



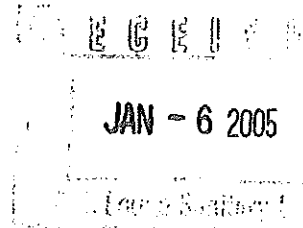
# Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality  
Northwest Region Portland Office  
2020 SW 4<sup>th</sup> Avenue, Suite 400  
Portland, OR 97201-4987  
(503) 229-5263  
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CERTIFIED MAIL 7099 3220 0000 9094 1418  
RETURN RECEIPT

December 30, 2004



MR R KENT SQUIRES  
GENERAL MANAGER  
OAK LODGE SANITARY DISTRICT  
14611 SE RIVER ROAD  
MILWAUKIE OR 97267-1198

Re: NPDES Permit Issuance  
File No. 62795

Dear Mr. Squires:

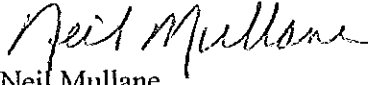
We have completed our review of your permit application and the comments received regarding the preliminary draft permit which was mailed to you for review on August 16, 2004, and have issued the enclosed National Pollutant Discharge Elimination System Permit.

This permit will be considered the final action on permit application number 992321.

If you are dissatisfied with the conditions or limitations of this permit, you have 20 days to request a hearing before the Environmental Quality Commission or its authorized representative. Any such request shall be made in writing to the Director and shall clearly state the grounds for the request.

You are urged to carefully read the permit and take all possible steps to comply with conditions established.

Sincerely,

  
Neil Mullane  
Administrator, Water Quality Program  
Northwest Region

Enclosure(s): NPDES Permit 101063 and Fact Sheet  
Cc: Lew McCutcheon, Oak Lodge Sanitary District w/ attachments  
Aric Osterlund, Oak Lodge Sanitary District w/attachments



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Expiration Date: November 30, 2009  
Permit Number: 101063  
File Number: 62795  
Page 1 of 24 Pages

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT**  
Department of Environmental Quality  
Northwest Region – Portland Office  
2020 SW 4th Ave., Suite 400, Portland, OR 97201  
Telephone: (503) 229-5263

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

**ISSUED TO:**

Oak Lodge Sanitary District  
14611 SE River Road  
Milwaukie, OR 97267-1198

**SOURCES COVERED BY THIS PERMIT:**

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 20.1
Emergency Overflow Trunk A Overflow No. 1 Foot of Courtney Road	002	R.M. 20.2
Emergency Overflow Trunk A Overflow No. 2 Pump Station No 2 Bypass 1716 SE Oak Shore Lane	003	R.M. 21.8
Emergency Overflow Trunk B Pump Station No. 5 Bypass 17560 SE Walta Vista	004	R.M. 22.8
Emergency Overflow Trunk E Pump Station No. 3 Bypass 2704 SE Park Avenue	005	Kellogg Lake

**FACILITY TYPE AND LOCATION:**

Activated Sludge  
Wastewater Treatment Facility  
13750 SE Renton Avenue  
Milwaukie, OR

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

**RECEIVING STREAM INFORMATION:**

Basin: Willamette  
Sub-Basin: Lower Willamette  
Receiving Stream: Willamette River  
Hydro Code: 20.1 D  
County: Clackamas

EPA REFERENCE NO: OR-002614-0

Issued in response to Application No. 992321 received March 31, 1997.

This permit is issued based on the land use findings in the permit record.

Neil Mullane  
Neil Mullane, Administrator, Water Quality Program  
Northwest Region

12/30/04  
Date

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**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:

	Page
Schedule A - Waste Discharge Limitations not to be Exceeded .....	3
Schedule B - Minimum Monitoring and Reporting Requirements.....	5
Schedule C - Compliance Conditions and Schedules.....	9
Schedule D - Special Conditions .....	10
Schedule F - General Conditions.....	14

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

**SCHEDULE A**

**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* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
CBOD <sub>5</sub> (See Note 1)	15 mg/L	25 mg/L	500	750	1000
TSS	20 mg/L	30 mg/L	670	1000	1300

(2) November 1 - April 30:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	30 mg/L	45 mg/L	1500	2250	3000
TSS	30 mg/L	45 mg/L	1500	2250	3000

\* Average dry weather design flow to the facility equals 4 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 6 MGD. The daily mass load limit is suspended on any day in which the flow to the treatment facility exceeds 8 MGD (twice the design average dry weather flow).

(3)

Other parameters (year-round)	Limitations
<i>E. coli</i> Bacteria	Shall not exceed 126 organisms per 100 mL monthly geometric mean. No single sample shall exceed 406 organisms per 100 mL. (See Note 2)
pH	Shall be within the range of 6.0 - 9.0
BOD <sub>5</sub> and TSS Removal Efficiency	Shall not be less than 85% monthly average for BOD <sub>5</sub> and 85% monthly for TSS.

(4) Except as provided for in OAR 340-045-0080, no wastes shall be discharged and no activities shall be conducted which violate Water Quality Standards as adopted in OAR 340-041-0445 except in the following defined mixing zone:

The mixing zone shall include that portion of the Willamette River within a 300 foot radius of the point of discharge. The ZID shall include that portion of the Willamette River within a 30 foot radius of the point of discharge.

b. Emergency Overflow Outfall 003

- (1) No wastes shall be discharged from these outfalls, unless the cause of the discharge is due to storm events as allowed under OAR 340-041-0009(6) or (7) as follows:

Raw sewage discharges are prohibited to waters of the State from November 1 through May 21, except during a storm event greater than the one-in-five-year, 24-hour duration storm, and from May 22 through October 31, except during a storm event greater than the one-in-ten-year, 24-hour duration storm.

If an overflow occurs between May 22 and June 1, and if the permittee demonstrates to the Department's satisfaction that no increase in risk to beneficial uses occurred because of the overflow, no violation shall be triggered if the storm associated with the overflow was greater than the one-in-five-year, 24-hour duration storm.

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

**NOTES:**

1. The CBOD<sub>5</sub> concentration limits are considered equivalent to the minimum design criteria for BOD<sub>5</sub> specified in Oregon Administrative Rules (OAR) 340-041. These limits and CBOD<sub>5</sub> mass limits may be adjusted (up or down) by permit action if more accurate information regarding CBOD<sub>5</sub>/BOD<sub>5</sub> becomes available.
2. If a single sample exceeds 406 organisms per 100 mL, then five consecutive re-samples may be taken at four-hour intervals beginning within 28 hours after the original sample was taken. If the log mean of the five re-samples is less than or equal to 126 organisms per 100 mL, a violation shall not be triggered.

**SCHEDULE B**

**1. Minimum Monitoring and Reporting Requirements(unless otherwise approved in writing by the Department).**

The permittee shall monitor the parameters as specified below at the locations indicated. The laboratory used by the permittee to analyze samples shall have a quality assurance/quality control (QA/QC) program to verify the accuracy of sample analysis. If QA/QC requirements are not met for any analysis, the results shall be included in the report, but not used in calculations required by this permit. When possible, the permittee shall re-sample in a timely manner for parameters failing the QA/QC requirements, analyze the samples, and report the results.

**a. Influent**

The facility influent sampling locations are the following:

\* Influent grab samples and measurements and composite samples are taken just after Pump Station No. 3 at the headworks and at Pump Station No.1.

Item or Parameter	Minimum Frequency	Type of Sample
BOD <sub>5</sub>	2/Week	Composite
TSS	2/Week	Composite
pH	3/Week	Grab

**b. Treated Effluent Outfall 001**

The facility effluent sampling locations are the following:

\* Effluent grab samples composite samples and measurements are taken after the chlorine contact station.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Semi-Annual	Verification
BOD <sub>5</sub>	2/Week	Composite
CBOD <sub>5</sub>	2/Week (May 1 – October 31)	Composite
TSS	2/Week	Composite
pH	3/Week	Grab
<i>E. coli</i>	2/Week	Grab (See Note 1)
Quantity Chlorine Used	Daily	Measurement
Chlorine Residual	Daily	Grab
Pounds Discharged (CBOD, BOD <sub>5</sub> and TSS)	2/Week	Calculation
Average Percent Removed (BOD <sub>5</sub> and TSS)	Monthly	Calculation
Ammonia (NH <sub>3</sub> -N)	2/Week (May 1 – October 31)	Composite
Temperature (See Note 2)	Daily (May 1- October 31)	Continuous
Toxics:		
Bioassay (See Note 3)	Semi-annually	Acute & chronic

Priority Pollutant Tests	Monitoring three times during the permit cycle. Two of three samples must be taken no fewer than 4 months and no more than 8 months apart.	See Schedule D of the permit
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c. Biosolids Management

Item or Parameter	Minimum Frequency	Type of Sample
Biosolids analysis including: Total Solids (% dry wt.) Volatile solids (% dry wt.) Biosolids nitrogen for: NH <sub>3</sub> -N; NO <sub>3</sub> -N; & TKN (% 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	Semi-Annual	Composite sample to be representative of the product to be land applied. (See Note 4)
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.
Record of % volatile solids reduction accomplished through stabilization	Monthly	Calculation (See Note 5)
Record of digestion days (mean cell residence time)	Monthly	Calculation (See Note 6)
Daily Minimum Sludge Temperature	Daily	Record

d. Emergency Overflow Outfall 002, 003, 004 and 005

Item or Parameter	Minimum Frequency	Type of Sample
Flow	Daily (during each occurrence)	Estimate duration and volume

2. Reporting Procedures



- a. Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department's Northwest Region - Portland office by the 15th day of the following month.
- b. State monitoring reports shall 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. Monitoring reports shall also identify each system classification as found on page one of this permit.
- c. Monitoring reports shall also include a record of the quantity and method of use of all sludge removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. **Report Submittals**

- a. The permittee shall have in place a program to identify and reduce inflow and infiltration into the sewage collection system. An annual report shall be submitted to the Department by April 1 each year which details sewer collection maintenance activities that reduce inflow and infiltration. The report shall 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 shall 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. *E. coli* monitoring must be conducted according to any of the following test procedures as specified in **Standard Methods for the Examination of Water and Wastewater, 19th Edition**, or according to any test procedure that has been authorized and approved in writing by the Director or an authorized representative:

Method	Reference	Page	Method Number
mTEC agar, MF	Standard Methods, 18th Edition	9-29	9213 D
NA-MUG, MF	Standard Methods, 19th Edition	9-63	9222 G
Chromogenic Substrate, MPN	Standard Methods, 19th Edition	9-65	9223 B
Colilert QT	Idexx Laboratories, Inc.		

2. After two full years of temperature monitoring and if approved in writing by the Department, monitoring may be waived for those months when the effluent temperature does not exceed the stream temperature standards.
3. Beginning no later than January 15, 2005, the permittee shall conduct bioassay testing for a period of one (1) year in accordance with the frequency specified above. If the bioassay tests show that the effluent samples are not toxic at the dilutions determined to occur at the Zone of Immediate Dilution and the Mixing Zone, no further bioassay testing will be required during this permit cycle. Note that bioassay test results will be required along with the next NPDES permit renewal application.

4. Composite samples from the Dewatered biosolids shall be taken from reference areas in the Dewatered biosolids pursuant to Test Methods for Evaluating Solid Waste, Volume 2; Field Manual, Physical/Chemical Methods, November 1986, Third Edition, Chapter 9.

Inorganic pollutant monitoring must be conducted according to Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Second Edition (1982) with Updates I and II and third Edition (1986) with Revision I.

5. Calculation of the % volatile solids reduction is to be based on comparison of a representative grab sample of total and volatile solids entering each digester (a weighted blend of the primary and secondary clarifier solids) and a representative composite sample of solids exiting each digester withdrawal line (as defined in note 3 above).
6. The days of digestion shall be calculated by dividing the effective digester volume by the average daily volume of sludge production.

## SCHEDULE C

### Compliance Schedules and Conditions

1. Industrial Waste Survey Update/Pretreatment
  - a. As soon as practicable, but by no later than six (6) months from permit issuance date, the permittee shall submit to the Department an update to the industrial waste survey that was completed May 19, 1995. The update should be completed as described in 40 CFR 403.8(f)(2)(i-iii) and suitable to make a determination as to the need for development of a pretreatment program.
  - b. Should the Department determine that a pretreatment program is required, the permit shall be reopened and modified in accordance with 40 CFR 403.8(e) to incorporate a compliance schedule to require development of a pretreatment program. The compliance schedule requiring program development shall be developed in accordance with the provisions of 40 CFR 403.12(k), and shall not exceed twelve (12) months.
2. By no later than 3 months after the permit is issued, the permittee shall submit an updated Operation and Maintenance Manual for the facility.
3. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he/she determines good and valid cause resulting from events over which the permittee has little or no control.

## SCHEDULE D

### Special Conditions

1. All biosolids shall be managed in accordance with the current, DEQ approved biosolids management plan, land application plan and the site authorization letters issued by the DEQ. Any changes in solids management activities that significantly differ from operations specified under the approved plan require the prior written approval of the DEQ.
2. This permit may be modified to incorporate any applicable standard for biosolids use or disposal promulgated under section 405(d) of the Clean Water Act, if the standard for biosolids use or disposal is more stringent than any requirements for biosolids use or disposal in the permit, or controls a pollutant or practice not limited in this permit.
3. **Whole Effluent Toxicity Testing**
  - a. The permittee shall conduct whole effluent toxicity tests as specified in Schedule B of this permit.
  - b. Bioassay tests may be dual end-point tests, only for the fish tests, in which both acute and chronic end-points can be determined from the results of a single chronic test (the acute end-point shall be based upon a 48-hour time period).
  - c. **Acute Toxicity Testing - Organisms and Protocols**
    - (1) The permittee shall conduct 48-hour static renewal tests with the *Ceriodaphnia dubia* (water flea) and the *Pimephales promelas* (fathead minnow).
    - (2) The presence of acute toxicity will be determined as specified in **Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms**, Fourth Edition, EPA/600/4-90/027F, August 1993.
    - (3) An acute bioassay test shall be considered to show toxicity if there is a statistically significant difference in survival between the control and 100 percent effluent, unless the permit specifically provides for a Zone of Immediate Dilution (ZID) for biotoxicity. If the permit specifies such a ZID, acute toxicity shall be indicated when a statistically significant difference in survival occurs at dilutions greater than that which is found to occur at the edge of the ZID.
  - d. **Chronic Toxicity Testing - Organisms and Protocols**
    - (1) The permittee shall conduct tests with: *Ceriodaphnia dubia* (water flea) for reproduction and survival test endpoint, *Pimephales promelas* (fathead minnow) for growth and survival test endpoint, and *Raphidocelis subcapitata* (green alga formerly known as *Selenastrum capricornutum*) for growth test endpoint.
    - (2) The presence of chronic toxicity shall be estimated as specified in **Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms**, Third Edition, EPA/600/4-91/002, July 1994.
    - (3) A chronic bioassay test shall be considered to show toxicity if a statistically significant difference in survival, growth, or reproduction occurs at dilutions greater than that which is known to occur at the edge of the mixing zone. If there is no dilution data for the edge of the

mixing zone, any chronic bioassay test that shows a statistically significant effect in 100 percent effluent as compared to the control shall be considered to show toxicity.

e. Quality Assurance

- (1) Quality assurance criteria, statistical analyses and data reporting for the bioassays shall be in accordance with the EPA documents stated in this condition and the Department's **Whole Effluent Toxicity Testing Guidance Document**, January 1993.

f. Evaluation of Causes and Exceedances

- (1) If toxicity is shown, as defined in sections c.(3) or d.(3) 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. If the second test also indicates toxicity, the permittee shall follow the procedure described in section f.(2) of this permit condition.
- (2) If two consecutive bioassay test results indicate acute and/or chronic toxicity, as defined in sections c.(3) or d.(3) of this permit condition, the permittee shall evaluate the source of the toxicity and submit a plan and time schedule for demonstrating compliance with water quality standards. Upon approval by the Department, the permittee shall implement the plan until compliance has been achieved. Evaluations shall be completed and plans submitted to the Department within 6 months unless otherwise approved in writing by the Department.

g. Reporting

- (1) Along with the test results, the permittee shall include: 1. the dates of sample collection and initiation of each toxicity test; 2. the type of production; and 3. the flow rate at the time of sample collection. Effluent at the time of sampling for bioassay testing should include samples of required parameters stated under Schedule B, condition 1. of this permit.
- (2) The permittee shall make available to the Department, on request, the written standard operating procedures they, or the laboratory performing the bioassays, are using for all toxicity tests required by the Department.

h. Reopener

- (1) If bioassay testing indicates acute and/or chronic toxicity, the Department may reopen and modify this permit to include new limitations 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.

4. The permittee shall perform all testing required in Part D of EPA Form 2A. The testing includes all metals (total recoverable), cyanide, phenols, hardness and the 85 pollutants included under volatile organic, acid extractable and base-neutral compounds. Three scans are required during the 4 ½ years after permit issuance. Two of the three scans must be performed no fewer than 4 months and no more than 8 months apart. The effluent samples shall be 24-hour daily composites, except where sampling volatile compounds. In this case, six (6) discrete samples (not less than 100 mL) collected over the operating day are acceptable. The permittee shall take special precautions in compositing the individual grab samples for the volatile organics to insure

sample integrity (i.e. no exposure to the outside air). Alternately, the discrete samples collected for volatiles may be analyzed separately and averaged.

5. The permittee shall comply with Oregon Administrative Rules (OAR), Chapter 340, Division 49, "Regulations Pertaining To Certification of Wastewater System Operator Personnel" and accordingly:
  - a. The permittee shall have its wastewater system supervised by one or more operators who are certified in a classification and grade level (equal to or greater) that corresponds with the classification (collection and/or treatment) of the system to be supervised as specified on page one of this permit.

**Note:** A "supervisor" is defined as the person exercising authority for establishing and executing the specific practice and procedures of operating the system in accordance with the policies of the permittee and requirements of the waste discharge permit. "Supervise" means responsible for the technical operation of a system, which may affect its performance or the quality of the effluent produced. Supervisors are not required to be on-site at all times.

- b. The permittee's wastewater system may not be without supervision (as required by Special Condition 5.a. above) for more than thirty (30) days. During this period, and at any time that the supervisor is not available to respond on-site (i.e. vacation, sick leave or off-call), the permittee must make available another person who is certified at no less than one grade lower than the system classification.
  - c. If the wastewater system has more than one daily shift, the permittee shall have the shift supervisor, if any, certified at no less than one grade lower than the system classification.
  - d. The permittee is responsible for ensuring the wastewater system has a properly certified supervisor available at all times to respond on-site at the request of the permittee and to any other operator.
  - e. The permittee shall notify the Department of Environmental Quality in writing within thirty (30) days of replacement or redesignation of certified operators responsible for supervising wastewater system operation. The notice shall be filed with the Water Quality Division, Operator Certification Program, 811 SW 6th Ave, Portland, OR 97204. This requirement is in addition to the reporting requirements contained under Schedule B of this permit.
  - f. Upon written request, the Department 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 justification for the time needed, a schedule for recruiting and hiring, the date the system supervisor availability ceased and the name of the alternate system supervisor(s) as required by 5.b. above.
6. The permittee shall notify the DEQ Northwest Region - Portland Office (phone: (503) 229-5263) in accordance with the response times noted in the General Conditions of this permit, of any malfunction so that corrective action can be coordinated between the permittee and the Department.
7. An adequate contingency plan for prevention and handling of spills and unplanned discharges shall be in force at all times. A continuing program of employee orientation and education shall be maintained to ensure awareness of the necessity of good inplant control and quick and proper action in the event of a spill or accident.

8. The permittee shall not be required to perform a hydrogeologic characterization or groundwater monitoring during the term of this permit provided:
- a. The facilities are operated in accordance with the permit conditions, and;
  - b. There are no adverse groundwater quality impacts (complaints or other indirect evidence) resulting from the facility's operation.

If warranted, at permit renewal the Department may evaluate the need for a full assessment of the facilities impact on groundwater quality.

**NPDES GENERAL CONDITIONS  
(SCHEDULE F)**

**SECTION A. STANDARD CONDITIONS**

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; for permit termination, suspension, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

Oregon Law (ORS 468.140) allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit.

In addition, a person who unlawfully pollutes water as specified in ORS 468.943 or ORS 468.946 is subject to criminal prosecution.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee shall 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 shall be submitted at least 180 days before the expiration date of this permit.

The Director 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, suspended, 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; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the permittee for a permit modification or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.



6. Toxic Pollutants

The permittee shall comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants 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

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit References

Except for effluent standards or prohibitions established under Section 307(a) of the Clean Water Act 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.

**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which 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. Duty to Halt or Reduce Activity

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee shall, 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 shall not be 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 term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality and/or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which 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 unless:

- (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
- (b) 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The permittee submitted notices and requests as required under General Condition B.3.c.

(2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director 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, it shall submit prior written notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall 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 shall 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 Event

For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation. A single operational event is an exceptional incident which 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 event 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 event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions

- (1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.
- (3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.

b. Prohibition of overflows. Overflows are prohibited unless:

- (1) Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and
- (3) The overflows are the result of an upset as defined in General Condition B.4. and meeting all requirements of this condition.

- c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.
- d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled 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, upon request by the Department, the permittee shall take such steps as are necessary to alert the public about the extent and nature of the discharge. 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. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in such a manner as to prevent any pollutant from such materials from entering public waters, 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 shall 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 shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall 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 shall be capable of measuring flows with a maximum deviation of less than  $\pm 10$  percent from true discharge rates throughout the range of expected discharge volumes.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, 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 shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years, or

by 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 shall be summarized each month on a Discharge Monitoring Report form approved by the Department. The reports shall 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 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall 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 shall be recorded unless otherwise specified in this permit.

7. Averaging of Measurements

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

8. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records of 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, 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 Director at any time.

9. Records Contents

Records of monitoring information shall 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 shall allow the Director, or an authorized representative 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.

#### **SECTION D. REPORTING REQUIREMENTS**

##### 1. Planned Changes

The permittee shall comply with Oregon Administrative Rules (OAR) 340, Division 52, "Review of Plans and Specifications". Except where exempted under OAR 340-52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers shall be commenced until the plans and specifications are submitted to and approved by the Department. The permittee shall 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 shall give advance notice to the Director 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 shall be transferred to a third party without prior written approval from the Director. The permittee shall 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 shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall 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 shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's

Regional office shall be called. Outside of normal business hours, the Department shall be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. If the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, and in which case if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission shall 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;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
- e. Public notification steps taken, pursuant to General Condition B.7.

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

- a. Any unanticipated bypass which exceeds any effluent limitation in this permit.
- b. Any upset which exceeds any effluent limitation in this permit.
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

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 shall report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports shall 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 shall furnish to the Department, within a reasonable time, any information that the Department may request to determine compliance with this permit. The permittee shall 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 failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information.

8. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified in accordance with 40 CFR 122.22.

9. Falsification of Information

A person who supplies the Department with false information, or omits material or required information, as specified in ORS 468.953 is subject to criminal prosecution.

10. Changes to Indirect Dischargers - [Applicable to Publicly Owned Treatment Works (POTW) only]

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.

11. Changes to Discharges of Toxic Pollutant - [Applicable to existing manufacturing, commercial, mining, and silvicultural dischargers only]

The permittee must notify the Department as soon as they know or have reason to believe of the following:

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



- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 µg/L);
  - (2) One milligram per liter (1 mg/L) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - (4) The level established by the Department in accordance with 40 CFR 122.44(f).

#### SECTION E. DEFINITIONS

1. BOD means five-day biochemical oxygen demand.
2. TSS means total suspended solids.
3. mg/L means milligrams per liter.
4. kg means kilograms.
5. m<sup>3</sup>/d means cubic meters per day.
6. MGD means million gallons per day.
7. Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
8. FC means fecal coliform bacteria.
9. Technology based permit effluent limitations means technology-based treatment requirements as defined in 40 CFR 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-41.
10. CBOD means five day carbonaceous biochemical oxygen demand.
11. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
12. Quarter means January through March, April through June, July through September, or October through December.
13. Month means calendar month.
14. Week means a calendar week of Sunday through Saturday.
15. Total residual chlorine means combined chlorine forms plus free residual chlorine.

16. The term "bacteria" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
17. POTW means a publicly owned treatment works.