



**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:**

Three Rivers/Josephine County Unit Joint School District  
PO Box 160  
Murphy, Oregon 97533-0160

**SOURCES COVERED BY THIS PERMIT:**

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 2.8
Reclaimed Water Reuse	002	Land Irrigation

**FACILITY TYPE AND LOCATION:**

Activated Sludge Package Plant with Dechlorination  
Fleming Middle School STP  
6001 Monument Drive, Merlin, OR

**RECEIVING STREAM INFORMATION:**

WRD Basin: Rogue  
USGS Sub-Basin: Lower Rogue  
Receiving Stream: Harris Creek  
Hydro Code: 1234229425212 2.8 D  
County: Josephine

**Treatment System Class:** Level II

**Collection System Class:** I

**EPA REFERENCE NO:** OR0028355

Issued in response to Application No. 960557 received February 18, 2014. This permit is issued based on the land use findings in the permit record.

Ranei Nomura, Water Quality Manager  
Western Region

2/26/2015

Signature Date

3/18/2015

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.

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**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 <sup>1</sup> Average lbs./day	Weekly <sup>1</sup> Average lbs./day	Daily <sup>1</sup> Maximum lbs.
	Monthly	Weekly			
BOD <sub>5</sub>	30 mg/L	45 mg/L	5.0	7.5	10
TSS	30 mg/L	45 mg/L	5.0	7.5	10

**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. <sup>2</sup>
pH	May not be outside the range of 6.5 – 8.5 S.U.
BOD <sub>5</sub> and TSS Removal Efficiency	May not be less than 85% monthly average.
Ammonia	Monthly average concentration may not exceed 1.3 mg/l and a daily average maximum concentration of 1.9 mg/l.
Total Chlorine Residual	Monthly average concentration may not exceed 0.0086 mg/L. Daily maximum concentration may not exceed 0.015 mg/L. <sup>3</sup>

<sup>1</sup> Average dry weather design flow to facility equals 0.02 MGD. Mass load limits based upon average dry weather design flow to the facility

<sup>2</sup> If a single sample exceeds 406 organisms per 100 ml then five consecutive re-samples may be taken at four-hour intervals beginning within 72 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.

<sup>3</sup> DEQ has established a minimum quantitation Limit of 0.050 mg/L for Total Residual Chlorine. In cases where one or both effluent concentration limit/s is lower than the Quantitation Limit, DEQ will use the reported Quantitation Limit (or equivalent) as the compliance evaluation level for affected limits.

**c. Regulatory Mixing Zone**

There is no regulatory mixing zone for this discharge. All effluent limitations must be met at the end of the outfall pipe.

- d. The permittee must not discharge any floating solids, or visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water. The permittee must comply with the narrative conditions in OAR 340-41 including the statewide narrative conditions in OAR 340-41-007. 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.
- e. This permit does not authorize discharge of industrial waste as defined in OAR 340-041-0002 (25).

**2. Outfall 002 – Recycled Wastewater**

**a. Treatment classification**

No discharge to state waters is permitted. 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 the 7 days of analyses.</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 odors, 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) Recycled water must be distributed at a rate and in accordance with site management practices that ensure continued agricultural, horticultural, or silvicultural production and does not reduce the productivity of the site.
- (iii) 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.

**5. Re-opener**

Upon EPA approval of a Total Maximum Daily Load (TMDL) addressing any pollutants during the discharge period, this permit may be re-opened to include any waste load allocation (WLA), best management practise or any other condition required by the TMDL.

**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
Biosolids report	Yearly	February 19 <sup>th</sup> of following year	6, 8a
Inflow and Infiltration report	Yearly	February 1 of following year	8b
Recycled water report	Yearly	January 15 <sup>th</sup> of following year	8c

**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 program 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 box prior to the communitor.

Item or Parameter	Minimum Frequency	Type of Sample	Report
BOD <sub>5</sub> and TSS (mg/l)	Monthly	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 permittee must monitor the effluent 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)	Monthly	24 hour composite	Daily values Weekly average Monthly average
BOD <sub>5</sub> and TSS mass load (lbs/day)	Monthly	Calculation	Daily values Maximum daily value Weekly average Monthly average
BOD <sub>5</sub> and TSS Percentage Removal (%)	Monthly	Calculation	Monthly average
pH (S.U.)	2 per week	Grab	Daily values Maximum daily value Minimum daily value

Item or Parameter	Minimum Frequency	Type of Sample	Report
Maximum daily Temperature <sup>4</sup> (degrees Celsius or degrees Fahrenheit)	2 per week	Grab	Daily values Maximum daily value
<i>E. coli</i> bacteria (number/100 ml or MPN/100 ml)	Monthly	Grab	Daily values Maximum daily value Monthly geometric mean
Ammonia	Monthly	Grab	Daily values Monthly average
Quantity Chlorine Used (lbs.)	Daily	Measurement	Daily values Monthly average
Total Chlorine Residual (mg/l)	Daily	Grab	Daily values Maximum daily value Monthly average

**4. Stream Monitoring and Reporting Requirements: Harris Creek**

The following monitoring is required when discharging through Outfall 001.

Item or Parameter	Minimum Frequency	Type of Sample	Report
Stream Temperature <sup>5</sup>	2 per week	Grab	Maximum daily value
Stream Flow, CFS <sup>6</sup>	daily	Measurement	Daily Value

<sup>4</sup> Temperature grab sampling must occur near the daily maximum temperature occurring usually mid afternoon (approximately 3:00 pm).

<sup>5</sup> Temperature grab sample upstream and representative of the outfall, when discharging. Sampling must occur near the daily maximum temperature occurring usually mid afternoon (approximately 3:00 pm).

<sup>6</sup> Monitoring required November 2015 through April 2016, and November 2016 through April 2017.



**5. Outfall 002 – Recycled Water**

Item or Parameter	Minimum Frequency	Type of Sample	Report
Quantity Irrigated (inches/acre)	Daily	Measurement	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 Monthly average
pH (S.U.)	2 per week	Grab	Daily values
Total Coliform	1 per week	Grab	Daily values Median, based on the 7 days of analyses
Nutrients (TKN, NO <sub>2</sub> +NO <sub>3</sub> -N, NH <sub>3</sub> , Total Phosphorus)	Quarterly	Grab	Values

**6. Biosolids Management**

Item or Parameter	Minimum Frequency	Type of Sample	Report
Solids pumped from treatment system	Each Occurrence	Report	Date volume (gallons), percent solids, hauler, transfer point.

**7. 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.

## **8. Annual Reports**

### **a. 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).

### **b. Inflow and Infiltration Report**

An annual Inflow and Infiltration report must be submitted to the Department by February 1 for the preceding calendar year.

### **c. Recycled Water Report**

By no later than January 15<sup>th</sup> of each year, a report must be submitted to DEQ 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.

## **9. Recycled Water Use Plan:**

- a. The permittee must submit to DEQ for review and approval an updated recycled water use plan for outfall #002 by April 1, 2015.

## **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. 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.

### **3. 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.

### **4. Wastewater Solids Transfers**

- a. *Within state.* The permittee may transfer wastewater solids including Class A and Class B biosolids, 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.
- b. *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.

5. Permittee must notify the Department of any changes in wastewater sludge management, including changes in sludge haulers, In the event that the permittee wishes to begin land application of biosolids, the permittee must submit a sludge (biosolids) management plan and a request for permit modification. The Biosolids Management Plan must be developed in accordance with Oregon Administrative Rules,

Chapter 340, Division 50, "Land Application and Disposal of Sewage Treatment Plant Sludge and Sludge Derived Products including Septage". The plan modification request must be submitted a minimum of 6 months prior to the anticipated application date. No biosolids may be land applied without prior written Department approval

## 6. Industrial User Survey

The permittee must conduct an industrial user survey to determine the presence of any industrial users discharging wastewaters subject to pretreatment and submit a report on the findings to DEQ within 24 months of permit issuance. The purpose of the survey is to identify whether there are any categorical industrial users discharging to the POTW, and ensure regulatory oversight of these discharges to state waters. If the POTW has already completed a baseline IU Survey the results of this survey are to be provided to DEQ within two months of permit re-issuance.

Guidance on conducting IU Surveys can be found at  
<http://www.deq.state.or.us/wq/pretreatment/docs/guidance/IUSurveyGuidance.pdf>

Once an initial baseline IU Survey is conducted it is to be maintained by the POTW and made available for inspection by DEQ. Every 5 years from permit renewal, the permittee must submit an updated IU survey.

## 7. 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**

**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 \$25,000 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 \$37,500 and administrative penalties not to exceed \$16,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and 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, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to \$250,000, imprisonment for not more than 10 years, or both. 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. 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. 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  $\pm 10$  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)].

**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 postmarked 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.

