

Expiration Date: 04/30/2018
Permit Number: 100699
File Number: 19802
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT**

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

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

ISSUED TO:

City of Coos Bay
500 Central Avenue
Coos Bay, OR 97420

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 12.2

FACILITY TYPE AND LOCATION:

Activated Sludge
Coos Bay STP No. 1
680 Ivy Avenue
Coos Bay, Oregon

RECEIVING STREAM INFORMATION:

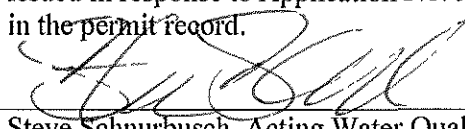
Basin: South Coast
Sub-Basin: Coos

Receiving Stream: Coos Bay
LLID: 1243397433543 - 12.2 - D
County: Coos

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

EPA REFERENCE NO: OR0023574

Issued in response to Application No. 974304 received July 3, 2007. This permit is issued based on the land use findings in the permit record.


Steve Schnurbusch, Acting Water Quality Manager
Western Region

5/22/13
Date

PERMITTED ACTIVITIES

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

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Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge of waste is prohibited, including discharge to waters of the state or an underground injection control system.

SCHEDULE A**1. Waste Discharge Limitations not to be exceeded after permit issuance.****a. Treated Effluent Outfall 001****(1) May 1 - October 31:**

Parameter	Average Effluent Concentrations		Monthly*	Weekly*	Daily*
	Monthly	Weekly	Average lb/day	Average lb/day	Maximum lbs
BOD ₅	20 mg/L	30 mg/L	480	730	970
TSS	20 mg/L	30 mg/L	480	730	970

(2) November 1 - April 30:

Parameter	Average Effluent Concentrations		Monthly*	Weekly*	Daily*
	Monthly	Weekly	Average lb/day	Average lb/day	Maximum lbs
BOD ₅	30 mg/L	45 mg/L	900	1400	1800
TSS	30 mg/L	45 mg/L	900	1400	1800

* Average dry weather design flow to the facility equals 2.9 MGD. Summer mass load limits based upon average dry weather design flow to the facility. Winter mass load limits based upon average wet weather design flow to the facility equaling 3.6 MGD. The daily mass load limit is suspended on any day in which the flow to the treatment facility exceeds 5.8 MGD (twice the design average dry weather flow).

(3) Other parameters

Year-round (except as noted)	Limitations
Fecal Coliform Bacteria	Must not exceed 14 organisms per 100 mL as a monthly median. Not more than 10% of the samples may exceed 43 organisms per 100 mL.
Enterococcus Bacteria	Must not exceed a monthly geometric mean of 35 organisms per 100 mL.
pH	Must be within the range of 6.0 - 9.0
BOD ₅ and TSS Removal Efficiency	Must not be less than 85% monthly average for BOD ₅ and 85% monthly for TSS.
Total Residual Chlorine	Must not exceed a monthly average concentration of 0.03 mg/L and a daily maximum concentration of 0.06 mg/L. (see Note 1)

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

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.

- b. No activities may be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related residuals must be managed and disposed in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040).

NOTES:

- 1. When the total residual chlorine limitation is lower than 0.05 mg/L, DEQ will use 0.05 mg/L as the compliance evaluation level; that is, monthly average concentrations at or below 0.05 mg/L will be considered in compliance with the limit.

SCHEDULE B**Minimum Monitoring and Reporting Requirements****1. Monitoring Quality Assurance/Quality Control****a. *Sample Collection***

The permittee must collect samples using proper sampling techniques (sample container type, preservation, and holding time) required by 40 CFR Part 136.

b. *Test Methods*

The permittee must ensure its laboratory uses test methods required by 40 CFR Part 136 for effluent characterization. When no analytical method is approved under this part, the applicant must use the test method provided in Condition 3(c). For all test methods used, the analyses must meet the quantitation limits specified in this schedule unless otherwise approved by the Department in writing.

c. *Laboratory QA/QC Program*

The permittee must ensure its laboratory has a quality assurance/quality control (QA/QC) program to verify the accuracy of the sample analysis.

2. Reporting Requirements**a. *General Reporting Protocols***

The permittee must report all influent, compliance and characterization sample results as follows: If a sample result does not meet QA/QC requirements, the result must be included in the report but must not be used in any calculation required by this permit.

b. *Calculating Mass Loads*

The permittee must calculate mass loads as follows:

- i.* When concentration data are below the DL (Detection Level): To calculate the mass load from this result, use the DL. Report the mass load as less than the calculated mass load. For example, if flow is 2 MGD and the reported sample result is <1.0 ug/L, report "<0.017 lb/day" for mass load on the DMR (1.0 ug/L x 2 MGD x conversion factor = 0.017 lb/day).
- ii.* When concentration data are above the DL, but below the QL (Quantitation Limit): To calculate the mass load from this result, use the DL. Report the mass load as the calculated mass load preceded by "e". For example, if flow is 2 MGD and the reported sample result is e1.0 ug/L, report "e0.017 lb/day" for mass load on the DMR (1.0 ug/L x 2 MGD x conversion factor = 0.017 lb/day).

c. *Reporting Procedures for Influent and Compliance Monitoring*

The permittee must meet the following conditions:

- i.* The permittee must report the results of monitoring required under Conditions 3(a) and 3(b) below on Department-approved DMR forms. The reporting period is the calendar month. DMRs must be submitted to the appropriate Department office by the 15th day of the following month.
- ii.* DMRs must identify the name, certificate classification and grade level of each principal operator designated by the permittee as responsible for supervising the wastewater collection and treatment systems during the reporting period. DMRs must also identify each system classification as found on page one of this permit.
- iii.* DMRs must also include a record of any equipment breakdowns and bypassing.

d. *Reporting Procedures for Effluent Toxics Characterization Monitoring*

The permittee must submit a Summary Report (in both electronic and paper versions) and copies of the laboratory Analytical reports for all monitoring required by Condition 3(d) below to the appropriate regional Department office by the end of the 25th month of this permit term along with a certification statement

pursuant to 40 CFR 122.22(d). The Permittee must provide the Summary Report using an electronic template approved by the Department.

e. *Reporting Procedures for Any Additional Effluent and Ambient Characterization Monitoring Reporting Procedures*

The permittee must submit a Summary Report and copies of the laboratory Analytical reports for all monitoring required pursuant to Condition 3(d) and an approved Sampling Plan to the appropriate regional Department office by the dates specified in the plan along with a certification statement pursuant to 40 CFR 122.22(d).

3. Minimum Monitoring Requirements

- a. *Influent Monitoring.* The permittee must collect influent grab samples and take measurements just before the bar screen. Influent composite samples are taken just before the Parshall Flume. The permittee must monitor influent for the pollutant parameters listed below in accordance with the following table:

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Semi-Annual	Verification
BOD ₅	2/Week	24-hour Composite
TSS	2/Week	24-hour Composite
pH	3/Week	Grab

- b. *Effluent Monitoring (Outfall 001).* The permittee must collect effluent grab samples, composite samples and take measurements from the effluent channel just before the final gate. The permittee must monitor/measure the effluent for the pollutant parameters/measurements listed below in accordance with the following table:

Item or Parameter	Minimum Frequency	Type of Sample
BOD ₅	2/Week	24-hour Composite
TSS	2/Week	24-hour Composite
pH	3/Week	Grab
Fecal Coliform	2/Week	Grab
Enterococcus	2/Week	Grab
Quantity Chlorine Used	Daily	Measurement
Total Chlorine Residual	Daily	Grab
Pounds Discharged (BOD ₅ and TSS)	2/Week	Calculation
Average Percent Removed (BOD ₅ and TSS)	Monthly	Calculation

- c. *Biosolids Management*

Item or Parameter	Minimum Frequency	Type of Sample
Sludge analysis including: Total Solids (% dry wt.) Volatile solids (% dry wt.) Biosolids nitrogen for: NH ₃ -N; NO ₃ -N; & TKN	Annually	Composite sample to be representative of the product to be land applied from the Storage lagoon or pond

(% dry wt.) Phosphorus (% dry wt.) Potassium (% dry wt.) pH (standard units) Sludge metals content for: As, Cd, Cu, Hg, Mo, Ni, Pb, Se & Zn, measured as total in mg/kg		
Record of locations where biosolids are applied on each DEQ approved site. (Site location maps to be maintained at treatment facility for review upon request by DEQ)	Each Occurrence	Date, volume & locations where sludges were applied recorded on site location map.
Daily Minimum Sludge Temperature	Daily	Record

- d. *Effluent Toxics Characterization Monitoring.* The permittee must take effluent toxics characterization monitoring samples at the effluent channel just before the final gate. These must be 24-hour composite samples collected in February 2013, September 2013, February 2014 and September 2014. The permittee must monitor/measure the effluent for the pollutant parameters/measurements listed below in accordance with the following tables and the permittee must record all laboratory detection levels and quantitation limits (Note 1) for parameters:

Metals ¹ , Cyanide, Total Phenols, Nitrates, Ammonia and Hardness (ug/l unless otherwise specified)					
Pollutant	CAS ³	QL	Pollutant	CAS	QL
Antimony	7440360	0.10	Mercury	7439976	0.005
Arsenic	7440382	0.50	Nickel	7440020	10
			Selenium	7782492	2.0
			Silver	7440224	1.0
Beryllium	7440417	0.10	Thallium	7440280	0.10
Cadmium	7440439	0.10	Zinc	7440666	5.0
Chromium	7440473	0.40			
			Cyanide (Total) ²	57125	5.0
			Total Phenolic Compounds		na
Copper	7440508	10	Nitrates-Nitrite	14797558	100
Iron	7439896	100	Ammonia	7664417	1000
Lead	7439921	5	Hardness (Total as CaCO ₃)		
¹ All metals must be analyzed for total recoverable concentration unless otherwise specified. ² For effluent cyanide samples, at least six discrete grab samples must be collected over the operating day. The aliquot must not be less than 100 mL and must be collected and composited into a larger container which has been preserved with sodium hydroxide to insure sample integrity.					

Volatile Organic Compounds (ug/l unless otherwise specified)					
Pollutant	CAS	QL	Pollutant	CAS	QL
acrolein	107028	5.0	1,1-dichloroethylene	75354	0.50
acrylonitrile	107131	5.0	1,2-dichloropropane	78875	0.50
benzene	71432	0.50	1,3-dichloropropylene	542756	0.50
bromoform	75252	0.50	ethylbenzene	100414	0.50
carbon tetrachloride	56235	0.50	methyl bromide	74839	0.50
chlorobenzene	108907	0.50	methyl chloride	74873	0.50
chlorodibromomethane	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	127184	0.50
chloroform	67663	0.50	toluene	108883	0.50
dichlorobromomethane	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	79016	0.50
1,2-trans-dichloroethylene	156605	0.50	vinyl chloride	75014	0.50
The permittee must collect six discrete samples (not less than 40 mL) over the operating day with the results averaged for reporting purposes.					

Acid-extractable Compounds¹ (ug/l unless otherwise specified)					
Pollutant	CAS	QL	Pollutant	CAS	QL
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
2,4-dinitro-o-cresol	534521	2.0	2,4,5-trichlorophenol ¹	95954	2.0
2,4-dinitrophenol ²	51285	5.0	2,4,6-trichlorophenol	88062	1.0
¹ Some QL's may need methods with modification allowed by EPA's Solutions for Analytical chemistry Problems w/Clean Water Methods, March 2007.					
² If necessary, monitoring results from this parameter will also be used to characterize for dinitrophenols					

Base-Neutral Compounds¹ (ug/l unless otherwise specified)					
Pollutant	CAS	QL	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	122667	5.0
3,4-benzofluoranthene	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

Base-Neutral Compounds¹ (ug/l unless otherwise specified)					
Pollutant	CAS	QL	Pollutant	CAS	QL
bis(2-chloroisopropyl)ether	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	naphthalene	91203	1.0
2-chloronaphthalene	91587	1.0	nitrobenzene	98953	1.0
4-chlorophenyl phenyl ether	7005723	1.0	N-nitrosodimethylamine	<u>62759</u>	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	117817	1.0	Pentachlorobenzene ²	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	128821	5.0
1,4-Dichlorobenzene (p)	106467	0.50	Tetrachlorobenzene, 1,2,4,5 ²	95943	1.0
¹ Some QL's may need methods with modification allowed by EPA's Solutions for Analytical chemistry Problems w/Clean Water Methods, March 2007.					
² Analytic Methods: Pentachlorobenzene and Tetrachlorobenzene 1,2,4,5 use EPA 625					

Other Parameters with State Water Quality Criteria (ug/l unless otherwise specified)					
Pollutant	CAS	QL	Pollutant	CAS	QL
Barium, Total Recoverable	7440393	0.10	Dioxin 2,3,7,8-TCDD	1746016	5.0x10-6
Manganese, Total Recoverable	7439965	2.0	N-Nitrosodibutylamine ²	924163	10
Sulfide-Hydrogen Sulfide ¹	7783064	200	N-Nitrosodiethylamine ²	55185	10
2,4,5-TP [2-(2,4,5-Trichloro- phenoxy) propanoic acid] ³	93721	1.0	N-Nitrosopyrrolidine ²	930552	10
2,4-D (2,4-Dichlorophenoxy acetic acid) ⁴	94757	1.0	Phosphorus, Elemental ¹	7723140	10
¹ Analytic Methods: Sulfide-Hydrogen Sulfide use SM 4500-S ²⁻ D or F; for Phosphorus (Elemental) use EPA 365.3.					
² Nitrosamines are a class of compounds and will be monitored by analyzing the Nitrosamines. Use EPA 625 to analyze the Nitrosamines.					
³ This chemical is listed as Chlorophenoxy Herbicide (2,4,5-P) in Table 40.					
⁴ This chemical is listed as Chlorophenoxy Herbicide (2,4-D) in Table 40.					

e. *Ambient and Additional Effluent Characterization Monitoring:*

Based upon its evaluation of the monitoring data supplied pursuant to Condition 3(d), the Department may require, in writing, that by November 15th, 2015 the permittee must submit for Department review and approval a sampling plan to adequately address the following:

- i. Characterization of the ambient water quality for any pollutants preliminarily identified as having the reasonable potential to exceed the water quality criterion at the point of discharge.
- ii. Characterization of the effluent and/or ambient water quality for Inorganic Arsenic, Arsenic III, Chrome III, Chrome VI or free Cyanide when the "total dissolved" variant of the pollutant parameter is identified as having the reasonable potential to exceed the water quality criterion at the point of discharge.
- iii. Characterization of the effluent and ambient water quality for new pollutant parameters adopted by the environmental Quality Commission since permit issuance.
- iv. Characterization of the effluent and, if necessary, ambient water quality for new pollutant parameters when the receiving water body has been listed for those parameters since permit issuance.

All data used in the characterization must use the Analytical limits for each pollutant parameter described in Condition 3(d). The permittee must begin implementation of the Sampling Plan upon the receipt of written notice of Department's review and approval.

- f. *Whole Effluent Toxicity Testing.* The permittee must take whole effluent toxicity testing samples at the effluent channel just before the final gate. The permittee must monitor/measure the effluent for the parameters listed below in accordance with the following table:

Parameter	Minimum Frequency	Type of Sample
Acute toxicity	Beginning January - March 2013, once during each of the following time periods: January – March 2013 April – June 2014 July – September 2015 October – December 2016	See Schedule D.8.c.3
Chronic toxicity	Beginning January - March 2013, once during each of the following time periods: January – March 2013 April – June 2014 July – September 2015 October – December 2016	See Schedule D.8.d.3
All test methods and procedures must be in accordance with <i>Schedule D of this permit.</i>		

4. Other Report Submittals

- a. The permittee must have in place a program to identify and reduce inflow and infiltration into the sewage collection system. An annual report must be submitted to the Department by July 15 each year which details sewer collection maintenance activities that reduce inflow and infiltration. The report must state those activities that have been done in the previous year and those activities planned for the following year.
- b. For any year in which biosolids are land applied, a report must be submitted to the Department by February 19 of the following year that describes solids handling activities for the previous year and includes, but is not limited to, the required information outlined in OAR 340-050-0035(6)(a)-(e).

NOTES:

1. Definitions:
 - a. Detection Level: Same as the "Method Detection Limit" (MDL) derived using 40 CFR 136 Appendix B.
 - b. Quantitation Limit: Same as the Method Reporting Limit (MRL). It is the lowest level at which the entire analytic system must give 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.

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, Condition 4.a. 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. Recycled Water

The permittee is exempt from the requirement to prepare a Recycled Water Use Plan 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.

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 during the life of the permit.
- 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.

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**a. Transfers**

- i. *Within state.* The permittee may transfer wastewater solids 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.
- ii. *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.

b. Acceptance

- i. *Within state.* The permittee may accept wastewater solids from another wastewater treatment facility. The permittee must monitor, report, and dispose of solids as required by this permit.
- ii. *Out of state.* The permittee may accept wastewater solids from out-of-state facilities for treatment and land application when authorized in writing by DEQ provided the pollutant concentrations in the out-of-state solids do not exceed the ceiling concentration limits in 40 CFR §503.13(b)(1).

7. Operator Certification**a. Definitions**

- i. "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
- ii. "Supervisor" or "designated operator", means the operator delegated authority by the permittee for establishing and executing the specific 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's classification as specified on p. 1 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. This address may be updated in writing by DEQ during the term of this permit.
- 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.

8. Whole Effluent Toxicity Testing – Saltwater

- a. The permittee shall conduct whole effluent toxicity (WET) tests as specified in Schedule B of this permit.
- b. The facility is required to sample once per year over the first four years of the permit according to the following schedule:

January - March 2013; April - June 2014; July - September 2015; and October - December 2016.

- c. Acute Toxicity Testing - Organisms and Protocols

- (1) The permittee shall 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.

- (2) All test methods and procedures shall 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 of the bioassay procedures outlined in this method shall be submitted in writing to the Department for review and approval prior to use.
- (3) Tests shall be conducted on final effluent (after dechlorination) collected as a 24-hour composite sample. No treatments to the final effluent (i.e. dechlorination, etc), except those included as part of the methodology, shall be performed by the laboratory unless approved by the Department prior to analysis.
- (4) Acute tests shall be conducted on a control (0%) and the following dilution series, unless otherwise approved by the Department in writing: 6.25%, 12.5%, 20%, 50%, and 100%.
- (5) The control water and dilution water shall be standard synthetic seawater adjusted to the appropriate method salinity.
- (6) An acute WET test shall be considered to show toxicity if there is a statistically significant difference in survival between the control and 20 percent effluent.

d. Chronic Toxicity Testing - Organisms and Protocols

- (1) The permittee shall conduct tests with: *Crassostrea gigas* (Pacific oysters) or *Mytilus sp.* (mussels) for larval development endpoint (48 hours) and *Atherinops affinis* (topsmelt) for growth and survival test endpoint (7 days).
- (2) All test methods and procedures shall be in accordance with **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 item d(1). Any deviation of the bioassay procedures outlined in the applicable method shall be submitted in writing to the Department for review and approval prior to use.
- (3) Tests shall be conducted on final effluent collected as 24-hour composite samples. No treatments to the final effluent (i.e. dechlorination, etc), except those included as part of the methodology, shall be performed by the laboratory unless approved by the Department prior to analysis.
- (4) Chronic tests shall be conducted on a control (0%) and the following dilution series, unless otherwise approved by the Department in writing: May 1 to October 31: 0.5%, 1.1%, 12%, 25%, and the highest effluent percentage practically feasible by the laboratory (~70%). November 1 to April 30: 1.5%, 2.2%, 12%, 25%, and the highest effluent percentage practically feasible by the laboratory (~70%).
- (5) Laboratory synthetic standard seawater or hypersaline brine (HSB) should be used for the control and dilution water.
- (6) A chronic WET test shall be considered to show 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 mixing zone, i.e. May 1 to October 31: $IC_{25} \leq 1.1\%$; November 1 to April 30: $IC_{25} \leq 2.2\%$.

e. Additional Sampling Requirements

- (1) WET sampling should coincide with permit required monitoring for the following effluent parameter(s): None

f. Evaluation of Causes and Exceedances

- (1) If any test exhibits toxicity, as defined in sections c.(5) or d.(5) of this permit condition, another toxicity test using the same species and Department approved methodology shall be conducted within two weeks, unless otherwise approved by the Department.
- (2) If two consecutive WET test results indicate acute and/or chronic toxicity, as defined in sections c.(5) or d.(5) of this permit condition, the permittee shall immediately notify the Department of the results. The Department will work with the permittee to determine the appropriate course of action to evaluate and address the toxicity

g. Quality Assurance / Reporting

- (1) Quality assurance criteria, statistical analyses, and data reporting for the WET tests shall be in accordance with the EPA documents stated in this condition.
- (2) A bioassay laboratory report for each test shall be prepared according to the EPA method documents referenced in this Schedule. This shall 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 shall be submitted to the Department within 45 days of test completion.
- (3) The report should include all endpoints measured in the test, i.e. NOEC, LOEC, and IC₂₅.
- (4) The permittee shall make available to the Department, on request, the written standard operating procedures they, or the laboratory performing the WET tests, are using for all toxicity tests required by the Department.

h. Reopener

The Department may reopen and modify this permit to include new limitations, monitoring requirements, and/or conditions as determined by the Department to be appropriate, and in accordance with procedures outlined in Oregon Administrative Rules, Chapter 340, Division 45, if:

- a. WET testing data indicate acute and/or chronic toxicity.
- b. The facility undergoes any process changes.
- c. Discharge monitoring data indicate a change in the reasonable potential to exhibit toxicity.

SCHEDULE F**NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES****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(I) (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. *m³/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