

**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

<b>ISSUED TO:</b> City of Gervais PO Box 329 Gervais, OR 97026	<b>SOURCES COVERED BY THIS PERMIT:</b>	<b>Outfall Number</b>	<b>Outfall Location</b>
	<b>Type of Waste</b>		
	Treated Wastewater	001	R.M. 29.2
	Recycled Water Reuse	002	

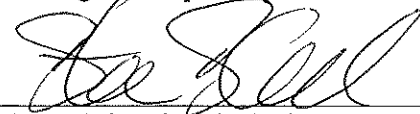
**FACILITY TYPE AND LOCATION:**  
 Stabilization Lagoons with Aeration  
 Gervais STP  
 13307 Portland Rd. NE  
 Gervais, Oregon

**RECEIVING STREAM INFORMATION:**  
 Basin: Willamette  
 Sub-Basin: Molalla-Pudding  
 Receiving Stream: Pudding River  
 LLID: 1227161452842 29.2 D  
 County: Marion

**Treatment System Class:** Level I  
**Collection System Class:** Level II

**EPA REFERENCE NO:** OR-002739-1

Issued in response to Application No. 971551 received 6/17/2009. This permit is issued based on the land use findings in the permit record.

  
 \_\_\_\_\_  
 Steve Schnurbusch, Acting Water Quality Manager  
 Western Region

\_\_\_\_\_ *December 21, 2011*  
 Date

**PERMITTED ACTIVITIES**

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

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

**SCHEDULE A**

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

a. Treated Effluent Outfall 001

(1) May 1 - October 31: No discharge to waters of the State

(2) November 1 - April 30:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	30 mg/L	45 mg/L	110	160	210
TSS	50 mg/L	75 mg/L	160	240	320

\* Average dry weather design flow to the facility equals 0.22 MGD. Mass load limits based upon the winter discharge rate of 0.63 MGD to allow for disposal of summer accumulations of treated wastewater as well as winter stormwater impacting lagoon surface.

(3) Other Parameters

Year-round (except as noted)	Limitations
<i>E. coli</i> Bacteria	Must 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 <sub>5</sub> and TSS Removal Efficiency	Must not be less than 85% monthly average for BOD <sub>5</sub> and 65% monthly for TSS.
Total Residual Chlorine	Must not exceed a monthly average concentration of 0.02 mg/L and a daily maximum concentration of 0.06 mg/L. (See Note A2)

(4) 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 Pudding River where the effluent mixes with 25 percent of the stream flow but in no case may it extend further than ten (10) feet upstream of the outfall to a point one hundred (100) feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of the regulatory mixing zone that is within five (5) feet of the point of discharge.

(5) Iron (see Note A3)

The 2008 Molalla-Pudding Total Maximum Daily Load (TMDL) allots this discharge an iron wasteload allocation equal to the facility's current conditions. No measurable increase in in-stream iron is allowed.

(6) DDT and Dieldrin

The 2008 Molalla-Pudding Total Maximum Daily Load (TMDL) allots this discharge a DDT and Dieldrin wasteload allocation equal to the facility's current conditions. No measurable increase in in-stream DDT or Dieldrin concentration is allowed.

b. Recycled Wastewater Outfall 002

No discharge to state waters is permitted. Recycled water shall be treated to the appropriate level and reused for the following beneficial purposes:

Level of Treatment	Beneficial Purpose	Alternative Approval?
Class C	Any purpose allowed by OAR 340-055 for Class C recycled water	No

- (1) All recycled water use distributed on land for dissipation by evapotranspiration and controlled seepage shall follow sound irrigation practices so as to prevent:
  - Prolonged ponding of treated recycled water on the ground surface;
  - Surface runoff or subsurface drainage through drainage tile;
  - The creation of odors, fly and mosquito breeding or other nuisance conditions;
  - The overloading of land with nutrients, organics, or other pollutant parameters; and,
  - Impairment of existing or potential beneficial uses of groundwater.
  
- (2) Prior to use, the Class C recycled water shall receive at least Class C treatment as defined in OAR 340-055 to:
 

Oxidized and must reduce Total Coliform to 240 organisms per 100 mL in two consecutive samples, and a seven-day median of 23 organisms per 100 mL.
  
- (3) All use of recycled water shall conform to the Recycled Water Use Plan approved by the Department. Upon approval of the Recycled Water Use Plan, the Plan shall become enforceable through this permit action

c. 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 residuals must be managed and disposed in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040).

**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 48 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 will not be triggered.
  
- A2. When the total residual chlorine limit is lower than 0.10 mg/l, the DEQ will use 0.10 mg/l as the compliance evaluation concentration (i.e., daily maximum concentrations below 0.10 mg/l will be considered in compliance with the limit.)
  
- A3. Based on the iron characterization monitoring required in Schedule B, Condition 1b., DEQ will evaluate the discharge for potential to cause or contribute to iron water quality exceedances. If the evaluation indicates a measurable increase in receiving water iron concentrations from the discharge, DEQ may reopen this permit to include additional limits, monitoring requirements or other conditions.

**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 grab samples and measurements and composite samples are taken just after the bar screen and just before the Parshall flume.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
BOD <sub>5</sub>	1 per 2 Weeks	24-hour Composite
TSS	1 per 2 Weeks	24-hour Composite
pH	2/Week	Grab

b. Treated Effluent Outfall 001

Facility effluent flow measurements are taken just after lagoon cell 3 and prior to the chlorine contact chamber. Composite samples, bacteria samples, total residual chlorine samples, and all samples for toxics are taken just after the dechlorination tank and just before the effluent pump station.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annual	Verification
BOD <sub>5</sub>	1 per 2 Weeks	24-hour Composite
TSS	1 per 2 Weeks	24-hour Composite
Pounds Discharged (BOD <sub>5</sub> and TSS)	1 per 2 Weeks	Calculation
Average Percent Removed (BOD <sub>5</sub> and TSS)	Monthly	Calculation
pH	2/Week	Grab
<i>E. coli</i>	Weekly	Grab
Total Chlorine Residual	Daily	Grab
Quantity Chlorine Used	Daily	Measurement
Effluent Temperature	2/Week	Measurement
Iron (dissolved)	Quarterly (see Note B1)	24-hour Composite

c. Recycled Wastewater Outfall 002

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD) or Quantity Irrigated (inches/acre)	Daily	Measurement
Flow Meter Calibration	Annually	Verification

c. Recycled Wastewater Outfall 002 (continued)

Item or Parameter	Minimum Frequency	Type of Sample
Quantity Chlorine Used	Daily	Measurement
Chlorine Residual	Daily	Grab
pH	2/Week	Grab
Nutrients (TKN, NO <sub>2</sub> +NO <sub>3</sub> -N, NH <sub>3</sub> , Total Phosphorus)	Quarterly	Grab
Total Coliform	1/Week	Grab

d. Facultative Lagoon

Item or Parameter	Minimum Frequency	Type of Sample
Sludge Depth	Once during 2014	Measurement
Water Level	Weekly	Measurement
Perimeter Inspection	2/Week	Observation

**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 DEQ 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 DEQ 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 limitations and conditions of this permit applicable to reuse of recycled water.

**NOTES:**

- B1. The Permittee must monitor the discharge for dissolved iron quarterly for a total of eight (8) quarters. Upon completion of eight monitoring events, the monitoring may be discontinued unless otherwise notified in writing by DEQ.

## SCHEDULE D

### Special Conditions

1. 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 the 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 the 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 the DEQ offices are not open, the permittee must report the incident of non-compliance to the Oregon Emergency Response System (Telephone Number 1-800-452-0311).
  - d. No recycled water will 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 the DEQ for inspection.
2. 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 2.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 the Department of Environmental Quality 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, 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.
- e. Upon written request, the 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 2.b. above.

3. Recycled water used by a wastewater treatment system owner for landscape irrigation or for in plant processes at a wastewater treatment system is exempt from the rules of this division if:
  - a. The recycled water is an oxidized and disinfected wastewater;
  - b. The recycled water is used at the wastewater treatment system site where it is generated or at an auxiliary wastewater or sludge treatment facility that is subject to the same NPDES or WPCF permit as the wastewater treatment system. Contiguous property to the parcel of land upon which the treatment system is located is considered the wastewater treatment system site if under the same ownership;
  - c. Spray or drift or both from the use does not occur off the site; and
  - d. Public access to the site is restricted.
4. The permittee will not be required to perform a hydrogeologic characterization or groundwater monitoring during the term of this permit provided:
  - a. The facilities are operated in accordance with the permit conditions, and
  - b. There are no adverse groundwater quality impacts (complaints or other indirect evidence) resulting from the facility's operation.

If warranted, at permit renewal the DEQ may evaluate the need for a full assessment of the facilities impact on groundwater quality.

5. 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 the DEQ.

**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. ORS 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 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  $\pm 10$  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;
  - 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. ORS 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 *BOD<sub>5</sub>* means five-day biochemical oxygen demand.

E2. *CBOD* or *CBOD<sub>5</sub>* 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. *m<sup>3</sup>/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.