

Effective Date: January 1, 2012
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 WASTE DISCHARGE PERMIT**
 Department of Environmental Quality
 Northwest Region – Portland Office
 2020 SW 4th Ave., Suite 400, Portland, OR 97201
 Telephone: (503) 229-5263

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

ISSUED TO:	SOURCES COVERED BY THIS PERMIT:		
City of Seaside 989 Broadway Street Seaside OR 97138	Type of Waste	Outfall Number	Outfall Location
	Treated Wastewater	001 001A	R.M. 0.5 R.M. 0.5

FACILITY TYPE AND LOCATION:
 Oxidation Ditch/Activated Sludge
 City of Seaside STP
 1821 N Franklin Street
 Seaside

RECEIVING STREAM INFORMATION:
 Basin: North Coast
 Sub-Basin: Necanicum
 Receiving Stream: Necanicum River
 LLID: 1239277460111-0.5 D
 County: Clatsop

Treatment System Class: Level III
Collection System Class: Level III

EPA REFERENCE NO: OR-002040-1

Issued in response to Application No. 966252 received July 25, 2011.
 This permit is issued based on the land use findings in the permit record.

_____ December 5, 2011

Gregory L. Geist, Manager, WQ Source Control
 Northwest 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:

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

SCHEDULE A

Waste Discharge Limitations not to be exceeded after permit issuance

1. Treated Effluent Outfall 001 or 001A

a. May 1 - October 31:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	20 mg/l	30 mg/l	380	560	750
TSS	20 mg/l	30mg/l	380	560	750

b. November 1 – April 30:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	30 mg/l	45 mg/l	560	840	1100
TSS	30 mg/l	45 mg/l	560	840	1100

* Average dry weather design flow equals 2.25 MGD. Mass load limits based on the average dry weather flow to this facility.

c.

Other parameters (year-round)	Limitations
<i>E. coli</i> Bacteria	Shall not exceed 126 organisms per 100 mL monthly geometric mean. No single sample shall exceed 406 organisms per 100 mL. (see Note 1)
pH	Shall be within the range of 6.0 - 9.0
BOD ₅ and TSS Removal Efficiency	Shall not be less than 85% monthly average for BOD ₅ and 85% monthly for TSS.

- d. Permittee is prohibited from discharging wastes or conducting activities that violate water quality standards adopted in OAR 340-041 for the North Coast Basin except in the regulatory mixing zone (RMZ) and as provided for in OAR 340-45-0080. The RMZ is defined as that portion of the Necanicum River encompassing the following area: one hundred fifty feet (150) upstream and downstream of the outfall diffuser and fifteen (15) feet inshore and twenty-five (25) feet off shore of the diffuser. The zone of initial dilution (ZID) is that portion of the allowable RMZ that is within fifteen (15) feet of the diffuser.
- e. Permittee is prohibited from using chlorine and chlorine compounds as a disinfecting agent of the treated effluent and no measurable chlorine residual shall be allowed in the discharged effluent due to chlorine used for maintenance purposes.

2. Groundwater

Permittee is prohibited from conducting activities that could cause an adverse impact on existing or potential beneficial uses of groundwater. Permittee must manage and dispose of all wastewater and process related residuals in a manner that will prevent a violation of the Groundwater Protection Rules (OAR 340-040).

Note 1: If a single sample exceeds 406 organisms per 100 mL, then five consecutive re-samples may be taken at four-hour intervals beginning within 28 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, the effluent limit has not been exceeded.

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 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 permittee shall include the results in the report, but not use the results 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: permittee shall take grab samples and measurements and composite samples after the headworks screen and prior to the oxidation ditch.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration (See Note 1)	Semi-annual	Verification
BOD ₅	2/Week	24-hour Composite
TSS	2/Week	24-hour Composite
pH	3/Week	Grab

- b. Treated Effluent Outfall 001 or 001A: permittee shall take grab and composite samples and measurements following disinfection, just prior to discharge.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration(see Note 1)	Semi-Annual	Verification
BOD ₅	2/Week	24-hour Composite
TSS	2/Week	24-hour Composite
Pounds Discharged (TSS and BOD ₅)	2/Week	Calculation
Average Percent Removed (TSS and BOD ₅)	Monthly	Calculation
pH	3/Week	Grab
Temperature	3/Week	Grab
<i>E. coli</i>	2/Week	Grab
Percent Transmittance	Daily	Measurement
UV Radiation Dosage	Daily	Reading (see Note 2)
Nutrients: TKN, NO ₂ +NO ₃ -N, Total Phosphorous	(see Note 3)	24-hour Composite
Alkalinity (as CaCO ₃)	Monthly	Grab
Oil and Grease	(see Note 3)	Grab
Total Dissolved Solids (TDS)	(see Note 3)	24-hour Composite
Dissolved Oxygen	(see Note 3)	Grab
Hardness (as CaCO ₃)	(see Note 4)	24-hour Composite
Bioassay (Whole Effluent Toxicity)	(see Note 5)	Acute & chronic
Toxics:		
Priority Pollutant Scan	(see Note 6)	
Ammonia (NH ₃ -N)	2/Week – (May-Oct)	24-hour Composite

c. Biosolids Management

Item or Parameter	Minimum Frequency	Type of Sample
Biosolids analysis including: Total Solids (% dry wt.) Biosolids nitrogen for: NH ₃ -N; NO ₃ -N; & TKN (% dry wt.) Phosphorus (% dry wt.) Potassium (% dry wt.) pH (standard units) Biosolids metals content for: Ag, As, Cd, Cr, 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 (see Note 7)
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 biosolids were applied recorded on site location map.
Quantity and type of alkaline product used to stabilize biosolids (when required to meet federal pathogen and vector attraction reduction requirements)	Each occurrence	Measurement
Initial time when solids that received alkaline agent ascended to pH >= 12	Each batch	Date, time, and actual pH measurement (corrected to standard at 25°C)
2 hours after initial alkaline addition and sustained at pH >= 12	Each batch	Date, time, and actual pH measurement (corrected to standard at 25°C)
24 hours after initial alkaline addition and pH >= 11.5 was sustained	Each batch	Date, time, and actual pH measurement (corrected to standard at 25°C)

d. Surge Basin Discharge (see Note 8)

Item or Parameter	Minimum Frequency	Type of Sample
Flow duration and volume	Daily (during each occurrence)	Metered and recorded

2. Reporting Procedures

- a. Permittee must report monitoring results on approved forms. Permittee shall submit reports to the Department's Northwest Region - Portland office by the 15th day of the following month. Permittee shall report biosolids monitoring results annually.
- b. Discharge monitoring reports (DMRs) 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. DMRs must also include a record of the quantity and method of use of all biosolids removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. Report Submittals

- a. The permittee shall have in place a program to identify and reduce inflow and infiltration into the sewage collection system. Permittee shall submit an annual report to the Department by June 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. In addition any sanitary sewer overflows from the previous year must be noted and tabulated as part of this annual report.

- b. For any year in which biosolids are land applied, the permittee shall submit a report to the Department by February 19 of the following year that describes solids handling activities for the previous year and includes, but is not limited to, the required information outlined in OAR 340-50-035(6)(a)-(e).

NOTES:

1. List the date of any meter calibration on the discharge monitoring report (DMR)s and maintain records of the calibration at the plant site.
2. The intensity of UV radiation passing through the water column will affect the system's ability to kill organisms. To track the reduction in intensity, the UV disinfection system must include a UV intensity meter with a sensor located in the water column at a specified distance from the UV bulbs. This meter will measure the intensity of UV radiation in mWatts/cm². The daily UV radiation intensity must be determined by reading the meter each day and calculating a dosage to be reported in mWatts-sec/cm². If more than one meter is used, the daily recording will be an average of all meter readings each day.
3. At minimum, sampling and testing for these parameters should coincide with the WET tests. Analysis results are to be reported along with the WET tests.
4. Hardness tests are required with the priority pollutant scans for aiding the analysis of priority pollutant metals in the effluent which are hardness dependent.
5. Permittee must conduct WET testing quarterly for a period of one year or at least annually over the life of the permit. Either way, permittee must conduct a minimum of four tests (both chronic and acute) in accordance with Schedule D, Condition 3, prior to submission of the next renewal application. Permittee must schedule WET testing to attempt to represent both the wet (November 1-April 30) and dry (May 1- October 31) seasons as defined in the permit (i.e. at least two tests in each season are to be conducted).
6. For the priority pollutant scans, the permittee shall perform all testing required in Part D of EPA's Permit Application Form 2A. At least four scans are required in the first two years after the permit is issued. To assure both wet and dry seasons are monitored, permittee must perform all scans no fewer than 4 months and no more than 8 months apart. The testing includes all metals (total recoverable), cyanide, phenols, hardness and the 85 organic pollutants included under volatile organic, acid extractable and base-neutral compounds. The metals monitoring needs to be conducted using a "clean" sampling method, an "ultra-clean" sampling method, EPA method 1669 or any other test method approved by the Department. Permittee must conduct mercury monitoring in accordance with EPA Method 245.7 or 1631E with a detection limit of 10 ng/l or less. Permittee must conduct the organic monitoring using EPA Methods 624 for volatile organic compounds, EPA Method 625 for semi-volatile organic compounds and Polycyclic Aromatic Hydrocarbons. The effluent samples must be 24-hour daily composites, except where sampling volatile compounds. In this case, six discrete samples (not less than 40 ml) collected over the operating day are acceptable. The permittee shall take special precautions in compositing the individual grab samples for the volatile organics to insure sample integrity (i.e. no exposure to the outside air). Alternately, the discrete samples collected for volatiles may be analyzed separately and averaged.

As the timing of the outside labs analysis is difficult to control, permittee is not required to submit priority pollutant scan results with the monthly Discharge Monitoring Report (DMR). Results should be forwarded to the Department as they become available.

The permittee must ensure that the test methods used for the priority pollutant analysis have quantitation limits less than or equal to those listed in the table below unless otherwise approved by the Department in writing. The

permittee must also ensure that all monitoring analysis reports contain both the quantitation limit and detection level as defined below:

Detection Level – the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

Quantitation Limit – The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed.

For sample results below the detection level, the result must be reported as “<DL” (e.g. <1.0). For sample results above the detection limit and below the quantitation limit, the results must be reported as “eDL” (e.g. e1.0).

For priority pollutant metals, the minimum quantitation level (MQL) must be met for each metal as listed below using approved EPA methods. If there are no methods available to obtain the MQL’s listed below, permittee must use the test method that provides the lowest MQL. Permittee must report the method detection limit (MDL), the MQL, and the test method used for each test along with the results.

Parameter	MQL (µg/L)
Arsenic	0.05
Cadmium	0.1
Chromium	0.4
Copper	10
Cyanide	5
Lead	5
Mercury	0.01
Nickel	10
Selenium	2
Silver	1
Zinc	5

This data will also be used to evaluate the reasonable potential to violate in-stream water quality standards. After evaluation of this data, the permit may be reopened to include permit limits resulting from the reasonable potential analysis.

7. Composite samples from the digested withdrawal line must consist of at least 4 aliquots of equal volume collected over an eight hour period and combined.

Permittee must conduct inorganic pollutant monitoring according to Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Second Edition (1982) with Updates I and II and Third Edition (1986) with Revision I.

8. Only surge basin flows that bypass secondary treatment must be reported on the discharge monitoring reports.

SCHEDULE D

Special Conditions

1. The permittee must manage all biosolids in accordance with the current DEQ approved biosolids management plan, land application plan and the site authorization letters issued by the DEQ. Any changes in solids management activities that significantly differ from operations specified under the approved plan require the prior written approval of the DEQ.

All new biosolids application sites shall must the site selection criteria set forth in OAR 340-50-0070. All currently approved sites are located in Clatsop and Sherman Counties. No new public notice is required for the continued use of these currently approved sites. Permittee shall notify property owners adjacent to any newly approved application sites d, in writing or by any method approved by DEQ, of the proposed activity prior to the start of application. For proposed new application sites that are deemed by the DEQ 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 340-50-0030.

2. This permit may be modified to incorporate any applicable standard for biosolids use or disposal promulgated under section 405(d) of the Clean Water Act, if the standard for biosolids use or disposal is more stringent than any requirements for biosolids use or disposal in the permit, or controls a pollutant or practice not limited in this permit.

3. **Whole Effluent Toxicity Testing**

- a. The permittee shall conduct whole effluent toxicity (WET) tests as specified in Schedule B of this permit.
- b. Permittee is required to sample at least four times prior to the next renewal application. The sampling events and toxicity tests should be spaced to represent the different quarters of the year, so that samples are taken in both the wet and dry seasons. The permittee may choose to conduct all tests within a single year of the permit, in which case, the tests shall be conducted quarterly.
- c. **Acute Toxicity Testing - Organisms and Protocols**
 - (1) The permittee shall conduct 48-hour static renewal tests with *Ceriodaphnia dubia* (water flea) and 96-hour static renewal tests with *Pimephales promelas* (fathead minnow).
 - (2) Permittee must use test methods and procedures that are in accordance with **Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms**, Fifth Edition, EPA-821-R-02-012, October 2002. Any deviation of the bioassay procedures outlined in this method shall be submitted in writing to the Department for review and approval prior to use.
 - (3) Tests shall be conducted on final effluent sample collected as a single grab sample or a 24-hour composite sample. No treatments to the final effluent (i.e. dechlorination, etc), except those included as part of the methodology, shall be performed by the laboratory unless approved by the Department prior to analysis.
 - (4) Acute tests shall be conducted on a control and the following dilution series, unless otherwise approved by the Department in writing: 6.25%, 12.5%, 25%, 50% and 100%.
 - (5) An acute WET test shall be considered to show toxicity if there is a statistically significant difference in survival between the control and 12.5 percent effluent.

d. Chronic Toxicity Testing - Organisms and Protocols

- (1) The permittee shall conduct tests with: *Ceriodaphnia dubia* (water flea) for reproduction and survival test endpoint, *Pimephales promelas* (fathead minnow) for growth and survival test endpoint, and *Raphidocelis subcapitata* (green alga formerly known as *Selenastrum capricornutum*) for growth test endpoint.
- (2) All test methods and procedures shall be in accordance with **Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms**, Fourth Edition, EPA-821-R-02-013, October 2002. Any deviation of the bioassay procedures outlined in this method shall be submitted in writing to the Department for review and approval prior to use.
- (3) Tests shall be conducted on final effluent samples collected as 24-hour composite samples. No treatments to the final effluent (i.e. dechlorination, etc), except those included as part of the methodology, shall be performed by the laboratory unless approved by the Department prior to analysis.
- (4) Chronic tests shall be conducted on a control and the following dilution series, unless otherwise approved by the Department in writing: 2%, 3.8%, 15%, 40%, and 100%.
- (5) A chronic WET test shall be considered to show toxicity if the IC₂₅ (25% inhibition concentration) occurs at dilutions equal to or less than the dilution that is known to occur at the edge of the mixing zone, i.e. IC₂₅ ≤ 3.8%.

e. Dual End-Point Tests –

- (1) WET tests may be dual end-point tests in which both acute and chronic end-points can be determined from the results of a single chronic test. The acute end-point shall be based on 48-hours for the *Ceriodaphnia dubia* (water flea) and 96-hours for the *Pimephales promelas* (fathead minnow).
- (2) Permittee must use test methods and procedures that are in accordance with **Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms**, Fourth Edition, EPA-821-R-02-013, October 2002. Any deviation of the bioassay procedures outlined in this method shall be submitted in writing to the Department for review and approval prior to use.
- (3) Tests shall be conducted on final effluent samples collected as described in item d.(3).
- (4) Tests run as dual end-point tests shall be conducted on a control and the following dilution series, unless otherwise approved by the Department in writing: 2%, 3.8%, 12.5%, 33.3%, and 100%.
- (5) Toxicity determinations for dual end-point tests shall correspond to the acute, c. (5), and chronic, d. (5), described above.

f. Additional Sampling Requirements

- (1) At the time of WET sampling, permittee must collect and analyze effluent samples for ammonia (NH₃-N)

g. Evaluation of Causes and Exceedances

- (1) If any test exhibits toxicity, as defined in sections c.(5) or d.(5) of this permit condition, another toxicity test using the same species and Department approved methodology shall be conducted within two weeks, unless otherwise approved by the Department.
- (2) If two consecutive WET test results indicate acute and/or chronic toxicity, as defined in sections c.(5) or d.(5) of this permit condition, the permittee shall immediately notify the Department of the results. The Department will work with the permittee to determine the appropriate course of action to evaluate and address the toxicity.

h. Quality Assurance / Reporting

- (1) Quality assurance criteria, statistical analyses, and data reporting for the WET tests shall be in accordance with the EPA documents stated in this condition.
- (2) Permittee must prepare a bioassay laboratory report for each test according to the EPA method documents referenced in this Schedule. The report must include all QA/QC documentation, statistical analysis for each test performed, standard reference toxicant test (SRT) conducted on each species required for the toxicity tests, and completed Chain of Custody forms for the samples including time of sample collection and receipt. Permittee must submit reports to the Department within 45 days of test completion.
- (3) Permittee must include all endpoints measured in the test, i.e. NOEC, LOEC, and IC₂₅, in the report.
- (4) The permittee shall make available to the Department, on request, the written standard operating procedures they, or the laboratory performing the WET tests, are using for all toxicity tests required by the Department.

i. Reopener

- (1) The Department may reopen and modify this permit to include new limitations, monitoring requirements, and/or conditions as determined by the Department to be appropriate, and in accordance with procedures outlined in Oregon Administrative Rules, Chapter 340, Division 45, if:
 - a. WET testing data indicate acute and/or chronic toxicity.
 - b. The facility undergoes any process changes.
 - c. Discharge monitoring data indicate a change in the reasonable potential to exhibit toxicity.

4. The permittee shall comply with Oregon Administrative Rules (OAR), Chapter 340, Division 49, "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 no less than one grade lower than the system classification.
 - c. If the wastewater system has more than one daily shift, the permittee shall have the shift supervisor, if any, certified at no less than one grade lower than the system classification.
 - d. 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.
 - e. 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, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. This requirement is in addition to the reporting requirements contained under Schedule B of this permit.
 - f. 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. By no later than 12 months after permit issuance, the permittee shall submit either an engineering evaluation which demonstrates the design average wet weather flow, or a request to retain the existing mass load limits. The design average wet weather flow is defined as the average flow between November 1 and April 30 when the sewage treatment facility is projected to be at design capacity for that portion of the year. Upon acceptance by the Department of the design average wet weather flow determination, the permittee may request a permit modification to include higher winter mass loads based on the design average wet weather flow.
6. Within 180 days of permit modification to include higher winter mass load limits as specified in Condition 1 of this Schedule, the permittee shall submit to the Department for review and approval a proposed program and time schedule for identifying and reducing inflow. Within 60 days of receiving written Department comments, the permittee shall submit a final approvable program and time schedule. The program shall consist of the following:
- a. Identification of all overflow points and verification that sewer system overflows are not occurring up to a 24-hour, 5-year storm event or equivalent;
 - b. Monitoring of all pump station overflow points;
 - c. A program for identifying and removing all inflow sources into the permittee's sewer system over which the permittee has legal control; and
 - d. If the permittee does not have the necessary legal authority for all portions of the sewer system or treatment facility, a program and schedule for gaining legal authority to require inflow reduction and a program and schedule for removing inflow sources.
7. Industrial Waste Survey Update/Pretreatment Program
- a. As soon as practicable, but by no later than six (6) months from permit issuance date, the permittee shall submit to the Department an update to the industrial waste survey that was last reviewed on 5/30/07. The update should be completed as described in 40 CFR 403.8(f)(2)(i-iii) and suitable to make a determination as to the need for development of a pretreatment program.
 - b. Should the Department determine that a pretreatment program is required, the permit shall be reopened and modified in accordance with 40 CFR 403.8(e) to incorporate a compliance schedule to require

development of a pretreatment program. The compliance schedule requiring program development shall be developed in accordance with the provisions of 40 CFR 403.12(k), and shall not exceed twelve (12) months.

8. In accordance with Schedule F, Condition B8 of this permit, permittee must have an adequate contingency plan for prevention and handling of spills and unplanned discharges in force at all times. Permittee must maintain a continuing program of employee orientation and education to ensure awareness of the necessity of good in-plant control and quick and proper action in the event of a spill or accident.
9. The permittee shall notify the DEQ Northwest Region - Portland Office (phone: (503) 229-5263) 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 the Department.

SCHEDULE F
NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES

SECTION A. STANDARD CONDITIONS

A1. 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 DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. 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 Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ 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 \$250,000 and up to 10 years in prison per ORS Chapter 161. 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 a knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

A3. 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 DEQ, 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.

A4. 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.

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

A5. 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 for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
 - (2) If new information that was 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.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 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 federal 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.

A7. 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.

A8. 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 federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. 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.

B2. 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.

B3. 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 DEQ 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 B3.c.
- (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.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 DEQ 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 D5.

B4. 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 B4.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 D5, hereof (24-hour notice); and
 - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. 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 federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal 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.

B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

- a. Definition. "Overflow" means any spill, release or diversion of sewage including:
 - (1) An overflow that results in a discharge to waters of the United States; and
 - (2) 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. DEQ may exercise enforcement discretion regarding overflow events. In exercising its enforcement discretion, DEQ 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 DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

B7. 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 (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8. 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.

B8. 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.

B9. 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

C1. Representative Sampling

Sampling and measurements taken as required herein must 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 must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ.

C2. 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.

C3. 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, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

C4. Penalties of Tampering

The federal 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.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by DEQ. 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.

C6. 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, approved 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 (for example, Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 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 must 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 DEQ at any time.

C9. 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.

C10. Inspection and Entry

The permittee must allow DEQ 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.

C11. 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 are not classified as confidential. 40 CFR § 122.7(b).

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

The permittee must comply with OAR 340-052, "Review of Plans and Specifications" and 40 CFR § 122.41(I)(1). Except where exempted under OAR 340-052, 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 DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. 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 EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ 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 § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. 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.

D5. 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 the DEQ regional office or 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 the DEQ regional office.
 - (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 (for example, 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 DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:
 - (a) The OERS incident number (if applicable); and
 - (b) A brief description of the event.

(2) Written reporting within 5 days.

- i. The following information must be provided in writing to the DEQ 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.

DEQ 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;

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 DEQ in this permit; and
 - iv. Any noncompliance that may endanger human health or the environment.
- (2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ 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 B7.
- (4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5 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.

D7. Duty to Provide Information

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

D8. Signatory Requirements

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

D9. 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 \$125,000 per violation and up to 5 years in prison per ORS Chapter 161. 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 will, 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.

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ 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 federal 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 must 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

- E1. *BOD* or *BOD₅* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD₅* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, and *E. coli* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *kg* means kilograms.
- E10. *m³/d* means cubic meters per day.
- E11. *MGD* means million gallons per day.
- E12. *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.
- E13. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E14. *Quarter* means January through March, April through June, July through September, or October through December.
- E15. *Month* means calendar month.
- E16. *Week* means a calendar week of Sunday through Saturday.
- E17. *POTW* means a publicly-owned treatment works.