NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

Department of Environmental Quality
Western Region – Salem Office
750 Front St. NE, Ste. 120, Salem, OR 97301-1039
Telephone: (503) 378-8240
Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:
Weyerhaeuser NR Company
PO Box 129
Sweet Home, OR 97386-0129

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Log Pond Discharge containing Boiler Blowdown, Filter Backwash, Softener Wastewater, Vat Condensate, Non-contact Cooling Water, Log Deck Sprinkler Runoff, Discharge from Oil/Water Separator Tanks, Building & Equipment Washwater, Fire Deluge Water, Non-contact Steam Condensate, Mill Yard Runoff, Veneer Dryer Condensate, Compressor Condensate, and Stormwater.	001	R.M. 1.0
Mill yard Runoff containing Boiler Blowdown, Filter Backwash, Softener Wastewater, Vat Condensate, Non-contact Cooling Water, Log Deck Sprinkler Runoff, Discharge from Oil/Water Separator Tanks, Building & Equipment Washwater, Fire Deluge Water, Non-contact Steam Condensate, Veneer Dryer Condensate, Compressor Condensate, and Stormwater.	002	R.M. 0.9

FACILITY TYPE AND LOCATION:
Engineered Lumber Products – Foster
Veneer Mill with Pond
6011 E. Hwy 20
Sweet Home, Oregon 97386

RECEIVING STREAM INFORMATION:
Basin: Willamette
Sub-Basin: South Santiam
Receiving Stream: Wiley Creek
LLID: 1226764444139 – 1.0 - D
County: Linn

EPA REFERENCE NO: OR 002174-1

Issued in response to Application No. 969737 received July 1, 2010. This permit is issued based on the land use findings in the permit record.

Steve Schnurbusch
Acting Western Region Water Quality Manager

12/27/11
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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Schedule A - Waste Discharge Limitations not to be Exceeded 2
Schedule B - Minimum Monitoring and Reporting Requirements 4
Schedule D - Special Conditions 9
Schedule F - General Conditions 10

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

SCHEDULE A

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

   a. Outfall Number 001 (Log Pond Discharge)

Parameter	Limitations
Flow, gallons per day (GPD)	As low as practicable as necessitated by precipitation (see Note 1 for flow limitations)
pH	Must be within the range of 6.0 - 9.0
Oil & Grease	Must not exceed 10 mg/l
Floating Solids	No visible discharge
Debris*	No discharge permitted

   b. Outfall Number 002 (Millyard Runoff)
   (1) No discharge allowed from May 1 to October 31, unless necessitated by excess precipitation.
   (2) November 1 – April 30 only if necessitated by excess precipitation:

Parameter	Limitations
Flow, GPD	As low as practicable as necessitated by precipitation
pH	Must be within the range of 6.0 - 9.0
Oil & Grease	Must not exceed 10 mg/l
Floating Solids	No visible discharge
Debris*	No discharge permitted

   * Debris means woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1.0 in) diameter round opening

2. Permittee is prohibited from discharging wastes or activities 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 allowable mixing zone for Outfall 001 is defined as that portion of Wiley Creek where the effluent mixes with 25 percent of the stream flow but in no case should it extend more than 250 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of Wiley Creek where the effluent mixes with 10 percent of the stream flow but in no case should it extend more than 25 feet downstream from the outfall.

   The allowable mixing zone for Outfall 002 is defined as that portion of Wiley Creek where the effluent mixes with 25 percent of the stream flow but in no case should it extend more than 250 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of Wiley Creek where the effluent mixes with 10 percent of the stream flow but in no case should it extend more than 25 feet downstream from the outfall.

3. Permittee is prohibited from discharging log debarking process wastewater to waters of the state. Mechanical debarking, which is a waterless process, is therefore exempt from this issue since no wastewater is produced.

Notes:

1. Effluent flow rate is restricted during the following months as indicated below:

   Jun 1-14: Flow is restricted to 380,000 gpd unless the conditions in Note 1.b. or 1.c. are met. Permittee may only exceed the 380,000 gpd limit if it submits the data necessary to demonstrate compliance with the Note 1.b. or 1.c. conditions with its discharge monitoring report.

Jun 15-30: Flow is restricted to 306,000 gpd unless the conditions in Note 1.a. are met. Permittee may only exceed the 306,000 gpd limit if it submits the data necessary to demonstrate compliance with the Note 1.a. conditions with its discharge monitoring report.

Jul – Aug: Flow is restricted to 27,800 gpd unless the conditions in Note 1.a. are met. Permittee may only exceed the 27,800 gpd limit if it submits the data necessary to demonstrate compliance with the Note 1.a. conditions with its discharge monitoring report.

September: Flow is restricted to 25,200 gpd unless the conditions in Note 1.b. or 1.c. are met. Permittee may only exceed the 25,200 gpd limit if it submits the data necessary to demonstrate compliance with the Note 1.b. or 1.c. conditions with its discharge monitoring report.

October: Flow is restricted to 50,400 gpd unless the conditions in Note 1.b. or 1.c. are met. Permittee may only exceed the 50,400 gpd limit if it submits the data necessary to demonstrate compliance with the Note 1.b. or 1c. conditions with its discharge monitoring report.

a. Permittee may discharge above the applicable flow limit if it demonstrates the discharge will not increase 25% of the receiving stream by more than 0.3°C over the criterion using equation 1:

Equation 1 $$\frac{Q_e T_e + 0.25 Q_r T_c}{Q_e + 0.25 Q_r} - T_c \leq 0.3^\circ C$$

where:
Q_e = Effluent flow rate (cfs)
Q_r = Wiley Creek flow rate upstream from discharge (cfs)
T_e = Effluent temperature (°C)
T_r = Wiley Creek temperature upstream from discharge (°C)
T_c = Applicable temperature criterion (13°C or as superseded)

b. If the ambient stream temperature is above 12.8°C, permittee must demonstrate the discharge will not increase 25% of the receiving stream by more than 0.3°C over the criterion using equation 1.

c. If the ambient stream temperature is 12.8°C or lower, permittee must demonstrate the discharge will not increase the temperature of the receiving stream by more than 0.5°C using equation 2:

Equation 2 $$\frac{Q_e T_e + Q_r T_r}{Q_e + Q_r} - T_r \leq 0.5^\circ C$$

SCHEDULE B

1. **Minimum Monitoring and Reporting Requirements to be met after permit issuance**

The permittee shall monitor the parameters as specified below. 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 and the samples cannot be re-analyzed, then the results must be included in the report, but not used in calculations required by this permit. When the permittee cannot re-analyze the existing sample, it shall re-sample at the earliest available opportunity for parameters failing the QA/QC requirements, analyze the samples, and report the results.

a. Outfall Number 001 (Log Pond Discharge) & Outfall 002 (Mill yard Ditch Outfall)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow, GPD	Daily when discharging	Instantaneous Measurement
BOD_5,mg/l	Monthly when discharging	Grab
pH	Weekly when discharging	Grab
Floating Solids	Weekly when discharging	Observation
Oil and Grease	Weekly when discharging	Observation (See Note 1)
Effluent Temperature	3/week when discharging	Measurement (See Note 2)
Toxics and related parameters:		
Metals, cyanide, phenols, and hardness (see Note 5)	Twice per year for 2 years, September and February (see Note 3)	24-hour composite (see Note 6)
Total mercury and dissolved mercury, mg/l; hardness	2 times / year, for 1 year, September and February (See Note 3, 4, 8)	Grab, during the daylight hours
Total methylmercury and dissolved methyl mercury, mg/l; hardness	2 times / year, for 1 year, September and February (See Note 3, 4, 8)	Grab, during the daylight hours
Volatile, Acid-extractable, Base/Neutral, and Pesticide compounds (see Note 5)	Twice per year for 2 years, September and February (see Note 3)	24-hour composite (see Note 7)

b. Wiley Creek at Outfall 001if applicable (See Notes 9, 10, 11)

Item or Parameter	Minimum Frequency	Type of Sample
Flow Daily when discharging	Daily at USGS Number 14187000	Record Measurement
Upstream Temperature when discharging	Daily between 2 and 4 pm	Grab
Downstream Temperature when discharging	Daily between 2 and 4 pm	Grab

c. Other Parameters when discharging from Outfall 002

Other Parameters	Minimum Frequency	Type of Sample
Rainfall (inches)	Daily	Measurement or NOAA Data (See Note 12)

2. **Reporting Procedures**

a. Report monitoring results on DEQ 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. Do not report sample results as estimated values on the DMR. Report sample results as follows:
    i. Sample result at or below detection level
    If a sample result is at or below the detection level, report the result as less than the specified detection level. For example, if the detection level is 1.0 ug/L and the result is non-detect, report "<1.0 ug/L" on the DMR.

    ii. Sample result above detection level but below quantitation level
    If a sample result is above the detection level but below the quantitation level, report the result as the detection level preceded by the DEQ's data code "e". This code identifies the result as being between the detection level and quantitation level. For example, if the detection level is 1 ug/l, the quantitation level is 5 ug/L, and the sample result is 4 ug/L, report "e1 ug/l" (i.e., the detection level) on the DMR.

Notes:

1) When sheen is observed, permittee must collect and analyze for oil & grease. The DMR should be noted as "ND" (non-detect) if the sample results are below the detection limit. The DMR should be noted as "no sheen" or "NS" if no sheen was observed and no sample was taken.

2) Effluent temperature must be measured during the time of day that best represents the maximum effluent temperature.

3) Testing frequency for toxic pollutants: Testing for metals, hardness, phenols, cyanide and organic toxic pollutants must be conducted semi-annually during the first two years after permit issuance. Scans must be performed in February and September each year. The DEQ may request in writing that an alternate month(s) be sampled based on the results of historic testing. The permittee may eliminate testing for these toxic pollutants after two years unless notified in writing by the DEQ that additional monitoring is necessary.

4) After 1 year of monitoring (minimum of 2 samples), the permittee may request in writing to the DEQ that the mercury and methyl mercury monitoring be eliminated. The monitoring may be eliminated only after written approval by the DEQ. Monitoring for total and dissolved mercury must be performed according to US EPA method 1631E with a quantitation limit of **0.5 ng/L**. Monitoring for total and dissolved methyl mercury must be performed according to US EPA method 1630 with a quantitation limit of **0.05 ng/L**. The effluent discharge flow rate will be recorded at the time the mercury sample is collected.

5) Whenever possible, a permittee should use a test method, as indicated in 40 CFR 136.3, with a Quantitation Limit (QL) that is lower than the permitted effluent limit or water quality criteria for priority pollutant scans. A list of the analytic methods and the acceptable QLs, established by the DEQ, are located in the document **RPA IMD, Appendix C: Analytic Methods, Limits and Implementation Guidance, June 2011** located on the web at http://www.deq.state.or.us/wq/pubs/imds/rpaIMD.pdf. The permittee must ensure that all monitoring analysis reports contain both the QL and the detection level as defined below:

    a. Detection Level: Same as the "Method Detection Limit" (MDL) derived using 40 CFR 136 Appendix B.
    b. Quantitation Limit: Same as the Method Reporting Limit (MRL). It is the lowest level at which the entire analytic 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.

Metals[1], Cyanide, Phenols and Hardness					
Pollutant	CAS Number	QL[2] (µg/L)	Pollutant	CAS Number	QL (µg/L)
Antimony	7440360	0.1	Arsenic (total)	7440382	0.5
Arsenic (inorganic)	na	na	Beryllium	7440417	0.1
Cadmium	7440439	0.1	Chromium	7440473	0.4
Copper	7440508	10	Lead	7439921	5
			Nickel	7440020	10
Selenium	7782492	2	Silver	7440224	1
Thallium	7440280	0.1	Zinc	7440666	5
Cyanide (total)	57125	5	Cyanide (free)	57125	5
Total Phenolic Compounds	na	na	Hardness	na	na
[1]All metals must be analyzed for total and dissolved [2]QL = Quantitation Limit					

Base-Neutral Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Acenapthene	83329	1	Acenapthylene	208968	1
Anthracene	120127	1	Benzidine	92875	10
Benzo(a)Anthracene	56553	1	Benzo(a)Pyrene	50328	1
3,4-Benzoflouranthene	205992	1	Benzo(ghi)Perylene	191242	1
Benzo(k)flouranthene	207089	1	Bis(2-Chloroethoxy) Methane	111911	2
Bis(2-Chloroethyl)-Ether	111444	1	Bis(2-Chloroiso-Propyl) Ether	108601	2
Bis(2-Ethylhexyl) Phthalate	117817	1	4-Bromophenyl Phenyl Ether	101553	1
Butyl Benzyl Phthalate	85687	1	2-Chloronaphthalene	91587	1
4-Chlorophenyl Phenyl Ether	7005723	1	Chrysene	218019	1
Dibenzo(a,h) Anthracene	53703	1	1,2-Dichlorobenzene	95501	0.5
1,3-Dichlorobenzene	541731	0.5	1,4-Dichlorobenzene	106467	0.5
3,3-Dichlorobenzidene	91941	1	Diethyl Phthalate	84662	1
Dimethyl Phthalate	131113	1	Di-n-Butyl Phthalate	84742	1
2,4-Dinitrotoluene	121142	1	2,6-Dinitrotoluene	606202	1
Di-n-Octyl Phthalate	117840	1	1,2-Diphenyl-hydrazine	122667	5
Flouranthene	206440	2	Flourene	86737	1
Hexachlorobenzene	118741	1	Hexachlorobutadiene	87683	2
Hexachlorocyclo-pentadiene	77474	2	Hexachloroethane	67721	2
Indeno(1,2,3-cd) Pyrene	193395	1	Isophorone	78591	10
Naphthalene	91203	1	Nitrobenzene	98953	1
N-Nitrosodi-Methylamine	62759	1	N-Nitrosodi-N-Propylamine	621647	2
N-Nitrosodi-Phenylamine	86306	1	Phenanthrene	85018	1
Pyrene	129000	1	1,2,4-Trichlorobenzene	120821	0.5

Volatile Organic Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Acrolein	107028	5	Acrylonitrile	107131	5
Benzene	71432	0.5	Bromoform	75252	0.5
Carbon Tetrachloride	56235	0.5	Chlorobenzene	108907	0.5
Chlorodibromomethane	124481	0.5	Chloroethane	75003	0.5
2-Chloro-Ethylvinylether	110758	5	Chloroform	67663	0.5
Dichlorobromomethane	75274	0.5	1,1-Dichloroethane	75343	0.5
1,2-Dichloroethane	107062	0.5	1,1-Dichloroethylene	75354	0.5
1,2-Dichloropropane	78875	0.5	1,3-Dichloropropylene	542756	0.5
Ethylbenzene	100414	0.5	Methyl Bromide	74839	0.5
Methyl Chloride	74873	0.5	Methylene Chloride	75092	0.5
1,1,2,2-Tetrachloro-ethane	79345	0.5	Tetrachloro-ethylene	127184	0.5
Toluene	108883	0.5	1,2-Trans-Dichloroethylene	156605	0.5
1,1,1-Tr ichloroethane	71556	0.5	1,1,2-Trichloroethane	79005	0.5
Trichloroethylene	79016	0.5	Vinyl Chloride	75014	0.5

Acid-Extractable Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
2-Chlorophenol	95578	1	2,4-Dichlorophenol	120832	1
2,4-Dimethylphenol	105679	5	4,6-Dinitro-O-Cresol	534521	2
2,4-Dinitrophenol	51285	5	2-Nitrophenol	88755	2
4-Nitrophenol	100027	5	P-Chloro-M-Cresol	59507	1
Pentachlorophenol	87865	2	Phenol	108952	1
2,4,6-Trichlorophenol	88062	1			

Pesticide Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Aldrin	309002	0.01	Endrin	72208	0.01
BHC alpha-	319846	0.01	Endrin Aldehyde	7421934	0.01
BHC beta-	319857	0.01	Heptachlor	76448	0.01
BHC gamma – (Lindane)	58899	0.01	Haptachlor Epoxide	1024573	0.01
BHC delta	319868	0.01	PCB, Arochlor 1016 [1]	12674112	0.5
Chlordane	57749	0.1	PCB, Arochlor 1221 [1]	11104282	0.5
DDD 4,4'-	72548	0.01	PCB, Arochlor 1232 [1]	11141165	0.5
DDE 4,4'-	72559	0.01	PCB, Arochlor 1242 [1]	53469219	0.5
DDT 4,4'-	50293	0.01	PCB, Arochlor 1248 [1]	12675296	0.5
Dieldrin	60571	0.01	PCB, Arochlor 1254 [1]	11097691	0.5
Endosulfan alpha-	959988	0.01	PCB, Arochlor 1260	11096825	0.5

Pesticide Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
			[1]		
Endosulfan beta-	33213659	0.01	Toxaphene	8001352	0.5
Endosulfan Sulfate	1031078	0.01			
[1] PCB Reporting – Total PCB should be reported along with the individual PCB results					

6) For effluent cyanide samples, at least six discrete grab samples must be collected over the operating day. Each aliquot must not be less than 100 mL and must be collected and composited into a larger container which has been preserved with sodium hydroxide for cyanide samples to insure sample integrity.

7) The effluent samples must be 24-hour daily composites, except where sampling volatile compounds. For volatile compounds, six discrete samples (not less than 40 mL) collected over the operating day are acceptable. The permittee must 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.

8) Use EPA Method 1669 ultra clean sampling protocol to collect samples. Samples must be shipped within 24 hours of collection and processed at the analytical laboratory within 48 hours of collection. The analytical lab must be NELAC certified for mercury and methylmercury analysis. Samples must be chilled to 4°C in the field and for transport to the analytical laboratory. Preservation acid is to be added at the analytical laboratory in order to avoid contamination during field sampling. Filtering for dissolved mercury and methylmercury is to occur at the analytical laboratory when processing samples.

9) Q_r, Wiley Creek flow rate upstream from discharge (cfs) must be derived from the USGS gauging station Number 14187000 located at RM 4.4 on Wiley Creek. In the event that this data is temporarily unavailable, the Permittee may use the historical average for this day adjusted by relative flows from the nearest available USGS gauging station. In the event that the Wiley Creek gauging station data becomes permanently unavailable, the Permittee must obtain DEQ approval for an alternative flow determination strategy.

10) Tr, Wiley Creek temperature upstream from discharge (°C) may be determined from a downstream measurement with DEQ approval if obtaining an upstream measurement is not accessible.

11) The permittee must perform flow and temperature monitoring on Wiley Creek if they want to discharge more than 380,000 gpd from June 1 through June 14, more than 306,000 gpd from June 15 through June 30, more than 27,800 gpd during July and August, more than 25,200 gpd during September or more than 50,400 gpd during October. Otherwise, no monitoring of Wiley Creek is required.

12) The NOAA rainfall measurement will be obtained from the NOAA website, currently at http://www.nws.noaa.gov from the Eugene, OR station or another available station closest to Foster, OR.

SCHEDULE D

Special Conditions

1. Sanitary wastes must be disposed of to the City of Sweet Home municipal sewage system.

2. An adequate contingency plan for prevention and handling of spills and unplanned discharges must be in force at all times. Permittee must maintain a continuing program of employee orientation and education to ensure awareness of the necessity of good inplant control and quick and proper action in the event of a spill or accident. In the event of a reportable spill at the facility, the permittee shall immediately notify the Oregon Emergency Response System (OERS) at (800) 452-0311.

3. An environmental supervisor shall be designated to coordinate and carry out all necessary functions related to operation and maintenance of waste collection, treatment, and disposal facilities. This person must have access to all information pertaining to the generation of wastes in the various process areas.

4. The log pond must not be dredged or drained (other than normal discharge activities) without prior written approval from the DEQ.

5. The log pond outfall must be baffled and screened or otherwise controlled to prevent discharges of debris and floating solids or oil.

6. The permittee shall 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.

7. No later than 180 days after permit issuance, the permittee will finalize an Emergency Response and Public Notification Plan. This plan is required by way of Schedule F, Section B, Condition B7 of permit.

SCHEDULE F
NPDES GENERAL CONDITIONS – INDUSTRIAL 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.

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 Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the 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, when 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. Public Notification of Effluent Violation

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. 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.

B7. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials who will receive immediate notification;
d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
e. Provide emergency operations; and
f. Ensure that DEQ is notified of the public notification steps taken.

B8. 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(l)(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 or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 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) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

The following must be included as information that must be reported within 24 hours under this paragraph:

a. Any unanticipated bypass that exceeds any effluent limitation in this permit;
b. Any upset that exceeds any effluent limitation in this permit;
c. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
d. Any noncompliance that may endanger human health or the environment.

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

e. A description of noncompliance and its cause;
f. The period of noncompliance, including exact dates and times;
g. The estimated time noncompliance is expected to continue if it has not been corrected;
h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
i. Public notification steps taken, pursuant to General Condition B7.

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 Discharges of Toxic Pollutant

The permittee must notify DEQ as soon as it knows or has reason to believe the following:

a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:
   (1) One hundred micrograms per liter (100 µg/l);
   (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
   (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
   (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).
b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
   (1) Five hundred micrograms per liter (500 µg/l);
   (2) One milligram per liter (1 mg/l) for antimony;
   (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
   (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

SECTION E. DEFINITIONS

E1. *BOD or BOD_5* means five-day biochemical oxygen demand.
E2. *CBOD or $CBOD_5$* 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^3/d* means cubic meters per day.
E11. *MGD* means million gallons per day.
E12. *24-hour composite sample* means a combination of at least six discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. Four (rather than six) aliquots should be collected for volatile organics analyses. The composite must be flow or time proportional, whichever is more appropriate. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
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.