PUBLIC NOTICE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

Oregon 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 Water Pollution Control Act (The Clean Water Act)

ISSUED TO:
Coos Bay, City of
500 Central Avenue
Coos Bay, OR 97420

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Location
Treated Wastewater	001	Coos Bay, R.M. 3.8
Biosolids	N/A	Specified in Biosolids Management Plan

FACILITY TYPE AND LOCATION:
Activated Sludge
Coos Bay STP #2
100 Fulton Street
Coos Bay, OR 97420

RECEIVING STREAM INFORMATION:
WRD Basin: South Coast
USGS Subbasin: Coos
Receiving Stream: Coos Bay
LLID: 1243397433543-3.8-D
Lat/Long: 43° 23' 11"/ 124° 17' 6"
County: Coos

Treatment System Class Level: IV
Collection System Class Level: III

EPA REFERENCE #: OR002358-2
Issued in response to application #974303 received July 3, 2007 and based on the land use compatibility statement in the permit record.

DRAFT

Ranei Nomura, Water Quality Manager Western Region	Signature Date	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 or WPCF permit, or by Oregon statute or administrative rule, any other direct or indirect discharge of pollutants to waters of the state is prohibited.

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SCHEDULE A
Waste Discharge Limits

1. Treated Effluent Outfall 001

a. BOD_5 and TSS

i. May 1 – October 31: During this time period the permittee must comply with the limits in the following table:

Table A1: BOD_5 and TSS Limits

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum lbs
	Monthly	Weekly			
BOD_5	20	30	340	510	670
TSS	20	30	340	510	670

ii. November 1 – April 30: During this time period the permittee must comply with the limits in the following table:

Table A2: BOD_5 and TSS Limits

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum Lbs
	Monthly	Weekly			
BOD_5	30	45	510	760	1000
TSS	30	45	510	760	1000

iii. Additional information for the limits in Tables A1 and A2 above.

a) Average dry weather design flow to the facility equals 2.02 MGD. All mass load limits are based on design average dry weather flow to the facility.

2. Treated Effluent Outfall 001 – Effluent limits not to be exceeded after submitting documentation that the authority to implement OAR 340-041-0120(9)(a)(G)(iv) in tributary collection systems has been obtained (See Note 1).

b. BOD_5 and TSS

i. May 1 – October 31: During this time period the permittee must comply with the limits in the following table:

Table A3: BOD_5 and TSS Limits

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum lbs
	Monthly	Weekly			
BOD_5	20	30	340	510	670
TSS	20	30	340	510	670

ii. November 1 – April 30: During this time period the permittee must comply with the limits in the following table:

Table A4: BOD_5 and TSS Limits

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum Lbs
	Monthly	Weekly			
BOD_5	30	45	700	1100	1400
TSS	30	45	700	1100	1400

iii. Additional information for the limits in Tables A1 and A2 above.
   a) Average dry weather design flow to the facility equals 2.02 MGD. Summer Mass load limits are based on 2.02 MGD.
   b) Average wet weather design flow to the facility equals 2.8 MGD. Winter Mass load limits are based on 2.8 MGD. The daily mass load limit is suspended on any day in which the flow to the treatment facility exceeds 4.04 MGD (twice the average dry weather design flow).

Notes

(1) The waste discharge limits in Schedule A, Condition 2 shall automatically become effective upon submittal of documentation to the Department that the City of Coos Bay has acquired and has accepted the necessary legal authority to implement the provisions of OAR 340-041-0120(9)(a)(G)(iv).

c. Additional Parameters. Permittee must comply with the limits in the following table (year round except as noted):

Table A5: Limits for Additional Parameters

Year-round (except as noted)	Limits
BOD_5 and TSS Removal Efficiency	May not be less than 85% monthly average for BOD_5 and TSS
Fecal Coliform Bacteria	Monthly Median concentration may not exceed 14 organisms per 100 ml. No more than 10% of the samples collected in a calendar month may exceed 43 organisms per 100 ml.
Enterococcus Bacteria	Monthly log mean may not exceed 35 organisms per 100 ml.
pH	May not be outside the range of 6.0 to 9.0 S.U.
Total Residual Chlorine	Monthly average concentration may not exceed 0.02 mg/L. Daily maximum concentration may not exceed 0.05 mg/L (see Note a.)

Notes

a. 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. Monthly average concentrations at or below 0.05 mg/L will be considered in compliance with the limit.

3. Regulatory Mixing Zone

Pursuant to OAR 340-041-005, the permittee is granted a regulatory mixing zone as described below:

The regulatory mixing zone is that portion of Coos Bay contained within a radius of one hundred (100) feet from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of the regulatory mixing zone that is within ten (10) feet of the point of discharge.

4. 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).

5. Biosolids

The permittee may land apply biosolids or provide biosolids for sale or distribution, subject to the following conditions:

a. The permittee must manage biosolids in accordance with its DEQ-approved Biosolids Management Plan and Land Application Plan.
b. Except when used for land reclamation and approved by DEQ, biosolids must be applied at or below the agronomic rate required for maximum crop yield.
c. The permittee must obtain written site authorization from DEQ for each land application site prior to land application (see Schedule D, Condition 4.b) and follow the site-specific management conditions in the DEQ-issued site authorization letter.
d. Biosolids must meet one of the pathogen reduction standards under 40 CFR §503.32 and one of the vector attraction reduction standards under 40 CFR §503.33.
e. Pollutants in biosolids may not exceed the ceiling concentrations shown in Table A4 below. Biosolids exceeding the pollutant concentrations in Table A4 must be applied at a rate that does not exceed the corresponding cumulative pollutant loading rates.

Table A6: Biosolids Limits

Pollutant	Ceiling concentrations[1] (mg/kg)	Pollutant concentrations[1] (mg/kg)	Cumulative pollutant loading rates[1] (kg/ha)
Arsenic	75	41	41
Cadmium	85	39	39
Copper	4300	1500	1500
Lead	840	300	300
Mercury	57	17	17
Molybdenum	75	N/A	N/A
Nickel	420	420	420
Selenium	100	100	100
Zinc	7500	2800	2800

Note:
1. Biosolids pollutant limits are described in 40 CFR Part 503.13, which uses the terms *ceiling concentrations*, *pollutant concentrations*, and *cumulative pollutant loading rates*. Biosolids containing pollutants in excess of the ceiling concentrations may not be applied to the land. Biosolids containing pollutants in excess of the pollutant concentrations, but below the ceiling concentrations, may be applied to the land; however, the total quantity of biosolids applied may not exceed the cumulative pollutant loading rates.

6. Septage Requirements

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

SCHEDULE B
Minimum Monitoring and Reporting Requirements

1. Monitoring and Reporting Protocols

a. Sampling, Test Methods, and Laboratory Quality Assurance and Quality Control (QA/QC)
If a quantitation limit for a pollutant is specified in this schedule, then the analyses for that pollutant must meet that quantitation limit unless the sample concentration can only be quantified using a higher analytical threshold. If the permit holder demonstrates, in accordance with the methodology in 40 CFR Part 136, that a higher quantitation limit is needed due to matrix interference, DEQ may approve the change. DEQ's approval must be in writing. The permit holder may also request permission to use a different test method if the one listed in the permit is obsolete, or if a method with comparable or greater accuracy has been identified. As with changes to Quantitation Limits (QLs), DEQ's approval must be in writing. Regarding QA/QC, the permittee must develop and implement a written QA/QC program to verify the accuracy of sample analyses as specified in 40 CFR part 136.

b. Re-analysis and Re-sampling if QA/QC Requirements Not Met
If QA/QC requirements are not met for any analysis, the results must be included in reports, but not used in calculations required by this permit. The permittee must re-analyze the sample if QA/QC requirements are not met. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity excluding BOD, TSS, pH, Total Residual Chlorine, Fecal Coliform Bacteria and Enterococcus Bacteria.

c. Significant Figures and Rounding Conventions
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 laboratory results, 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.

d. Reporting of Detection Levels and Quantitation Limits
When reporting sampling results, the permittee must record the laboratory detection level and quantitation limit as defined below for each analyte except BOD, TSS, pH, Total Residual Chlorine, Fecal Coliform Bacteria and Enterococcus Bacteria.

i. Detection Level (DL): The Method Detection Limit (MDL) or Limit of Detection (LOD) and derived using 40 CFR §136 Appendix B; and
ii. Quantitation Limit (QL): The Method Reporting Limit (MRL) or Limit of Quantitation (LOQ). It is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration for the analyte. It is equivalent to the concentration of the lowest calibration standard assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed.

e. Reporting Sample Results
The permittee must follow the procedures listed below when reporting sampling results.
i. Except for BOD, TSS, pH, Total Residual Chlorine, Fecal Coliform Bacteria and Enterococcus Bacteria, if a sample result is below the DL, report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is non-detect, report "<1.0 µg/L" on the discharge monitoring report (DMR).
ii. Except for BOD, TSS, pH, Total Residual Chlorine, Fecal Coliform Bacteria and Enterococcus Bacteria, if a sample result is above the DL but below the QL, report the result as the DL preceded

by DEQ's data code "e". For example, if the DL is 1.0 µg/l, the QL is 3.0 µg/L, and the result is estimated to be between the DL and QL, report "e1.0 µg/L" on the DMR.

iii. If a sample result does not meet QA/QC requirements, the result must be included in the DMR along with a notation but must not be used in any calculation required by this permit.

f. Calculating and Reporting Mass Loads

The permittee must use the equation listed below when calculating and reporting mass loads.

Flow (MGD) X Concentration (mg/L) X 8.34 = Pounds per day

2. Influent Monitoring and Reporting Requirements

The permittee must monitor influent at the influent wet well and report results in accordance with the table below.

Table B1: Influent Monitoring

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Action	Report
Total Flow (MGD) at influent wet well discharge line	Year-round	Daily	Measurement by totalizing meter	Daily values Monthly total Monthly average
Flow Meter Calibration	Year-round	Semi-Annual	Verification	NA
BOD_5 and TSS (mg/L)	Year-round	2/Week	24-hour composite	Daily values Monthly average
pH (S.U.)	Year-round	3/Week	Grab	Daily values Maximum daily value Minimum daily value

3. Compliance Effluent Monitoring and Reporting

Except Total Residual Chlorine monitoring which is monitored after the dechlorination stage, the permittee must monitor effluent for Outfall 001 before the dechlorination stage at the end of chlorine contact basin and report results in accordance with the table below:

Table B2: Effluent Monitoring

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Required Action	Report
BOD_5 and TSS (mg/L)	Year-round	2/Week	24-hour composite	Daily values Monthly average Weekly averages Maximum weekly average Maximum daily value
BOD_5 and TSS Mass Load (lb/day)	Year-round	2/Week	Calculation	Daily values Monthly average Weekly averages Maximum weekly average Maximum daily value

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Required Action	Report
BOD_5 and TSS Percent Removal (%)	Year-round	Monthly	Calculation	Monthly average percent calculated as follows: $100*(BOD_{in} - BOD_{out})/BOD_{in}$ where BOD_{in} and BOD_{out} are monthly averages
pH (S.U.)	Year-round	3/Week	Grab	Daily values Maximum daily value Minimum daily value
Fecal Coliform Bacteria	Year-round	2/Week	Grab	Daily values Monthly median Percent samples exceeding 43 organisms
Enterococcus Bacteria	Year-round	2/Week	Grab	Daily values Monthly geometric mean
Quantity Chlorine Used (lbs)	Year-round	Daily	Measurement	Daily values Monthly average
Total Residual Chlorine (mg/L)	Year-round	Daily	24-hour composite	Daily values Maximum daily value Monthly average

4. Effluent Toxics Characterization Monitoring

The permittee must analyze effluent samples for the parameters listed in Tables B3-B6 below. Samples must be collected before the dechlorination stage at the end of the chlorine contact basin in February 2014, September 2014, February 2015, and September 2015. Samples must be 24 hour composites except as noted in Tables B3 and B4 for Free Cyanide, Total Phenolic Compounds and Volatile Organic Compounds.

Table B3: Metals, Cyanide, Total Phenols, Nitrates, Ammonia and Hardness

(µg/L unless otherwise specified)

Pollutant[a]	CAS[b]	QL	Pollutant	CAS	QL
Antimony	7440360	0.10	Selenium	7782492	2.0
Arsenic (total)[c]	7440382	0.50	Silver	7440224	1.0
Beryllium	7440417	0.10	Thallium	7440280	0.10
Cadmium	7440439	0.10	Zinc	7440666	5.0
Chromium (total)	7440473	0.40	Cyanide (Free)[e]	57125	10
Copper	7440508	10	Total Phenolic Compounds[f]		5.0
Iron	7439896	100	Nitrates-Nitrite	14797558	100
Lead	7439921	5	Ammonia	7664417	1000
Mercury	7439976	0.005	Hardness (Total as CaCO3)		
Nickel	7440020	10			

a. All metals must be analyzed for total recoverable concentration unless otherwise specified.
b. Chemical Abstract Service
c. If the result for Total Arsenic does not exceed 1.0 µg/L, it is not necessary to monitor for Inorganic Arsenic and Arsenic III. Otherwise, Method 1632A must be used for monitor for Inorganic Arsenic and Arsenic III.
d. If the result for Total Chromium does not exceed 10 µg/L, then it is not necessary to monitor for Chromium III and Chromium VI.
e. When sampling for Cyanide, at least six discrete grab samples must be collected over the operating day with samples collected no less than one hour apart. The aliquot must be at least 100 mL and collected and composited into a larger container that has been preserved with sodium hydroxide to insure sample integrity.
f. When sampling for Total Phenolic Compounds, at least six discrete grab samples must be collected over the operating day with samples collected no less than one hour apart. "Total Phenolic Compounds" is identified as Phenols in 40 CFR Part 136.3, Table 1B.

Table B4: Volatile Organic Compounds

(µg/L unless otherwise specified)

Pollutant	CAS	QL	Pollutant	CAS	QL
Acrolein	107028	5.0	1,1-dichloroethylene[d]	75354	0.50
acrylonitrile	107131	5.0	1,2-dichloropropane	78875	0.50
Benzene	71432	0.50	1,3-dichloropropylene[e]	542756	0.50
bromoform	75252	0.50	Ethylbenzene	100414	0.50
carbon tetrachloride	56235	0.50	methyl bromide[f]	74839	0.50
chlorobenzene	108907	0.50	methyl chloride[g]	74873	0.50
Chlorodibromomethane[a]	124481	0.50	methylene chloride	75092	0.50
chloroethane	75003	0.50	1,1,2,2-tetrachloroethane	79345	0.50
2-chloroethylvinyl ether	110758	5.0	Tetrachloroethylene[h]	127184	0.50
chloroform	67663	0.50	Toluene	108883	0.50
Dichlorobromomethane[b]	75274	0.50	1,1,1-trichloroethane	71556	0.50
1,1-dichloroethane	75343	0.50	1,1,2-trichloroethane	79005	0.50
1,2-dichloroethane	107062	0.50	Trichloroethylene[i]	79016	0.50
1,2-trans-dichloroethylene[c]	156605	0.50	vinyl chloride	75014	0.50

a. Chlorodibromomethane is identified as dibromochloromethane in 40 CFR Part 136.3, Table 1C.
b. Dichlorobromomethane is identified as Bromodichloromethane in 40 CFR Part 136.3, Table 1C.
c. 1,2-trans-dichloroethylene is identified as trans-1,2-dichloroethene in 40 CFR Part 136.3, Table 1C.
d. 1,1-dichloroethylene is identified as 1,1-dichloroethene in 40 CFR Part 136.3, Table 1C.
f. 1,3-dichloropropylene consists of both cis-1,3-dichloropropene and trans-1,3-dichloropropene. Both should be reported individually.
g. Methyl bromide is identified as Bromomethane in 40 CFR Part 136.3, Table 1C.

Pollutant	CAS	QL	Pollutant	CAS	QL
h. Methyl chloride is identified as chloromethane in 40 CFR Part 136.3, Table 1C.					
i. Tetrachloroethylene is identified as trichloroethene in 40 CFR Part 136.3, Table 1C.					
j. Trichloroethylene is identified as trichloroethene in 40 CFR Part 136.3, Table 1C.					

Table B5: Acid-Extractable Compounds
(µg/L unless otherwise specified)

Pollutant	CAS	QL[a]	Pollutant	CAS	QL[a]
p-chloro-m-cresol	59507	1.0	2-nitrophenol	88755	2.0
2-chlorophenol	95578	1.0	4-nitrophenol	100027	5.0
2,4-dichlorophenol	120832	1.0	pentachlorophenol	87865	2.0
2,4-dimethylphenol	105679	5.0	Phenol	108952	1.0
4,6-dinitro-o-cresol[c]	534521	2.0	2,4,5-trichlorophenol[d]	95954	2.0
2,4-dinitrophenol	51285	5.0	2,4,6-trichlorophenol	88062	1.0
a. Some QLs may need methods with modification allowed in 40 CFR Part 136.6 or EPA's **Solutions for Analytical Chemistry Problems w/Clean Water Methods, March 2007. (url: http://water.epa.gov/scitech/methods/cwa/atp/upload/2008_02_06_methods_pumpkin.pdf)**					
b. p-chloro-m-cresol is identified as 4-Chloro-3-methylphenol in 40 CFR Part 136.3, Table 1C.					
c. 4,6-dinitro-o-cresol is identified as 2-Methyl-4,6-dinitrophenol in 40 CFR Part 136.3, Table 1C.					
d. To monitor for 2,4,5-trichlorophenol, use EPA Method 625.					

Table B6: Base-Neutral Compounds
(µg/L unless otherwise specified)

Pollutant	CAS	QL[a]	Pollutant	CAS	QL
acenaphthene	83329	1.0	3,3-Dichlorobenzidine	91941	1.0
acenaphthylene	208968	1.0	diethyl phthalate	84662	1.0
anthracene	120127	1.0	dimethyl phthalate	131113	1.0
benzidine	92875	10	2,4-dinitrotoluene	121142	1.0
benzo(a)anthracene	56553	1.0	2,6-dinitrotoluene	606202	1.0
benzo(a)pyrene	50328	1.0	1,2-diphenylhydrazine[d]	122667	5.0
3,4-benzofluoranthene[b]	205992	1.0	fluoranthene	206440	2.0
benzo(ghi)perylene	191242	1.0	fluorene	86737	1.0
benzo(k)fluoranthene	207089	1.0	hexachlorobenzene	118741	1.0
bis(2-chloroethoxy)methane	111911	2.0	hexachlorobutadiene	87683	2.0
bis(2-chloroethyl)ether	111444	1.0	hexachlorocyclopentadiene	77474	2.0
bis(2-chloroisopropyl)ether[c]	108601	2.0	hexachloroethane	67721	2.0
bis (2-ethylhexyl)phthalate	117817	1.0	indeno(1,2,3-cd)pyrene	193395	1.0
4-bromophenyl phenyl ether	101553	1.0	isophorone	78591	10
butylbenzyl phthalate	85687	1.0	napthalene	91203	1.0
2-chloronaphthalene	91587	1.0	nitrobenzene	98953	1.0
4-chlorophenyl phenyl ether	7005723	1.0	N-nitrosodimethylamine	62759	1.0
chrysene	218019	1.0	N-nitrosodi-n-propylamine	621647	2.0
di-n-butyl phthalate	84742	1.0	N-nitrosodiphenylamine	86306	1.0
di-n-octyl phthalate	117840	1.0	Pentachlorobenzene[e]	608935	10
dibenzo(a,h)anthracene	53703	1.0	phenanthrene	85018	1.0
1,2-Dichlorobenzene (o)	95501	0.50	pyrene	129000	1.0
1,3-Dichlorobenzene (m)	541731	0.50	1,2,4-trichlorobenzene	120821	5.0
1,4-Dichlorobenzene (p)	106467	0.50	Tetrachlorobenzene,1,2,4,5[e]	95943	1.0

a. Some QLs may need methods with modification allowed in 40 CFR Part 136.6 or EPA's *Solutions for Analytical chemistry Problems w/Clean Water Methods, March 2007*.
b. 3,4-benzofluoranthene is listed as Benzo(b)fluoranthene in 40 CFR Part 136.
c. Bis(2-chloroisopropyl)ether is listed as 2,2'-oxybis(2-chloro-propane in 40 CFR Part 136.
d. 1,2-diphenylhydrazine is difficult to analyze given its rapid decomposition rate in water. Azobenzene (a decomposition product of 1,2-diphenylhydrazine), should be analyzed as an estimate of this chemical.
e. To analyze for Pentachlorobenzene and Tetrachlorobenzene 1,2,4,5, use EPA 625.

5. Ambient and Additional Effluent Characterization Monitoring

DEQ will evaluate the results of monitoring required under Schedule B condition 4: Effluent Toxics Characterization Monitoring to determine whether the permittee will be required to conduct additional ambient water quality and/or effluent monitoring. DEQ will notify the permittee of its determination through a written "Monitoring Action Letter."

a. Sampling Plan

If additional monitoring is needed, the permittee must submit a sample and analysis plan to DEQ for approval within 3 months of receipt of the DEQ Monitoring Action Letter. The sampling plan must include the following:

i. Characterization of ambient water quality for any pollutants identified as having the reasonable potential to exceed the water quality criterion at the edge of the mixing zone.

ii. Additional effluent monitoring for Inorganic Arsenic and Arsenic III, Chromium III and Chromium VI, Elemental Phosphorus, Dissolved Copper, Dissolved Lead, Dissolved Nickel, Dissolved Silver and/or Dissolved Zinc when monitoring data for Total Arsenic Total Chromium, Total Phosphorus,

Total Cadmium, Total Copper, Total Lead, Total Nickel, Total Silver and/or Total Zinc cannot rule out a reasonable potential to exceed the water quality criterion at the edge of the mixing zone.

iii. Characterization of effluent and ambient water quality for new pollutant parameter(s) adopted by the EQC after permit issuance.
iv. Characterization of effluent and ambient water quality, if necessary, when the receiving stream is listed as impaired on the DEQ 303(d) list for new parameter(s).
v. Sampling locations for receiving water must be located as far upstream from outfall location as necessary to insure that samples contain no effluent.
vi. Monitoring of ambient conditions including but not limited to flow, temperature, pH and hardness.
vii. Timing of sampling must coincide with the critical period.

b. Implementation
The permittee must implement plan per the Department's approval.

6. Whole Effluent Toxicity (WET) Testing Requirements

The permittee must monitor final effluent for whole effluent toxicity as described in Table B7 below and using the testing protocols specified in Schedule D, condition 7, Whole Effluent Toxicity Testing for Saltwater.

Table B7: WET Test Monitoring

Parameter	Minimum Frequency	Sample Type/Location
Acute toxicity	The permit holder must monitor February 2014, September 2014, February 2015, and September 2015.	For acute toxicity: Grab sample taken after dechlorination stage.
Chronic toxicity	If 4 consecutive tests show no toxicity at the acute (ZID) and the chronic (RMZ) dilutions, no further testing is required. Otherwise, the permittee must re-test and if necessary evaluate the cause of toxicity as described in Schedule D, Condition 7.	For chronic toxicity: 24-hr composite sample taken after the dechlorination stage.

7. Biosolids Monitoring Requirements

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

Table B8: Biosolids Monitoring

Item or Parameter	Minimum Frequency	Sample Type
Nutrient and conventional parameters (% dry weight unless otherwise specified): 1) Total Kjeldahl Nitrogen (TKN) 2) Nitrate-Nitrogen (NO_3-N) 3) Ammonium Nitrogen (NH_4-N) 4) Total Phosphorus (P) 5) Potassium (K) 6) pH (S.U.) 7) Total Solids 8) Volatile Solids	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B9.	As described in the DEQ-approved Biosolids Management Plan
Pollutants: As, Cd, Cu, Hg, Pb, Mo, Ni, Se, Zn, mg/kg dry weight	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B9.	As described in the DEQ-approved Biosolids Management Plan
Pathogen reduction	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B9.	As described in the DEQ-approved Biosolids Management Plan
Vector attraction reduction	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B9.	As described in the DEQ-approved Biosolids Management Plan
Record of biosolids land application: date, quantity, location.	Each event	Record the date, quantity, and location of biosolids land applied on site location map or equivalent electronic system, such as GIS.

Table B9: Biosolids Minimum Monitoring Frequency

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

8. Permit Application Monitoring

The following information is provided for the convenience of the permit holder and does not represent a requirement under the current permit. The renewal application for this permit requires 3 scans for the parameters listed in the table below. This data may be collected up to 4.5 years in advance of submittal of the renewal application.

Table B104: Effluent Monitoring Required for NPDES Permit Application

Parameter
Ammonia (as N)
Chlorine (Total Residual, TRC)
Dissolved Oxygen
Total Kjeldahl Nitrogen (TKN)
Nitrate Plus Nitrite Nitrogen
Oil and Grease

9. Minimum Reporting Requirements

The permittee must report monitoring results as listed below.

Table B115: Reporting Requirements and Due Dates

Reporting Requirement	Frequency	Due Date	Report Form (unless otherwise specified in writing)	Submit To:
Table B1: Influent Monitoring Table B2: Effluent Monitoring	Monthly	15th day following the completed monitoring period	DEQ-approved discharge monitoring report (DMR) form, electronic and hard copy (see Notes a. and b.)	• DEQ Regional Office • DEQ Water Quality Division, OIS
Tables B4 – B9: Effluent Toxics Characterization	Once	End of the 25th month of this permit term	• DEQ - approved electronic summary template • 1 hard copy	DEQ Regional Office

Reporting Requirement	Frequency	Due Date	Report Form (unless otherwise specified in writing)	Submit To:
Condition B.6: Ambient and Additional Effluent Toxics Characterization Data	To Be Determined	To Be Determined	• 1 hard copy • Data in electronic format (see RPA spreadsheet) to upload to LASAR	DEQ Regional Office
Table B7: WET Test Monitoring	September 2013, February 2014, September 2014, February 2015	Within the month following the performance of the test.	1 hard copy	DEQ Regional Office
Biosolids land application annual report describing solids handling activities for the previous year and includes the information described in OAR 340-050-0035(6)(a)-(e).	Annually	February 19	Class I facilities, POTWs with design flows ≥1 mgd and POTWs serving ≥10,000 people: 3 hard copies	One each to: • DEQ Regional Office • DEQ Biosolids Program Coordinator • EPA Region 10
Inflow and infiltration report (see Schedule D, Section 1 for description)	Annually	July 15	1 hard copy	DEQ Regional Office

Notes:

a. Name, certificate classification, and grade level of each responsible principal operator as well as identification of each system classification must be included on DMRs.
b. Equipment breakdowns and bypass events must be noted on DMRs.

SCHEDULE D
Special Conditions

1. **Inflow Removal**
   a. Within 180 days of the effective date of the permit, the permittee must submit to DEQ for approval an updated Inflow Removal Program. The program must consist of the following:
      i. Identification of all overflow points.
      ii. Verification that sewer system overflows are not occurring up to a 24-hour, 5-year storm event or equivalent.
      iii. Monitoring of all pump station overflow points.
      iv. A process for identifying and removing all inflow sources into the permittee's sewer system over which the permittee has legal control, including a time .schedule for identifying and reducing inflow.
      v. If the permittee does not have the necessary legal authority for all portions of the sewer system or treatment facility, a strategy and schedule for gaining legal authority to require inflow reduction and a process and schedule for identifying and removing inflow sources once legal authority has been obtained.
   b. Within 60 days of receiving written DEQ comments, the permittee must submit a final approvable program and time schedule.
   c. A copy of the program must be kept at the wastewater treatment facility for review upon request by DEQ.
   d. An annual inflow and infiltration report must be submitted to the DEQ as directed in Schedule B, The report must include the following:
      i. Details of activities performed in the previous year to identify and reduce inflow and infiltration.
      ii. Details of activities planned for the following year to identify and reduce inflow and infiltration.
      iii. A summary of sanitary sewer overflows that occurred during the previous year.
      iv. Information that demonstrates compliance with the DEQ-approved Inflow Removal Plan required by condition 1.a above.

2. **Emergency Response and Public Notification Plan**
   The permittee must develop and maintain an Emergency Response and Public Notification Plan (the Plan) per Schedule F, Section B, and Conditions 7 & 8. The permit holder must develop the plan within six months of permit issuance and update the Plan annually to ensure that telephone and email contact information for applicable public agencies are current and accurate. An updated copy of the plan must be kept on file at the wastewater treatment facility for Department review. The latest plan revision date must be listed on the Plan cover along with the reviewer's initials or signature.

3. **Mixing Zone Study**
   The permittee must submit a draft mixing zone study plan for Department approval by no later than January 31, 2016. Once approved, the mixing zone study must be completed and a report submitted with the next permit renewal application. The study report must provide information adequate to determine dilution achieved within the ZID and regulatory mixing zone.

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

5. **Land Application Plan**
   a. Plan Contents
      The permittee must maintain a land application plan that contains the information listed below. The land application plan may be incorporated into the Biosolids Management Plan.

i. All known DEQ-approved sites that will receive biosolids while the permit is effective.
ii. The geographic location, identified by county or smaller unit, of new sites which are not specifically listed at the time of permit application.
iii. Criteria that will be used in the selection of new sites.
iv. Management practices that will be implemented at new sites authorized by the DEQ.
v. Procedures for notifying property owners adjacent to proposed sites of the proposed activity prior to the start of application.

b. Site Authorization
The permittee must obtain written authorization from DEQ for each land application site prior to its use. Conditions in site authorizations are enforceable requirements under this permit. The permittee may land apply biosolids to a DEQ-approved site only as described in the site authorization, while this permit is effective and with the written approval of the property owner. DEQ may modify or revoke a site authorization following the procedures for a permit modification described in OAR 340-045-0055.

c. Public Participation
i. No DEQ-initiated public notice is required for continued use of sites identified in the DEQ-approved land application plan.
ii. For new sites that fail to meet the site selection criteria in the land application plan or that are deemed by DEQ to be sensitive with respect to residential housing, runoff potential, or threat to groundwater, DEQ will provide an opportunity for public comment as directed by OAR 340-050-0015(10).
iii. For all other new sites, the permittee must provide for public participation following procedures in its DEQ-approved land application plan.

6. 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.

7. Hauled Waste Control

a. The permittee may accept hauled wastes at discharge points designated by the POTW after receiving written DEQ approval of a hauled waste control plan. Hauled wastes may include wastewater solids from another wastewater treatment facility, septage, grease trap wastes, portable and chemical toilet wastes, landfill leachate, groundwater remediation wastewaters and commercial/industrial wastewaters. Wastewater solids from out-of-state facilities must not exceed the ceiling concentration limits in Schedule A, Table A4: Biosolids Limits.

8. Whole Effluent Toxicity Testing for Saltwater

a. The permit holder must conduct whole effluent toxicity (WET) tests as specified here and in Schedule B of this permit.
b. Acute Toxicity Testing - Organisms and Protocols
i. The permittee must conduct 48-hour static renewal tests with *Holmesimysis costata* (mysid shrimp) and 96-hour static renewal tests with *Atherinops affinis* (topsmelt). *Americamysis (Mysidopsis) bahia* may be substituted if *H. costata* is not available. *Menidia beryllina* (inland silverside) may be substituted if *Atherinops affinis* (topsmelt) is not available.
ii. All test methods and procedures must be in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition,*

EPA-821-R-02-012, October 2002. Any deviation from the bioassay procedures outlined in this method must be submitted in writing to DEQ for review and approval prior to use.

iii. Treatments to the final effluent samples (for example, dechlorination), except those included as part of the methodology, may not be performed by the laboratory unless approved by DEQ prior to analysis.

iv. Unless otherwise approved by DEQ in writing, acute tests must be conducted on a control (0%) and the following dilution series: 6.25%, 12.5%, 25%, 50%, and 100%.

v. A WET test will be considered to show acute toxicity if there is a statistically significant difference in survival between the control and 25% percent effluent reported as the NOEC $\leq$ 25% effluent.

c. Chronic Toxicity Testing - Organisms and Protocols

i. The permittee must conduct tests with: *Holmesimysis costata* (mysid shrimp) for reproduction and survival test endpoint, *Atherinops affinis* (topsmelt) for growth and survival test endpoint, and *Macrocystis pyrifera* (giant kelp) for growth test endpoint. *Americamysis (Mysidopsis) bahia* may be substituted if *H. costata* is not available. *Menidia beryllina* (inland silverside) may be substituted if *Atherinops affinis* (topsmelt) is not available. *Champia parvula (*red macroalgae) may be substituted if *Macrocystis pyrifera* (giant kelp) is not available.

ii. All test methods and procedures must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition, EPA-821-R-02-014, October 2002* or *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition, EPA/600/R-95-136, August 1995* based on species selection in condition 8.c.i above. Any deviation of the bioassay procedures outlined in the applicable method must be submitted in writing to DEQ for review and approval prior to use.

iii. Treatments to the final effluent samples (for example, dechlorination), except those included as part of the methodology, may not be performed by the laboratory unless approved by DEQ prior to analysis.

iv. Unless otherwise approved by DEQ in writing, chronic tests must be conducted on a control (0%) and the following dilution series: 1.0%, 2.5%, 10%, 25%, and 50%.

v. A WET test will be considered to show chronic toxicity if the IC_{25} (25% inhibition concentration) occurs at dilutions equal to or less than the dilution that is known to occur at the edge of the regulatory mixing zone, that is $IC_{25} \leq 2.5\%$.

d. Dual End-Point Tests

i. WET tests may be dual end-point tests in which both acute and chronic end-points can be determined from the results of a single chronic test. The acute end-point must be based on 48-hours for the *Holmesimysis costata* (mysid shrimp) or *A. bahia* and 96-hours for the *Menidia beryllina* (inland silverside).

ii. All test methods and procedures must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition, EPA-821-R-02-014, October 2002*. Any deviation of the bioassay procedures outlined in this method must be submitted in writing to DEQ for review and approval prior to use.

iii. Unless otherwise approved by DEQ in writing, tests run as dual end-point tests must be conducted on a control (0%) and the following dilution series: 1.0%, 2.5%, 10%, 25%, and 50%.

iv. Toxicity determinations for dual end-point tests must correspond to the acute and chronic tests described in conditions 7.b.v and 7.c.v above.

e. Evaluation of Causes and Exceedances
   i. If any test exhibits toxicity as defined, the permittee must conduct another toxicity test using the same species and DEQ-approved methodology within two weeks unless otherwise approved by DEQ.
   ii. If two consecutive WET test results indicate acute or chronic toxicity, the permittee must immediately notify DEQ of the results. DEQ will work with the permittee to determine the appropriate course of action to evaluate and address the toxicity.

f. Quality Assurance / Reporting
   i. Quality assurance criteria, statistical analyses, and data reporting for the WET tests must be in accordance with the EPA documents stated in this condition.
   ii. A bioassay laboratory report for each test must be prepared according to the EPA method documents referenced in this Schedule. This must include all QA/QC documentation, statistical analysis for all conducted tests, standard reference toxicant test (SRT) conducted on each species required for the toxicity tests, and completed Chain of Custody forms for the samples including time of sample collection and receipt. Reports must be submitted to DEQ within 45 days of test completion.
   iii. The report must include all endpoints measured in the test: NOEC, LOEC, and IC_{25}.
   iv. The permittee will make available to DEQ upon request the written standard operating procedures they or the laboratory performing the WET tests use for all toxicity tests required by DEQ.

g. Reopener
   DEQ may reopen and modify this permit to include new limits, monitoring requirements, or conditions as determined by DEQ to be appropriate, and in accordance with procedures outlined in OAR Chapter 340, Division 45 if:
   i. WET testing data indicate acute and/or chronic toxicity.
   ii. The facility undergoes any process changes.
   iii. Discharge monitoring data indicate a change in the reasonable potential tocause or contribute to an exceedance of a water quality standard.

9. Operator Certification

a. Definitions
   i. "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
   ii. "Supervisor" or "designated operator", means the operator delegated authority by the permittee for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.
   iii. "Shift Supervisor" means the operator delegated authority by the permittee for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.
   iv. "System" includes both the collection system and the treatment systems.

b. The permittee must comply with OAR Chapter 340, Division 49, "Regulations Pertaining to Certification of Wastewater System Operator Personnel" and designate a supervisor whose certification corresponds with the classification of the collection and/or treatment system as specified on p. 1 of this permit.

c. The permittee must have its system supervised full-time by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system, and at a grade equal to or greater than the wastewater system classifications specified on the face page of this permit.

d. The permittee's wastewater system may not be without the designated supervisor for more than 30 days. During this period, there must be another person available to supervise who is certified at no more than one grade lower than the classification of the wastewater system. The permittee must delegate authority to this operator to supervise the operation of the system.

e. If the wastewater system has more than one daily shift, the permittee must have another properly certified operator available to supervise operation of the system. Each shift supervisor, if any, must be certified at no more than one grade lower than the system classification.

f. The permittee is not required to have a supervisor on site at all times; however, the supervisor must be available to the permittee and operator at all times.

g. The permittee must notify DEQ in writing of the name of the system supervisor. The permittee may replace or re-designate the system supervisor with another properly certified operator at any time and must notify DEQ in writing within 30 days of replacement or re-designation of operator in charge. As of this writing, the notice of replacement or re-designation must be sent to Water Quality Division, Operator Certification Program, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201.

h. Upon written request, DEQ may grant the permittee reasonable time, not to exceed 120 days, to obtain the services of a qualified person to supervise the wastewater system. The written request must include a justification for the time needed, schedule for recruiting and hiring, date the system supervisor availability ceased, and name of the alternate system supervisor as required by above.

10. Exempt Wastewater Reuse at the Treatment System

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

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

SCHEDULE F
General Conditions

SECTION A. STANDARD CONDITIONS

1. 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 the Department to terminate, modify and reissue, revoke, or deny renewal of a permit.

2. 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 EQC rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows the Department 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 $200,000 and up to 10 years in prison. 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 shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

3. 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 the Department, 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.

4. 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.

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

5. 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 that addresses CSOs that is adopted or promulgated subsequent to the effective date of this permit
   (2) If new information, 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.

6. 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 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.

7. 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.

8. 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 Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

9. Permit Fees

The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. 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.

2. 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.

3. 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 the Department 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 B.3.c.
      (2) The Department may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Department determines that it will meet the three conditions listed above in General Condition B.3.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 the Department 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 D.5.

4. 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 B.4.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 D.5, hereof (24-hour notice); and,
   (4) The permittee complied with any remedial measures required under General Condition A.3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. 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 Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include 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.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions
   (1) "Overflow" means any spill, release or diversion of sewage including:
      i. An overflow that results in a discharge to waters of the United States; and
      ii. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the United States.

b. Prohibition of overflows. Overflows are prohibited. The Department may exercise enforcement discretion regarding overflow events. In exercising its enforcement discretion, the Department may consider various factors, including the adequacy of the conveyance system's capacity and the magnitude, duration and return frequency of storm events.

c. Reporting required. All overflows must be reported orally to the Department within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

7. 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 (e.g., public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B.8. 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.

8. 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.

9. 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

1. Representative Sampling
Sampling and measurements taken as required herein shall 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 shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points may not be changed without notification to and the approval of the Department.

2. 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.

3. 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, under 40 CFR part 503, unless other test procedures have been specified in this permit.

4. Penalties of Tampering
The 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.

5. Reporting of Monitoring Results
Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. 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.

6. 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, 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 (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.

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

8. Retention of Records
Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five 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 shall 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 the Department at any time.

9. 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.

10. Inspection and Entry
The permittee must allow the Department 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.

11. 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 will not be classified as confidential. 40 CFR 122.7(b).

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
The permittee must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (1). Except where exempted under OAR chapter 340, division 52, 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 the Department. The permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

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

3. 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 the rules of the Commission. No permit may be transferred to a third party without prior written approval from the Department. The Department 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 Section 122.61. The permittee must notify the Department when a transfer of property interest takes place.

4. 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.

5. 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 DEQ or to the 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 DEQ.

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 (e.g., 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 Department's Regional office within 24 hours, or during normal business hours, whichever is first:

a) The OERS incident number (if applicable) along with a brief description of the event.

(2) Written reporting within 5 days.
   i. The following information must be provided in writing to the Department's 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.

   The Department 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 the Department in this permit; and
      iv. Any noncompliance that may endanger human health or the environment.
   (2) During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department 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 B.7
   (4) The Department may waive the written report on a case-by-case basis if the oral report has been received
   within 24 hours.

6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D.4 or D.5, 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.

7. Duty to Provide Information

The permittee must furnish to the Department within a reasonable time any information that the Department 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 the Department, 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 the Department, it must promptly submit such facts or information.

8. Signatory Requirements
All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR Section 122.22.

9. 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 $100,000 per violation and up to 5 years in prison. 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 shall, 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.

10. Changes to Indirect Dischargers
The permittee must provide adequate notice to the Department 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 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 shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

SECTION E. DEFINITIONS

1. *BOD* means five-day biochemical oxygen demand.
2. *CBOD* means five day carbonaceous biochemical oxygen demand
3. *TSS* means total suspended solids.
4. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
5. *FC* means fecal coliform bacteria.
6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR Section 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR Chapter 340, Division 41.
8. *mg/l* means milligrams per liter.
9. *kg* means kilograms.
10. m^3/d means cubic meters per day.
11. *MGD* means million gallons per day.
12. 24-hour *Composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow. The sample must be collected and stored in accordance with 40 CFR part 136.
13. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
14. *Quarter* means January through March, April through June, July through September, or October through December.
15. *Month* means calendar month.
16. *Week* means a calendar week of Sunday through Saturday.
17. *POTW* means a publicly owned treatment works