NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

Department of Environmental Quality
Eastern Region - Pendleton Office
700 SE Emigrant, Suite 330, Pendleton, OR 97801
Telephone: (541) 276-4063

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

ISSUED TO:

City of Athena
PO Box 686
Athena, OR 97813-0686

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 17
Irrigation	002	
Biosolids	003	
Constructed Wetlands	004	RM 16.7 to 17.2

FACILITY TYPE AND LOCATION:

Trickling Filter
Pambrun Rd., Southwest edge of town
Athena

Treatment System Class: Level II
Collection System Class: Level II

RECEIVING STREAM INFORMATION:

Basin: Umatilla
Sub-Basin: Umatilla
Receiving Stream: Wildhorse Creek
LLID: 1187658456785 RM 17
County: Umatilla

EPA REFERENCE NO: OR-002281-1

Issued in response to Application No. 980570 received October 29, 2009.

This permit is issued based on the land use findings in the permit record.

E. Patricia Vernon for Mitch Wolgamott
D. Mitch Wolgamott, Water Quality Manager
Eastern Region

July 22, 2010
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:

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

1. Waste Discharge Limitations not to be exceeded after permit issuance.

a. Treated Effluent Outfall 001

(1) May 1 - October 31: No discharge to waters of the State (unless approved in writing by the Department. See Note 1.)

(2) November 1 - April 30:

(a) Discharge is permitted provided the flow in Wildhorse Creek is greater than 30 times the effluent flow being discharged or as defined in Note 9.

(b)

Parameter	Average Effluent Concentrations Monthly	Weekly	Daily Maximum mg/l	Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs/day
BOD_5	30 mg/l	45 mg/l	n/a (see note 2)	78	117	156
TSS	30 mg/l	45 mg/l	80 (see notes 3 & 4)	n/a	n/a	n/a
NO_2-N + NO_3-N			9	11 (See Note 5)		

* Mass load limits based upon average dry weather design flow to the facility of 0.31 MGD

(c)

Other parameters	Limitations
pH	Shall be within the range of 6.0 - 9.0
BOD_5 and TSS Removal Efficiency	Shall not be less than 65% monthly average for BOD_5 and 65% monthly for TSS on a concentration basis.
Total Residual Chlorine	Monthly average shall not exceed the minimum level of detection, which is defined as 0.1 mg/l.
E. coli Bacteria	Shall not exceed 126 organisms per 100 ml monthly log mean. No single sample shall exceed 406 organisms per 100 ml. (See Note 6)
Temperature	November 1 through April 30 When the background creek temperature is greater than or equal to 18°C (64.4°F), discharge is permitted if: 1. the effluent temperature does not exceed 25°C (77°F); or 2. the calculated river temperature does not exceed 18.14°C (64.7°F). (See Notes 7 and 8) When the background creek temperature is less than 18°C (64.4°F), discharge is permitted if: 1. the effluent temperature is equal to or less than the creek temperature; or 2. the calculated river temperature does not exceed 18.14°C (64.7°F). (See Notes 7 and 8)

b. All limitations for Outfall Number 001 shall be taken at the point of discharge to Wildhorse Creek except for *E. coli* bacteria, which will be taken at the spigot before discharge into the holding pond.

c. Except as provided for in OAR 340-045-0080, no wastes shall be discharged and no activities shall be conducted which violate Water Quality Standards as adopted in OAR 340-041 except in the following defined mixing zone:

> The allowable mixing zone shall not exceed that portion of Wildhorse Creek between the point of discharge and a point 50 feet downstream from the point of discharge. In addition, the Zone of Immediate Dilution (ZID) shall not exceed 10 percent of the defined mixing zone in any one direction from the point of discharge.

NOTES:

1. The discharge period at the permitted mass load and concentration limits may be extended into May if it is projected that the lagoon level would be higher than the minimum operating level on April 30, and written authorization is obtained from the Department.

2. n/a = not applicable

3. The 30 NTU is considered met if the TSS concentration does not exceed 80 mg/l. If the City believes their facility can have a higher daily concentration and still meet 30 NTU and/or background outside of the mixing zone, they can conduct monitoring/modeling as needed to demonstrate that less stringent effluent limitations will not cause exceedance of 30 NTU on a daily basis outside of the designated mixing zone.

4. A violation will be triggered when more than one sample in a month exceeds the limit.

5. Based on the flow of the effluent to Wildhorse Creek equaling 0.15 MGD (Umatilla River Basin Total Maximum Daily Load, May, 2001, p. 161).

6. If a single sample exceeds 406 organisms per 100 ml, then five consecutive re-samples may be taken at no greater than four hour intervals beginning within fifty-eight (58) hours after the original sample was taken. If the log mean of the five re-samples is less than or equal to 126 organisms per 100 ml, a violation shall not be triggered.

7. Wildhorse Creek and effluent temperatures shall be assessed as the 7-day running averages of the daily maximums. The temperature of the effluent resulting from the calculation using the formula provided shall be applied to the discharge occurring during the 24 hour period following when the creek's temperature reading was taken.

8. $Te = Tr_7 + 0.14[(Qe+0.25Qr) \div Qe]$

   Te = effluent temperature in °C
   Qr = creek flow volume in cfs
   Qe = effluent flow volume in cfs
   Tr_7 = creek temperature in °C

9. To assure that the dilution requirement is being met, discharge is permitted provided the effluent BOD_5 concentrations in mg/l, divided by the dilution factor (ratio of receiving stream flow to effluent flow) may not exceed one. The formula for calculating minimum flow is:

   Effluent Flow (cfs) x BOD_5 (mg/l) $\leq$ Wildhorse Creek Flow (cfs)

2. Outfall 002 (Recycled Water)

a. No discharge to state waters is permitted. All recycled water shall be distributed on land, for dissipation by evapotranspiration and controlled seepage by following sound irrigation practices so as to prevent:

(1) Prolonged ponding of treated recycled water on the ground surface;

(2) Surface runoff or subsurface drainage through drainage tile;

(3) The creation of odors, fly and mosquito breeding or other nuisance conditions;

(4) The overloading of land with nutrients, organics, or other pollutant parameters; and,

(5) Impairment of existing or potential beneficial uses of groundwater.

b. Irrigation shall conform to the irrigation management plan approved by the Department.

c. Prior to land application, wastewater shall receive at least the equivalent of secondary treatment and achieve a disinfected Level I treatment as listed in Oregon Administrative Rules (OAR) 340-055-0015. The monthly log mean for Escherichia coli (E. coli) shall not exceed 126 colonies per 100 ml. No single sample shall exceed 406 organisms per 100 ml. However, no violation will be found for an exceedance if the permittee takes at least five consecutive re-samples taken at no greater than four-hour intervals beginning within 96 hours of the original sample that was taken, and the log mean of the five re-samples is less than or equal to 126 organisms per 100 ml.

d. Unless approved in writing by the Department, the quantity of effluent irrigated shall not exceed the amount in the approved Recycled Water Use Plan.

e. No treated wastewater shall be applied to food crops destined for human consumption.

f. The lagoon must be lowered sufficiently by the end of the irrigation season to ensure adequate storage capacity during non-irrigation months.

g. The period for land irrigation will generally be between May 1 and October 31 of each year. Recycled water shall not be applied to land that is frozen, snow covered, saturated, or during high precipitation periods that would result in surface run-off.

3. Outfall Number 003 (Biosolids Land Application and Management)

a. Biosolids land application and management will comply with Oregon biosolids rules and guidelines including OAR 340-050 and all other applicable statutes, rules, and federal regulations.

b. Prior to land application, the biosolids shall meet one of the vector attraction reduction standards required under OAR 340-050.

c. Prior to land application, the biosolids shall meet one of the three pathogen reduction standards required under OAR 340-050.

d. Public access to field sites shall be restricted for at least 12 months after biosolids land spreading has ceased.

e. A 50-feet minimum (300-feet minimum if biosolids gun application is used) setback shall be maintained between biosolids application areas and all highways, public roadways, and property lines.

f. Land application activities shall be conducted in accordance with the approved biosolids management plan.

4. Outfall 004 (Wetland Treatment and Disposal Cells)

   a. The City-owned wetland is a component of the wastewater treatment system. Public access to the wetland shall be restricted (restricted-access).

   b. Prior to discharge into the wetlands, wastewater shall be disinfected to reduce *E. coli* bacteria to levels not to exceed a 30-day log mean of 126 organisms per 100 milliliters (ml). No single sample shall exceed 406 organisms per 100 ml. If a single sample exceeds 406 organisms per 100 ml, then five consecutive re-samples shall be taken at no greater than 4-hour intervals beginning within fifty-eight hours (58) after the original sample was taken. If the log mean of the five re-samples is less than or equal to 126 organisms per 100 ml, a violation shall not be triggered.

5. All wastewater and process related residuals shall be managed and discharged and/or disposed of in a manner that will prevent a violation of the Department's Groundwater Quality Protection Rules (OAR 340-040).

SCHEDULE B

1. Minimum Monitoring and Reporting Requirements

The permittee shall monitor the parameters as specified below at the locations indicated. The laboratory used by the permittee to analyze samples shall have a quality assurance/quality control (QA/QC) program to verify the accuracy of sample analysis. If QA/QC requirements are not met for any analysis, the results shall be included in the report, but not used in calculations required by this permit. When possible, the permittee shall re-sample in a timely manner for parameters failing the QA/QC requirements, analyze the samples, and report the results.

a. Influent - grab samples, measurements and composite samples are taken at the pump station.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
pH	3/Week	Grab
BOD_5	1 per 2 weeks	Composite (See Note 1)
TSS	1 per 2 weeks	Composite (See Note 1)

b. Treated Effluent Outfall 001 (when discharging; see Note 2)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
pH	3/Week	Grab
BOD_5	1 per 2 weeks	Composite (See Note 1)
TSS	1 per 2 weeks	Composite (See Note 1)
E. coli	1 per 2 weeks	Grab
Quantity Chlorine Used	Daily	Measurement
Total Chlorine Residual	Daily	Grab
Average Percent Removed (BOD_5 and TSS)	Monthly	Calculation
NH_3-N	1 per 2 weeks	Composite
NO_2-N + NO_3-N	1 per 2 weeks	Composite
Temperature	Daily	Measurement at about 3 pm
Pounds Discharged (BOD_5 and TSS)	Weekly	Calculation
Turbidity	Daily	Measurement

c. Recycled Wastewater Outfall 002 (when discharging; see Note 3)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Totalizer
Flow Meter Calibration	Annually	Verification
Quantity Irrigated (inches/acre)	Monthly	Calculation
TKN	Quarterly	Grab
NO_2-N + NO_3-N	Quarterly	Grab
E. coli	Weekly	Grab
Total Chlorine Residual	Daily	Grab
Quantity Chlorine Used	Daily	Measurement
TDS	Quarterly	Grab
Soil Sampling for: NO_3-N NH_3-N (1^{st} foot only)	Annually	Composite Sample by Field by soil horizon 0 - 1', 1' - 2', 2' - 3', 3' - 4', and 4' - 5'

d. Wildhorse Creek (year-round when flowing)

The river samples are taken near the staff gage or at a Department approved location.

Item or Parameter	Minimum Frequency	Type of Sample
Flow (MGD)	Daily	Measurement
Temperature	Daily	Measurement at about 3 pm
pH	Daily	Measurement
Turbidity upstream of outfall	Daily	Measurement

e. Biosolids Management

Item or Parameter	Minimum Frequency	Type of Sample
Sludge analysis including: Total Solids (% dry wt.) Volatile solids (% dry wt.) Volatile Suspended solids (% dry wt.) Biosolids nitrogen for: NH_3-N; NO_3-N; & TKN (% dry wt.) Phosphorus (% dry wt.) Potassium (% dry wt.) pH (standard units) Sludge metals content for: As, Cd, Cu, Hg, Mo, Ni, Pb, Se & Zn, measured as total in mg/kg	Annually	Composite sample to be representative of the product to be land applied from the sludge storage tank and drying beds (See Note 4)
Record of % volatile solids reduction accomplished through digestion	Monthly after approval of sludge management plan by DEQ	Calculation (See Note 5)
Quantity and type of lime product used to stabilize sludge (when required to meet federal Process to Significantly Reduce Pathogens [PSRP] regulations)	Each occurrence when or if necessary	Pounds/gallons of sludge land applied
Record of locations where biosolids are applied on each DEQ approved site. (Site location maps to be maintained at treatment facility for review upon request by DEQ)	Each Occurrence	Date, volume & locations where sludges were applied recorded on site location map.

f. Treated Effluent Outfall 004 (Upon completion of construction; see Note 6)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
E. coli	1 per 2 weeks	Grab
Quantity Chlorine Used	Daily	Measurement

Total Chlorine Residual	Daily	Grab

g. Groundwater Monitoring (Upon installation MW4)

(1) Groundwater Minimum Monitoring and Reporting Requirements

(a) Groundwater monitoring shall be conducted in accordance with the approved Groundwater Monitoring Plan.

(b) Groundwater monitoring shall be conducted in the monitoring wells (MW1, MW2, MW3, & MW4), and sampling procedures shall be in accordance with the approved Monitoring Plan.

(c) Sampling procedures shall be in accordance with the approved Groundwater Monitoring Plan. At a minimum, the permittee shall monitor groundwater for the parameters at the frequencies as specified below. If the Department approved Groundwater Monitoring Plan requires additional sampling and analysis of other parameters, the permittee shall conduct the additional monitoring as required in the Groundwater Monitoring Plan.

Parameter	Minimum Frequency	Type of Sample
Water Level	Quarterly	Field Measurement
Hydrogen Ion (pH)	Quarterly	Field Measurement
Temperature	Quarterly	Field Measurement
Conductivity (EC)	Quarterly	Field Measurement
Total Dissolved Solids	Quarterly	Grab
Sulfate	Quarterly	Grab
Chloride	Quarterly	Grab
BOD5	Quarterly	Grab
TSS	Quarterly	Grab
Average Percent Removed (BOD5 and TSS)	Quarterly	Calculation
NO2-N + NO3-N	Quarterly	Grab

(d) Reporting Requirements

(i) **Quarterly Reporting**: Analytical results of groundwater monitoring for the parameters listed above and for any other parameters identified in the approved Groundwater Monitoring Plan, shall be reported quarterly in a Department approved format. At a minimum, the report shall contain the quarterly reporting information identified in the approved Groundwater Monitoring Plan. Reports are due to the Department by the 30th day of the month following the sampling event.

(ii) **Annual Data Analysis and Reporting**: An annual groundwater data analysis report shall be submitted to the Department by April 15 of each calendar year. The annual report shall contain the annual data analysis and reporting information identified in the approved Groundwater Monitoring Plan.

(2) Groundwater Monitoring Resampling Requirements

If monitoring indicates a significant increase (increase or decrease for pH) in the value of a parameter monitored, the Permittee shall immediately resample unless otherwise approved in writing by the Department. If the resampling confirms a change in water quality, the Permittee shall:

(a) Report the results to the Department within 10 days of receipt of the laboratory data; and

(b) Prepare and submit to the Department within 30 days a plan for developing a preliminary assessment unless another time schedule is approved by the Department.

(3) By no later than **November 1, 2010**, the permittee shall submit to the Department a Groundwater Monitoring Plan.

NOTES:

1. Composite samples shall consist of no less than four (4) samples collected over an 8-hour period, between 6 a.m. and 6 p.m., and apportioned according to the volume of flow at the time of sampling.

2. Samples collected for Outfall Number 001 shall be taken at the point of discharge to Wildhorse Creek except for *E. coli* bacteria, which will be taken at the point of discharge into the holding pond, and chlorine residual which will be taken and reported at both locations. The effluent limitation for chlorine residual specified in Schedule A will apply to the sample collected after the holding pond.

3. Samples collected for Outfall Number 002 for *E. coli* bacteria and Chlorine Residual shall be collected before the holding pond. All other samples shall be taken prior to irrigation.

4. Grab samples from biosolids (sludge) storage tank shall consist of a single sample collected at the withdrawal line. A composite sample from the sludge drying bed shall consist of blending equal fractions of grab samples taken from the center of each drying bed. The grab samples taken from the center of each grid section shall include the entire depth of sludge in the area sampled. Samples shall be composited and mixed in equal portions. The composite sample should be collected just prior to removing the sludge for utilization.

5. Calculation of the percent volatile solids reduction will be as defined in an approved sludge management plan. Monitoring reports (DMRs) shall include a record of the location, quantity, and method of use of all sludge removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

6. Total chlorine residual samples collected for Outfall Number 004 shall be taken after the holding pond. *E. coli* bacteria will be taken at the point of discharge into the holding pond.

2. Reporting procedures

a. Monitoring results shall be reported on Department approved forms. The reporting period is the calendar month. Results shall be submitted to the Department's Pendleton office by the 15th day of the following month.

b. State monitoring reports shall identify the name, certificate classification and grade level of each principal operator designated by the permittee as responsible for supervising the wastewater collection

and treatment systems during the reporting period. Monitoring reports shall also identify each system classification as found on page one of this permit.

c. Monitoring reports shall also include a record of the quantity and method of disposal of all sludge removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. Annual Collection System (I/I) Report

a. By no later than February 19 of each year, the permittee shall submit a report to the Department which:

(1) Summarizes influent flow data and compares the results with the projected design flow;

(2) Details sewer collection maintenance activities that have been undertaken during the previous year; and

(3) Outlines those activities planned for the following year.

4. Recycled Water Use Reporting

By no later than February 19 of each year, the permittee shall submit to the Department an annual report describing the effectiveness of the recycled water system to comply with the approved recycled water use plan, the rules of Division 55, and the limitations and conditions of this permit applicable to reuse of recycled water. If the irrigation system is dismantled, this report is no longer required after removal of the system.

5. Biosolids Annual Report

a. An annual solids report shall be submitted to the Department by February 19 of each year that describes solids handling activities for the previous year and includes, but is not limited to, the required information outlined in OAR 340-050-0035(6)(a)-(e).

b. By no later than **November 1, 2010**, the permittee shall submit to the Department an updated biosolids management plan in accordance with OAR 340-050, "Land Application of Domestic Wastewater Treatment Facility Biosolids, Biosolids Derived Products, and Domestic Septage." Upon approval of the plan by the Department, the plan shall be implemented by the permittee. There may be no substantial changes in this plan without prior written approval by the Department.

SCHEDULE D

Special Conditions

1. All biosolids shall be managed in accordance with the current, Department approved biosolids management plan and the site authorization letters issued by the Department. Any changes in solids management activities that significantly differ from the operations specified under the approved plan require the prior written approval of the Department.

   All new biosolids application sites shall meet the site selection criteria set forth in OAR 340-050-0070. The currently approved site is located in Umatilla County. No new public notice is required for the continued use of the currently approved site. Property owners adjacent to any newly approved application sites shall be notified, in writing or by any method approved by the Department, of the proposed activity prior to the start of application. For proposed new application sites that are deemed by the Department to be sensitive with respect to residential housing, runoff potential or threat to groundwater, an opportunity for public comment shall be provided in accordance with OAR 340-050-0030.

2. An adequate contingency plan for prevention and handling of spills and unplanned discharges shall be in force at all times. A continuing program of employee orientation and education shall be maintained to ensure awareness of the necessity of good in-plant control and quick and proper action in the event of a spill or accident.

3. The permittee shall notify the DEQ Pendleton office (541) 276-4063, in accordance with the response times noted in the General Conditions of this permit, of any malfunction so corrective action can be coordinated between the permittee and the Department.

4. The permittee shall comply with OAR 340-049, "Regulations Pertaining To Certification of Wastewater System Operator Personnel" and accordingly:

   a. The permittee shall have its wastewater system supervised by one or more operators who are certified in a classification and grade level (equal to or greater) that corresponds with the classification (collection and /or treatment) of the system to be supervised as specified on page one of this permit.

   Note: A "supervisor" is defined as the person exercising authority for establishing and executing the specific practice and procedures of operating the system in accordance with the policies of the permittee and requirements of the waste discharge permit. "Supervise" means responsible for the technical operation of a system, which may affect its performance or the quality of the effluent produced. Supervisors are not required to be on-site at all times.

   b. The permittee's wastewater system may not be without supervision (as required by Special Condition 4 a. above) for more than thirty (30) days. During this period, and at any time that the supervisor is not available to respond on-site (i.e. vacation, sick leave or off-call), the permittee must make available another person who is certified at classification grade level I.

   c. The permittee shall notify the Department of Environmental Quality in writing within thirty (30) days of replacement or redesignation of certified operators responsible for supervising wastewater system operation. The notice shall be filed with the Water Quality Division, Operator Certification Program (400 E. Scenic Drive, #307, The Dalles, Oregon 97058). This requirement is in addition to the reporting requirements contained under Schedule B of this permit.

   d. Upon written request, the Department may grant the permittee reasonable time, not to exceed 120 days, to obtain the services of a qualified person to supervise the wastewater system. The written request must include justification for the time needed, a schedule for recruiting and hiring, the date the

system supervisor availability ceased and the name of the alternate system supervisor(s) as required by 4 b. above.

5. The permittee shall have in place an ongoing program to identify and reduce inflow and infiltration into the wastewater collection system.

6. Management and Maintenance of Groundwater Monitoring Wells

   a. The permittee shall protect and maintain each groundwater monitoring well so that samples collected are representative of actual conditions.

   b. All monitoring well abandonments, replacements, repairs, and installations must be conducted in accordance with the Water Resources Department Oregon Administrative Rules, Chapter 690, Division 240, and with the Department's guidance "Groundwater Monitoring Well Drilling, Construction, and Decommissioning", dated August 22, 1992. All monitoring well abandonments, replacements, repairs, and installations must be documented in a report prepared by an Oregon registered geologist.

   c. If a monitoring well becomes damaged or inoperable, the permittee shall notify the Department in writing within 14 days of when the permittee becomes aware of the circumstances. The written report shall describe: what problem has occurred, the remedial measures that have been or will be taken to correct the problem, and the measures taken to prevent the recurrence of damage or inoperation. The Department may require the replacement of inoperable monitoring wells.

   d. Prior to installation of new or replacement monitoring wells, the placement or design must be approved in writing by the Department. Well logs and a well completion report shall be submitted to the Department within 30 days of installation of the well. The report shall include a survey drawing showing the location of all monitoring wells, disposal sites, and water bodies.

   e. Prior to abandonment of existing wells deemed unsuitable for groundwater monitoring, an abandonment plan must be submitted to the Department for review and approval.

7. The Department may reopen this permit, if necessary, to include new or revised special conditions.

SCHEDULE F

NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES

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
k. For communities with combined sewer overflows (CSOs):
   (1) To comply with any state or federal law regulation that addresses CSOs that is adopted or promulgated subsequent to the effective date of this permit
   (2) If new information, not available at the time of permit issuance, indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses
   (3) Resulting from implementation of the Permittee's Long-Term Control Plan and/or permit conditions related to CSOs.

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 which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
   b. Prohibition of bypass.
      (1) Bypass is prohibited and the Department may take enforcement action against a permittee for bypass unless:
         i. *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*
         ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
         iii. The permittee submitted notices and requests as required under General Condition 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. Overflows from Wastewater Conveyance Systems and Associated Pump Stations
   a. Definitions
      (1) "Overflow" means any spill, release or diversion of sewage including:
         i. An overflow that results in a discharge to waters of the United States; and

ii. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the United States.

b. Prohibition of overflows. Overflows are prohibited. The Department may exercise enforcement discretion regarding overflow events. In exercising its enforcement discretion, the Department may consider various factors, including the adequacy of the conveyance system's capacity and the magnitude, duration and return frequency of storm events.

c. Reporting required. All overflows must be reported orally to the Department within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

7. Public Notification of Effluent Violation or Overflow

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 under 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.

8. 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 overflows, 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 overflow 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.

9. 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 shall be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and 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 the 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, 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) to DEQ or to the Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.

(1) Oral Reporting within 24 hours.
   i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to DEQ.
      a) The location of the overflow;
      b) The receiving water (if there is one);
      c) An estimate of the volume of the overflow;
      d) A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe); and
      e) The estimated date and time when the overflow began and stopped or will be stopped.
   ii. The following information must be reported to the Department's Regional office within 24 hours, or during normal business hours, whichever is first:
      a) The OERS incident number (if applicable) along with a brief description of the event.

(2) Written reporting within 5 days.
   i. The following information must be provided in writing to the Department's Regional office within 5 days of the time the permittee becomes aware of the overflow:
      a) The OERS incident number (if applicable);
      b) The cause or suspected cause of the overflow;
      c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
      d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
      e) (for storm-related overflows) The rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

b. Other instances of noncompliance.
   (1) The following instances of noncompliance must be reported:
      i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
      ii. Any upset that exceeds any effluent limitation in this permit;
      iii. Violation of maximum daily discharge limitation for any of the pollutants listed by the Department in this permit; and
      iv. Any noncompliance that may endanger human health or the environment.
   (2) 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).
   (3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
      i. A description of the noncompliance and its cause;
      ii. The period of noncompliance, including exact dates and times;
      iii. The estimated time noncompliance is expected to continue if it has not been corrected;
      iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
      v. Public notification steps taken, pursuant to General Condition B.7
   (4) 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 Indirect Dischargers

The permittee must provide adequate notice to the Department of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants and;
b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
c. For the purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

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^3/d means cubic meters per day.
11. *MGD* means million gallons per day.
12. 24-hour *Composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow. The sample must be collected and stored in accordance with 40 CFR part 136.
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.
17. *POTW* means a publicly owned treatment works