

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 WASTE DISCHARGE PERMIT**
 Department of Environmental Quality
 Western Region – Salem Office
 750 Front Street NE, Suite 120, Salem, OR 97301-1039
 Telephone: (503) 378-8240

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

ISSUED TO:

City of Carlton
 191 E. Main St.
 Carlton, OR 97111-9107

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 8.1
Recycled Water	002	irrigation

FACILITY TYPE AND LOCATION:

Stabilization Lagoons with Aeration
 Carlton STP
 1001 W. Grant St.
 Carlton
Treatment System Class: Level II
Collection System Class: Level II

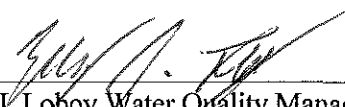
RECEIVING STREAM INFORMATION:

Basin: Willamette
 Sub-Basin: Yamhill
 Receiving Stream: North Yamhill River
 LLID: 1231445452259 8.1 D
 County: Yamhill

EPA REFERENCE NO: OR-002054-1

Issued in response to Application No. 971745 received 5/21/2009.

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



 Zachary J. Loboy, Water Quality Manager
 Western Region



 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:

Schedule A - Waste Discharge Limitations not to be Exceeded	Page 2
Schedule B - Minimum Monitoring and Reporting Requirements.....	4
Schedule D - Special Conditions	7
Schedule F - General Conditions	9

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 Limits not to be exceeded after permit issuance:

a. Treated Effluent Outfall 001

- (1) May 1 - October 31: No discharge to waters of the State
- (2) November 1 - April 30:

Parameter	Average effluent concentration		Average effluent loading		
	Monthly	Weekly	Monthly	Weekly	Daily max.
BOD ₅	30 mg/L	45 mg/L	92 lb/day	138 lb/day	184 lb/day
TSS	50 mg/L	80 mg/L	153 lb/day	229 lb/day	306 lb/day

* Average dry weather design flow to the facility equals 0.165 MGD. Mass load limits based on the projected design year 2010 daily average discharge flow of 0.367 MGD.

(3)

Other parameters (year-round)	Limits
<i>E. coli</i> Bacteria	May not exceed 126 organisms per 100 mL monthly geometric mean. No single sample may exceed 406 organisms per 100 mL. (See Note A1).
pH	Must be within the range of 6.0 - 9.0
BOD ₅ and TSS Removal Efficiency	May not be less than 85% monthly average for BOD ₅ and 65% monthly for TSS.
Total chlorine residual	May not exceed daily maximum concentration of 0.09 mg/L and monthly average of 0.04 mg/L (see Note A2)

2. Mixing Zone

No wastes may be discharged or activities conducted that cause or contribute to a violation of water quality standards in OAR 340-041 applicable to the Willamette basin except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:

The regulatory mixing zone is that portion of the North Yamhill River contained within a 25-foot wide band centered on the point of discharge and extending from a point ten feet upstream of the point of discharge to a point 50 feet downstream from the point of discharge. The Zone of Immediate Dilution (ZID) is defined as that portion of the regulatory mixing zone that is within five feet of the point of discharge.

3. Reclaimed Wastewater Outfall 002

- (1) No discharge to state waters is permitted. All recycled must be distributed on land, for dissipation by evapotranspiration and controlled seepage by following sound irrigation practices so as to prevent:
 - a. Prolonged ponding of treated, recycled water on the ground surface;
 - b. Surface runoff or subsurface drainage through drainage tile;
 - c. The creation of odors, fly and mosquito breeding, or other nuisance conditions;
 - d. The overloading of land with nutrients, organics, or other pollutant parameters; and,
 - e. Impairment of existing or potential beneficial uses of groundwater.

- (2) Prior to land application of the recycled water, it must receive at least Class C treatment as defined in OAR 340-055 to:
 - (a) Reduce Total Coliform to a 7-day median of 23 organisms per 100 ml and a maximum of 240 organisms per 100 ml,
- (3) Irrigation must conform to the irrigation management plan approved by DEQ.

4. Groundwater

No activities may be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related water must be managed and disposed in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040)

5. Overflows

Raw sewage overflows are prohibited.

6. Yamhill TMDL

The Yamhill TMDL is currently in development. DEQ may modify this permit to comply with waste load allocations contained in the final Yamhill TMDL.

7. Mixing Zone Dilutions

DEQ will conduct Reasonable Potential Analyses for pH and ammonia based on dilutions reported in the mixing zone study required in Schedule D, condition 2. DEQ may modify this permit as appropriate based on the results of the analyses.

Notes:

- A1. If a single sample exceeds 406 organisms per 100 ml, then five consecutive re-samples may be taken at four-hour intervals beginning within 72 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.
- A2. When the total residual chlorine limit is lower than 0.10 mg/L, DEQ will use 0.10 mg/L as the compliance evaluation level (i.e. daily maximum concentrations below 0.10 mg/L will be considered in compliance with the limit).

SCHEDULE B

1. Minimum Monitoring and Reporting Requirements:

The permittee must monitor the parameters as specified below at the locations indicated. The laboratory used by the permittee to analyze samples must 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 must be included in the report, but not used in calculations required by this permit. When possible, the permittee must re-sample in a timely manner for parameters failing the QA/QC requirements, analyze the samples, and report the results.

a. Influent

Influent flow is measured by a flow meter and Parshall flume located immediately after the headworks. Influent samples and measurements are taken just before the main pump station. The composite sampler is located prior to the main pump station.

Parameter	Minimum Frequency	Sample Type
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
BOD ₅	1 per 2 Weeks	Composite
TSS	1 per 2 Weeks	Composite
pH	2 per Week	Grab

b. Treated Effluent Outfall 001

Flow is metered immediately before the dechlorination point. Effluent samples and measurements are taken from the manhole at the end of the chlorine contact chamber, immediately after dechlorination.

Parameter	Minimum Frequency	Sample Type
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annual	Verification
BOD ₅	1 per 2 Weeks	24 hr composite
TSS	1 per 2 Weeks	24 hr composite
Pounds Discharged (BOD ₅ and TSS)	1 per 2 Weeks	Calculation
Average Percent Removed (BOD ₅ and TSS)	Monthly	Calculation
pH	2 per Week	Grab
<i>E. coli</i>	1 per Week	Grab
Quantity Chlorine Used	Daily	Measurement
Total Chlorine Residual	Daily	Grab
Ammonia (see Note B1)	Monthly	Grab
Temperature	2 per week	Grab

c. Recycled Wastewater Outfall 002

Flow is measured at the irrigation pump at the north end of lagoon cell 2.

Parameter	Minimum Frequency	Sample Type
Quantity Irrigated (inches/acre)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
Quantity Chlorine Used	Daily	Measurement
Total Chlorine Residual	Daily	Grab
pH	2/Week	Grab
Total Coliform	1 per Week	Grab

Nutrients (TKN, NO ₂ +NO ₃ -N, NH ₃ , Total P)	Quarterly	Grab
--	-----------	------

d. Lagoon

Parameter	Minimum Frequency	Sample Type
Sludge Depth	Once/permit cycle	Measurement
Water Level in Lagoons	Weekly	Measurement
Perimeter Inspection	Daily	Observation

e. Groundwater Monitoring

- Groundwater monitoring must be conducted in the following monitoring wells:

Monitoring Well	Well Designation
Monitoring Well 1	MW-1A
Monitoring Well 2	MW-2
Monitoring Well 3	MW-3
Monitoring Well 4	MW-4

- At a minimum, the permittee must monitor groundwater for the parameters at the frequencies as specified below:

Parameter	Minimum Frequency	Sample Type
Temperature	annual (in December)	Field measurement
pH	annual (in December)	Field measurement
Specific conductance	annual (in December)	Field measurement
Nitrate-N	annual (in December)	Grab
Ammonia-N	annual (in December)	Grab
TKN	annual (in December)	Grab
Fecal coliform	annual (in December)	Grab
Orthophosphate-P	annual (in December)	Grab
Water level	annual (in December)	Field measurement

- Depth to water level measurements must be conducted in the following monitoring wells:

Monitoring Well	Well Designation
Monitoring Well 1	MW-1A
Monitoring Well 2	MW-2
Monitoring Well 3	MW-3
Monitoring Well 4	MW-4
Piezometer 1	P-1A
Piezometer 2	P-1B
Piezometer 3	P-2
Piezometer 4	P-3
Piezometer 5	P-4

- Groundwater Reporting Requirements

(A) **Annual Data Analysis and Reporting:** An annual groundwater data analysis report must be submitted to DEQ with by January 30th of each year. The annual report must report the previous year sampling data and identify any trends and concentrations of concern in the monitoring results.

(B) **Groundwater Monitoring Resampling Requirements:** If monitoring indicates a significant increase (or decrease for pH) in the value of a monitored parameter, the permittee must immediately resample the monitoring well for that and other parameters deemed necessary by DEQ. If the resampling confirms a change in water quality, the permittee must report the results to DEQ within ten days of receipt of the laboratory data.

2. Reporting Procedures:

- a. Monitoring results must be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the appropriate DEQ office by the 15th day of the following month.
- b. State monitoring reports must 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 must also identify each system classification as found on page one of this permit.
- c. Monitoring reports must also include a record of the quantity and method of use of all sludge removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. Report Submittals:

- a. The permittee must have in place a program to identify and reduce inflow and infiltration into the sewage collection system. An annual report must be submitted to the appropriate DEQ office by February 1 each year which details sewer collection maintenance activities that reduce inflow and infiltration. The report must state those activities that have been done in the previous year and those activities planned for the following year.
- b. By no later than January 15 of each year, the permittee must submit to the appropriate DEQ office an annual report describing the effectiveness of the recycled water system to comply with approved recycled water use plan, the rules of Division 55, and the limits and conditions of this permit applicable to reuse of recycled water.
- c. An annual groundwater report must be submitted to DEQ by February 15. The annual report must contain the analytical results of groundwater monitoring from the previous year, an analysis of these data, and reporting information identified in the approved Groundwater Monitoring Plan.

Notes:

- B1. The permittee must monitor and report effluent ammonia at the frequency specified in Schedule B(1)b above until completion of the upgrade to outfall 001 required by Schedule D, condition 1.

SCHEDULE D

Special Conditions

1. The permittee must upgrade outfall 001 by extending the outfall into the main flow of the receiving stream and installing a multi-port diffuser as recommended in the Permit Evaluation Report within the next permit cycle.
2. After completion of the upgrade to outfall 001, the permittee must conduct and submit to DEQ a mixing zone study that complies with the requirements of the DEQ Internal Management Directive on Regulatory Mixing Zones. The study must be submitted as part of the application for the next renewal of the City's NPDES permit.
3. The permittee must meet the requirements for use of recycled water under Division 55, including the following:
 - a. All recycled water must be managed in accordance with the approved Recycled Water Use Plan. No substantial changes may be made in the approved plan without written approval of DEQ.
 - b. No recycled water may be released by the permittee to another person, as defined in Oregon Revised Statute (ORS) 468.005, for use unless there is a valid contract between the permittee and that person that meets the requirements of OAR 340-055-0015(9).
 - c. The permittee must notify DEQ within 24 hours if it is determined that the treated effluent is being used in a manner not in compliance with OAR 340-055. When DEQ offices are closed, the permittee must report the incident of noncompliance to the Oregon Emergency Response System (Telephone Number 1-800-452-0311).
 - d. No recycled water may be made available to a person proposing to recycle unless that person certifies in writing that they have read and understand the provisions in these rules. This written certification must be kept on file by the sewage treatment system owner and be made available to DEQ for inspection.
4. Six (6) months prior to the removal of accumulated solids from the lagoon, the permittee must submit to the DEQ a revised biosolids management plan developed in accordance with Oregon Administrative Rule 340-050-0031, "Biosolids and Domestic Septage Management Plans." The plan must be implemented by the permittee upon its approval by the DEQ.
5. The permittee must comply with Oregon Administrative Rules (OAR), Chapter 340, Division 49, "Regulations Pertaining To Certification of Wastewater System Operator Personnel" and accordingly:
 - a. The permittee must 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 3.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 in the proper classification and at grade level I or higher.
- c. The permittee is responsible for ensuring the wastewater system has a properly certified supervisor available at all times to respond on-site at the request of the permittee and to any other operator.
- d. The permittee must notify DEQ in writing within thirty (30) days of replacement or re-designation of certified operators responsible for supervising wastewater system operation. The notice must be filed with the Water Quality Division, Operator Certification Program, 400 East Scenic Drive, Suite 307, The

Dalles, OR 97058. This requirement is in addition to the reporting requirements contained under Schedule B of this permit.

- e. Upon written request, DEQ 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 3.b. above.
6. Six (6) months prior to the removal of accumulated solids from the lagoon, the permittee must submit to the DEQ a revised biosolids management plan developed in accordance with Oregon Administrative Rule 340-050-0031, "Biosolids and Domestic Septage Management Plans." The plan must be implemented by the permittee upon its approval by the DEQ.
7. The permittee must notify the appropriate DEQ office in accordance with the response times noted in the General Conditions of this permit, of any malfunction so that corrective action can be coordinated between the permittee and DEQ.
8. All raw sewage discharges/overflows must be reported within 24 hours to DEQ via the Oregon Emergency Response System (OERS) at 800-452-0311. Additional reporting requirements are contained in Schedule F of this permit.

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 cause(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. *m³/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

