

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
 WASTE DISCHARGE PERMIT**

Department of Environmental Quality  
 Western Region - Salem Office  
 750 Front St. NE, Suite 120, Salem, OR 97301-1039  
 Telephone: (503) 378-8240

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

**ISSUED TO:**

**SOURCES COVERED BY THIS PERMIT:**

|  |   |   |   |
|--|---|---|---|
| Arden Development, Inc.<br>dba Green Diamond Sand Products<br>PO Box D<br>Riddle, OR 97469 | <u>Type of Wastewater</u><br>Process Waste Water/<br>Storm Water Runoff | <u>Outfall Number</u><br>Storm water outfalls<br>specified in SWPCP | <u>Outfall Location</u><br>Crawford Creek<br>RM 0.5 |
|--|---|---|---|

**FACILITY TYPE:**


**RECEIVING STREAM INFORMATION:**

Sand Washing and Processing  
 5093 Riddle Bypass Road  
 Riddle, OR 97469

Basin: Umpqua  
 Sub-Basin: South Umpqua  
 Stream: Crawford Creek  
 LLID: 1234423429219 - 0.5 - D  
 County: Douglas

**EPA REFERENCE NO: OR 000162-7**

Issued in response to Application No. 970060 received complete May 28, 2010. This permit is issued based on the land use findings in the permit record.

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

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

**SCHEDULE A**

**Limitations and Requirements**

**a. Process Wastewater**

- 1) Wastewater and stormwater that accumulates in the containment ponds on site shall be recirculated and reused to the maximum extent possible. Discharge from the lower pond is allowed only during times of precipitation that result in pond overflow assuming the water from the upper ponds was properly managed to minimize any potential discharge.
- 2) Solid and/or hazardous wastes generated at the sit shall be disposed of in a manner approved by the Department.

**b. Outfall 001 - Outfall from Lower Pond**

- 1) Effluent Limitations (November 15 – June 15)

| Parameter                    | Effluent Limitations                      |                 |
|------------------------------|---|-----------------|
|                              | Daily Maximum                             | Monthly Average |
| Silver                       | 5.6 ug/L                                  | 3.2 ug/L        |
| Total Suspended Solids (TSS) | 45 mg/l                                   | 25 mg/L         |
| pH                           | Shall be within the range of 6.5 – 8.5 SU |                 |
| Total Oil & Grease           | Shall not exceed 10 mg/L                  |                 |
| Oil & Grease Sheen           | No visible sheen                          |                 |

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 Umpqua basin except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:

That portion of Crawford Creek which is 1/2 the stream width and ten feet upstream to 200 feet downstream from the point of discharge.

**c. Additional Requirements**

- 1) All settling pond spoils and other waste solids must be used or disposed of in a manner which will prevent their entry into waterways of the state.
- 2) Each wastewater ponds must be maintained with a minimum freeboard of one foot, as measured from the lowest elevation of the top of the pond containment dikes. In situations where the minimum freeboard requirement cannot be met, permittee must cease the discharge of wastewater into that pond.

**SCHEDULE B**

1. **Minimum Monitoring and Reporting Requirements to be performed after approval of the Storm Water Pollution Control Plan (SWPCP)**

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, they shall re-sample at the earliest available opportunity for parameters failing the QA/QC requirements, analyze the samples, and report the results.

a. **Outfall 001 – Lower Pond**

| <b>GRAB SAMPLES OF PROCESS WASTEWATER/STORMWATER (See Note 1)</b>               |                        |
|---|------------------------|
| <b>Parameter*</b>   | <b>Frequency</b>       |
| Silver  | Quarterly (See Note 3) |
| Hardness  | Quarterly              |
| Total Suspended Solids  | Quarterly              |
| Total Oil & Grease  | Quarterly              |
| Metals (total and dissolved), cyanide, phenols and hardness                     | 1/year (See Note 2)    |
| * Parameters should be analyzed on samples collected from the same storm event. |                        |

| <b>ON-SITE &amp; VISUAL MONITORING OF PROCESS WASTEWATER /STORMWATER</b> |                                 |
|--|---------------------------------|
| <b>Parameter</b>   | <b>Frequency</b>                |
| pH (grab sample)   | Once a Month (when discharging) |
| Oil & Grease Sheen (visual)  | Once a Month (when discharging) |

b. **Additional Monitoring**

Permittee must monitor the operation and efficiency of wastewater treatment and disposal facilities in accordance with the following conditions (when a site is inaccessible due to adverse weather conditions, monitoring is not required; the permittee must make note of the adverse weather condition in its inspection records):

| <b>Parameter</b>                                      | <b>Frequency</b>                 | <b>Type</b> |
|---|----------------------------------|-------------|
| Inspect dikes, containment system, and pond freeboard | Weekly from November 1- April 30 | Record      |

## 2. Reporting Procedures and Requirements

- a. Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the appropriate regional office by the 15th day of the following month.
- b. State monitoring reports shall be complete and include the name of the facility, file number, and all monitoring results.
- c. Monitoring reports shall also include a record of all applicable equipment breakdowns and/or unpermitted releases.
- d. Unless the Department instructs the Permittee in writing to do otherwise, do not report sample results or mass loads as estimated values on the DMR and use the following procedures to report sample results and mass loads:
  - 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. To calculate the mass load from this result, use the detection level.
  - 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 Department'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 and the quantitation level is 5 ug/L and the sample result is 4 ug/L, report "e1 ug/l" on the DMR. To calculate the mass load from this result, use the detection level.

### NOTES:

1. All samples shall be taken at Outfall 001 from the lower pond or as specified in the SWPCP before the storm water joins or is diluted by any other waste stream, body of water or substance. Samples shall not be composited. Sampling is recommended during the first storm event that is large enough to generate an adequate sample. If no storm event occurs during the sampling period that is large enough to generate an adequate sample, sampling is not required and a statement of "no discharge" shall be made for that sampling period.
2. The permittee shall conduct a minimum of two separate effluent sampling events for the parameters listed in the table below. After two separate test samples have been collected, the permittee may submit a written request to eliminate further metals testing for the remainder of the permit cycle. Testing may be eliminated only upon a written response by the Department confirming the request.
3. 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. 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 <sup>1</sup> , Cyanide, Phenols and Hardness |            |                        |                 |            |           |
|---|------------|------------------------|-----------------|------------|-----------|
| Pollutant   | CAS Number | QL <sup>2</sup> (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         |
| Mercury   | 7439976    | 0.01                   | 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        |

<sup>1</sup>All metals must be analyzed for total and dissolved  
<sup>2</sup>QL = Quantitation Limit

## SCHEDULE D

### Special Conditions

1. A mixing zone study shall be submitted to the Department by no later than May 1, 2015.
2. Permittee shall submit an updated storm water pollution control plan (SWPCP) by no later than June 1, 2012. If no changes to the existing SWPCP are necessary, permittee shall notify the Department writing by June 1, 2012. Permittee shall revise the SWPCP to include any newly identified site controls that do not involve significant capital improvements within 60 days of implementing the controls. If site controls that involve significant capital improvements are identified, the Permittee shall submit a plan and schedule to the Department for review and approval.
- 3.
4. The following information shall be recorded and maintained at the facility and provided to the Department and other government agencies upon request. This information does not need to be submitted as part of the SWPCP.
  - a. Inspection, maintenance, repair and education activities as required by the SWPCP.
  - b. Spills or leaks of significant materials that impacted or had the potential to impact storm water or surface waters. Include the corrective actions to clean up the spill or leak as well as measures to prevent future problems of the same nature.
5. An adequate contingency plan for prevention and handling of spills and unplanned discharges shall be in force at all times. A continuing program of employee orientation and education shall be maintained to ensure awareness of the necessity of good inplant control and quick and proper action in the event of a spill or accident.
6. An environmental supervisor shall be designated to coordinate and carry out all necessary functions related to maintenance and operation 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.
7. Sanitary wastes shall be disposed of to a septic tank and subsurface disposal system (or by other approved means) which is installed, operated, and maintained in accordance with the requirements of the Department of Environmental Quality and the local health department and in a manner which will prevent inadequately treated waste water from entering any waters of the state or from becoming a nuisance or health hazard.
8. The permittee shall 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 Department.

**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  $\pm 10$  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(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<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 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.

