

File  
Eagle Cr. Nat. Fish  
Hatchery  
Clack Co.

Permit No. 101522  
Expiration Date: 12/31/2013  
File No. 91035  
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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

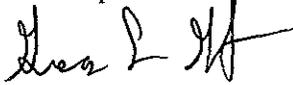
Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:	SOURCES COVERED BY THIS PERMIT:		
	Type of Waste	Outfall Number	Outfall Location
U.S. Department of Interior Fish & Wildlife Service 34288 S.E. Rainbow Road Estacada, Oregon 97023	Pass-through and treated discharges from aquatic animal production facility		
	Sand Settling Chamber Drain	001b	
	Upper Raceway Inclined Screen Rejects	002	
	Upper Raceway Upper Bank	003	{R.M. 12.4
	Upper Raceway Middle Bank	004	
	Upper Raceway Lower Bank	005	to
	Lower Raceway Inclined Screen Rejects	006	
	Hatchery Room	008	R.M. 12.7}
	Lower Raceway Upper Bank	010	
	Lower Raceway Middle Bank	011	
	Lower Raceway Lower Bank	012	
	Lower Raceway Fish Ladder	013	
	Abatement Pond	012 & 014	

**PLANT TYPE & LOCATION:**  
Fish propagation & rearing facility  
(Aquaculture)  
Eagle Creek National Fish Hatchery  
34288 S.E. Rainbow Road  
Estacada, Oregon 97023  
EPA REFERENCE NO : OR 0000710

**RECEIVING STREAM INFORMATION:**  
Basin: Willamette  
Sub-Basin: Clackamas  
Receiving Stream: Eagle Creek  
LLID: 1223833453520/12.38  
County: Clackamas

Issued in response to Renewal Permit Application No. 973473 received December 24, 2007.



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

10/8/09  
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**

A.1 Effluent Outfalls 005, 008, 012, 013, and 014

Parameters	Limitation		
	Normal Operations		Cleaning
	Monthly Average	Daily Maximum	Daily Maximum
Total Suspended Solids (TSS) <sup>a</sup>	5 mg/L	10 mg/L	15 mg/L
Settleable Solids <sup>b</sup>	0.1 mL/L	-	0.2 mL/L
pH	Within the range 6.5 – 8.5 SU		

A.2 Effluent Outfalls 001b, 003, 004, 010, and 011

Parameters	Limitation
	Cleaning: Daily Maximum
Total Suspended Solids (TSS) <sup>a</sup>	15 mg/L
Settleable Solids <sup>b</sup>	0.2 mL/L
pH	Within the range 6.5 – 8.5 SU

A.3 Effluent Outfalls 001b, 003, 004, 005, 008, 010, 011, 012, 013, and 014

Parameters	Limitation
Excess Thermal Load (June 16 – August 31)	3.91 x 10 <sup>6</sup> Kcal/day (7-day moving average of daily maximum excess thermal load)
Excess Thermal Load (September 1 – June 15)	4.40 x 10 <sup>6</sup> Kcal/day (7-day moving average of daily maximum excess thermal load)

Outfall 013 is located at the end of the fish ladder downstream from the adult fish holding ponds and settling pond discharges and prior to entering Eagle Creek. This is the discharge stream flow just prior to it reentering Eagle Creek. Outfall 013 is located at 45° 19' 49.08" N latitude, -122° 25' 41.16" W longitude.

A.4 Mixing zone and Dilution:

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:

No mixing zones are allowed for this site as all stream water is diverted through the hatchery during summer months.

A.5 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.

A.6 Groundwater: 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).

A.7. Off site discharge: Offsite discharge of water associated with the release of fish into waters of the state is permitted.

A.8 Non-routine discharges: Overflow from Outfall 001a in the Sand Settling Chamber and storm water discharges from Outfall 009 are not considered to be process related discharges and thus are not limited under this Permit. Should operations change, these exemptions will have to be reevaluated. A Mutual Agreement and Order covers the Inclined Screen Rejects outfalls from Outfall 002 and 006 until an engineered project is completed to remove these outfalls or to provide a method of removing the rejects from the streams. No additional discharges are allowed. Sand, silt, mud, solids, filter backwash, debris (including materials trapped on the inclined screens), or other pollutants deposited or removed in the aquatic animal production process shall be disposed of in a manner so as to prevent such materials from entering waters of the state.

\*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.

**SCHEDULE B**  
**Minimum Monitoring and Reporting Requirements**

**B.1 Influent Supply Water Minimum Monitoring and Reporting Requirements**

The location for temperature, suspended sediment, settleable solids, and pH measurements must be at the Eagle Creek inlet structure, which is approximately 500 ft upstream of the main hatchery operations. Flow may be measured in the 36-inch pipe prior to entering the sand settling chamber.

Parameter	Minimum Frequency	Type of Sample (Units)
Total Suspended Solids (TSS)	Optional	Composite (mg/L)
Settleable Solids	Optional	Composite (mL/L)
Temperature (daily maximum) <sup>1</sup>	Daily	Measurement (°C)
pH	Optional	Measurement (SU)
Flow (Daily Average) <sup>3</sup>	Optional	Measurement (cfs)

Effluent discharge monitoring (B.2 through B.5) shall be conducted and compliance shall be determined at the discharge point, and when discharging, and before the effluent discharge enters the natural Eagle Creek stream bed.

**B.2 Effluent Outfalls 005<sup>s</sup>, 008<sup>s</sup>, 012, 013, and 014**

NORMAL OPERATIONS *		
Parameter	Minimum Frequency	Type of Sample (Units)
Settleable Solids (SS)	Monthly	Composite (mL/L)
Total Suspended Solids (TSS)	Weekly	Composite (mg/L)
pH	Weekly	Measurement (SU)

**B.3 Effluent Outfalls 001b, 003<sup>s</sup>, 004<sup>s</sup>, 005<sup>s</sup>, 008<sup>s</sup>, 010<sup>s</sup>, 011<sup>s</sup>, 012, 013, and 014**

CLEANING OPERATIONS **		
Parameter	Minimum Frequency	Type of Sample (Units)
Settleable Solids (SS)	Monthly	Composite (mL/L)
Total Suspended Solids (TSS)	Weekly	Composite (mg/L)
pH	Weekly/per event	Measurement (SU)

**B.4 Effluent Outfalls 001b, 003<sup>s</sup>, 004<sup>s</sup>, 005<sup>s</sup>, 008<sup>s</sup>, 010<sup>s</sup>, 011<sup>s</sup>, 012, 013, and 014**

NORMAL and CLEANING OPERATIONS		
Parameter	Minimum Frequency	Type of Sample (Units)
Temperature (daily maximum) <sup>1</sup>	Daily	Measurement (°C)
Temperature (7-day average of daily maximums) <sup>2</sup>	Daily	Calculate (°C)
Excess Thermal Load (Daily Maximum) <sup>2</sup>	Daily	Calculate (million kcals/day)

Excess Thermal Load (7-day Average of Daily Maximums) <sup>2</sup>	Daily	Calculate (million kcals/day)
Temperature Increase (Daily Maximum) <sup>4</sup>	Daily	Calculate (°C)
Flow (Daily Average) <sup>3</sup>	Daily	Measurement (cfs)
Ammonia-N <sup>5</sup>	Quarterly	Measurement (mg/L)
Total Phosphorus <sup>5</sup>	Quarterly	Measurement (mg/L)

B.5 Effluent Outfall 012 and 014

Parameter	Minimum Frequency	Type of Sample
NORMAL and CLEANING OPERATIONS		
Iodine <sup>6</sup>	Quarterly (during use periods)	Measurement (mg/L)
Formaldehyde <sup>7</sup>	Quarterly (during use periods)	Measurement (mg/L)

<sup>1</sup> Grab sample effluent and influent temperature measurements shall be conducted at approximately the same time and shall be taken between the times of 5:00 pm and 7:00 pm. Continuous temperature monitoring may be conducted by the hatchery, if requested in writing, and with the Department's approval.

<sup>2</sup> 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 (10<sup>6</sup> Kcal/day)

$\Delta T$  = 7-day average of daily maximum effluent temperature (°C) minus criterion (16°C from June 16 through August 31, and 13°C from September 1 through June 15)

Q = Discharge flow (cfs)

2.447 (million kcals/day °C) = conversion from Kcals/Kg water/ second to mil Kcals/day

<sup>3</sup> Total effluent flow to be used in the ETL calculation above may be measured in the intake pipe, or estimated as the sum of the flows measured or estimated from the identified outfalls.

<sup>4</sup> The limits may be simplified to a Daily Maximum Temperature increase of no greater than 0.2 °C. The Daily Maximum Temperature Increase may be calculated by subtracting the Eagle Creek supply water (influent) daily maximum temperature from the identified outfall(s) daily maximum temperature. This method may be used instead of the ETL method described above (<sup>2</sup>), and if this method is used, outfall flow measurements would be optional.

<sup>5</sup> Upon request from the permittee, and with approval from the Department, monitoring may be discontinued after the first four quarters of monitoring, or after a single quarter with weekly monitoring.

<sup>6</sup> Sampling must take place within the first hour after the initial discharge of effluent expected to contain iodine. Upon request from the permittee, and with approval from the Department, monitoring may be discontinued after the first four quarters of monitoring, or after a single quarter with weekly monitoring.

<sup>7</sup> 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.

<sup>8</sup>After the first year of discharge monitoring of these outfalls under this permit, a waiver from monitoring may be requested by the permittee. The DEQ Permit Writer will analyze the monitoring data and determine whether or not to release the site from monitoring these outfalls.

B.6 Additional Sampling Notes:

\* NORMAL OPERATION SAMPLING (excluding Temperature and pH). During normal operations, a minimum of 4 grab samples shall be collected and equally spaced over discharge hours and composited for analysis.

\*\* CLEANING OPERATION SAMPLING (excluding Temperature and pH). 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.

B.7 Reporting highest values and averages: From the Normal Operations TSS data collected for the month, the Daily Maximum TSS level should be selected from Outfalls 005, 008, 012, 013, and 014. If more than one of these outfalls had a Normal Operation Discharge for any day, the Daily Maximum for that day is the largest concentration from those discharging outfalls. For any Daily Maximum TSS sample data that exceeded the Normal Operations Limit of 10 mg/L the inlet TSS for that day may be subtracted. The adjusted TSS may not be less than zero. After subtraction, if the result is not the maximum for the month, select the next highest and repeat the process until a value different from zero is derived. This is the Daily Maximum Normal Operations TSS for the Month and this value should be placed upon the DMR form for the Daily Maximum Normal Operation TSS.

Monthly Average Normal Operations TSS is calculated by first adjusting any TSS concentration for Normal Operations from Outfalls 005, 008, 012, 013, and 014 by subtracting the inlet TSS for that day from any TSS which exceeds the 10 mg/L limit. If the result of the subtraction is zero then use zero as the adjusted value. After the adjustments, add all of the Normal Operations TSS values and divide by the total number of values. This is the Monthly average TSS for Normal Operations.

For the Monthly Average Normal Operations SS from Outfalls 005, 008, 012, 013, and 014, add all the SS values from Normal Operations and divide by the total number of values. For data values recorded as < 0.1 ml/L, use a value of 0.05 ml/L. If the resultant average is less than 0.1 ml/L, then record on the DMR the Normal Operations Monthly Average SS as < 0.1 ml/L.

Cleaning Operations TSS and SS concentrations for the DMR are taken from the Cleaning Operations concentration values from Outfalls 001b, 003, 004, 005, 008, 010, 011 012, 013, and 014 are calculated similarly with the exception that the limits change.

For the month, the maximum discharge temperature from Outfalls 001b, 003, 004, 005, 008, 010, 011 012, 013, and 014 should be reviewed. The highest discharge temperature should be selected and enter on the DMR along with the maximum inlet temperature for the same day that the maximum discharge temperature occurred.

Review the pHs taken from Outfalls 001b, 003, 004, 005, 008, 010, 011 012, 013, and 014. Place the lowest pH in the Minimum pH portion of the DMR and place the highest pH recorded for the Maximum pH on the DMR.

For TSS, SS, temperature, and pH, report the *outfall number* for each maximum (and minimum for pH) value for each entry included in the DMR sheet. This information, provided in the DMR or on a separate sheet along with the DMR, will be used to evaluate monitoring frequencies or waiver requests for monitored outfalls.

B.8 Reporting of Non-Detect: Analytical results below the "minimum quantitative level (MQL)", shall be reported as Non-Detect or Not-Detected "ND" and the MQL listed e.g., ND (MQL in mg/L). When calculating Monthly Average and a Non-Detect is derived, use ½ of the detection limit (MDL or MQL) for the ND in the calculations.

B.9 Submitting Discharge Monitoring Reports (DMRs): Monitoring data shall be collected and recorded during one month of each calendar quarter, or of the specified calendar quarter. A quarterly monitoring data summary shall be submitted to the

Department on approved forms by the 15th of the month following the end of each quarter. For quarterly monitoring, the month anticipated to be of highest production during the calendar quarter shall be used as the month of monitoring.

The permittee shall report all data for which a test was completed. In the event a test fails to meet the associated quality control requirement specified by the test method, the permittee shall report the actual test results and shall provide a notation on the monitoring report indicating that the analysis failed quality control standards. The permittee shall track the occurrence of such events for the previous 24 months and shall take appropriate corrective action to reduce or eliminate the root cause. A record of such occurrences and the corrective action taken shall be available for inspection.

The permittee shall maintain, consistent with General Condition C1, computer-based records of monitoring required by this permit or a compilation of the sample data.

- B.10 Sampling and Analytical Procedures; Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), whichever is the most recent, unless otherwise specified in this permit or approved in writing by the Department.
- B.11 Record of Chemicals Used. 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. The records shall include:
- Person(s) responsible for administering the chemicals.
  - The trade name of the chemicals used.
  - The date of application.
  - The reason for chemical usage and method of application.
  - 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.
  - The quantity, trade name, method of disposal and location of any disposed spent chemical dip solutions.
- B.12 Production: Along with the chemical use report, provide an annual fish production estimate: pounds per year for the facility.
- B.13 Re-opener: 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**

No Schedule C conditions.

**SCHEDULE D**  
**Special Conditions**

- D.1 Solids: 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.
- D.2 Processing Waste: 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.
- D.3 Spill Prevention: An adequate spill contingency plan for the prevention and handling of spills shall be in force at all times.
- D.4 Environmental Supervision and Management: The permittee shall designate an environmental supervisor to coordinate and carry out all necessary functions related to maintenance and operation of waste collection, treatment, and disposal facilities. This person shall be allowed access to all information relevant to the generation of wastes in the various process areas.
- D.5 Pollution Prevention Program: A program of pollution prevention shall be maintained with the purpose to: (1) reduce, recycle and reuse water, stock, and chemicals, (2) substitute less toxic chemicals for more toxic chemicals, (3) eliminate the use of certain chemicals, and (4) use best management practices (BMPs) to improve housekeeping and spill response through better training and better operations and maintenance procedures.

D.6. Transfer of this Permit:

Transfers by Modification: Except as provided under "Automatic Transfers" below, the permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

Automatic Transfers: The permit may be automatically transferred to a new permittee if:

- a. The permittee notifies the Department at least 30 days in advance of the proposed transfer date.
- b. The notice includes a written agreement between the existing and new permittees containing the following three elements: (1) a specific date for transfer of permit responsibility, (2) coverage, and (3) liability between them.
- c. The Department does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

D.7 Retention of Records: Upon issuance of this permit, records retention shall be a minimum of 5 years.

D.8 Sanitary Sewage: Sanitary wastes shall be discharged to the on-site septic system and associated drain field.

D.9. Definitions:

"BOD" means 5-day 20°C. Biochemical Oxygen Demand. BOD5

"BMP" means Best Management Practices

"Capital Improvements" include but are not limited to the following improvements that require capital expenditures: i) treatment best management practices including but not limited to settling basins, oil/water separation equipment, catch basins, grassy bioswales, and detention/retention basins; ii) manufacturing modifications that incur capital expenditures,

including process changes for reduction of pollutants or wastes at the source; iii) concrete pads, dikes and conveyance or pumping systems utilized for collection and transfer of storm water to treatment systems; and iv) roofs and appropriate covers.

“CAAP” Concentrated Aquatic Animal Production.

“Chemical” means any substance that is added to the concentrated aquatic animal production facility to maintain or restore water quality for aquatic animal production and that may be discharged to waters of the United States.

“Cold water aquatic animals” include, but are not limited to, the Salmonidae family of fish; e.g., trout and salmon.

“Concentrated aquatic animal production facility” means a hatchery, fish farm, or other facility which meets the criteria in (a) below, or which the Director designates under paragraph (b) of this section.

- (a) It contains, grows, or holds aquatic animals in either of the following categories:
  - (i) Cold water fish species or other cold water aquatic animals in ponds, raceways, or other structures which discharge at least 30 days per year but does not include:
    - A. Facilities which produce less than 20,000 pounds (9,090 kg) harvest weight of aquatic animals per year;
    - B. Facilities which feed less than 5,000 pounds (2,272 kg) of food during the calendar month of maximum feeding.
  - (ii) Warm water fish species or other warm water aquatic animals in ponds, raceways, or other structures which discharge at least 30 days per year but does not include:
    - A. Closed ponds which discharge only during periods of excess runoff; or
    - B. Facilities which produce less than 100,000 pounds (45,454 kg) harvest weight of aquatic animals per year.
- (b) Case-by-case designation of concentrated aquatic animal production facilities. The Director may designate any warm or cold water aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the United States. In making this designation the Director shall consider the following factors:
  - (i) The location and quality of the receiving waters of the United States;
  - (ii) The holding, feeding, and production capacities of the facility;
  - (iii) The quantity and nature of the pollutants reaching waters of the United States; and
  - (iv) Other relevant factors.

“Day” means the maximum result determined for the applicable 24-h period.

“DEQ” or “Department” means the Oregon State Department of Environmental Quality.

“Direct”, as used in this permit, means storm water discharging without mixing with any other water or without crossing any adjacent property to the Columbia Slough.

“DO” means dissolved oxygen.

“Drug” means any substance that is added to the concentrated aquatic animal production facility to maintain or restore aquatic animal health or to affect the structure or any function of an aquatic animal, and that may be discharged to waters of the United States. For the purposes of this Part, the term does not include substances injected directly into aquatic animals or used in immersion baths that are not discharged to waters of the United States.

“Excess feed” means feed that is added to a production system and that is not consumed or is not expected to be consumed by the aquatic animals.

“Event” means any overflows, which occur in any one standard 24-hour period starting at midnight.

“Flow-through system” means a system designed for a continuous water flow to waters of the United States through chambers used to produce aquatic animals. Flow-through systems typically use either raceways or tank systems. Water is supplied to raceways by nearby rivers or springs and are typically long, rectangular chambers at or below grade, constructed of

earth, concrete, plastic, or metal. Tank systems are similarly supplied with water and concentrate aquatic animals in circular or rectangular tanks above grade. The term does not include net pens.

"Full-flow settling" means the treatment practice in which all of the flow from a flow-through system is treated using solids settling techniques prior to discharge.

"Hazardous Materials" as defined in 40 CFR §302 Designation, Reportable Quantities, and Notification. Available on the web at <http://www.epa.gov>.

"Indirect", as used in this permit, means storm water discharges other than direct discharges to the Columbia Slough, i.e. through ditches across other than permittees property, through municipal storm sewers, etc.

"Industrial" means having the nature of or characterized by trade, business, production, or manufacture.

"Industrial Waste" means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources.

"Instantaneous" means a grab sample or reading taken instantaneously, but in no case greater than 15 minutes.

*Material Handling Activities include the storage, loading and unloading, transportation or conveyance of raw material, intermediate product, finished product, by-product or waste product.*

"mg/L" means milligrams per liter.

"Month" means the sum of all daily results determined during a calendar month divided by the number of daily results determined for the same period. If only one result is obtained during the calendar month, the maximum daily effluent limitation applies to that sample.

"Net pen system" means a stationary, suspended or floating system of nets or screens in open marine or estuarine waters of the United States. Net pen systems typically are located along a shore or pier or may be anchored and floating offshore. Net pens and cages rely on tides and currents to provide continual supply of high-quality water to the animals in production.

"Nonpoint Sources" refers to diffuse or unconfined sources of pollution where wastes can either enter into - or be conveyed by the movement of water to - public waters.

"Off-line settling" means the treatment practice in which a small, concentrated portion of the flow is diverted and treated before being discharged; specifically, the portion of flow that is vacuumed or removed from the bottom of a tank or raceway, which contributes high levels of settled solids.

"Point Source" means a discharge from any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit.

"Pollution" means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or such radioactive or other substance into any waters of the state which either by itself or in connection with any other substance present, will or can reasonably be expected to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life, or the habitat thereof.

"Process wastes" or "process wastewater" means any process generated wastewater and any precipitation (rain or snow) that comes into contact with any manure, litter or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry or direct products (e.g. milk, eggs).

The term "process generated wastewater" means water directly or indirectly used in an animal operation for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits or other feedlot facilities; direct contact swimming, washing or spray cooling of animals; and dust control.

"Quarter" means the sum of all results determined during a calendar quarter divided by the number of daily results determined for the same period.

"Recirculating system" means a system that filters and reuses water in which the aquatic animals are produced prior to discharge. Recirculating systems typically use tanks, biological or mechanical filtration, and mechanical support equipment to maintain high quality water to produce aquatic animals.

"Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical that a facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ash, slag, and sludge that have the potential to be released with storm water discharges. More information is available at the EPA site above under 40 CFR 370.

"Total Maximum Daily Load (TMDL)" - The sum of the individual Waste Load Allocations(WLAs) for point sources and Load Allocations(LAs) for nonpoint sources and background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. If Best Management Practices (BMPs) or other nonpoint source pollution controls make more stringent load allocations practicable, then wasteload allocations can be made less stringent. Thus, the TMDL process provides for nonpoint source control tradeoffs.

"Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which will or may cause pollution or tend to cause pollution of any waters of the state.

"Warm water aquatic animals" include, but are not limited to, the Ameiuride, Cnarrhidae and Cypinidae families of fish; e.g., respectively, catfish, sunfish and minnows.

"Waters of the State" include 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 which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

"Year" means the sum of all results determined during a calendar year divided by the number of daily results determined for the same period.

**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  $\pm 10$  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. *m<sup>3</sup>/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.