

Expiration Date: 12/31/2019  
Permit Number: 101552  
File Number: 12800  
Page 1 of 22



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

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

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

**ISSUED TO:**

Town of Butte Falls  
PO Box 268  
Butte Falls, OR 97522

**SOURCES COVERED BY THIS PERMIT:**

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 1.0
Recycled Water Reuse	002	Land irrigation

**FACILITY LOCATION:**

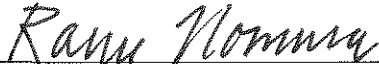
Butte Falls STP  
Falls Road, Butte Falls, 97522  
**Treatment System Class: Level II**  
**Collection System Class: I**

**RECEIVING STREAM INFORMATION:**

Basin: Rogue  
Sub-Basin: Upper Rogue  
Receiving Stream: South Fork of Big Butte Creek  
LLID: 1225778425588 – 1 – D  
County: Jackson

**EPA REFERENCE NO: OR-002989-1**

Issued in response to Application No. 960541 received January 21, 2014. This permit is issued based on the land use findings in the permit record.

  
\_\_\_\_\_  
Ranéi Nomura, Water Quality Manager  
Western Region

1/15/2015  
\_\_\_\_\_  
Signature Date

2/4/2015  
\_\_\_\_\_  
Effective Date

**PERMITTED ACTIVITIES**

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system and discharge to public waters adequately treated wastewaters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows.

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

<b>SCHEDULE A: WASTE DISCHARGE LIMITS.....</b>	<b>3</b>
1. Outfall 001 – Treated Effluent.....	3
a. May 1 <sup>st</sup> – October 31 <sup>st</sup> .....	3
b. November 1 <sup>st</sup> – April 30 <sup>th</sup> .....	3
c. Regulatory Mixing Zone.....	4
2. Outfall 002 – <i>Recycled Wastewater</i> .....	4
a. Treatment classification.....	4
b. Recycled water requirements.....	4
3. Groundwater Protection.....	5
4. Septage Requirements.....	5
<b>SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS.....</b>	<b>6</b>
1. Monitoring and Reporting Protocols.....	6
a. Quality Assurance and Quality Control (QA/QC).....	6
b. Re-analysis, Re-sampling and Reporting of Data if QA/QC Requirements Not Met.....	6
c. Reporting Procedures.....	6
2. Influent Monitoring and Reporting Requirements.....	7
3. Effluent Monitoring and Reporting Requirements: Outfall 001 – Treated Effluent.....	7
4. Outfall 002 – <i>Recycled Water</i> .....	8
5. Bio-solids Management.....	9
6. Reporting Requirements.....	10
7. Annual Reports.....	10
a. Inflow and Infiltration Reduction Report.....	10
b. Bio-Solids Report.....	10
c. Recycled Water Report.....	11
<b>SCHEDULE D: SPECIAL CONDITIONS.....</b>	<b>12</b>
1. Emergency Response and Public Notification Plan.....	12
2. Recycled Water Use Plan.....	12
3. Exempt Wastewater Reuse at the Treatment System.....	12
4. Operator Certification.....	12
<b>SCHEDULE F: NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES.....</b>	<b>14</b>
1. SECTION A. STANDARD CONDITIONS.....	14
2. SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS.....	15
3. SECTION C. MONITORING AND RECORDS.....	18
4. SECTION D. REPORTING REQUIREMENTS.....	19
5. SECTION E. DEFINITIONS.....	21

**SCHEDULE A: WASTE DISCHARGE LIMITS**

**1. Outfall 001 – Treated Effluent**

**a. May 1<sup>st</sup> – October 31<sup>st</sup>**

During this time period the permittee may not discharge to waters of the state.

**b. November 1<sup>st</sup> – April 30<sup>th</sup>**

**i. BOD<sub>5</sub> and TSS**

Parameter	Average Effluent Concentrations		Monthly Average lbs./day	Weekly Average lbs./day	Daily Maximum lbs.
	Monthly	Weekly			
BOD <sub>5</sub>	30 mg/L	45 mg/L	18	27	36
TSS	30 mg/L	45 mg/L	18	27	36

**ii. Other Parameters**

Parameter	Limitations
<i>E. coli</i> Bacteria	Monthly geometric mean may not exceed 126 organisms per 100 ml. No single sample may exceed 406 organisms per 100 ml. (See Note A.1)
pH	May not be outside the range of 6.0 – 9.0 S.U.
BOD <sub>5</sub> and TSS Removal Efficiency	May not be less than 85% monthly average for BOD <sub>5</sub> and 85 % monthly average for TSS.
Total Chlorine Residual	Monthly average concentration may not exceed 0.04 mg/L. Daily maximum concentration may not exceed 0.10 mg/L. (See Note A.2)

**iii. Excess Thermal Load (April 1<sup>st</sup> to April 30<sup>th</sup>)**

Parameter	Limitations
Excess Thermal Load	May not exceed a rolling 7-day average of 17.5 million Kcals/day

**c. Regulatory Mixing Zone**

No wastes may be discharged or activities conducted that cause or contribute to a violation of water quality standards in OAR 340-041 applicable to the Rogue basin except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:

*The allowable mixing zone is that portion of the South Fork of Big Butte Creek contained within a band extending from of the outfall to a point 50 feet downstream and 10 above the outfall. The width of the mixing zone is 9 feet (1/4 of the stream width), centred on 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.*

**2. Outfall 002 – Recycled Wastewater**

**a. Treatment classification**

No direct discharge to state waters is permitted when using this outfall. Recycled water must be treated to the appropriate level and re-used for the following beneficial purposes:

<b>Level of Treatment</b>	<b>Level of Treatment</b> (after disinfection, unless otherwise specified)	<b>Beneficial Uses</b>
C	Oxidised and disinfected. Total coliform may not exceed: <ul style="list-style-type: none"> <li>• A median of 23 total coliform organisms per 100 mL, based on results of the last 7 days that analyses have been completed.</li> <li>• 240 total coliform organisms per 100 mL in any two consecutive samples.</li> </ul>	<ul style="list-style-type: none"> <li>• Class D and non-disinfected uses.</li> <li>• Irrigation of processed food crops; Irrigation of orchards or vineyards if an irrigation method is used to apply recycled water directly to the soil.</li> <li>• Landscape irrigation of golf courses, cemeteries, highway medians, or industrial or business campuses.</li> <li>• Industrial, commercial, or construction uses limited to: industrial cooling, rock crushing, aggregate washing, mixing concrete, dust control, non-structural firefighting using aircraft, street sweeping, or sanitary sewer flushing.</li> </ul>

**b. Recycled water requirements**

i. All recycled water use distributed on land for dissipation by evapotranspiration and controlled seepage must follow sound irrigation practises so as to prevent:

- (A) Prolonged ponding of treated recycled water on the ground surface;
- (B) Surface run-off or subsurface drainage through drainage tile;
- (C) The creation of odours, fly and mosquito breeding or other nuisance conditions;
- (D) The overloading of land with nutrients, organics, or other pollutant parameters;
- (E) Impairment of existing or potential beneficial uses of groundwater.

- ii. All use of recycled water must conform to the Recycled Water Use Plan approved by the Department

**3. Groundwater Protection**

No activities may be conducted 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 in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040).

**4. Septage Requirements**

Permittee may not accept septage at this facility for treatment or processing without written approval from DEQ.

**Schedule A Notes:**

- A.1 If a single sample exceeds 406 organisms per 100 ml then five consecutive re-samples may be taken at four-hour intervals beginning within 28 hours after the original sample was taken. If the log mean of the five re-samples is less than or equal to 126 organisms per 100 ml, a violation will not be triggered.
- A.2 When the total residual chlorine limitation is lower than 0.05 mg/L, the DEQ will use 0.05 mg/L as the compliance evaluation concentration (i.e. daily maximum or monthly average concentrations below 0.05 mg/l will be considered in compliance with the total chlorine residual limitations).

**SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS**

<b>REPORTING SUMMARY</b>			
<b>Item</b>	<b>Frequency</b>	<b>Due date</b>	<b>Section(s)</b>
Discharge Monitoring Report	Monthly	By 15 <sup>th</sup> of following month	2, 3, 4
Inflow and Infiltration Report	Yearly	February 1 <sup>st</sup> of following year	7a
Biosolids report	Yearly	February 19 <sup>th</sup> of following year	5, 7b
Recycled water report	Yearly	January 15 <sup>th</sup> of following year	7c

**1. Monitoring and Reporting Protocols**

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

The permittee must develop and implement a written QA/QC programme to verify the accuracy of sample analysis as specified in 40 CFR Part 136. The QA/QC programme must conform to the requirements of 40 CFR Part 136.7. For additional requirements on proper sampling techniques, test methods and QA/QC procedures, see Schedule F, Sections B.1 and C.

**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-analysed. If the sample cannot be re-analysed, the permittee must re-sample as soon as possible. If a sample result does not meet QA/QC requirements, the result must be included in the DMR along with a notation explaining how it does not meet QA/QC requirements, but must not be used in any calculation required by the permit.

**c. Reporting Procedures**

**i. Significant Figures**

Mass load limits all have two significant figures unless otherwise noted. 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 (such as rounding 5 up for the calculated results or, in the case of measured values, 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.

**ii. Calculating Mass Loads**

The permittee must calculate mass loads on a daily basis as follows:

$$\text{Flow (in MGD)} \times \text{Concentration (in mg/L)} \times 8.34 = \text{Pounds per day}$$

## 2. Influent Monitoring and Reporting Requirements

Influent samples are to be collected at the headworks after the screen unit.

Item or Parameter	Minimum Frequency	Type of Sample	Report
Total flow (MGD)	Daily	Measurement	Daily totals Monthly total Maximum daily value Minimum daily value Monthly average
Flow Meter Calibration	Annual	Verification	Report that calibration was completed.
BOD <sub>5</sub> and TSS (mg/l)	2 per month	24 hour composite	Daily values Monthly average Monthly max
pH (S.U.)	2 per week	Grab	Daily values Maximum daily value Minimum daily value

## 3. Effluent Monitoring and Reporting Requirements: Outfall 001 – Treated Effluent

The following monitoring is required when discharging through Outfall 001. The effluent samples must be taken at the discharge point of the chlorine contact basin, after de-chlorination.

Item or Parameter	Minimum Frequency	Type of Sample	Report
Total Effluent Flow (MGD)	Daily	Measurement	Daily totals Monthly total Maximum daily value Minimum daily value Monthly average
Flow Meter Calibration	Annual	Verification	Report that calibration was completed.
BOD <sub>5</sub> and TSS (mg/l)	2 per month	24 hour composite	Daily values Weekly average Monthly average
BOD <sub>5</sub> and TSS mass load (lbs/day)	2 per month	Calculation	Daily values Maximum daily value Weekly average Monthly average
BOD <sub>5</sub> and TSS Percentage Removal (%)	Monthly	Calculation	Monthly average

Item or Parameter	Minimum Frequency	Type of Sample	Report
pH (S.U.)	2 per week	Grab	Daily values Maximum daily value Minimum daily value
<i>E. coli</i> bacteria (number/100 ml or MPN/100 ml)	2 per month	Grab	Daily values Maximum daily value Monthly geometric mean
Quantity Chlorine Used (lbs.)	Daily	Measurement	Daily values Monthly average
Total Chlorine Residual (mg/l)	Daily	Grab	Daily values Maximum daily value Monthly average
Temperature (November 1 <sup>st</sup> – March 25 <sup>th</sup> )	2 per week	Grab	Daily values Maximum daily value Minimum daily value
Temperature (March 26 <sup>th</sup> – April 30 <sup>th</sup> )	Daily	Grab	Daily values Maximum daily value Minimum daily value Rolling 7-day average daily values
Excess Thermal Load (April 1 <sup>st</sup> to April 30 <sup>th</sup> )	Daily	Calculation (See Note B.1)	Rolling 7-day average Maximum 7-day average value Minimum 7-day average value

#### 4. Outfall 002 – Recycled Water

The following monitoring is required when discharging through Outfall 002. The samples must be representative of the recycled water delivered for beneficial reuse at a location identified in the Recycled Water Use Plan.

Item or Parameter	Minimum Frequency	Type of Sample	Report
Total Flow (MGD) or Quantity Irrigated (inches/acre)	Daily	Measurement	Daily totals Monthly total Maximum daily value Minimum daily value Monthly average
Flow Meter Calibration	Annually	Verification	Report that calibration was completed.
Quantity Chlorine Used (lbs.)	Daily	Measurement	Daily values Monthly average



Total Chlorine Residual (mg/l)	Daily	Grab	Daily values Maximum daily value Monthly average
pH (S.U.)	2 per week	Grab	Daily values Maximum daily value Minimum daily value
Total Coliform (Class C)	1 per week	Grab	Daily values Maximum daily value 7-day median
<i>E. Coli</i> (Class D)	1 per week	Grab	Daily values Maximum daily value 30-day geometric mean
Nutrients (TKN, NO <sub>2</sub> +NO <sub>3</sub> -N, NH <sub>3</sub> , Total Phosphorus)	Quarterly	Grab	Daily values

## 5. Bio-solids Management

The permittee must monitor bio-solids land applied or produced for sale or distribution as listed in the tables below. The samples must be representative of the quality and quantity of bio-solids generated and undergo the same treatment process used to prepare the bio-solids.

Item or Parameter	Minimum Frequency	Sample Type
Nutrient and conventional parameters (% dry weight unless otherwise specified): 1) Total Kjeldahl Nitrogen (TKN) 2) Nitrate-Nitrogen (NO <sub>3</sub> -N) 3) Ammonium Nitrogen (NH <sub>4</sub> -N) 4) Total Phosphorus (P) 5) Potassium (K) 6) pH (S.U.) 7) Total Solids 8) Volatile Solids	As described in the DEQ-approved Bio-solids Management Plan, but not less than the frequency shown below.	As described in the DEQ-approved Bio-solids Management Plan
Pollutants: As, Cd, Cu, Hg, Mo, Pb, Ni, Se, Zn, mg/kg dry weight	As described in the DEQ-approved Bio-solids Management Plan, but not less than the frequency shown below.	As described in the DEQ-approved Bio-solids Management Plan
Pathogen reduction	As described in the DEQ-approved Bio-solids Management Plan, but not less than the frequency shown below.	As described in the DEQ-approved Bio-solids Management Plan
Vector attraction reduction	As described in the DEQ-approved Bio-solids Management Plan, but not less than the shown below.	As described in the DEQ-approved Bio-solids Management Plan

Item or Parameter	Minimum Frequency	Sample Type
Record of bio-solids land application: date, quantity, location.	Each event	Record the date, quantity, and location of bio-solids land applied on site location map or equivalent electronic system, such as GIS.

Quantity of bio-solids land applied or produced for sale or distribution per calendar year		Minimum Sampling Frequency
Dry metric tons	Dry U.S. tons	
Less than 290	Less than 320	Once per year
290 to 1,500	320 to 1,653	Once per quarter (4x/year)
1500 to 15,000	1,653 to 16,535	Once per 60 days (6x/year)
15,000 or more	16,535 or more	Once per month (12x/year)

**6. Reporting Requirements**

The permittee must meet the following conditions:

- a. The permittee must report the results of monitoring required under Conditions 2 through 4 on Department-approved Discharge Monitoring Report (DMR) forms. The reporting period is the calendar month. DMRs must be submitted to the appropriate Department office by the 15<sup>th</sup> day of the following month.
- b. DMRs must identify the name, certificate classification and grade level of each principal operator designated by the permittee as responsible for supervising the wastewater collection and treatment systems during the reporting period. DMRs must also identify each system classification as found on page one of this permit.
- c. DMRs must also include a record of the quantity and method of use of all sludge removed from the treatment facility and a record of any equipment breakdowns and bypassing.

**7. Annual Reports**

**a. Inflow and Infiltration Reduction Report**

The permittee must have in place a programme to identify and reduce inflow and infiltration into the sewage collection system. An annual report must be submitted to the Department by February 1<sup>st</sup> of each year which details sewer collection maintenance activities that reduce inflow and infiltration. The report must state those activities that have been done in the previous year and those activities planned for the following year.

**b. Bio-Solids Report**

For any year in which bio-solids are transported to another facility, a report must be submitted to the Department by February 19<sup>th</sup> of the following year that describes solids handling activities for the previous year and includes, but is not limited to, the required information outlined in OAR 340-050-0035(6)(a)-(e).

**c. Recycled Water Report**

By no later than January 15<sup>th</sup> of each year, a report must be submitted to the Department describing the effectiveness of the recycled water system. The report must demonstrate compliance with the approved recycled water use plan, Division 55 rules, and the limitations and conditions of this permit applicable to recycled water.

**Schedule B Notes:**

B.1 Excess Thermal Load is calculated using the following equation:

$$ETL = Q_e(T_e - 13)C_f$$

Where:

ETL = Excess Thermal Load, million Kcals/day

$Q_e$  = Effluent flow in cfs, rolling 7-day average

$T_e$  = Effluent temperature in °C, rolling 7-day average

13 = numeric temperature criterion, °C

$C_f$  = Conversion factor 2.446665 million kcal's/°C ft<sup>3</sup>·day

**SCHEDULE D: SPECIAL CONDITIONS****1. 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.

**2. Recycled Water Use Plan**

In order to distribute recycled water for reuse, the permittee must have and maintain a DEQ-approved Recycled Water Use Plan meeting the requirements in OAR 340-055-0025. The permittee must 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.

**3. Exempt Wastewater Reuse at the Treatment System**

The permittee is exempt from the recycled water use requirements in OAR 340-055 when recycled water is used at the wastewater treatment system for landscape irrigation or for in-plant processes at a wastewater treatment system and all of the following conditions are met:

- a. The recycled water is an oxidised and disinfected wastewater.
- b. The recycled water is used at the wastewater treatment system site where it is generated or at an auxiliary wastewater or sludge treatment facility that is subject to the same NPDES or WPCF permit as the wastewater treatment system. Contiguous property to the parcel of land upon which the treatment system is located is considered the wastewater treatment system site if under the same ownership.
- c. Spray or drift or both from the use does not occur off the site.
- d. Public access to the site is restricted.

**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 practise 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 practise 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 on a part-time or full-time basis by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system the operator is supervising and at a grade equal to or greater than the wastewater system's classification specified on page 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 4<sup>th</sup> Avenue, Suite 400, Portland, OR 97201. This address may be updated in writing by DEQ during the term of this permit.
- h. When compliance with item (d) of this section is not possible or practicable because the system supervisor is not available or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, the Director may grant a time extension for compliance with the requirements in response to a written request from the system owner. The Director will not grant an extension longer than 120 days unless the system owner documents the existence of extraordinary circumstances.

## SCHEDULE F: NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES

### 1. 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.

**2. 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. 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.

### 3. SECTION C. MONITORING AND RECORDS

#### C1. Representative Sampling

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

#### C2. Flow Measurements

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

#### C3. Monitoring Procedures

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

#### C4. Penalties of Tampering

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

#### C5. Reporting of Monitoring Results

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

#### C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total 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)].

**4. SECTION D. REPORTING REQUIREMENTS**

**D1. Planned Changes**

The permittee must comply with OAR 340-052, "Review of Plans and Specifications" and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

**D2. Anticipated Noncompliance**

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

**D3. Transfers**

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

#### D4. Compliance Schedule

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

#### D5. Twenty-Four Hour Reporting

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

##### a. Overflows.

###### (1) Oral Reporting within 24 hours.

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

(a) The location of the overflow;

(b) The receiving water (if there is one);

(c) An estimate of the volume of the overflow;

(d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and

(e) The estimated date and time when the overflow began and stopped or will be stopped.

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

(a) The OERS incident number (if applicable); and

(b) A brief description of the event.

###### (2) Written reporting within 5 days.

i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:

(a) The OERS incident number (if applicable);

(b) The cause or suspected cause of the overflow;

(c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;

(d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and

(e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

##### b. Other instances of noncompliance.

###### (1) The following instances of noncompliance must be reported:

i. Any unanticipated bypass that exceeds any effluent limitation in this permit;

ii. Any upset that exceeds any effluent limitation in this permit;

iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and

iv. Any noncompliance that may endanger human health or the environment.

###### (2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

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

i. A description of the noncompliance and its cause;

ii. The period of noncompliance, including exact dates and times;

iii. The estimated time noncompliance is expected to continue if it has not been corrected;

- iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
  - v. Public notification steps taken, pursuant to General Condition B7.
- (4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

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

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

D7. Duty to Provide Information

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

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

D8. Signatory Requirements

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

D9. Falsification of Information

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

D10. Changes to Indirect Dischargers

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

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

5. **SECTION E. DEFINITIONS**

E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.

E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.

