

Permit No. 103033  
 Effective date: October 1, 2012  
 Expiration Date: August 31, 2017  
 File No. 107178  
 Page 1 of 15

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
 WASTE DISCHARGE PERMIT**  
 Department of Environmental Quality  
 2020 S.W. Fourth Avenue, Suite 400, Portland, OR 97201-4987  
 Telephone: (503) 229-5263

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

**ISSUED TO:**

Fujimi Corporation  
 11200 SW Leveton Dr  
 Tualatin, OR 97062

**SOURCES COVERED BY THIS PERMIT**

<u>Type of Waste</u>	<u>Outfall No.</u>	<u>Outfall Location</u>
Process wastewater	001	R.M.1.8.

**PLANT TYPE AND LOCATION:**

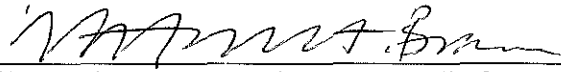
Abrasive powder grinding & packaging  
 Treatment by flocculation, sedimentation,  
 and filtration  
 9949 SW Commerce Circle  
 Wilsonville, OR 97070

**RECEIVING STREAM INFORMATION:**

Basin: Willamette  
 Sub-Basin: Tualatin  
 Receiving Stream: unnamed  
 tributary of Coffee Lake Creek to  
 Willamette River  
 LLID1227793452931 RM 1.8 - I  
 County: Washington

EPA REFERENCE NO : OR 004033-9

Issued in response to Application No. 965823 received December 8, 2011.

  
 Tiffany Yelton Bram, Interim Water Quality Program Manager  
 Northwest Region

9/4/2012  
 Issuance Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify or operate a waste water collection, treatment, control and disposal system and discharge treated wastewater to waters of the state 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:

	<u>Page</u>
Schedule A - Waste Discharge Limitations not to be Exceeded.....	2
Schedule B - Minimum Monitoring and Reporting Requirements.....	4
Schedule D - Special Conditions.....	6
Schedule F - General Conditions.....	7

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, including discharge to an underground injection control system.

**SCHEDULE A  
WASTE DISCHARGE LIMITATIONS**

**1. Outfall Number 001: The permittee must comply with the limitations as indicated in the following table for discharges of treated process wastewater to an unnamed tributary flowing into Coffee Lake Creek at RM 1.8, then flowing into the Willamette River at RM 37.6.**

Effluent Limitations			
Parameter	Season	Limitation	
pH	Year round	At all times within the range	
		Within 6.5 to 8.5 standard units	
Temperature	June 1- September 30	7DADM <sup>1</sup>	
		18.2°C (64.8°F)	
	<b>Season and Ambient Flow</b>	<b>Daily Maximum<sup>2</sup></b>	
	October 1 – May 31 and < 2.6 cfs	$T_{WLA}^4 = (((Q_{PS} + Q_{ZOD}) * (T_R + \Delta T_{ZOD})) - (Q_{ZOD} * T_R)) / Q_{PS}$	
	October 1 – May 31 and ≥ 2.6 cfs	21.9 °C	
Aluminum, (Total Recoverable)	<b>Season and Ambient Flow</b>	<b>Daily Maximum<sup>2</sup></b>	<b>Monthly Average<sup>2</sup></b>
	June 1- September 30	-- <sup>3</sup>	87 µg/L
	October 1 – May31 <0.5 cfs	-- <sup>3</sup>	87 µg/L
	October 1 – May31 ≥ 0.5 cfs	-- <sup>3</sup>	-- <sup>3</sup>
Zinc	June 1- September 30	40 µg/L	37 µg/L
	October 1 – May31 < 0.5 cfs	40 µg/L	37 µg/L
	October 1 – May31 ≥ 0.5 cfs	-- <sup>3</sup>	-- <sup>3</sup>

1 "7DADM" means a calculation of the average of the daily maximum temperatures from seven consecutive days made on a rolling basis.  
2 "Daily Maximum" means the maximum of all daily values in that reporting month. "Monthly Average" means the average of maximum daily values for the reporting month.  
3 No limitation is required

<sup>4</sup>T<sub>wla</sub> is calculated as follows:

T <sub>WLA</sub>	= Maximum allowable point source effluent temperature in °C
Q <sub>PS</sub>	= Point source effluent discharge flow volume; as the 7-day rolling average effluent flow, cfs
Q <sub>R</sub>	= Measured River flow; as the 7-day rolling average stream flow, cfs
Q <sub>ZOD</sub>	= River flow volume allowed for mixing= 1/4 of Q <sub>R</sub> in cfs
T <sub>R</sub>	= Temperature criteria (18°C)
ΔT <sub>ZOD</sub>	= allowed increase above river temperature criteria at point of discharge = 0.3°C allowable

2. **Mixing Zone**

<b>MIXING ZONE</b>	<b>No wastes may be discharged or activities conducted that cause or contribute to a violation of Water Quality Standards in OAR Chapter 340 Division 041 applicable to the Willamette River Basin except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:</b>
	<i>The regulatory mixing zone is an area 1 meter wide by 10 meters long extending from the effluent pipe.</i>
	<i>The zone of initial dilution will be 10% of the regulatory mixing zone in each direction.</i>

3. **Groundwater Protection**

<b>GROUNDWATER PROTECTION</b>
<b>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 040).</b>

**SCHEDULE B  
MINIMUM MONITORING AND REPORTING REQUIREMENTS**

**1. Monitoring Requirements**

The permittee must monitor the parameters as specified below at the locations indicated. The Permittee must collect, preserve and transport samples to an analytical laboratory using materials and procedures consistent with the analytical method requirements. The laboratory used by the permittee to analyze samples must have a quality assurance/quality control (QA/QC) program to verify the accuracy of sample analysis.

<b>Minimum Monitoring Requirements</b>					
<u>Item or Parameter</u>	<u>Minimum Frequency</u> <sup>1,2</sup>	<u>Site</u> <sup>3</sup>	<u>Type of Sample or Action</u>	<u>Method</u> <sup>4</sup>	<u>Quantitation Limit</u> <sup>4</sup> <u>or Accuracy</u>
pH (within 15 minutes of sampling) <sup>5</sup>	Daily	001	Cont./meter	SM 4500-H <sup>+</sup> B	+/- 0.1 SU (accuracy)
	2/month	AMB	Grab		
Alkalinity <sup>5</sup>	2/month	001	Grab	SMWW 2320 B	2 mg/L
		AMB			
Temperature <sup>5</sup>	Daily	001	Grab or Cont.	SM 2550 B	+/- 0.1°C (accuracy)
	2/month	AMB			
Aluminum, (Total Recoverable) <sup>5</sup>	2/month	001	Grab	EPA 200.8	50 µg/L
	4 total	AMB			
Zn <sup>5</sup>	2/month	001	Grab	EPA 200.8	5 µg/L
	4 total	AMB			
Hardness <sup>5</sup> (calc)	2/month	001	Grab	SMWW 2340 B	2 mg/L
	8 total	AMB			
Flowrate, cfs	Daily	001	Cont.	Meter	Report accuracy from calibration
	Daily	AMB	measure	Use approved method	
Flowmeter Calibration	ANNUAL	001	--	According to manufacturer's protocol; document and report.	

- 1 These are minimum monitoring frequencies. For additional monitoring see Schedule F, SECTION C. Paragraph 6 concerning reporting of all additional sample results.
- 2 Samples are to be representative of operations. The frequencies specified are minimums. Where operations vary or batch processing occurs, Permittee must sample at a frequency sufficient to provide representative sampling results. Samples for temperature must be collected to be representative of the hottest temperatures of the day. Ambient samples for aluminum, zinc, and hardness are total number of samples needed; they should be spread apart in time, representative of different flows (note flow on report), and collected and reported within the first year of the permit.
- 3 The compliance monitoring site for outfall 001 is defined as a representative sample point after treatment prior to discharge. AMB is defined as an ambient sampling point proximate to the outfall but outside the influence of the outfall.
- 4 The methods required are analytical methods approved and specified pursuant to 40 CFR136. The quantitation limits are from the DEQ guidance available on the website.
- 5 A minimum of 2 samples per month for pH, must be accompanied by samples for temperature and alkalinity collected within the same hour. The results of the concurrent tests must be reported together. These concurrent sampling and reporting requirements are required for effluent and for ambient samples. Similarly, report concurrent pH and hardness results with each Aluminum analysis (both effluent and ambient); concurrent hardness results with each Zinc analysis (both effluent and ambient).

2. **Minimum Reporting Requirements**

- a. **Reporting Frequency:** The reporting period is the calendar month. Permittee must submit a monthly report by the 15th day of the month following monitoring. When not discharging Permittee must still submit the monthly reports on time and must indicate on the report "no discharge."
- b. **Report Submittal Address:**

DEQ Northwest Region Water Quality  
2020 SW Fourth Ave, Suite 400,  
Portland, OR 97201-4987
- c. **Reporting Forms:** Permittee must submit monitoring results on DEQ approved forms such as the EPA 3320 form. The EPA 3320 Form is not required to be used if the Permittee uses a form(s) that is approved by DEQ and includes all the discharge data required by the permit, the permit and facility information and the certification/signature statement. Continuous monitoring data, if any, must be summarized and averaged as indicated, rather than submitting the full data set.
- d. **Quantitation and Detection Limits:** The Permittee must ensure that all monitoring analysis reports contain both the Quantitation Limit and Detection Level of the method, as well as the units of the results. When mass load of a parameter is calculated from concentration, Permittee must present laboratory concentration as well as calculated mass load.
- e. **Reporting Conventions:** For sample results below the detection level, the result must be reported as "<DL" (using the numeric laboratory DL of that parameter such as <1.0). For sample results above the detection limit and below the quantitation limit, the results must be reported as "eDL" (such as e1.0). For sample results above the quantitation limit, the results must be reported as the numeric laboratory result.
- e. **Laboratory Requirements:** The laboratory used by the Permittee to analyze samples must have a quality assurance/quality control (QA/QC) program to verify the accuracy of sample analyses. If QA/QC requirements are not met for any analysis, the Permittee must have the sample re-analyzed. If the sample cannot be re-analyzed, the permittee must re-sample at the earliest available opportunity and report the results. Permittee must include the results of samples not meeting QA/QC in the report but not use the data in the calculations required by the permit.

**SCHEDULE D  
SPECIAL CONDITIONS**

1. The permittee must perform and submit a mixing zone study in accordance with the Department's Regulatory Mixing Zone Internal Management Directive (available on the Department's website) prior to the next renewal.
2. The permittee may not discharge storm water as part of the discharge from this permit.
3. The permittee must designate a person to coordinate and carry out all necessary functions related to maintenance and operation of process wastewater collection, treatment, and disposal facilities. This person must have access to all information pertaining to the generation of wastewater in the various process areas.
4. The permittee must produce and update annually the following materials to reflect the permit limits and operational practices necessary to achieve the permit limits and to comply with all other aspects of the permit:
  - a) employee orientation and continuing educational materials
  - b) the Best Management Practices plan
  - c) the operations and maintenance manual and
  - d) an adequate contingency plan for prevention and handling of spills and unplanned discharges.
- 5) The permittee must maintain copies of the plans and materials in paragraph 4 above, on site, available for Department review during inspections.

**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 \$10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed \$250,000 and up to 10 years in prison per ORS chapter 161. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

**A3. Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**A4. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

**A5. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions.
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.

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 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, 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

Pages

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.

Pages

## 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

Pages

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

## Pages

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.

Pages

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

Pages

- E9.  $\mu\text{g/l}$  means microgram per liter.
- E10.  $\text{kg}$  means kilograms.
- E11.  $\text{m}^3/\text{d}$  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.

