



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

Oregon Department of Environmental Quality
Eastern Region --Bend Office
475 NE Bellevue Dr. Suite 110
Telephone: 541-388-6146

Issued pursuant to ORS 468B.050 and The Federal Water Pollution Control Act (The Clean Water Act).

ISSUED TO:

City of Mosier
P.O. Box 456
Mosier, OR 97040

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	Columbia River RM 171.05
Biosolids	002	Off-site Disposal

FACILITY TYPE AND LOCATION:

Extended Aeration, Activated Sludge STP
Old Columbia River Highway
at Rock Creek

RECEIVING STREAM INFORMATION:


WRD Basin: Hood
USGS Subbasin: Middle Columbia /Hood
Receiving Stream: Columbia River
LLID: 1240483462464-D
County: Wasco

Treatment System Class Level: II

Collection System Class Level: I

EPA REFERENCE #: OR-002804-5

Issued in response to application #963229 received June 25, 2012 and based on the land use compatibility statement in the permit record.


Cheryl Hutchens-Woods, Water Quality Manager
Eastern Region Pendleton

April 4, 2013

Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to: 1) construct, install, modify, or operate a wastewater collection, treatment, control and disposal system; and 2) discharge treated wastewater to waters of the state only from the authorized discharge point or points in Schedule A in conformance with the requirements, limits, and conditions set forth in this permit.

Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon statute or administrative rule, any other direct or indirect discharge of pollutants to waters of the state is prohibited.

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**Schedule A
Waste Discharge Limits**

1. Treated Effluent Outfall 001

The permittee must comply with the effluent limits as indicated in the following tables.

a. BOD₅ and TSS

i. May 1 - October 31-Low Flow Period (summer):

During this time period the permittee must comply with the limits in the following table.

Table A1: BOD₅ and TSS Limits for May 1 - October 31

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum lbs
	Monthly	Weekly			
BOD ₅	20	30	14	21	28
TSS	20	30	14	21	28

ii. November 1 - April 30-High Flow Period (winter):

During this time period the permittee must comply with the limits in the following table:

Table A2: BOD₅ and TSS Limits for November 1 - April 30

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum lbs
	Monthly	Weekly			
BOD ₅	30	45	21	32	42
TSS	30	45	21	32	42

iii. Additional information for the limits in Tables A1 and A2 above.

1) Average dry weather design flow to the facility equals 0.085 MGD. Mass load limits are based on 0.085MGD.

b. Additional Parameters

The permittee must comply with the limits in the following table at all times:

Table A3: Limits for Additional Parameters

Year-round	Limits
<i>E. coli</i> Bacteria ¹	Monthly geometric mean may not exceed 126 organisms per 100 ml. No single sample may exceed 406 organisms per 100 ml.
pH	Must be within the range of 6.0 to 9.0 S.U.
BOD ₅ and TSS Removal Efficiency	May not be less than 85% monthly average for BOD ₅ and TSS
¹ No single <i>E. coli</i> sample may exceed 406 organisms per 100 ml; however, no violation will be found for an exceedance if the permittee takes at least five consecutive re-samples collected over five consecutive work days beginning as soon as practicable (preferably within 28 hours) after the original sample(s) were taken and the log mean of the five re-samples is less than or equal to 126 <i>E. coli</i> per 100 ml.	

2. Violation of Water Quality Standards Prohibited

No wastes may be discharged or activities conducted that cause or contribute to a violation of water quality standards in OAR Chapter 340, Division 41 applicable to the Main Stem Columbia River Basin except as provided for in OAR 340-045-0080 and the following regulatory mixing zone: that portion of the Columbia River within 33 feet from the point of discharge.

3. Groundwater Protection

The permittee may not conduct any activities that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related residuals must be managed and disposed of in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR Chapter 340, Division 40).

4. Recycled Water Outfall

The permittee is not authorized to distribute recycled water.

5. Biosolids

Unless otherwise authorized pursuant to a Department-approved biosolids management plan, all biosolids generated at the Mosier facility must be transported to the City of Hood River for treatment and disposal. Compliance with the sludge management conditions in this permit, as well as regulations in OAR 340, Division 50, does not relieve the Permittee from compliance with 40 CFR, Part 503.

6. Septage Requirements

Septage may not be accepted at this facility for treatment or processing without written approval from DEQ.

Schedule B
Minimum Monitoring and Reporting Requirement

1. Monitoring and Reporting Protocols**a. Sampling, Test Methods, and Laboratory Quality Assurance and Quality Control (QA/QC)**

For all test methods used, the analyses must meet the quantitation limits specified in this schedule unless otherwise approved by the Department in writing. For further instruction on proper sampling techniques, test methods and the use of laboratories with QA/QC procedures, see Schedule F, Sections B.1 and C.

b. Re-analysis and Re-sampling if QA/QC Requirements Not Met

The permittee must re-analyze the sample if QA/QC requirements are not met. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity.

c. Significant Figures and Rounding Conventions

The permittee must report the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding conventions used by the permittee (i.e., rounding 5 up for the calculated results or, in the case of laboratory results, rounding 5 to the nearest even number), the permittee must use the convention consistently, and must ensure that laboratories employed by the permittee use the same convention.

d. Reporting Sample Results

The permittee must follow the procedures listed below when reporting sampling results.

- i. If a sample result is at or below the DL, report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is non-detect, report "<1.0 µg/L" on the discharge monitoring report (DMR).
- ii. If a sample result is above the DL but below the QL, report the result as the DL preceded by DEQ's data code "e". For example, if the DL is 1.0 µg/l, the QL is 3.0 µg/L, and the result is estimated to be between the DL and QL, report "e1.0 µg/L" on the DMR.
- iii. If a sample result does not meet QA/QC requirements, the result must be included in the DMR along with a notation but must not be used in any calculation required by this permit.

e. Calculating and Reporting Mass Loads

The permittee must follow the procedures listed below when calculating and reporting mass loads.

$$(\text{Flow, MG}) \times (8.34) \times (\text{BOD}_5 \text{ or TSS Concentration, mg/L}) = \text{lbs/Day}$$

2. Influent Monitoring Requirements

The permittee must monitor influent wastewater just after the Parshall flume and prior to entry in the aeration basin, as listed below.

Table B1: Influent Monitoring

Item or Parameter, Units	Minimum Frequency	Sample Type
Total Flow, MGD	Daily ¹	Measurement
Flow Meter Calibration	Annual	Verification
BOD ₅ , mg/L	1/2 Weeks	24-hour composite
TSS, mg/L	1/2 Weeks	24-hour composite
pH, S.U.	2/week	grab
¹ Daily flow for Friday, Saturday and Sunday are to be each one-third of the flow totalized between Friday morning and Monday morning,		

3. Effluent Monitoring Requirements

The permittee must monitor effluent at the end of the UV disinfection channel as listed below.

Table B2: Effluent Monitoring

Item or Parameter	Minimum Frequency	Sample Type
Maximum Daily Temperature, °C	Each Working Day	Record value
UV Radiation Intensity, %	1/Each Working Day	Record value
Average of Max Daily Temperatures, °C	Weekly	Calculation
Turbidity, NTU	Weekly	Grab
pH, S.U.	2/week	Grab
BOD ₅ , mg/L	1/Every 2 Weeks	24-hour composite
TSS, mg/L	1/ Every 2 Weeks	24-hour composite
<i>E. coli</i> , #/100 mL	1/ Every 2 Weeks	Grab
TSS & BOD ₅ Discharged, lbs	1/ Every 2 weeks	Calculation
TSS & BOD ₅ , % Removal	Monthly	Calculation
Ammonia-Nitrogen (NH ₃ -N), mg/L	Quarterly	24-hour composite
Alkalinity, mg/L	Quarterly	24-hour Composite
Hardness, mg/L	Quarterly	24-hour Composite

4. Receiving Stream Monitoring-Columbia River

The permittee must monitor the Columbia River from a point just upstream of the confluence with Rock Creek, as listed below.

Table B3: Columbia River Monitoring

Item or Parameter	Minimum Frequency	Sample Type
Turbidity, NTU	Monthly	Grab
Temperature, C	Monthly	Grab
pH, s.u.	Monthly	Grab
Ammonia-Nitrogen (NH ₃ -N), mg/L	Quarterly	Grab
Alkalinity, mg/L	Quarterly	Grab
Hardness, mg/L	Quarterly	Grab

5. Whole Effluent Toxicity Testing Requirement

The Permittee is not required to perform Whole Effluent Toxicity Testing.

6. Recycled Water Monitoring Requirements

The Permittee is not authorized to discharge recycled water.

7. Biosolids Monitoring Requirements

The permittee must monitor representative samples of the biosolids or treatment process used to prepare the biosolids as listed below.

Table B4: Biosolids Monitoring

Item or Parameter	Minimum Frequency	Sample Type
Quantity of Biosolids Removed, gals	Each occurrence	Measurement
Destination of Biosolids	Each occurrence	Record
Pollutants: As; Cd; Cu; Hg; Mo; Pb; Ni; Se; Zn; mg/kg dry weight	Once per year	Grab

8. Additional Parameters

The permittee must monitor additional parameters as listed below.

Table B5: Additional Parameters

Item or Parameter	Minimum Frequency	Action
Name, certificate classification, and grade level of each responsible principal operator designated by the permittee and identification of each system classification.	Monthly	Record
Quantity and method of use or disposal of all wastewater solids removed from the treatment facility.	Monthly	Record
Equipment breakdowns and bypassing.	Monthly	Record

9. Minimum Reporting Requirements

The permittee must report monitoring results as listed below.

Table B6: Reporting Requirements and Due Dates

Reporting Requirement	Frequency	Due Date	Report Form	Submit To:
1. Table B1: Influent Monitoring, p. 5 2. Table B2: Effluent Monitoring, p. 6 3. Table B5: Additional Parameters, p. 6	Monthly	15 th day of the month following data collection	DEQ-approved discharge monitoring report (DMR) form.	DEQ Bend Office 475 Bellevue, Suite 110 Bend, OR 97701
Wastewater solids annual report describing quality, quantity, and use or disposal of wastewater solids generated at the facility.	Annually	February 19	2 hard copies	One each to: • DEQ Bend Office • DEQ Biosolids Program Coordinator 811 SW Sixth Ave Portland, OR 97204
Inflow and infiltration report	Annually	February 1	1 hard copy	DEQ Bend Office

**Schedule C
Compliance Schedule**

This permit does not include Schedule C compliance requirements.

Schedule D Special Conditions

1. Inflow and Infiltration

An annual inflow and infiltration report must be submitted to DEQ as directed in Schedule B. The report must include the following:

- a. Details of activities performed in the previous year to identify and reduce inflow and infiltration.
- b. Details of activities planned for the following year to identify and reduce inflow and infiltration.
- c. A summary of sanitary sewer overflows that occurred during the previous year.

2. Emergency Response and Public Notification Plan

The permittee must develop and maintain an Emergency Response and Public Notification Plan (the Plan) per Schedule F, Section B, and Conditions 7 & 8. The permit holder must develop the plan within six months of permit issuance and update the Plan annually to ensure that telephone and email contact information for applicable public agencies are current and accurate. An updated copy of the plan must be kept on file at the wastewater treatment facility for Department review. The latest plan revision date must be listed on the Plan cover along with the reviewer's initials or signature.

3. Wastewater Solids

a. Transfers

- i. *Within state.* 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.
- ii. *Out of state.* 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.

b. Acceptance

- i. *Within state.* The permittee may accept wastewater solids from another wastewater treatment facility. The permittee must monitor, report, and dispose of solids as required by this permit.
- ii. *Out of state.* The permittee may accept wastewater solids from out-of-state facilities for treatment and land application only when authorized in writing by DEQ.

4. Operator Certification

a. Definitions

- i. "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
- ii. "Supervisor" or "designated operator", means the operator delegated authority by the permittee for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.
- iii. "Shift Supervisor" means the operator delegated authority by the permittee for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.
- iv. "System" includes both the collection system and the treatment systems.

- b. The permittee must comply with OAR Chapter 340, Division 49, "Regulations Pertaining to Certification of Wastewater System Operator Personnel" and designate a supervisor whose certification

corresponds with the classification of the collection and/or treatment system as specified on p. 1 of this permit.

- c. The permittee must have its system supervised full-time by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system, and at a grade equal to or greater than the wastewater system's classification as specified on p. 1 of this permit.
- d. The permittee's wastewater system may not be without the designated supervisor for more than 30 days. During this period, there must be another person available to supervise who is certified at no more than one grade lower than the classification of the wastewater system. The permittee must delegate authority to this operator to supervise the operation of the system.
- e. If the wastewater system has more than one daily shift, the permittee must have another properly certified operator available to supervise operation of the system. Each shift supervisor, if any, must be certified at no more than one grade lower than the system classification.
- f. The permittee is not required to have a supervisor on site at all times; however, the supervisor must be available to the permittee and operator at all times.
- g. The permittee must notify DEQ in writing of the name of the system supervisor. The permittee may replace or re-designate the system supervisor with another properly certified operator at any time and must notify DEQ in writing within 30 days of replacement or re-designation of operator in charge. As of this writing, the notice of replacement or re-designation must be sent to Water Quality Division, Operator Certification Program, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. SCHEDULE D Special Conditions
- h. Upon written request, DEQ may grant the permittee reasonable time, not to exceed 120 days, to obtain the services of a qualified person to supervise the wastewater system. The written request must include a justification for the time needed, schedule for recruiting and hiring, date the system supervisor availability ceased, and name of the alternate system supervisor as required by above.

Schedule E
Pretreatment Activities

1. Industrial Waste Survey

The permittee must update its inventory of industrial users at a frequency and diligence adequate to ensure proper identification of industrial users subject to pretreatment standards, but no less than once per year. The permittee must notify these industrial users of applicable pretreatment standards in accordance with 40 CFR § 403.8(f)(2)(iii).

Schedule F 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.

