



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

Oregon Department of Environmental Quality
Northwest Region – Portland Office
2020 SW 4th Ave, Portland, Oregon 97201
Telephone: 503-5263

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

ISSUED TO:

City of Warrenton
P.O. Box 250
Warrenton, OR. 97146

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	Lat. 46°11'10.70 Long.-123°54'52.87

FACILITY TYPE AND LOCATION:

Activated Sludge - Sequencing Batch Reactor
105 NE 5th Avenue
Warrenton, OR

RECEIVING STREAM INFORMATION:

WRD Basin: North Coast Lower Columbia
USGS Subbasin: Lower Columbia –Youngs Bay
Receiving Stream: Columbia River
LLID: 1240483462464 D RM 8.2
County: Clatsop

Treatment System Class Level: III

Collection System Class Level: II

EPA REFERENCE #: OR-002087-7

Issued in response to application #962810 received August 9th, 2012 and based on the land use compatibility statement in the permit record.


Tiffany Yelton-Bram, Manager WQ NWR

6/4/2013
Issuance Date

7/1/2013
Effective 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.

Table of Contents

SCHEDULE A Waste Discharge Limits 3

- 1. Treated Effluent Outfall 001..... 3
- 2. Regulatory Mixing Zone 4
- 3. Groundwater Protection..... 4
- 4. Biosolids..... 4

SCHEDULE B Minimum Monitoring and Reporting Requirements..... 5

- 1. Monitoring and Reporting Protocols..... 5
- 2. Influent Monitoring Requirements 5
- 3. Effluent Monitoring Requirements..... 6
- 4. Biosolids Monitoring Requirements..... 6
- 5. Additional Information 7
- 6. Minimum Reporting Requirements..... 7

SCHEDULE C Compliance Schedule 8

SCHEDULE D Special Conditions 9

- 1. Inflow and Infiltration 9
- 2. Emergency Response and Public Notification Plan 9
- 3. Biosolids Management Plan 9
- 4. Wastewater Solids 9
- 5. Lagoon Solids..... 9
- 6. Operator Certification..... 9

SCHEDULE F General Conditions 11

List of Tables

Table A1: BOD₅ and TSS Limits for May 1 – October 31 3

Table A2: BOD₅ and TSS Limits for November 1 – April 30..... 3

Table A3: Limits for Additional Parameters..... 3

Table A4: Biosolids Limits..... 4

Table B1: Influent Monitoring..... 5

Table B2: Effluent Monitoring 6

Table B3: Temperature Monitoring 6

Table B4: Biosolids Monitoring 6

Table B5: Additional Information..... 7

**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: 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		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	20 mg/L	30 mg/L	167	250	334
TSS	20 mg/L	30 mg/L	167	250	334

*Table A1 loads are based on average dry weather design flow of 1.0 MGD

- ii. November 1 – April 30: 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		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	30 mg/L	45 mg/L	375	563	750
TSS	30 mg/L	45 mg/L	375	563	750

*Table A2 loads are based on average day wet weather design flow of 1.5 MGD.

b. Additional Parameters

Table A3: Limits for Additional Parameters

Year-round (except as noted)	Limits
<i>Fecal Coliform</i> Bacteria	Median concentration of 14 organisms per 100 ml. No more than 10% of the samples may exceed 43 organisms per 100 ml.
<i>Enterococcus</i> Bacteria	Monthly log mean may not exceed 35 organisms per 100 ml.
pH	Must be within the range of to 6.0-9.0 S.U.
BOD ₅ and TSS Removal Efficiency	May not be less than 85% monthly average for BOD ₅ and TSS
May 1 to October 31	Limits
Excess Thermal Load	Shall not exceed a monthly average of 58,380,000 BTU/day Shall not exceed a 7-day moving average of 70,056,000 BTU/day

2. Regulatory Mixing Zone

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 North Coast Basin except within the following regulatory mixing zone:

The allowable mixing zone is that portion of the Columbia River extending from a point 100 feet upstream of the outfall to a point 100 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) shall be defined as that portion of the allowable mixing zone that is within 10 feet of the point of discharge. (See Note 3)

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. Biosolids

The permittee may land apply biosolids provided the following conditions are met:

- a. The permittee must manage biosolids in accordance with its DEQ-approved Biosolids Management Plan and Land Application Plan.
- b. Biosolids must be applied at or below the agronomic rate required for maximum crop yield.
- c. The permittee must obtain written site authorization from DEQ for each beneficial use site prior to land application and follows the minimum site-specific management conditions in the site authorization letter.

SCHEDULE B
Minimum Monitoring and Reporting Requirements

1. Monitoring and Reporting Protocols

a. Quality Assurance and Quality Control (QA/QC)

See Schedule F, Section C, Monitoring and Records for further instruction on proper sampling techniques and test methods and the use of laboratories with QA/QC procedures.

b. Re-analysis, Re-sampling and Reporting of Data if QA/QC Requirements Not Met

If QA/QC requirements are not met for any analysis, the permittee must have the sample re-analyzed. If the sample cannot be re-analyzed, the permittee must re-sample at the earliest available opportunity. Permittee must include the results of samples not meeting QA/QC in the report but must not use the data in the calculations required by the permit.

c. Reporting Procedures

i. Quantitation Limits (QL)

The QL must be reported along with any result reported as “nondetect” or “ND”. The QL is the Method Reporting Limit (MRL) or Limit of Quantitation (LOQ). It is the lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration for the analyte. It is equivalent to the concentration of the lowest calibration standard assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed

ii. Calculating Mass Loads

The permittee must calculate mass loads as follows:

$$\text{(average daily effluent flow (MGD))} \times 8.34 \text{ \#/gal} \times \text{(average concentration (mg/L)) monthly avg.} = \text{Daily Loading (lbs/day)}$$

2. Influent Monitoring Requirements

The permittee must monitor influent at the headworks as listed below.

Table B1: Influent Monitoring

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
BOD ₅	2/Week	Composite
TSS	2/Week	Composite
pH	3/Week	Grab

3. Effluent Monitoring Requirements

The permittee must monitor effluent are taken after disinfection.

Table B2: Effluent Monitoring

* Effluent grab samples and measurements are taken after disinfection.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annual	Verification
BOD ₅	2/Week	Composite
TSS	2/Week	Composite
pH	3/Week	Grab
<i>Fecal Coliform</i> Bacteria	Weekly	Grab
<i>Enterococcus</i> Bacteria	Weekly	Grab
UV Radiation Dosage	Daily	Reading
Pounds Discharged (BOD ₅ and TSS)	2/Week	Calculation
Average Percent Removed (BOD ₅ and TSS)	Monthly	Calculation
Ammonia as Nitrogen (NH ₃ -N)	Monthly	Composite
Alkalinity	Quarterly	Composite

d. Temperature Monitoring (Monitored only during May 1- October 31)

Table B3: Temperature Monitoring

Item or Parameter	Minimum Frequency	Type of Sample
Effluent Temperature, Daily Max (See Note 1)	Same frequency as pH	Grab between 3 and 4 PM
Effluent Temperature, Average of Daily Maximums (See Note 1)	Weekly	Calculation

4. 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	Type of Sample
Biosolids Accumulation	Once every two years	Depth Measurement
Septage received: source; quantity, gallons	Each event	Record the source and quantity of septage received.

5. Additional Information

The permittee must report the information listed below.

Table B5: Additional Information

Information	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
Equipment breakdowns and bypassing.	Monthly	Record

6. Minimum Reporting Requirements**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 B2: Effluent Monitoring, p. 6 4. Table B5: , p. 7	Monthly	15 th day of the month following data collection	DEQ-approved discharge monitoring report (DMR) form.	DEQ Regional Office
Inflow and infiltration report	Annually	February 1	1 hard copy	DEQ Regional Office

Notes:

- After two full years of temperature monitoring, and if approved in writing by the Department, monitoring may be waived for those months when the effluent temperature does not exceed the stream temperature standard.
- Thermal Load calculated as follows:
 - Weekly**
 $(\text{Weekly average of daily maximum effluent temperatures in } ^\circ\text{F} - \text{applicable summer stream temperature standard, } 68^\circ\text{F}) \times (\text{Weekly average of daily flow in MGD}) \times (\text{weight of water } 8.34 \text{ \#/gal}) \times (\text{specific heat of water } 1\text{BTU/lb}^\circ\text{F}) \times (1,000,000) \times (3.9674 \text{ kcals/BTU}) = \text{Thermal load, in kilocalories/day}$
 - Monthly**
 $(\text{Monthly average of daily maximum effluent temperatures in } ^\circ\text{F} - \text{applicable summer stream temperature standard, } 68^\circ\text{F}) \times (\text{Monthly average of daily flow in MGD}) \times (\text{weight of water } 8.34 \text{ \#/gal}) \times (\text{specific heat of water } 1\text{BTU/lb}^\circ\text{F}) \times (1,000,000) \times (3.9674 \text{ kcals/BTU}) = \text{Thermal load, in kilocalories/day}$

The permittee must report monitoring results as listed below.

SCHEDULE C
Compliance Schedule

There are no compliance schedules associated with this permit.

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. Biosolids Management Plan

The permittee must maintain a Biosolids Management Plan meeting the requirements in OAR 340-050-0031(5). The permittee must keep the plan updated and submit substantial modifications to an existing plan to DEQ for approval at least 60 days prior to making the proposed changes. Conditions in the plan are enforceable requirements under this permit.

4. 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 when authorized in writing by DEQ provided the pollutant concentrations in the out-of-state solids do not exceed the ceiling concentration limits in Schedule A (4) p. 2.

5. Lagoon Solids

At least six months prior to the removal of accumulated solids from the lagoon, the permittee must submit to DEQ a biosolids management plan and land application plan developed in accordance with OAR 340-050. DEQ will provide an opportunity for comment on the biosolids management plan and land application plan as directed by OAR 340-050-0015(8). The permittee must follow the conditions in the approved plan.

6. 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 one 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.
 - 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 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(I)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

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

D5. Twenty-Four Hour Reporting

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

a. Overflows.

(1) Oral Reporting within 24 hours.

- i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.

- (a) The location of the overflow;
- (b) The receiving water (if there is one);
- (c) An estimate of the volume of the overflow;
- (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
- (e) The estimated date and time when the overflow began and stopped or will be stopped.

- ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:

- (a) The OERS incident number (if applicable); and
- (b) A brief description of the event.

(2) Written reporting within 5 days.

- i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:
 - (a) The OERS incident number (if applicable);
 - (b) The cause or suspected cause of the overflow;
 - (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
 - (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
 - (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

- b. Other instances of noncompliance.
 - (1) The following instances of noncompliance must be reported:
 - i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
 - ii. Any upset that exceeds any effluent limitation in this permit;
 - iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
 - iv. Any noncompliance that may endanger human health or the environment.
 - (2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).
 - (3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. The estimated time noncompliance is expected to continue if it has not been corrected;
 - iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
 - v. Public notification steps taken, pursuant to General Condition B7.
 - (4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

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

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

D7. Duty to Provide Information

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

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

D8. Signatory Requirements

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

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per

violation and up to 5 years in prison 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 *BOD₅* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD₅* 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. *m³/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.