



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

Oregon Department of Environmental Quality
Western Region – Eugene, East 7th Avenue, Suite 100
Eugene, OR 97401
Telephone: 541.686.7838

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

ISSUED TO:	SOURCES COVERED BY THIS PERMIT:		
Foster Poultry Farms, Inc. P.O. Box 8 Creswell, OR 97426	Type of Waste	Outfall Number	Outfall Location
	Chicken Processing Wastewater	001	Unnamed Tributary of Camas Swale Creek, River Mile 3.3
	Domestic Sewage	002	Sprinkler Irrigation
		003	Septic Tanks and Drainfields

FACILITY TYPE AND LOCATION:
33464 E. West Lane
Creswell, OR 97426

RECEIVING STREAM INFORMATION:
Sub-Basin: Coastal Fork Willamette
WRD Basin: Willamette
Receiving Stream: Unnamed Tributary of Camas Swale Creek
LLID: 129912439550-3.3-I
County: Lane

EPA REFERENCE NO.: OR002645-0

Issued in response to Application No. 972536 received 10/16/2008. This permit is issued based on the land use findings in the permit record.

Ranei Nomura, Western Region Water
Quality Program Manager

4/20/2015
Signature Date

5/10/2015
Effective Date

PERMITTED ACTIVITIES

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

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

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SCHEDULE A: WASTE DISCHARGE LIMITS

No Discharge Allowed

- a. No discharge allowed to outfall 001 or 002 prior to compliance with the permit conditions contained in Schedule B.6.

Outfall #001 – Treated Effluent

- a. The discharge of process wastewater resulting from poultry first processing in excess of 100 million pounds (live weight kill) and further processing in excess of 7 million pounds in units of finished product of poultry a year (12 months) is prohibited.
- b. As a recommencing discharger, the permittee must install and have in operating condition and start up all pollution control equipment to meet the permit conditions, including waste discharge limits, upon discharge to outfall 001. The permittee must comply with all permit conditions, including new or more stringent waste discharge limits as soon as possible not to exceed 90 days after beginning discharge.
- c. There is no regulatory mixing zone for this discharge. All effluent limitations must be met at the end of the outfall pipe.
- d. Waste discharge limits by discharge period:
 - i. May 1 – Oct. 31, discharge is prohibited.
 - ii. Nov. 1 – April 30, the permittee must comply with the limits of the following tables.

Table A1: BOD5 , TSS, and Oil and Grease Limits for the Treated Effluent

Parameters	Loading Waste Discharge Limits	
	Monthly Average, lbs/day	Daily Maximum, lbs/day
BOD ₅	44	84
TSS	51	96
Oil and Grease	29	56

Table A2: Limits for Additional Parameters for the Treated Effluent

Parameter	Limits
<i>E. coli</i> Bacteria (see Note a.)	Monthly geometric mean may not exceed 126 organisms per 100 ml. No single sample may exceed 406 organisms per 100 ml.
pH	May not be outside the range of 6.5 to 8.5 S.U.
Chlorine, Total Residual (see Note b.)	Monthly average concentration may not exceed 0.01 mg/L. Daily maximum concentration may not exceed 0.02 mg/L
Notes	
<ul style="list-style-type: none"> a. No single <i>E. coli</i> sample may exceed 406 organisms per 100 mL; however, DEQ will not cite a violation of this limit if the permittee takes at least 5 consecutive re-samples at 4 hour intervals beginning within 48 hours after the original sample was taken and the geometric mean of the 5 re-samples is less than or equal to 126 <i>E. coli</i> organisms/100 mL. b. When the total residual chlorine limitation is lower than 0.05 mg/L, DEQ will use 0.05 mg/L as the compliance evaluation level; that is, daily maximum and monthly average concentrations at or below 0.05 mg/L will be considered in compliance with the limit. 	

Outfall #002 – Sprinkler Irrigation of Treated Industrial Plant Effluent

- a. Upon compliance with the permit conditions in Schedule B.6., the permittee must comply with the following limits during the period of discharge.
 - i. Unless otherwise authorized in writing by the DEQ, land application of treated industrial wastewater and sludge must be done in accordance with the permittee's DEQ approved wastewater management plan.
 - ii. No discharge to waters of the state is permitted. All wastewater must be distributed on land for dissipation by evaporation and controlled seepage by following sound irrigation practices so as to prevent:
 - (A) Prolonged ponding of wastewater on the ground surface;
 - (B) Surface runoff or subsurface drainage through drainage tile
 - (C) The creation of odors, fly and mosquito breeding or other nuisance conditions, and
 - (D) Exceed the infiltration rate of the soil or overload of land with nutrients or organics
 - iii. All wastewater must be treated using the aeration ponds and the sequence batch reactor prior to land application.
 - iv. The irrigation system is managed as not to adversely impact groundwater quality or exceed agronomic rates of nutrients need by a crop or other vegetation grown and to minimize nutrients from land applied materials below the root zone of the crop to groundwater.

Outfall #003 – Domestic Sewage

- a. The permittee is allowed to operate and maintain a sewage treatment and disposal system consisting of septic tanks and drainfield sized and constructed in accordance with plans and specifications approved by the Department.
- b. The maximum daily flow is limited to 4,500 gallons per day.
- c. No discharge to waters of the state is permitted. All wastewater must be distributed into on-site disposal fields for dissipation by evaporation and controlled seepage to prevent:
 - i. Surfacing of sewage on the ground surface;
 - ii. Surface runoff or subsurface drainage through drainage tile;
 - iii. The creation of odors, fly, and mosquito breeding, or other nuisance conditions; and
 - iv. The overloading of land with nutrients or organics.
 - v. Unless approved otherwise by the Department, a vegetative cover consisting of a deep-rooted permanent grass cover must be maintained on land disposal area at all times and periodically cut to maintain it in the growth cycle to insure maximum infiltration and evapotranspiration.

Groundwater Protection

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

Mercury Minimization Plan

60 days prior to discharge, the permit holder must develop and submit an MMP (Mercury Minimization Plan) for approval. At a minimum, the MMP must include the following:

- a. Identification and evaluation of current and potential mercury (both MeHg and total) sources
- b. Identification and evaluation of conditions (i.e., anaerobic conditions) that might contribute to the methylation of elemental mercury in the collection and treatment systems
- c. Identification of industrial, commercial and residential sources of mercury
- d. A monitoring plan to confirm current or potential sources of mercury (Monitoring Plan)
- e. Identification of potential methods for reducing or eliminating mercury. These may include but are not limited to:
 - i. BMP requirements or limits for industrial and commercial sources of mercury to a collection system
 - ii. Material substitution
 - iii. Material recovery
 - iv. Spill control and collection
 - v. Waste recycling
 - vi. Process modifications
 - vii. Laboratory housekeeping, use and disposal practices and
 - viii. Public education.

6. Re-opener

DEQ may reopen the permit at anytime based on information obtained pursuant to Schedule B.6. a. to include new or revised waste discharge limitations, monitoring and reporting requirements, compliance conditions and schedules, and special conditions.

SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

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 re-analyze the sample. 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:

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

Effluent Monitoring and Reporting Requirements for Outfall #001:

a. The permittee must monitor effluent for Outfall #001 and report results as listed below¹.

Table B1: Outfall 001 Monitoring and Reporting (when discharging)

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Required Action	Report
Effluent Flow (MGD)	Nov-April	daily	measurement	Daily totals Monthly max Monthly average Monthly min Monthly total
Flow Meter Calibration	Year-round	Annually	verification	Report that calibration was completed
BOD ₅ and TSS (mg/L)	Nov - April	2/week	24-hour composite	Daily values Monthly average Monthly max

¹ Sampling is conducted by opening a valve on a discharge pipe on the east side of Pond 4 (the lined wastewater pond) or a location otherwise approved by DEQ in writing that is representative of the treated effluent.

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Required Action	Report
BOD ₅ and TSS Mass Load (lbs/day)	Nov - April	2/week	calculation	Daily values Monthly average Monthly max
Oil and Grease (mg/L)	Nov - April	monthly	grab	Daily min Daily max Monthly average
pH (S.U.)	Nov - April	2/week	grab	Daily totals Monthly max Monthly min Monthly total
Maximum Effluent Temperature (°C) ²	Nov - April	daily	grab	Daily max Monthly max Monthly average
Calculated seven-day-average of maximum effluent temperature (°C) ³	Nov - April	weekly	calculation	seven-day-average
In-stream temperature, upstream of outfall (°C) ⁴	Nov-April	2/week	grab	Daily max Monthly max Monthly average
<i>E. coli</i> bacteria (#/100 mL)	Nov - April	weekly	grab	Daily values Monthly max Monthly geometric mean Geometric mean of re-samples ⁵
Chlorine, Total Residual (mg/L)	Nov - April	daily	grab	Daily values Max daily value Monthly average
Ammonia - NH ₃ -N (mg/L)	Nov - April	weekly	grab	Daily min Daily max Monthly average
Total Mercury	Nov - April	2/year	Grab	Daily Value
Pounds of Poultry First Processing (live weight kill)	Year round	monthly	Calculation	Monthly total
Pounds of Further Processing	Year round	monthly	Calculation	Monthly total

Effluent Monitoring and Reporting Requirements for outfall #002:

- a. The permittee must monitor the irrigation of treated industrial effluent when discharging as listed below. The samples must be representative of the treated water that is sprinkler irrigated in locations identified in the wastewater management plan approved by the Department.

² Temperature grab sampling must occur near the daily maximum temperature occurring usually late in the afternoon (approximately 3:00).

³ Calculated using the average of seven consecutive daily maximum temperatures on a rolling basis (7-day calculation)

⁴ Measurement at approximately 3:00 pm for the daily maximum temperature. Measurement must reflect stream temperature immediately upstream from the outfall.

⁵ If re-sampling is conducted.

Table B2: Effluent monitoring for sprinkler irrigation

Item or Parameter	Minimum Frequency	Sample Type/Required Action
Total Flow (MGD)	daily	measurement
Quantity Irrigated (inches/acre)	monthly	calculation
Flow Meter Calibration	annually	verification
pH (SU)	monthly	grab
BOD ₅ (mg/L)	monthly	grab
TDS(mg/L)	monthly	grab
Nutrients: TKN, NO ₃ -N, NH ₄ -N, Total Phosphorus Potassium (mg/L)	monthly	grab

Sludge Monitoring Requirements

- b. The permittee must monitor sludge that is land applied as listed in the tables below. The samples must be representative of the quality and quantity of sludge generated:

Table B3: Sludge Monitoring

Item or Parameter	Minimum Frequency	Sample Type
Volume (dry weight) cubic yd	daily	measurement
Percent Solids	2/year	grab
TKN	2/year	grab
NH ₄ -N	2/year	grab
NO ₃ -N	2/year	grab
Total Phosphorus	2/year	grab
Total Potassium	2/year	grab
pH	2/year	grab

Table B4: Root Zone Soils Analysis⁶

Item or Parameter	Minimum Frequency	Sample Type
NH ₄ -N	annually	composite
NO ₃ -N	annually	composite
TKN	annually	composite
Available Phosphorus	annually	composite
Available Potassium	annually	composite
pH	annually	composite
EC of saturation extract	annually	composite

Effluent Monitoring and Reporting Requirements for outfall #003 (Domestic Sewage):

- a. The permittee must monitor the on-site wastewater treatment system as listed below.

⁶ Composite soil samples must be taken annually in the spring prior to the beginning of the irrigation season.

Table B5: Drainfield effluent and system monitoring

Item or Parameter	Minimum Frequency	Sample Type/Required Action
Flow (Gallons)	daily	pump cycle counter
BOD ₅ (mg/L)	annually	grab
TSS (mg/L)	annually	grab
Inspect dosing tank screens	annually	visible/audible
Test dosing Pumps and alarms	monthly	visual
Inspect drainfield site	monthly	visual
Check pump cycles for gallons/cycle/pump and adjust as necessary	annually	measurement of on to off cycle
Inspect drainfield monitoring port	annually	Visual

Reporting:

- a. The permittee must refer to the permitting requirements in the following tables:

Reporting Requirement	Frequency	Due Date	Report Form (unless otherwise specified in writing)	Submit To:
1. Table B1 and 2. Table B2	Monthly	15 th day of the month following data collection	DEQ-approved discharge monitoring report (DMR) form.	DEQ Regional Office
3. Annual report summarizing Table B2 and reporting Tables B3 and B4 and the management of the irrigation of treated process wastewater as required by wastewater water management plan.	Annually	January 15 for the previous calendar year	1 hard copy	DEQ Regional Office
4. Table B5 ⁷ (Domestic sewage)	See footnote	--	--	--

Wastewater application and system engineering report:

- a. The permittee must submit proposed production numbers for all processes six calendar months prior to any discharge to outfall #001. The application must include projected production rates.
- b. The permittee must submit a wastewater system engineer report evaluating the ability of the facility infrastructure, as it currently exists, to consistently meet permit limits. The report must be submitted to the DEQ at least six calendar months prior to any proposed discharge to outfall #001. The study must systematically evaluate the entire wastewater system and the ability to operate as de-

⁷ Monitoring records must be maintained by the permittee on file for a minimum of three years. The record must be made available for DEQ review upon request.

signed and not create nuisance conditions or odor problems while consistently meeting the required waste discharge limits. The integrity of the wastewater system infrastructure must be evaluated, including the lagoon system, to identify if the wastewater system infrastructure provides sufficient protection from leakage of wastewater into groundwater and/or surface water.

- c. If the study report determines the facility is unable to achieve these waste discharge limits or other requirements, the study must identify improvements necessary to achieve compliance with the particular requirement(s) and a timeline for making the necessary improvements prior to discharging. The system improvements must be submitted to DEQ for engineering approval.
- d. The permittee must submit to DEQ for review and approval a wastewater system management plan for discharge to outfall #002, six calendar months days prior to discharging to outfall #002.

SCHEDULE D: SPECIAL CONDITIONS

1. Sanitary Waste

Sanitary waste must not be discharged from outfall #001. Sanitary wastes must be discharged to the sewage treatment and disposal system (outfall #003).

2. Plans required prior to facility modification

Prior to constructing or modifying any wastewater control facilities, detailed plans and specifications must be approved in writing by the Department. After approval of the plans, all construction must be in strict conformance with the plans unless otherwise approved in writing by the Department.

3. Environmental supervisor

An environmental supervisor must be designated to coordinate and carry out all necessary functions related to maintenance and operation of the wastewater collection, treatment, and disposal facilities. The permit must have access to all information pertinent to the generation of wastes in the various process areas.

4. Spill/Emergency Response Plan

The permittee must have an up-to-date spill response plan for prevention and handling of spills and unplanned discharges. The spill response plan must include all of the following:

- a. A description of the reporting system that will be used to alert responsible managers and legal authorities in the event of a spill.
- b. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) to prevent, contain, or treat spills of these materials.
- c. A description of the permittee's training program to ensure that employees are properly trained at all times to respond to unplanned and emergency incidents.
- d. A description of the applicable reporting requirements. These must be consistent with the reporting requirements found in Schedule F, condition D.5.

5. Drainfield free of vehicular traffic

The on-site drainfield and replacement areas must be kept free of vehicular or heavy equipment traffic. The corners of each drainfield must be marked with monument or durable material.

6. Maintain the on-site disposal system

The permittee must implement preventative maintenance practices for the on-site system in accordance with the following schedule:

- a. Pump the septic tanks either when sludge and scum volume exceeds 35 percent of the liquid capacity of the tanks or every five years, whichever occurs first
- b. Clean pump screens when approximately 25 percent of the screen surface are becomes clogged.
- c. Inspect and clean hydrosplitter orifices a minimum of twice per year.

SCHEDULE F
NPDES GENERAL CONDITIONS – INDUSTRIAL 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, 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.

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 Rules (OAR) 340-041-0033 and 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 exceed-

ed, 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, when 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 cause(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. Public Notification of Effluent Violation

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 B7. 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.

B7. 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 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 entities (including public water systems). The 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.

B8. Removed Substances

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

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

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

C2. Flow Measurements

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

C3. Monitoring Procedures

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

C4. Penalties of Tampering

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

C5. Reporting of Monitoring Results

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

C6. Additional Monitoring by the Permittee

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

C7. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C9. Records Contents

Records of monitoring information must include:

- a. The date, exact place, time, and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

C10. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

C11. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

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

D2. Anticipated Noncompliance

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

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification or 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) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. 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).

The following must be included as information that must be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass that exceeds any effluent limitation in this permit;
- b. Any upset that exceeds any effluent limitation in this permit;
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
- d. Any noncompliance that may endanger human health or the environment.

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

- e. A description of noncompliance and its cause;
- f. The period of noncompliance, including exact dates and times;
- g. The estimated time noncompliance is expected to continue if it has not been corrected;
- h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
- i. Public notification steps taken, pursuant to General Condition B7.

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 Discharges of Toxic Pollutant

The permittee must notify DEQ as soon as it knows or has reason to believe the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).
- b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

SECTION E. DEFINITIONS

- E1. *BOD* or *BOD₅* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD₅* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.

- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m³/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a combination of at least six discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. Four (rather than six) aliquots should be collected for volatile organics analyses. The composite must be flow or time proportional, whichever is more appropriate. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.