NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

Department of Environmental Quality
Northwest Region – Portland Office
2020 SW 4th Ave., Suite 400, Portland, OR 97201
Telephone: (503) 229-5263

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

ISSUED TO:
City of Rainier
P O Box 100
Rainier, OR 97048

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 67 Lat: 46.09°N Long: 122.94°W

FACILITY TYPE AND LOCATION:
Activated Sludge
Rainier STP
106 W. 6th Street
Rainier

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

RECEIVING STREAM INFORMATION:
Basin: Main Stem Columbia River
Sub-Basin: Lower Columbia-Clatskanie

Receiving Stream: Columbia River
LLID: 1240483462464-67 D
County: Columbia

EPA REFERENCE NO: OR-002038-9

Issued in response to Application No. 965625 received 2/1/2012.
This permit is issued based on the land use findings in the permit record.

Greg Geist, Manager
Water Quality Source Control Section
Northwest Region

June 27, 2012
Issuance 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 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:

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

SCHEDULE A

Waste Discharge Limitations not to be exceeded after permit effective date.

1. Treated Effluent Outfall 001

a. May1- October 31:

Parameter	Average Effluent Concentrations Monthly	Weekly	Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
BOD_5	10 mg/L	15 mg/L	83	130	170
TSS	10 mg/L	15 mg/L	83	130	170

b. November 1- April 30:

Parameter	Average Effluent Concentrations Monthly	Weekly	Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
BOD_5	10 mg/L	15 mg/L	130	190	250
TSS	10 mg/L	15 mg/L	130	190	250

* Average dry weather design flow to the facility equals 0.99 MGD. Average wet weather design flow is 1.56 MGD. Mass load limits are based upon average design flow to the facility.

c.

Other parameters (year-round)	Limitations
E. coli Bacteria	May not exceed 126 organisms per 100 mL monthly geometric mean. No single sample shall exceed 406 organisms per 100 mL. (See Note 1)
pH	Must be within the range of 6.0 - 9.0
BOD_5 and TSS Removal Efficiency	May not be less than 85% monthly average for BOD_5 and 85% monthly average for TSS.
Temperature	Weekly average may not exceed 77°F (25°C)

d. Permittee may not discharge wastes or conduct activities that violate Water Quality Standards adopted in OAR 340-041 for the Main Stem Columbia River except in the regulatory mixing zone and as provided for in OAR 340-045-0080. The regulatory mixing zone is defined as:

That portion of the Columbia River within a fifty (50) foot radius of the outfall diffuser. The Zone of Immediate Dilution (ZID) is that portion of the allowable mixing zone that is within five (5) feet of the diffuser.

e. Chlorine or chlorine compounds may not be used as a disinfecting agent of the treated effluent and no chlorine residual is allowed in the Permittee's discharged effluent.

2. Biosolids land application. Unless otherwise approved in writing by DEQ, the permittee may beneficially reuse biosolids at land application sites identified in a DEQ-approved land application plan only when the following conditions are met:

a. Biosolids must be applied at or below the agronomic rate required for maximum crop yield.

b. Pollutants in biosolids may not exceed the ceiling concentration in the following table. Biosolids with pollutants exceeding the pollutant concentration limit must be applied at a rate that does not exceed the cumulative pollutant loading rate.

Pollutant	Ceiling concentration, mg/kg	Pollutant concentration limit, mg/kg	Cumulative pollutant loading rate, kg/ha
Arsenic	75	41	41
Cadmium	85	39	39
Copper	4300	1500	1500
Lead	840	300	300
Mercury	57	17	17
Molybdenum	75	N/A	N/A
Nickel	420	420	420
Selenium	100	100	100
Zinc	7500	2800	2800

c. Biosolids must meet pathogen reduction standards by **aerobic digestion.**

d. Biosolids must meet vector attraction reduction standards by showing at least **38% reduction in volatile solids** during treatment or through a **bench-scale aerobic digestion test** or a specific oxygen uptake rate **(SOUR) test.**

e. Biosolids must be applied following the management practices required under OAR 340-050-0026(d), the DEQ-approved biosolids management plan, the DEQ-approved land application plan, and conditions in DEQ-issued site authorization letters.

3. Groundwater. The permittee must manage wastewater and process-related residuals in a manner to prevent adverse impacts on existing or potential beneficial uses of groundwater. All wastewater and process related residuals must be managed and disposed in manner that will prevent violation of the Groundwater Protection Rules (OAR 340-040).

NOTES:

1. If a single sample exceeds 406 organisms per 100 mL, then five consecutive re-samples may be taken at four-hour intervals beginning within 28 hours after the original sample was taken. If the geometric (log) mean of the five re-samples is less than or equal to 126 organisms per 100 mL, a violation is not triggered.

SCHEDULE B

1. Minimum Monitoring and Reporting Requirements

The permittee shall monitor the parameters specified below at the locations indicated. The laboratory used by the permittee to analyze samples must have a quality assurance/quality control (QA/QC) program to verify the accuracy of sample analysis. If QA/QC requirements are not met for any analysis, the results must be included in the discharge monitoring report (DMR), but not used in calculations required by this permit. When possible, the permittee shall re-sample in a timely manner for parameters failing the QA/QC requirements, analyze the samples, and report the results.

a. Influent

Permittee must take influent grab and composite samples and measurements after the headworks screen and just before the aeration basin in accordance with the table below.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification (See Note 1)
BOD_5	2/week	24-hr Composite
TSS	2/week	24-hr Composite
pH	3/week	Grab

b. Treated Effluent Outfall 001

Permittee must take effluent grab and composite samples and measurements must be taken from the UV effluent channel in accordance with the table below.

Item or Parameter	Minimum Frequency	Type of Sample
BOD_5	2/week	24-hr Composite
TSS	2/week	24-hr Composite
Pounds Discharged (BOD_5 and TSS)	2/week	Calculation
Average Percent Removed (BOD_5 and TSS)	Monthly	Calculation
pH	3/week	Grab
Temperature (May 1 through October 31)	3/week	Grab
E. coli	Weekly	Grab
UV Radiation Dosage	Daily	Reading (See Note 2)
Turbidity	Daily	Continuous
Nutrients: TKN, NH_3-N, NO_2+NO_3-N, Total Phosphorous	Annually	24-hr Composite
Dissolved Oxygen	Annually	Grab
Oil and Grease	Annually	Grab
Total Dissolved Solids (TDS)	Annually	24-hr Composite
Alkalinity	Quarterly	Grab

c. Biosolids Monitoring. The permittee must monitor biosolids as follows:
(1) Samples collected must be representative of the biosolids or treatment process used to prepare the biosolids.
(2) Biosolids must be monitored for the items or parameters specified in the table below and the data gathered must be submitted as part of the annual reports.

Item or Parameter	Minimum Frequency	Type of Sample
Nutrient and conventional parameters: total solids (% dry wt.), volatile solids (% dry wt.), ammonium nitrogen (NH_4-N), nitrate-nitrogen (NO_3-N), total kjeldahl nitrogen (TKN) % dry wt., total phosphorus (P) % dry wt., potassium (K) % dry wt., and pH (standard units).	Annually (if biosolids are land applied)	Composite sample from the biosolids cake storage pile to be representative of the product to be land applied (See Note 3)
Pollutants: As, Cd, Cu, Hg, Mo, Ni, Pb, Se & Zn, measured as total in mg/kg		
Pathogen reduction: record of mean cell residence time and temperature.		Calculation
Vector attraction reduction: record of volatile solids reduction during treatment or during bench scale digestion or SOUR tests.		Calculation (See Note 4)
Record of biosolids land application: date; quantity; location (Site location maps to be maintained at treatment facility for review upon request by DEQ)	Each Occurrence	Date, volume & locations where biosolids were applied recorded on site location map or equivalent electronic system, such as GIS.
Septage received: source, quantity, gallons	Each event	Record

d. Columbia River

Item or Parameter	Minimum Frequency	Type of Sample
Alkalinity	Quarterly	Grab

2. <u>Reporting Procedures</u>

a. Permitee must report monitoring results on approved DMR forms. The reporting period is the calendar month. Permittee must submit reports to the Department's Northwest Region - Portland office by the 15th day of the following month.

b. DMRs must identify the name, certificate classification and grade level of each principal operator designated by the permittee as responsible for supervising the wastewater collection and treatment systems during the reporting period. DMRs must also identify each system classification as found on page one of this permit.

c. DMRs must also include a record of the quantity and method of use of all biosolids removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. Report Submittals

a. Inflow and infiltration (I&I) report. The permittee shall have in place a program to identify and reduce I&I in the sewage collection system. Permittee must submit an annual report to the Department by February 1 each year that details sewer collection maintenance activities which reduce inflow and infiltration. The report must state those activities that have been done in the previous year and those activities planned for the following year. In addition any sanitary sewer overflows from the previous year must be noted and tabulated as part of this annual report.

b. Solids management report. By February 19th, the permittee must submit to DEQ an annual report on wastewater solids management, including the quality, quantity and use or disposal of solids generated at the facility.

c. Biosolids land application report.. For any year in which biosolids are land applied, the permittee must submit a report to DEQ by February 19th of the following year that describes solids handling activities for the previous year and includes at a minimum the information described in OAR 340-050-0035(6)(a)-(e).

NOTES:

1. Flow meter calibration records must be kept at the plant site for review upon request.

2. The intensity of UV radiation passing through the water column will affect the system's ability to kill organisms. To track the reduction in intensity, the UV disinfection system must include a UV intensity meter with a sensor located in the water column at a specified distance from the UV bulbs. .This meter must measure the intensity of UV radiation in mWatts/cm^2. The permittee must read the meter each day to determine daily UV radiation dosage which must be reported in mWatts-sec/cm^2. If more than one meter is used, the daily recording will be an average of all meter readings each day.

3. Composite samples from the storage pile must be taken from reference areas of the storage pile pursuant to Test Methods for Evaluating Solid Waste, Volume 2; Field Manual, Physical/Chemical Methods, November 1986, Third Edition, Chapter 9.

   Inorganic pollutant monitoring must be conducted according to Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Second Edition (1982) with Updates I and II and third Edition (1986) with Revision I.

4. Bench scale testing is only required if volatile solids reduction cannot be otherwise documented. Calculation of %volatile solids reduction during treatment is to be based on a comparison of a representative grab sample of total and volatile solids entering the aerobic digester and those solids stored in the storage pile.

SCHEDULE D

Special Conditions

1. Biosolids management plan. The permittee must develop, implement, and keep updated a biosolids management plan meeting the requirements in OAR 340-050-0031(5) and obtain written approval from DEQ prior to making any plan modification. A revision of the biosolids management plan submitted with the renewal application must be submitted within 120 days of permit issuance.

2. Land application plan. The permittee must maintain a land application plan that contains the following information:
   a. All known DEQ-approved sites that will receive biosolids during the life of the permit;
   b. The geographic location, identified by county or smaller unit, of new sites which are not specifically listed at the time of permit application;
   c. Criteria that will be used in the selection of new sites;
   d. Management practices that will be implemented at new sites authorized by the DEQ; and
   e. Procedures for notifying property owners adjacent to proposed or new-approved sites of the proposed activity prior to the start of application.

   The land application plan may be incorporated into the biosolids management plan. An opportunity for public participation on changes to the land application plan will be provided as described below:

   - The permittee may apply biosolids to sites identified in the land application plan following the management conditions in the DEQ-issued site authorization letters. No DEQ-initiated public notice is required for continued use of the currently approved sites during the term of the permit.
   - The permittee may request the use of new sites meeting the geographic and site selection criteria in the land application plan by submitting to DEQ a site authorization request with information requested by DEQ. The permittee must provide for public participation on new sites following procedures in the DEQ-approved land application plan. For new sites that fail to meet the site selection criteria in the land application plan or that are deemed by DEQ to be sensitive with respect to residential housing, runoff potential, or threat to groundwater, DEQ will provide an opportunity for public comment following the procedures under OAR 340-045-0027 and OAR 340-050-0015(10).
   - An updated land application plan must be submitted to DEQ with permit renewal and is subject to public notice and comment with the permit following the procedures under OAR 340-045-0027 and OAR 340-050-0015(10).

3. Site authorization letter. The permittee must obtain written authorization prior to the land application of Class B biosolids on all reuse sites and must follow the minimum site management conditions in the DEQ-issued site authorization letters. Conditions in site authorization letters are enforceable under this permit.

4. The permittee may transfer wastewater solids to another facility permitted to process or dispose of wastewater solids, including but not limited to, another wastewater treatment facility, landfill, or incinerator. The permittee must monitor, report, and dispose of solids as required under the permit of the receiving facility.

5. If wastewater solids, including Class A and Class B biosolids, are transferred out of state for use or disposal, the permittee must obtain written authorization from DEQ, meet Oregon requirements for the use or disposal of wastewater solids, notify in writing the receiving state of the proposed use or disposal of wastewater solids, and satisfy the requirements of the receiving state.

6. The permittee may accept wastewater solids from out-of-state facilities for treatment and land application only if authorized in writing by DEQ and only if the pollutant concentrations in the out-of-state solids do not exceed the ceiling concentration limits in Schedule A.

7. Operator certification. The permittee shall comply with Oregon Administrative Rules (OAR), Chapter 340, Division 49, "Regulations Pertaining To Certification of Wastewater System Operator Personnel" and accordingly:

   a. The permittee shall have its wastewater system supervised by one or more operators who are certified in a classification and grade level equal to or greater than the classification (collection and/or treatment) of the system to be supervised as specified on page one of this permit.

Note: A "supervisor" is defined as the person exercising authority for establishing and executing the specific practice and procedures of operating the system in accordance with the policies of the permittee and requirements of the waste discharge permit. "Supervise" means responsible for the technical operation of a system, which may affect its performance or the quality of the effluent produced. Supervisors are not required to be on-site at all times.

   b. The permittee's wastewater system may not be without supervision (as required by Special Condition 7.a. above) for more than thirty (30) days. During this period, and at any time that the supervisor is not available to respond on-site (i.e. vacation, sick leave or off-call), the permittee must make available another person who is certified at no less than one grade lower than the system classification.

   c. The wastewater system must have a properly certified supervisor available at all times to respond on-site at the request of the permittee and to any other operator.

   d. The permittee must notify the Department of Environmental Quality in writing within thirty (30) days of replacement or redesignation of certified operators responsible for supervising wastewater system operation. Permittee must file the notice with the Water Quality Division, Operator Certification Program, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. This requirement is in addition to the reporting requirements contained under Schedule B of this permit.

   e. Upon written request, the Department may grant the permittee reasonable time, not to exceed 120 days, to obtain the services of a qualified person to supervise the wastewater system. The written request must include justification for the time needed, a schedule for recruiting and hiring, the date the system supervisor availability ceased and the name of the alternate system supervisor(s) as required by Special Condition 7.b. above.

8. Contingency plan. In accordance with Schedule F, Section B, Condition 8 of this permit, an adequate contingency plan for prevention and handling of spills and unplanned discharges must be in force at all times. A continuing program of employee orientation and education must be maintained to ensure awareness of the necessity of good in-plant control and quick and proper action in the event of a spill or accident.

9. The permittee must notify the DEQ Northwest Region - Portland Office (phone: (503) 229-5263) in accordance with the response times noted in the General Conditions, Schedule F, Section D of this permit, of any malfunction so that corrective action can be coordinated between the permittee and the Department.

SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to $10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed $32,500 and administrative penalties not to exceed $11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than $50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed $250,000 and up to 10 years in prison per ORS chapter 161. The federal Clean Water Act provides for criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

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

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
e. New information or regulations.
f. Modification of compliance schedules.
g. Requirements of permit reopener conditions
h. Correction of technical mistakes made in determining permit conditions.
i. Determination that the permitted activity endangers human health or the environment.
j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.
k. For communities with combined sewer overflows (CSOs):
   (1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
   (2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
   (3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 307(a) of the federal Clean Water Act for toxic pollutants, and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions

of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B2. Need to Halt or Reduce Activity Not a Defense

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B3. Bypass of Treatment Facilities

a. Definitions
   (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
   (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.
   (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
      i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
      iii. The permittee submitted notices and requests as required under General Condition B3.c.
   (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.b.(1).

c. Notice and request for bypass.
   (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.
   (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
   (2) The permitted facility was at the time being properly operated;
   (3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
   (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset
For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations
a. Definition. "Overflow" means any spill, release or diversion of sewage including:
   (1) An overflow that results in a discharge to waters of the United States; and
   (2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the United States.
b. Prohibition of overflows. Overflows are prohibited. DEQ may exercise enforcement discretion regarding overflow events. In exercising its enforcement discretion, DEQ may consider various factors, including the adequacy of the conveyance system's capacity and the magnitude, duration and return frequency of storm events.
c. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

B7. Public Notification of Effluent Violation or Overflow
If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B8. Emergency Response and Public Notification Plan
The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from overflows, bypasses, or upsets that may endanger public health. At a minimum the plan must include mechanisms to:
a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
c. Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;

e. Provide emergency operations; and
f. Ensure that DEQ is notified of the public notification steps taken.

B9. Removed Substances
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling
Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ.

C2. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

C3. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

C4. Penalties of Tampering
The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

C5. Reporting of Monitoring Results
Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), 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, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.
   (1) Oral Reporting within 24 hours.
      i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.
         (a) The location of the overflow;
         (b) The receiving water (if there is one);
         (c) An estimate of the volume of the overflow;
         (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
         (e) The estimated date and time when the overflow began and stopped or will be stopped.
      ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:
         (a) The OERS incident number (if applicable); and
         (b) A brief description of the event.
   (2) Written reporting within 5 days.
      i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:
         (a) The OERS incident number (if applicable);
         (b) The cause or suspected cause of the overflow;
         (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
         (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
         (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

      DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
b. Other instances of noncompliance.
   (1) The following instances of noncompliance must be reported:
      i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
      ii. Any upset that exceeds any effluent limitation in this permit;
      iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
      iv. Any noncompliance that may endanger human health or the environment.
   (2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

(3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
   i. A description of the noncompliance and its cause;
   ii. The period of noncompliance, including exact dates and times;
   iii. The estimated time noncompliance is expected to continue if it has not been corrected;
   iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
   v. Public notification steps taken, pursuant to General Condition B7.

(4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5 at the time monitoring reports are submitted. The reports must contain:

a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

D8. Signatory Requirements

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

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the federal Clean Water Act if it were directly discharging those pollutants and;
b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
c. For the purposes of this paragraph, adequate notice must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

SECTION E. DEFINITIONS

E1. *BOD* or *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, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* 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. *µg/l* means microgram per liter.
E10. *kg* means kilograms.
E11. *m^3/d* means cubic meters per day.
E12. *MGD* means million gallons per day.
E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow. The sample must be collected and stored in accordance with 40 CFR part 136.
E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
E18. *Quarter* means January through March, April through June, July through September, or October through December.
E19. *Month* means calendar month.
E20. *Week* means a calendar week of Sunday through Saturday.
E21. *POTW* means a publicly-owned treatment works.