UIC within five working days of discovering the UIC.
  - The city must permanently close the prohibited injection systems as soon as practicable, with DEQ

approval of work scope and schedule.

- 3. Underground Injection Systems Discovered, Installed, or Transferred to City Ownership After the Permit is Issued.** Additional UICs may be authorized under this permit, provided they inject permit-approved fluids into facilities within the city's jurisdictional boundaries or on property owned by the city outside city limits and they are constructed, installed, modified, operated, or closed in accordance with this permit. For any underground injection system the city discovers, installs, transfers to City ownership, modifies, or closes after this permit is issued, the city must report changes in the Annual UIC System Report outlined in Schedule B(4). The city must still report prohibited underground injection systems according to Schedule D(2) above.
- 4. Underground Injection Control System Management Plan.** The City must manage its UIC system in accordance with the DEQ-approved UIC Stormwater System Management Plan which includes a description of how the elements listed below will be implemented to protect groundwater quality:
  - a. Stormwater monitoring plan, described in Schedule B, condition 2, including how you will use stormwater monitoring results to ensure compliance with the action levels in Schedule A, Table 1;
  - b. Injection system decommissioning;
  - c. Employee education and public outreach;
  - d. Injection system operation and maintenance
  - e. Protecting injection systems from accidental spills or illicit disposal of wastes or contaminants;
  - f. Preventing injection of stormwater from loading docks, refueling areas, areas of hazardous and toxic material storage or handling, materials storage or handling areas, or other discharges that may contain pollutants above levels of concern;
  - g. Construction stormwater discharge is allowed, however the City must implement erosion prevention and sediment control standards that require the treatment and control of construction runoff so that incidental runoff does not transport excess sediment to UICs;
  - h. Housekeeping practices to protect groundwater quality;
  - i. Facility designs or practices that allow you to block discharge into any Underground Injection Control systems in the event of an accident, spill, or emergency fire-fighting activity
- 5. Adaptive Management.**
  - a. Permittees must follow an adaptive management approach during the current permit term to assess, modify and improve ongoing learnings regarding source controls and best management practices to ensure minimizing stormwater contamination injection.
  - b. Permittees must routinely assess methods to further improve groundwater quality, protect beneficial groundwater uses and review new technologies and practices that improve groundwater protection.
  - c. The city must continue to evaluate trends in emerging pollutant types and concentrations by year ten for the next permit renewal application. Your evaluation must address the implications of any significant findings for protection of beneficial uses and for the application of best management practices. The City's 2024 PFAS and Simazine fate and transport evaluation meet this permit requirement.
- 6. Rule Authorization.** This permit covers all UICs owned or operated by the city within its jurisdictional boundaries or on property owned by the city outside city limits, including those that have been previously rule authorized.
- 7. Permit Compliance.** Compliance with this permit constitutes compliance, for purposes of enforcement, with the UIC provisions of the federal Safe Drinking Water Act, implementing federal regulations, and OAR chapter 340, divisions 040 and 044. This provision, however, does not preclude modification, revocation and reissuance, or termination of this permit as authorized by applicable federal and state law.

## SCHEDULE E PRETREATMENT CONDITIONS

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

## SCHEDULE F GENERAL CONDITIONS

### 1. Standard Conditions.

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

- (2) **Misrepresentation.** Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
- (3) **Change of condition.** A change of any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

- ii. You may request a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, but this request does not stay the effectiveness of any permit condition.
- f. **Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges.
- g. **Permit Reference.** All rules and statutes referred to in this permit are those in effect on the date we issue this permit, or the date we modify the permit to incorporate new provisions as provided in OAR 340-045-0055, whichever occurs later.
- h. **Penalties for False Information.** Under ORS 486.953, any person who supplies false information to us commits a Class C felony. Under OAR 340-012-0053(1)(b), providing us with false information is a Class 1 civil violation. Providing us with false information includes the following:
  - i. Falsifying, tampering with, or knowingly rendering inaccurate, any monitoring device or method required to be maintained under this permit;
  - ii. Making any false material statement, representation or certification knowing it to be false, in any application, notice, plan, record, report or other document required by any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B;
  - iii. Omitting any material or required information, knowing it to be required, from any document described in paragraph (a) of this subsection; or
  - iv. Altering, concealing or failing to file or maintain any document described in paragraph (a) of this subsection in knowing violation of any provision of ORS chapter 465, 466, 468, 468A or 468B or any rule adopted pursuant to ORS chapter 465, 466, 468, 468A or 468B.
- i. **Duty to Provide Information.** You must furnish to us, within a time specified, any information that we may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. You must also furnish to us upon request, copies of records that this permit requires you to keep.
- j. **Need to Halt or Reduce Activity not a Defense.** It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- k. **Permit Modifications.** You may request a permit modification or we can initiate it. Any modification to the permit must be in accordance with the provisions of OAR 340-045-0055 and 40 CFR 144.41, as applicable.

## 2. Operation and Maintenance.

- a. **Proper Operation and Maintenance.** You must at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that you install or use to comply with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facilities or similar systems only when necessary to comply with the conditions of the permit.
- b. **Removed Substances.** You must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to a UIC in accordance with 40 CFR 144.82(b).

## 3. Monitoring and Records.

You must comply with monitoring requirements of 40 CFR 144.51(j) and this

condition:

- a. Samples and measurements taken for monitoring must be representative of the monitored activity.
- b. **Records Contents.** Records of monitoring information you must retain include:
  - i. The date, exact place, time and methods of sampling or measurements;
  - ii. The name(s) of the individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The name(s) of the individual(s) who performed the analyses;
  - v. The analytical techniques or methods used;
  - vi. The results of such analyses;
  - vii. The nature and composition of all injected fluids until three years after completion of any plugging and decommissioning procedures; and
  - viii. We may require the owner or operator to deliver the records to us at the conclusion of the retention period.
- c. **Inspection and Entry.** You must allow us, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  - i. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - ii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - iii. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Safe Drinking Water Act or state law, any substances or parameters at any location.
- d. **Retention of Records.** You must retain records of all monitoring and maintenance information, including all field notes, calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, all analyses of the data generated, all reports required by this permit, and records of all data used to complete the application for this permit. You must keep them for a period of at least 10 years from the date of the sample, measurement, report, or application. You must make the records available to us upon request.

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

- a. **Planned changes.** You must give us notice of any planned physical alterations or additions to the permitted facility as described in Schedule B, condition 4.
- b. **Anticipated noncompliance.** You must give us advance notice of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- c. **Anticipated Violations.** You must give us advance notice of any planned changes in the permitted facilities or activities that may result in violations of permit requirements.
- d. **Transfers** This permit is not transferrable to any person except after giving us notice and meeting the conditions of OAR 340-045-0045. We may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the federal Safe Drinking Water Act (see 40 CFR 144.38; in some cases, modification or revocation and reissuance is mandatory).
- e. **Compliance Schedule.** You must make compliance reports on all interim and final requirements contained in any compliance or implementation schedule included in this permit. The reports must explain the cause of any noncompliance, if known, any remedial actions taken, and the probability of meeting the next scheduled requirements.
- f. **Twenty-Four-Hour and Five-Day Reporting.** Unless a different compliance schedule and reporting requirements are otherwise noted in this permit, you must report any non-compliance that endangers

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

- i. A description of the violation and its cause, if known;
- ii. The period of violation, if known;
- iii. The estimated time the violation is expected to continue if it has not been corrected; and
- iv. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.

g. **Other Compliance.** In accordance with 40 CFR 144.51(l)(7), you must report all other instances of non-compliance not reported in Schedule F, conditions 4(e) and 4(f) at the time the annual reports are submitted. The reports must contain the information listed in Schedule F, condition 4(f).

h. **Other Violations.** You must report all permit violations that occurred during a permit-established reporting period in the annual Underground Injection Control System Management Report for that period. The reports must contain the information listed in Schedule F, condition 4(f).

i. **Signatory Requirements.** You must sign and certify all applications, reports or information submitted to us as provided in 40 CFR 144.32.

**Signature:** *Benjamin Benninghoff*

**Email:** Benjamin.Benninghoff@deq.oregon.gov