

Permit No. 102663
Expiration Date: 12/31/2013
File No. 64442
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT**

Department of Environmental Quality
2020 SW Fourth Avenue, Suite 400, Portland, OR 97201-4987
Telephone: (503) 229-5263

Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

Oregon Department of Fish And Wildlife
3406 Cherry Ave. NE
Salem, OR 97303

SOURCES COVERED BY THIS PERMIT

<u>Type of Waste</u>	<u>Outfall No.</u>	<u>Outfall Location</u>
Pass-through and treated discharges from aquatic animal production facility	001	R.M. 22.6
Off-site discharge of water associated with the release of fish		

PLANT TYPE AND LOCATION:

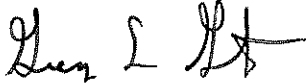
Fish propagation and rearing facility
24500 S. Entrance Rd.
Estacada, OR 97023

RECEIVING STREAM INFORMATION:

Basin: Willamette
Sub-Basin: Clackamas
Receiving Stream: Clackamas River
Hydro Code: 22N-CLAC 22.6 D
LLID: 1226050453723/22.0786
County: Clackamas

EPA REFERENCE NO : OR0034266

Issued in response to Renewal Application No. 974290 received July 18, 2007.



Gregory L. Geist, Manager
Water Quality Source Control, Northwest Region

8/18/09
Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify or operate a wastewater collection, treatment, control and disposal system and discharge to public waters adequately treated wastewaters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge of waste is prohibited, including discharge to waters of the state or an underground injection control system.

SCHEDULE A
Waste Discharge Limitations not to be Exceeded After Permit Issuance Date

1. Treated Effluent Outfall Number 001

Parameters	Limitation		
	Normal Operations		Cleaning
	Monthly Average	Daily Maximum	Daily Maximum
Total Suspended Solids (TSS)* ^a	5 mg/L	10 mg/L	15 mg/L
Settleable Solids* ^b	0.1 ml/L	-	0.2 ml/L
pH	Within the range 6.0 – 9.0 S.U.		
Temperature		25°C	25°C
Excess Thermal Load (June 16 – August 31)	51 x 106 Kcal/day (7-day moving average of daily maximum excess thermal load)* ^c		
Excess Thermal Load (September 1 – June 15)	49 x 106 Kcal/day (7-day moving average of daily maximum excess thermal load)* ^c		

2. Notwithstanding the effluent limitations established by this permit, no wastes may be discharged or activities conducted that cause or contribute to a violation of water quality standards in OAR 340-041-0340 except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:

The defined mixing zone is that portion of Clackamas River, which shall not extend beyond a radius of 10 meters from the point of discharge.

3. Chemical Use:

- a. Unless approved by the Department, only chemicals approved for hatchery use by the US Food and Drug Administration (USFDA) or the US Environmental Protection Agency (USEPA) may be used. USFDA approved chemicals include: Investigational New Animal Drugs (INADs), Low Regulatory Priority (LRP) listed drugs, Deferred Regulatory Status (DRS) drugs and veterinary Extra-Labeled drugs. The permittee shall follow the conditions detailed in a facility's INAD permit application, treatment restrictions for LRP and DRS drugs, product label instructions for environmental protection, and precautions on labels of chemicals that are Extra-labeled by prescription. The current USFDA LRP drugs are: acetic acid, calcium chloride, calcium oxide, carbon dioxide gas, Fuller's Earth, Garlic (whole form), hydrogen peroxide, ice, magnesium sulfate, onion (whole form), papain, potassium chloride, povidone iodine, sodium bicarbonate, sodium chloride, sodium sulfite, urea and tannic acid. The DRS chemicals are potassium permanganate and copper sulfate. All chemical usage must be in conformance with product label requirements or approved INAD protocols. The disposal of all spent chemical dip treatment solutions shall be documented according to the procedure described in the Pollution Prevention Plan.
- b. The emergency use of drugs and chemicals not approved by USFDA or USEPA is allowed only when all of the following are met:
- i. The drug or disease control chemical used and/or method of its application could not have reasonably been anticipated;
 - ii. Written facsimile notification is provided to the Department 24 hours prior to administering the drug or disease control chemical and approval is received from the Department; and
 - iii. Adequate precautions and procedures are followed and documented to ensure that the quality of the Clackamas River is not impaired.

- c. The drug or chemical residuals are at concentrations that would not result to acute toxicity within the mixing zone or chronic toxicity outside the mixing zone.

4. Biomass:

Unless otherwise approved in writing by the Department, the maximum biomass permitted for this facility is 110,450 kilograms per year and/or 52,200 kilograms on hand at anytime.

5. Off site discharge of water associated with the release of fish into waters of the state is permitted.
6. No activities will be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related residuals must be managed and disposed of in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040).

*Notes:

- a. The TSS concentration of the supply water source may be subtracted from the TSS concentration in the discharge to determine compliance with TSS permit limits.
- b. The measured Settleable Solids level of the supply water source may be subtracted from the measured Settleable Solids level in the discharge to determine compliance with Settleable Solids permit limits.
- c. The permittee may substitute the Waste Load Allocations (WLAs) above with flow-based WLAs using daily river flow data measured at USGS flow gaging station (#14210050) at Estacada.

SCHEDULE B
Minimum Monitoring and Reporting Requirements

1. Minimum Monitoring and Reporting Requirements

a. Influent Supply Water

Suspended sediment and Settleable Solids measurements must be taken at the location where intake water from the Clackamas River discharges into the rearing pond. Temperature measurements must be taken at the Clackamas River intake location.

Parameter	Minimum Frequency	Type of Sample (Units)
Total Suspended Solids (TSS)	Optional per event	Composite (mg/L)
Settleable Solids	Optional per event	Composite (ml/L)
Temperature (daily maximum) ¹	Daily	Measurement (°C)

b. Treated Effluent Outfall 001

All measurements except for temperature, must be taken below the fish ladder and approximately 30 feet downstream (and on the right-hand side, looking downstream) from where the effluent first enters the Dog Creek drainage.. Temperature measurements must be taken in Dog Creek, prior to entry into the Clackamas River.

Item or Parameter	Minimum Frequency	Type of Sample (Units)
NORMAL OPERATIONS		
Settleable Solids	Monthly	Composite (ml/L)
Total Suspended Solids (TSS)	Weekly	Composite (mg/L)
pH	Quarterly	Measurement (SU)
Flow	Daily (when discharging)	Measurement (cfs)
Temperature (daily maximum) ¹	Daily (when discharging)	Measurement (°C)
Temperature (7-day average of daily maximums) ²	Daily (when discharging)	Calculate
Excess Thermal Load (Daily Maximum) ²	Daily (when discharging)	Calculate
Excess Thermal Load (7-day Average of Daily Maximums) ²	Daily (when discharging)	Calculate
Temperature Increase (Daily Maximum) ³	Daily (when discharging)	Calculate
Formaldehyde ⁴	Fourth Quarter	Measurement (mg/L)
Hydrogen Peroxide ⁵	Quarterly	Measurement (mg/L)

CLEANING OPERATIONS		
Settleable Solids	Monthly	Composite (ml/L)
Total Suspended Solids (TSS)	Per event	Composite (mg/L)
pH	Monthly	Measurement (SU)
Flow	Daily (when discharging)	Measurement (cfs)
Temperature (daily maximum) ¹	Daily (when discharging)	Measurement (°C)
Temperature (7-day average of daily maximums) ²	Daily (when discharging)	Calculate
Excess Thermal Load (Daily Maximum) ²	Daily (when discharging)	Calculate
Excess Thermal Load (7-day Average of Daily Maximums) ²	Daily (when discharging)	Calculate

Temperature Increase (Daily Maximum) ³	Daily (when discharging)	Calculate
Formaldehyde ⁴	Fourth Quarter	Measurement (mg/L)
Hydrogen Peroxide ⁵	Quarterly	Measurement (mg/L)

¹ Grab sample effluent and influent temperature measurements shall be conducted at approximately the same time and shall be taken between the times of 3:00 pm and 5:00 pm for normal operations and during when cleaning wastes are discharged for cleaning operations. Continuous temperature monitoring may be conducted by the hatchery, if requested in writing, and with the Department's approval.

² The daily maximum excess thermal load may be calculated using the daily maximum temperature and the total discharge flow for the day. The 7-day average of daily maximum thermal load is a moving average of the daily maximum thermal loads. Excess thermal loads must be calculated using the formula. If the calculation results in a thermal load value less than zero, the results must be recorded as zero. Individual values of zero must be used in calculating the average values.

$$ETL = \Delta T * Q * 2.447 \text{ (million kcals/day } ^\circ\text{C)} \quad \text{Where:}$$

ETL = Excess thermal load (106 Kcal/day)

ΔT = 7-day average of daily maximum effluent temperature ($^\circ\text{C}$) minus criterion (16 $^\circ\text{C}$ from June 16 through August 31, and 13 $^\circ\text{C}$ from September 1 through June 15)

Q = Discharge flow (cfs)

2.447 (million kcals/day $^\circ\text{C}$) = conversion from Kcals/Kg water/ second to mil Kcals/day

³ The limits may be simplified to a Daily Maximum Temperature increase as follows: on days when dilution (Q_R/Q) is less than 35, ($T_E - T_I$) cannot exceed 0.5 $^\circ\text{C}$, and on days when dilution (Q_R/Q) is equal to or greater than 35, ($T_E - T_I$) cannot exceed 1.0 $^\circ\text{C}$; where ($T_E - T_I$) = daily maximum effluent temperature ($^\circ\text{C}$) minus the daily maximum influent temperature ($^\circ\text{C}$); Q_R is the average daily flow of the Clackamas River (measured at USGS flow gaging station #14210050 at Estacada), and Q is the coincidental effluent flow. This method may be used instead of the ETL method described above (²).

⁴ Sampling must take place within the first hour after the initial discharge of effluent expected to contain formaldehyde. Monitoring may be reduced or eliminated after four quarters of monitoring, or during a single quarter with weekly monitoring, if formalin effluent concentration levels show no reasonable potential to exceed the guidance values (acute: 4.6 mg/L; and chronic: 1.6 mg/L), with approval from the Department.

⁵ Sampling must take place within the first hour after the initial discharge of effluent expected to contain hydrogen peroxide. Monitoring may be reduced or eliminated after four monitoring quarters, or during a single quarter with weekly monitoring if hydrogen peroxide effluent concentration levels show no reasonable potential to exceed the benchmark value of 0.7 mg/L, with approval from the Department.

Notes:

* NORMAL OPERATION SAMPLING (excluding Temperature)

During normal operations, a minimum of 4 grab samples shall be collected and equally spaced over daylight hours and composited for analysis.

** CLEANING OPERATION SAMPLING (excluding Temperature)

If raceway flows are continuously discharging through a settling pond or are diverted through a settling pond during cleaning, a representative composite sample shall be taken during cleaning operations. The composite sample shall consist of at least 4 grab samples collected during the cleaning cycle.

2. Record of Chemicals Used

The permittee shall keep a written record on all chemicals used at the facility and these records shall be available for review upon request by the Department. The records shall include:

- a. Person(s) responsible for administering the chemicals.
- b. The trade name of the chemicals used.
- c. The date of application.
- d. The reason for chemical usage and method of application.
- e. Identification of the location (i.e. hatch house, raceway, pond, etc.) where chemicals are used, estimated or measured concentration of active ingredient in the facility effluent at the point of discharge to the receiving waters.
- f. The quantity, trade name, method of disposal and location of any disposed spent chemical dip solutions.

3. Reporting Procedures

- a. Monitoring data shall be collected and recorded during one month of each calendar quarter. A quarterly summary shall be submitted to the Department on approved forms by the 15th of the month following the end of each quarter. The month anticipated to be of highest production during the calendar quarter shall be used as the month that monitoring occurs (i.e. weekly sampling). Monitoring during cleaning operations shall be accomplished during active cleaning operations within the month of highest production during the calendar quarter. If the facility is not discharging during any quarterly period, submittal of the DMR is still required. The DMR shall describe the status of operations (i.e. no discharge).
- b. The permittee shall keep a log of the chemicals and paints used at the facility on surfaces that come in direct contact with water being discharged to waters of the state. Permittee shall submit a summary of chemical use annually or more often if requested by the Department. The annual summary shall cover the previous calendar year and is due by January 15th of the following year. The annual summary report shall describe the quantity (monthly and yearly totals) of chemicals and paints used.
- c. The annual report described in Section b. above must also include the total yearly biomass which was produced at the facility during the previous year.

4. Reopener

If conditions change at this facility, the Department may reopen and modify this permit to include new limitations, increase or decrease monitoring requirements, and/or conditions as determined by the Department to be appropriate, and in accordance with procedures outlined in Oregon Administrative Rules, Chapter 340, Division 45.

SCHEDULE C
Compliance Conditions and Schedules

1. The permittee must submit a mixing zone study plan by no later than Mar 1st 2011, for review and approval by the Department.
2. The permittee must conduct a mixing zone study based on the approved plan and submit it to the Department no later than March 1st, 2013.

SCHEDULE D
Special Conditions

1. Sand, silt, mud, solids, filter backwash, debris, or other pollutants deposited and removed from the aquatic animal production facility shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.
2. Fish mortalities (excluding spawned out and surplus fish for nutrient recycling), egg taking, or processing waste shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.
3. An adequate spill contingency plan for the prevention and handling of spills shall be in force at all times.

**SCHEDULE F
NPDES GENERAL CONDITIONS**

SECTION A. STANDARD CONDITIONS

1. 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 the Department to terminate, modify and reissue, revoke, or deny renewal of a permit.

2. 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 33 USC §1365. DEQ enforcement is generally based on provisions of state statutes and EQC rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows the Department to impose civil penalties up to \$10,000 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 \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, 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, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison. 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 shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

3. 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 that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. 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.

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

5. Permit Actions

This permit may be modified, 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.

6. 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 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.

7. 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.

8. 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 Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

9. Permit Fees

The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. 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.

2. 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.

3. 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 or treatment processes that 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 the Department may take enforcement action against a permittee for bypass unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) 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
 - (c) The permittee submitted notices and requests as required under General Condition B.3.c.
 - (2) The Department may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Department determines that it will meet the three conditions listed above in General Condition B.3.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 the Department 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 D.5.

4. 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 B.4.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 D.5, hereof (24-hour notice); and
 - (4) The permittee complied with any remedial measures required under General Condition A.3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. 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 Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include 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.

6. 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 (e.g., public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed in accordance with General Condition B.8. 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.

7. 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 public entities (including public water systems). The response plan must identify the public health and other officials who 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.

8. 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

1. Representative Sampling
Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit, and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points may not be changed without notification to and approval of the Department.

2. 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 ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

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

4. Penalties of Tampering
The 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.

5. Reporting of Monitoring Results
Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. 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.

6. 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 use and disposal, 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 (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

7. Averaging of Measurements
Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which shall be averaged as specified in this permit.
8. Retention of Records
Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five 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 shall 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 the Department at any time.
9. 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.
10. Inspection and Entry
The permittee must allow the Department 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.
11. 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 will not be classified as confidential. 40 CFR 122.7(b).

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
The permittee must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (1). Except where exempted under OAR chapter 340, division 52, 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 the Department. The permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.
2. Anticipated Noncompliance
The permittee must give advance notice to the Department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
3. 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 the rules of the Commission. No permit may be transferred to a third party without prior written approval from the

Department. The Department 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 Section 122.61. The permittee must notify the Department when a transfer of property interest takes place.

4. 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.

5. 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 Department's Regional office must be called. Outside of normal business hours, the Department 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 the Department 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. Pursuant to ORS 468.959 (3) (a), if the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar 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 B.

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

6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D.4 or D.5, 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.

7. Duty to Provide Information

The permittee must furnish to the Department within a reasonable time any information that the Department 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 the Department, 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 the Department, it must promptly submit such facts or information.

8. Signatory Requirements

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

9. 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 \$100,000 per violation and up to 5 years in prison. 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 shall, 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.

10. Changes to Discharges of Toxic Pollutant

The permittee must notify the Department 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 Section 122.21(g)(7); or
 - (4) The level established by the Department in accordance with 40 CFR Section 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 Section 122.21(g)(7); or
 - (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).

SECTION E. DEFINITIONS

1. *BOD* means five-day biochemical oxygen demand.
2. *CBOD* means five day carbonaceous biochemical oxygen demand.
3. *TSS* means total suspended solids.
4. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and *E. coli* bacteria.
5. *FC* means fecal coliform bacteria.
6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR Section 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR Chapter 340, Division 41.
8. *mg/l* means milligrams per liter.
9. *kg* means kilograms.
10. *m³/d* means cubic meters per day.
11. *MGD* means million gallons per day.
12. *24-hour Composite sample* means a combination of at least six discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. Four (rather than six) aliquots should be collected for volatile organics analyses. The composite must be flow or time proportional, whichever is more appropriate. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
13. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
14. *Quarter* means January through March, April through June, July through September, or October through December.
15. *Month* means calendar month.
16. *Week* means a calendar week of Sunday through Saturday.

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