



State of Oregon
Department of
Environmental
Quality

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

Oregon Department of Environmental Quality
700 NE Multnomah St., Suite 600
Portland, OR 97232
Phone: 503-229-5630

Expiration Date:
September 30, 2025
Permit Number: 900-J
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Issued pursuant to ORS 468B.050 and the federal Clean Water Act (the Clean Water Act)

EPA ID: ORG520900

ISSUED TO:

Wastewater discharges and commingled stormwater from seafood processors (see p. 7) and recreational sportfish cleaning stations (see p. 10).

DEQ File Number: {insert}

Registration Date: {insert}

Registrant:

{insert legal name}

{mailing address}

{city, state zip code}

Facility Name and Location:

{insert name of facility}

{insert location, not mailing address}

{city, state zip code}

Name of water body: {insert}

Type of water body: {freshwater/saltwater}

E. coli sampling: {Yes or No}

Enterococci sampling: {Yes or No}

Fecal coliform sampling: {Yes or No}

Tier: {1, 2, or 3}

Additional 303(d) monitoring: {Yes or No; if yes, include requirements}

October 1, 2020

October 2, 2020

Justin Green, Administrator
Water Quality Division

Issuance Date

Effective Date

PERMITTED ACTIVITIES

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

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

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Definitions

Commingled Stormwater for this permit means stormwater that falls within the facility boundary and flows through the wastewater treatment system and is monitored and discharged through the outfall.

Conventional Processing means seafood processing with the butchering operations conducted primarily by hand but which may also include the use of scaling machines and/or skinning machines (see 40 CFR 408.180 and 408.210).

Daily Maximum Limit means the “maximum for any 1 day” applied to every sample (see 40 CFR 408).

Existing Source means any seafood processing facility that was constructed on or before 12/1/1975 (or for crab, shrimp and tuna processors that were constructed before 6/26/1974; see 40 CFR 408). These dates mark the promulgation of *New Source* standards for the seafood types. See also *New Source* below.

Fish Cleaning Residuals means the guts, skin, fins, and other parts of fish or shellfish caught by recreational fishers that are removed when cleaning the fish or shellfish.

lbs/1000-lb is the unit of measure for the technology-based limits herein and refers to the number of pounds of pollutant allowed in the treated discharge per thousand pounds processed (either “seafood” or “product”; see definitions) of the species/process type listed in Tables A1 and A2 of this permit.

Mince for this permit means a seafood processing technique that mechanically debones and chops the fish or shellfish but does not create surimi.

Mechanical Processing means seafood processing with butchering operations that are conducted by machine (see 40 CFR 408.190 and 408.220). See *Conventional Processing* above for further information.

New Discharger as defined by 40 CFR 122.2 means means any building, structure, facility, or installation from which there is or may be a discharge of pollutants that: did not commence the discharge of pollutants at a particular site prior to August 13, 1979; which is not a new source; and has never received a finally effective NDPES permit for discharges at that site.

New Source means any seafood processing facility that was constructed after 12/1/1975 or for crab, shrimp, and tuna processors constructed after 6/26/1974 (see 40 CFR 408).

Offloading, as used in Tables A1 and A2 in this permit, means the activity of transferring raw seafood from a boat onto a dock in such a way that it results in a discharge.

Product, when used as the measure of production for limits in Tables A1 and A2, means “the weight of the oyster meat after shucking,” or “the weight of the scallop meat after processing.” The term applies only to the production measurement for hand-shucked oysters and scallops (40 CFR 408.250 - 408.257; 40 CFR 408.300-408.307).

Receiving for this permit means the transferring of seafood from a truck to a facility for further processing that results in a discharge.

Recreational Sportfish Cleaning Station means facilities provided by cities, ports, marinas or similar entities exclusively for the use of recreational and/or sportfish anglers and their licensed guides to clean limited amounts of fish caught by holders of valid recreational fishing licenses. These stations are not for commercial processors.

Seafood, when used as the measure of production for limits in Tables A1 and A2, means the raw material (freshwater and saltwater fish and shellfish) to be processed in the form in which it is received at the processing plant. (See 40 CFR 408 subparts A-X, AB, AE, and AF).

Shellfish means mollusks, including all edible species of oysters, clams, mussels, and scallops.

Species/Process Type means a category of seafood processed in Oregon and limited herein by technology-based limits established in accordance with the Federal Effluent Limitation Guidelines or by case-by-case analysis using Best Professional Judgment.

Surimi means a form of processing that takes minced fish and applies further process steps, such as rinsing, beating, pulverizing, and addition of additives, to produce a gelatinous paste or gel. Surimi processing is not covered under this permit.

Tier means a classification of seafood processing operations developed by DEQ based on size and scale of potential environmental impact that includes: biochemical oxygen demand (BOD) discharged in pounds per day; daily volume of discharge; duration of operations; and total annual discharge of BOD in pounds per year. DEQ assigns the tier to the registrant upon approval of permit coverage. If a registrant does not meet all of the characteristics within a tier, DEQ assigns a lower tier. Tier assignment remains fixed and unchangeable for the permit cycle. Tier assignment determines the applicable benchmarks and monitoring requirements. The following table lists the characteristics of each tier.

Parameter	Tier 1	Tier 2	Tier 3
Average BOD loading	Greater than or equal to 2000 pounds per day (lbs/day)	Less than 2000 lbs/day; greater than or equal to 100 lbs/day	Less than 100 lbs/day
Average volume of effluent flow	Greater than or equal to 150,000 gallons per day (gpd)	Less than 150,000 gpd; greater than or equal to 5,000 gpd	Less than 5,000 gpd
Duration of operation	Typically, 9 to 12 months of operation per year; fewer months if flow and load match the above criteria	Typically, 3 to 6 months of operation per year; some longer durations with lower loads	Any duration, provided the BOD loading is less than 100 lbs/day
Annual BOD loading	Greater than or equal to 150,000 pounds per year (lbs/yr)	Less than 150,000 lbs/yr; greater than or equal to 5,000 lbs/yr	Less than 5,000 lbs/yr

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Whole Frozen Raw Shrimp, as used in Tables A1 and A2 of this permit, means a form of processing for shrimp that does not include any cooking, peeling, blanching, canning, or can washing or retorting. This process includes de-icing, washing, separating, grading, packing, freezing, and related cleanup activities.

Sources Covered and Application Requirements for Seafood Processing

1. Sources Covered

This permit covers discharges of wastewater and stormwater commingled with wastewater from the following operations:

- a. Standard Industrial Classification 2091/North American Industry Classification System 311711 *Canned and Cured Seafood*.
- b. SIC 2092/NAICS 311712 Fresh and Frozen Packaged Seafood.
- c. SIC 2048 Prepared Feed and Feed Ingredients for Animals and Fowls and SIC 2077 Animal and Marine Fats and Oils with fishmeal processing activities.

Note: Discharges from surimi processing are not covered by this permit.

2. New Discharger to Section 303(d) Listed Waters

- a. *Section 303(d) Category 5 Water Quality Limited Water Needing a TMDL*

If the applicant is a new discharger to a water body identified in the most current EPA-approved DEQ Section 303(d) list as a *Category 5 Water Quality Limited Water Needing a TMDL*, the applicant must demonstrate one of the following to be registered to this permit:

- i. The discharge does not contain the pollutant for which the water body is listed as impaired.
- ii. If the discharge contains the listed pollutant, the applicant must demonstrate that the discharge does not cause or contribute to a violation of the applicable water quality standard.

- b. *Section 303(d) Category 4 Water Quality Limited Water with a TMDL*

If the applicant is a new discharger to a water body identified in the most current EPA-approved DEQ Section 303(d) list as a *Category 4 Water Quality Limited Water with a TMDL*, DEQ will determine whether the TMDL is applicable to the pollutants found in the discharge and allowed by the TMDL prior to registering the applicant to this permit.

- c. DEQ may require the applicant to conduct additional monitoring or control measures to ensure that the new discharger does not cause or contribute to a violation of the applicable water quality standard in a Section 303(d) Category 5 or Category 4 listed water body.

3. Oregon NPDES Permit Not Required

- a. Offshore seafood processing in federal waters. These activities are regulated by EPA.
- b. Storage of live seafood through which seawater is recirculated and then discharged to the same water body it came from provided the discharge does not cause or contribute to a violation of water quality standards.
- c. Offloading of seafood if no additional processing occurs on site.

4. Processes Covered

Seafood processing operations covered under this permit may offload or receive raw and frozen seafood from harvesting (e.g., fishing, trapping, netting) or from intermediate storage. The operations may prepare the seafood by some combination of butchering, cleaning, curing, cooking, freezing, packaging, and equipment cleanup. Each stage in the process may generate wastewater. Processes covered by this permit are in Table 1 below.

Table 1: Summary of Processes Covered

<ul style="list-style-type: none"> • Processing Dungeness or Tanner crab • Partial or complete processing of shrimp • Processing breaded shrimp • Processing whole frozen raw shrimp • Hand processing of fish, salmon, tuna, and/or squid • Freeze-only processing • Mechanical processing of fish, salmon, tuna, and/or squid • Mince processing of fish • Processing fishmeal • Canning herring, sardines, or tuna • Steak processing herring and/or sardines with no canning • Offloading of seafood that results in a discharge 	<ul style="list-style-type: none"> • Packing and freezing whole-fresh, farmed, or wild-caught mollusks (such as clams, oysters, and mussels) • Processing oysters via hand shucking • Steamed or canned processing of oysters • Hand shucking clams • Mechanical processing of clams • Processing scallops (except calico scallops) • Hand shucking mussels • Mechanical processing of mussels • Stormwater commingled with process wastewater • Hand processing of fish at recreational sportfish cleaning stations
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5. New Application Requirements

Unless otherwise approved by DEQ in writing, the owner or operator must submit to DEQ the information listed in Table 2, p. 9, according to the following schedule:

- a. For new operations, at least 180 days before starting operation.
- b. For existing operations without prior coverage under this permit, within 60 days of the effective date of this permit.

6. Future Renewal Application Requirements

Unless otherwise approved by DEQ in writing, the owner or operator must submit to DEQ the information listed in Table 2, p. 9, and Schedule B, Table B3, p. 22 at least 180 days before this permit expires.

Table 2: New and Renewal Application Requirements

New Application Requirement	Tier 1	Tier 2	Tier 3
EPA Form 1 for new sources or new dischargers	Y	Y	Y
EPA Form 2D	Y	Y	Y
DEQ Land Use Compatibility Statement Form	Y	Y	Y
Mixing Zone Study	Y	Y	N
Renewal Application Requirement	Tier 1	Tier 2	Tier 3
DEQ Form NPDES-R for future renewal	Y	Y	Y
DEQ Land Use Compatibility Statement (LUCS) Form For renewal, submit copy of previous LUCS or submit new LUCS if a physical expansion on the property or proposed use of additional land or significant increase in discharges to water is proposed.	Y	Y	Y
Mixing Zone Study	Y	Y	N
EPA Form 2C			
Section I – IV	Y	Y	Y
Section V, Part A, p. V1: all parameters except TOC and COD	Y	Y	Y Ammonia not required
Section V, Part B: Oil and Grease data	Y	Y	Y
Section V, Part B, pp. V1-V2: All other parameters, use column a or b	Y	Y	Y
Section V, Part C, pp. V3-V9: Only use column b or c to describe pollutants in your wastewater (seafood processing industry is not required to complete column a)	Y	Y	N
Additional Data			
Excel spreadsheet of the last 3 years' effluent data, including flow data	Y	Y	Y
Concurrent sampling data required by Schedule B, Table B3, p. 22.	Y	Y	N

Recreational Sportfish Cleaning Stations

1. Automatic Permit Coverage

- a. Discharges of fish cleaning residuals from recreational sportfish cleaning stations are automatically covered by this permit provided the requirements in condition 2 below are met.
- b. The owner or operator of a station that cannot meet the requirements in condition 2 below and any commercial station must apply for permit coverage and are subject to the requirements in Schedules A through F of this permit.

2. Automatic Permit Coverage Requirements

The owner or operator of a recreational sportfish cleaning station must comply with the following:

- a. Discharge less than an estimated 500 pounds of fish cleaning residuals a day.
- b. Cut or grind residuals into pieces approximately one inch or smaller.
- c. Adequately disperse residuals into the receiving water body in a manner that prevents deposits, nuisance odors, or decreased aesthetics of that water body.
- d. Inspect the station at least twice a year to determine that it is functioning properly. Records of the inspections must be maintained by the owner or operator and made available to DEQ upon request.
- e. Comply with applicable Schedule F conditions of this permit. Schedules A, B, and D do not apply to recreation sportfish cleaning stations (Schedules C and E are not used in this permit).

**Schedule A:
Waste Discharge Requirements**

1. Waste Discharge Limitations and Benchmarks

During the term of this permit, the registrant must ensure that effluent complies with the permit limits as detailed in this schedule.

a. Technology-Based Effluent Limitations for All Registrants

- i. *New Sources* see Table A1, p. 12.

New Sources are operations constructed after 12/1/1975, except for crab, shrimp, and tuna processing. For crab, shrimp, and tuna processing, *New Sources* are those constructed after 6/26/1974.

- ii. *Existing Sources* see Table A2, p. 14.

Existing Sources are those constructed on or before 12/1/1975, except for crab, shrimp, and tuna processing. For crab, shrimp, and tuna processing, *Existing Sources* are those constructed on or before 6/26/1974.

b. Benchmarks for Tier 1 and Tier 2 Registrants

These benchmarks do not apply to Tier 3 registrants. For Tier 1 and Tier 2 registrants, the benchmarks apply upon receiving permit coverage as follows:

- i. Temperature, ammonia, and chlorine benchmarks see Table A3, p. 16.

- ii. Bacteria benchmarks for Tier 1 and Tier 2 see Table A4, p. 16.

2. Regulatory Mixing Zone

Pursuant to OAR 340-041-0053, the registrant is granted a regulatory mixing zone as described below:

The allowable regulatory mixing zone is that portion of the receiving water body within a radius of 100 feet of the point of discharge (if applicable, the end of the outfall diffuser). The zone of immediate dilution is defined as that portion of the allowable mixing zone that is within a radius of 10 feet of the point of discharge.

The dilution ratio of the discharge to receiving water body must be a minimum of 1 to 10 at the edge of regulatory mixing zone and a minimum of 1 to 5 at the edge of the zone of immediate dilution.

3. Groundwater Protection

The registrant may not cause an adverse impact on existing or potential beneficial uses of groundwater. The registrant must manage and dispose of all wastewater and process-related residuals in a manner that will not cause a violation of the Groundwater Quality Protection Rules (OAR 340-040).

Table A1: New Source Technology-Based Effluent Limitations

<i>New Sources</i> are those constructed after 12/1/1975, except for crab, shrimp, and tuna processing. For crab, shrimp, and tuna processing, <i>New Sources</i> are those constructed after 6/26/1974.						
Offloading or receiving with discharge	Offloading or receiving that is processed onsite the same day is included in the applicable species and its process type below. For offloading or receiving where processing will occur onsite on a different day, or at a different location, apply the weight of the offloaded seafood or received seafood to the compliance calculations for the day and the site where offloading or receiving with discharge occurs, using the applicable species and its process type.					
Only managing residuals for pet food or discharging water from live tanks	If no other discharges occur that day, screen the discharge and use best housekeeping practices. Do not count these pounds in any calculation.					
All species and process types	pH within the range of 6.0 to 9.0 S.U.					
	BOD ₅		TSS		Oil & Grease	
Species (process) <i>Basis for TBEL = New Source Performance Standards with citation or DEQ BPJ</i>	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb
Crab <i>40 CFR 408.85 Subpart H</i>	4.1	10	0.69	1.7	0.10	0.25
Shrimp <i>40 CFR 408.115 Subpart K</i>	62	155	15	38	5.7	14
Breaded Shrimp <i>40 CFR 408.135 Subpart M</i>	40	100	22	55	1.5	3.8
Tuna (canned) <i>40 CFR 408.145 Subpart N</i>	8.1	20	3.0	7.5	0.76	1.9
Fish Meal <i>40 CFR 408.155 Subpart O</i>	3.8	6.7	1.5	3.7	0.76	1.4
Salmon (hand butchered) <i>40 CFR 408.185 Subpart R</i>	1.7	2.7	0.42	0.70	0.026	0.045
Salmon (mechanized) <i>40 CFR 408.195 Subpart S</i>	38	62	7.6	13	1.5	4.2
Bottom Fish (conventional) <i>40 CFR 408.215 Subpart U; DEQ BPJ</i>	0.71	1.2	0.73	1.5	0.042	0.077
Bottom Fish (mechanized) <i>40 CFR 408.225 Subpart V</i>	7.5	13	2.9	5.3	0.47	1.2
Clam (hand shucked) <i>40 CFR 408.235 Subpart W</i>	NA	NA	17	55	0.21	0.56
Clam (mechanized) <i>40 CFR 408.245 Subpart X</i>	5.7	15	4.4	26	0.092	0.40
Oyster (hand shucked) <i>40 CFR 408.255 Subpart Y</i>	NA	NA	36	45	1.7	2.2
Oyster (steamed and canned) <i>40 CFR 408.275 Subpart AA</i>	17	67	39	56	0.42	0.84

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Table A1: New Source Technology-Based Effluent Limitations
continued

<i>New Sources are those constructed after 12/1/1975, except for crab, shrimp, and tuna processing. For crab, shrimp, and tuna processing, New Sources are those constructed after 6/26/1974.</i>						
Offloading or receiving with discharge	Offloading or receiving that is processed onsite the same day is included in the applicable species and its process type below. For offloading or receiving where processing will occur onsite on a different day, or at a different location, apply the weight of the offloaded seafood or received seafood to the compliance calculations for the day and the site where offloading or receiving with discharge occurs, using the applicable species and its process type.					
Only managing residuals for pet food or discharging water from live tanks	If no other discharges occur that day, screen the discharge and use best housekeeping practices. Do not count these pounds in any calculation.					
All species and process types	pH within the range of 6.0 to 9.0 S.U.					
	BOD₅		TSS		Oil & Grease	
Species (process) <i>Basis for TBEL = New Source Performance Standards with citation or DEQ BPJ</i>	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb
Sardines (canned) <i>40 CFR 408.285 SP AB</i>	NA	NA	10	36	0.57	1.4
Scallop <i>40 CFR 408.305 Subpart AD</i>	NA	NA	1.4	5.7	0.23	7.3
Herring Fillet <i>40 CFR 408.325 Subpart AF</i>	15	16	5.2	7.0	1.1	2.9
Abalone <i>40 CFR 408.335</i>	NA	NA	14	26	1.3	2.1
Whole Frozen Raw Shrimp <i>DEQ BPJ of NSPS</i>	18	51	4.4	13	1.7	4.6

Table A2: Existing Source Technology-Based Effluent Limitations

Existing Sources are those constructed on or before 12/1/1975, except for crab, shrimp, and tuna processing. For crab, shrimp, and tuna processing, Existing Sources are those constructed on or before 6/26/1974.						
Offloading or receiving with discharge	Offloading or receiving that is processed onsite the same day is included in the applicable species and its process type below. For offloading or receiving where processing will occur onsite on a different day, or at a different location, apply the weight offloaded or received on the day and at the site where offloading or receiving with discharge occurs, using the applicable species and its process type.					
Only managing residuals for pet food or discharging water from live tanks	If no other discharges occur that day, screen the discharge and use best housekeeping practices. Do not count these pounds in any calculation.					
All species and process types	pH within the range of 6.0 to 9.0 S.U.					
	BOD ₅		TSS		Oil & Grease	
Species (Process) <i>Basis for TBEL = more stringent of BPT or BCT</i>	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb
Crab <i>40 CFR 408.82 and 408.87 Subpart H</i>	NA	NA	2.7	8.1	0.61	1.8
Shrimp <i>40 CFR 408.112 and 408.117 Subpart K Processing more than 2000 lbs of raw material per day on any day during a calendar year.</i>	NA	NA	54	160	42	126
Breaded Shrimp <i>40 CFR 408.132 Subpart M Processing more than 2000 lbs of raw material per day on any day during a calendar year.</i>	NA	NA	93	280	12	36
Tuna (canned) <i>40 CFR 408.142 and 408.147 Subpart N</i>	NA	NA	3.3	8.3	0.84	2.1
Fish Meal (w/solubles plant) <i>BPT 40 CFR 408.152(a) Subpart O</i>	3.9	7.0	1.5	3.7	0.76	1.4
Fish Meal (no solubles plant) <i>BPT 40 CFR 408.152(b) Subpart O</i>	2.8	3.5	1.7	2.6	1.4	3.2
Salmon (hand butchered) <i>40 CFR 408.182 Subpart R</i>	NA	NA	1.6	2.6	0.19	0.31
Salmon (mechanized) <i>40 CFR 408.192 Subpart S</i>	NA	NA	26	44	11	29
Bottom Fish (conventional) <i>40 CFR 408.212 Subpart U; DEQ BPJ Processing more than 4000 lbs of raw material per day on any day during a calendar year.</i>	NA	NA	2.0	3.6	0.55	1.0
Bottom Fish (mechanized) <i>40 CFR 408.222 Subpart V</i>	NA	NA	12	22	3.9	9.9

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Table A3: Existing Source Technology-Based Effluent Limitations
continued

Existing Sources are those constructed on or before 12/1/1975, except for crab, shrimp, and tuna processing. For crab, shrimp, and tuna processing, Existing Sources are those constructed on or before 6/26/1974.						
Offloading or receiving with discharge	Offloading or receiving that is processed onsite the same day is included in the applicable species and its process type below. For offloading or receiving where processing will occur onsite on a different day, or at a different location, apply the weight offloaded or received on the day and at the site where offloading or receiving with discharge occurs, using the applicable species and its process type.					
Only managing residuals for pet food or discharging water from live tanks	If no other discharges occur that day, screen the discharge and use best housekeeping practices. Do not count these pounds in any calculation.					
All species and process types	pH within the range of 6.0 to 9.0 S.U.					
	BOD ₅		TSS		Oil & Grease	
Species (Process) <i>Basis for TBEL = more stringent of BPT or BCT</i>	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb	lbs/1000-lb
Clam (hand shucked) <i>40 CFR 408.232 Subpart W</i> <i>Processing more than 4000 lbs of raw material per day on any day during a calendar year.</i>	NA	NA	18	59	0.23	0.60
Clam (mechanized) <i>40 CFR 408.242 Subpart X</i>	NA	NA	15	90	0.97	4.2
Oyster (hand shucked) <i>40 CFR 408.257 BCT Subpart Y</i> <i>Processing more than 1000 lbs of raw material per day on any day during a calendar year.</i>	NA	NA	36	45	1.7	2.2
Oyster (steamed and canned) <i>40 CFR 408.272 Subpart AA</i>	NA	NA	190	270	1.7	2.3
Sardines (canned) DRY transport in plant <i>40 CFR 408.282(a) Subpart AB</i>	NA	NA	10	36	1.4	3.5
Sardines (canned) FLUMED in plant <i>40 CFR 408.282(b) Subpart AB</i>	NA	NA	16	48	2.8	6.3
Scallop <i>40 CFR 408.307 BCT Subpart AD</i>	NA	NA	1.4	5.7	0.23	7.3
Herring Fillet <i>40 CFR 408.322 Subpart AF</i>	NA	NA	24	32	10	27
Whole Frozen Raw Shrimp <i>DEQ BPJ of BPT</i>	NA	NA	16	53	12	42

Table A4: Temperature, Ammonia, and Chlorine Benchmarks for Tier 1 and Tier 2 Registrants

Parameter ¹	Monthly Average	Tier 1 7-day Average of Daily Maximums	Daily Maximum
Temperature (°C)	NA	20	32
Freshwater²			
Ammonia as N (mg/l)	28	NA	48
Chlorine, Total Residual (mg/l)	0.10	NA	0.10
Saltwater²			
Ammonia as N (mg/l)	1.5	NA	2.7
Chlorine, Total Residual (mg/l)	0.10	NA	0.10
Notes:			
1. For benchmark exceedances, see Schedule D, condition 9, <i>Corrective Action Required for Benchmark Exceedances</i> , p. 27.			
2. See cover page for assignment of freshwater or saltwater.			

Table A5: Bacteria Benchmarks for Tier 1 and Tier 2 Sources

Parameter	Monthly Geometric Mean	Daily Maximum
Freshwater: <i>E. coli</i> (org/100 ml)	126	406

Parameter	Monthly Geometric Mean	No more than 10% of samples in a month
Saltwater near shellfish harvesting areas		
Fecal Coliform (org/100 ml)	14	43
Enterococcus (org/100 ml)	35	130
Saltwater		
Enterococcus (org/100 ml)	35	130

**Schedule B:
Minimum Monitoring and Reporting Requirements**

1. Monitoring and Reporting Protocols

The registrant must submit to DEQ monitoring reports as listed in Table B1, p. 19, and Table B2, p. 21.

a. Paper Submissions

The registrant must report to DEQ in a paper format as specified below.

- i. The registrant must submit monitoring results required by this permit using DEQ-approved discharge monitoring report (DMR) forms.
- ii. The reporting period is the calendar month.
- iii. The registrant must submit monitoring results and other information required by this permit to DEQ by the 15th day of the month following the reporting period unless specified otherwise in this permit.
- iv. The registrant must sign and certify submittals of DMRs, reports, and other information in accordance with the requirements of Schedule F, condition D8 of this permit.

b. Electronic Submissions

The registrant must report to DEQ in an electronic format as specified below.

- i. When directed by DEQ, the registrant must submit monitoring results required by this permit via DEQ-approved web-based DMR forms.
- ii. The reporting period is the calendar month.
- iii. The registrant must submit monitoring results and other information required by this permit by the 15th day of the month following the reporting period unless specified otherwise in this permit.
- iv. The registrant must submit all data used to calculate summary statistics as a separate attachment approved by DEQ.
- v. The registrant must sign and certify all electronic submissions in accordance with the requirements of Schedule F, condition D8 of this permit.

c. Laboratory Quality Assurance and Quality Control

- i. The registrant must develop and implement a written quality assurance and quality control (QA/QC) program that conforms to the requirements of 40 CFR 136.7.
- ii. If QA/QC requirements are not met for any analysis, the registrant must re-analyze the sample. If the sample cannot be re-analyzed, the registrant must re-sample and analyze at the earliest opportunity. If a sample does not meet QA/QC requirements, the registrant must include the result in the DMR along with a notation (data qualifier) explaining how it does not meet QA/QC requirements, but the registrant must not use the result in any calculation required by the permit unless authorized in writing by DEQ.

d. **Sampling Procedures**

- i. The registrant must sample effluent in a manner that is representative of the wastewater discharge. See Schedule F, condition C1. Each species and its process type processed in a month must be sampled.
- ii. The registrant must sample effluent at the sampling port for the outfall(s) used for wastewater discharges for the parameters listed in Table B1, p. 19. The sampling port must be located after treatment and prior to discharge.
- iii. If the calendar month ends during the week, any sample taken during this week may be used for the previous and following weekly and monthly monitoring and reporting requirements.

e. **Calculation and Reporting Procedures for Technology-Based Limits**

- i. Significant Figures. Mass loads and mass load limits have two significant figures unless otherwise noted. The final result of calculations must contain no more than two significant figures. Rounding of figures occurs at the final stage of calculations.
- ii. Calculations must be performed for each sampling day and each month. For more detail, see Appendix 1, p. 40.
- iii. Compliance Calculation Spreadsheet. The registrant must use the compliance calculation spreadsheet provided by DEQ to complete the monthly paper or electronic DMR. The registrant must submit an electronic copy of the spreadsheet attached to the monthly DMR. The spreadsheet is based on calculations in Appendix 1, p. 40.

Table B1: Monitoring for All Registrants

Year-round when processing and/or cleaning results in discharge to water body.

Item or Parameter (units)	Minimum Frequency			Sample Type/ Required Action	Report
	Tier 1	Tier 2	Tier 3		
Total Flow (MGD)	Daily, measured at effluent line unless otherwise approved in writing by DEQ	Daily, measured at effluent line unless otherwise approved in writing by DEQ	Daily, measured at effluent line unless otherwise approved in writing by DEQ	Record quantity	1. Daily Flow 2. Monthly Total
Production by Species/Process Type (lb/day)	Daily	Daily	Daily	Record pounds processed by type	1. Daily pounds by type 2. Monthly total pounds by type
BOD ₅ (mg/L)	1/week	2/month	1/quarter	24 hr Composite Sample	1. Daily Results 2. Daily Max 3. Monthly Avg
TSS (mg/L)	2/week	2/month	1/quarter	24 hr Composite Sample	1. Daily Results 2. Daily Max 3. Monthly Avg
Oil and Grease (mg/L)	2/week	2/month	1/quarter	Grab Sample	1. Daily Results 2. Daily Max 3. Monthly Avg
pH (S.U.)	2/week	2/month	1/quarter	Grab Sample	1. Daily Min 2. Daily Max
Wastewater and stormwater collection and treatment systems, including screens	Daily	Daily	Daily	Record condition and repair or maintenance performed	Daily inspection report
Cleaning solutions	Daily	Daily	Daily	Record	
Treatment system residuals disposed and/or reused	1/month	1/month	1/month	Report	1. Total pounds of solids generated and amount(s) by disposal site location(s).

Additional requirements for all registrants continued on next page.

Table B1: Monitoring Parameters for All Registrants
Continued

Year-round when processing and/or cleaning results in discharge to water body.

Item or Parameter (units)	Minimum Frequency			Sample Type/ Required Action	Report Statistic
	Tier 1	Tier 2	Tier 3		
All registrants for each species and its process type					
BOD ₅ production-normalized daily mass load (lb/1000-lb)	1/week	2/month	1/quarter	Calculation	1. Daily Results 2. Daily Max
TSS, O&G production-normalized daily mass load (lb/1000-lb)	2/week	2/month	1/quarter	Calculation	1. Daily Results 2. Daily Max
BOD ₅ , TSS, O&G production-normalized monthly average mass load (lb/1000-lb)	1/month	1/month	1/quarter	Calculation	1. Monthly Avg
BOD ₅ <i>total</i> daily mass loads (lbs)	1/week	2/month	1/quarter	Calculation	1. Daily Results
TSS, O&G <i>total</i> daily mass loads (lbs)	2/week	2/month	1/quarter	Calculation	1. Daily Results

Table B2: Tier 1 and Tier 2 Effluent Monitoring for Benchmark Parameters

Note: Tier 3 registrants are not required to monitor for benchmark parameters.

Item or Parameter	Time Period	Minimum Frequency		Sample Type/Required Action	Report
		Tier 1	Tier 2		
Tier 1 Temperature (°C)	Year-round when processing	1/hr	NA	Continuous ¹ & Calculation	1. Daily maximum 2. 7-day average of daily maximums ²
Tier 2 Temperature (°C)	Year-round when processing	NA	2/month	Grab ³ & Calculation	1. Daily maximum 2. Weekly maximum ³
Total Ammonia as N (mg/L)	Year-round when processing	2/week	2/month	Grab Sample	1. Daily maximum 2. Monthly average
Chlorine, Total Residual (mg/L)	Year-round when processing	2/week	2/month	Grab Sample	1. Daily maximum 2. Monthly average
<u>Freshwater</u> ^A <i>E. coli</i> (# organisms or MPN/100 mL)	Year-round when processing	1/week	2/month	Grab Sample	1. Single sample results 2. Monthly geometric mean of all results
<u>Saltwater</u> Fecal Coliform (# organisms or MPN/100 mL)	Year-round when processing	1/week	2/month	Grab Sample	1. Single sample results 2. Monthly geometric mean 3. Percent of samples exceeding 43 organisms/100 mL
<u>Saltwater</u> Enterococcus (# organisms/100 mL)	Year-round when processing	1/week	2/month	Grab Sample	1. Single sample results 2. Monthly geometric mean of all results 3. Percent of samples exceeding 130 organisms/100 mL

Notes:

1. If data collection is interrupted by equipment failure or loss, the registrant must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, registrant must monitor grab measurements at least once a day between 3 p.m. and 5 p.m. until continuous monitoring equipment is redeployed.
2. “7-day average of daily maximums” means a calculation of the averages of the daily maximum temperatures from 7 consecutive days made on a rolling basis.
3. Grab samples for temperature must occur when the registrant expects its discharge to be the warmest based on the registrant’s knowledge of its processing and/or cleaning activities.

2. Annual Monitoring Requirements for Permit Renewal

In addition to the renewal application requirements specified on p 8, condition 7, the registrant must submit concurrent monitoring results as detailed in Table B3 below. Concurrent sampling means effluent and receiving water body samples must be collected within a 2-hour range. Samples of the receiving water body must be taken upstream of the regulatory mixing zone.

Table B3: Annual Concurrent Effluent and Receiving Water Body Monitoring Required for Permit Renewal

Parameter	Effluent and Receiving Water Body
pH (S.U.)	Once a calendar year.
Temperature (°C)	
Alkalinity (mg/l)	
Dissolved Oxygen (mg/l)	
CBOD (mg/l)	
Ammonia as N (mg/l)	
Total Kjeldahl Nitrogen or TKN (mg/l)	
Total Phosphorus (mg/l)	
Total Zinc (mg/l)	
Total Selenium (mg/l)	

3. Outfall Inspection

- a. During the 1st year of permit registration and again in the 4th year of permit registration, the registrant must inspect outfall(s), including any submerged portion of the outfall line, and, if applicable, the outfall diffuser to document its integrity as well as to determine whether it is functioning as designed. The inspection must confirm that diffuser port(s), if any, are intact, clear and fully functional.
- b. If this permit is administratively extended beyond its expiration date, an outfall inspection is required every 5 years (e.g., 9th year, 14th year).
- c. The registrant must submit a written report to DEQ regarding the results of the outfall inspection no later than December 31 of the inspection year.
- d. The report must include the following:
 - i. Unless construction records are unavailable, a description of the outfall as originally constructed;
 - ii. Condition of the current outfall; and
 - iii. An overview of any repairs and schedule of repairs if needed to return the outfall to satisfactory condition.

4. Minimum Reporting Requirements

The registrant must report monitoring results as listed in Table B4 on the next page as follows:

- a. Monthly reporting is required for all tiers of registrants.
- b. For Tier 3 registrants in months when no samples are required to be collected, report “NO SAMPLES.”
- c. For all tiers of registrants in months with no processing, report “NO PROCESSING” on the monthly discharge monitoring report.
- d. For all tiers when processing occurs, report the statistics (parameters, values, and averages) from the compliance spreadsheet as specified in Table B1, p. 19, and Table B2, p. 21.

Table B4: Reporting Requirements and Due Dates

Reporting Requirement	Frequency	Due Date ^{1,2}	Report Form ³	Submit To ⁵
Effluent monitoring: Table B1, p.19 Table B2, p. 21	Monthly	15 th day of the month following data collection	DEQ-approved discharge monitoring report form (DMR), electronic and hard copies	DEQ Regional Office
Table B3: Annual Concurrent Effluent and Receiving Water Body Monitoring Required for Permit Renewal, p. 22	As specified	No later than 180 days prior to permit expiration unless otherwise approved by DEQ	1 hard copy and electronic copy in DEQ-approved format	DEQ Regional Office
Initial Outfall Inspection Report (Schedule B, condition 4, p. 23)	First year of permit registration	No later than Dec. 31 of the inspection year	1 hard copy and electronic copy in DEQ-approved format	DEQ Regional Office
Outfall Inspection Report (Schedule B, condition 4, p. 23)	Fourth year of permit registration	No later than Dec. 31 of the inspection year	1 hard copy and electronic copy in DEQ-approved format	DEQ Regional Office
Tier 1 and Tier 2 Dilution Study				
<p>Notes:</p> <ol style="list-style-type: none"> For submittals that are provided to DEQ by mail, the postmarked date must not be later than the due date. When electronic reporting commences, the submittals are due by the calendar due date. When no processing and no discharging occurs, report must still be submitted on schedule, noting “No Processing.” Tier 3 registrants that process, but are not required to take samples, must still submit a report on schedule and note “No Sample.” DEQ is implementing an electronic reporting system for DMRs. Once the electronic reporting system is in place, the registrant is required to submit DMRs electronically. The registrant must submit a hard copy of the DMR until the electronic reporting system is in place and the registrant has been notified to stop paper submissions. The approved DMR form must include the Excel spreadsheet for compliance calculations provided by DEQ. Regional office addresses: <ul style="list-style-type: none"> DEQ Northwest Region Water Quality, 700 NE Multnomah St, Ste 600, Portland, OR 97232-4100 DEQ Western Region Water Quality, 4026 Fairview Industrial Drive SE, Salem, OR 97302 DEQ Eastern Region Water Quality, 800 SE Emigrant Ave, Suite 330, Pendleton, OR 97801 				

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**Schedule C:
Compliance Schedule**

There is no compliance schedule for this permit.

**Schedule D:
Special Conditions**

- 1. Tier 1 and Tier 2 Dilution Study for Existing Registrants Covered by 2006 900-J**

Within 24 months of receiving permit coverage, the registrant must submit the results of a dilution study to demonstrate that the dilution ratio of the discharge to receiving water body at the edge of the regulatory mixing zone is at least 1 to 10 and at least 1 to 5 the edge of the zone of immediate dilution.
- 2. Sanitary Wastes**

This permit does not allow the discharge of sanitary wastes. The registrant must discharge all sanitary wastes from sinks, showers, and toilets to a sewage treatment system operated in conformance with DEQ regulation.
- 3. Environmental Supervisor**

The registrant must designate a person to coordinate and/or carry out all necessary functions related to maintaining compliance with this permit. This person must have access to all information pertaining to the generation of wastewater in all areas of the plant.
- 4. Notification of Noncompliance**

The registrant must notify DEQ of any bypass, upset or other noncompliance in accordance with the notification provisions in Schedule F, conditions B6, B7, and D5.
- 5. Commingled Stormwater**

The registrant may discharge stormwater commingled with process wastewater under this permit if the stormwater is contained, collected, treated, and discharged in accordance with the requirements of this permit. The registrant must:

 - a. Minimize exposure of manufacturing, processing, and material storage areas, including loading and unloading, disposal, cleaning, maintenance and fixed fueling areas to rain, snow, snowmelt, and runoff to the extent technologically available and economically practicable and achievable in light of best industry practice.
 - b. Locate materials and activities indoors or protect them with storm resistant covers if stormwater from affected areas discharges to surface waters. Acceptable covers include, but are not limited to, permanent structures such as roofs or buildings and temporary covers such as tarps.
 - c. Use grading, berming, or curbing to capture, contain and treat commingled stormwater with the process wastewater and also to divert the remaining stormwater away from processing areas to prevent stormwater contamination.
- 6. Treatment System Residuals Management**

The registrant must manage treatment system residuals as follows:

 - a. Discharge of treatment system residuals to waters of the state is prohibited.
 - b. The use or disposal of all treatment system residuals must be monitored and reported following the provisions in Schedule B.
 - c. The reuse or disposal of treatment system residuals must be managed in accordance with all applicable federal, state, and local requirements.

7. Spill Prevention and Response Plan

In addition to the *Emergency Response and Public Notification Plan* required by Schedule F, condition B7 for bypasses and upsets, the registrant must develop and implement a plan to prevent spills of chemicals, hazardous materials, and wastes and respond to such spills when they occur. The plan must contain the following information:

- a. A description of the types of equipment to be used to clean up spills.
- b. Proper handling and safety procedures for each type of chemical, hazardous material, and waste.
- c. Description and implementation of an education program for employees and contractors on the potential hazards to humans and the environment from spills and/or leaks.
- d. A protocol and schedule for making updates to the spill prevention plan and clean up materials at least annually and as changes occur to the types of chemicals and hazardous materials used or stored at the facility, including any changes to waste storage.

The registrant may use a Spill Prevention Control and Countermeasure Plan if it meets the above requirements. The plan must be kept current and maintained onsite. A copy of the plan must be made available to DEQ upon request.

8. Operation and Maintenance Protocols

As required by Schedule F, condition B1, the registrant must properly operate and maintain at all times wastewater and stormwater collection and treatment systems, including screens, to achieve compliance with permit conditions. The registrant must conduct inspections as required by Table B1, p. 19.

9. Corrective Action Required for Benchmark Exceedances

a. Level 1 corrective action

If benchmarks are exceeded in the first calendar year of permit coverage, the registrant must submit a Level 1 corrective action plan by March 1 of the following year to DEQ for approval. The plan must include the following:

- i. List of actions taken during the year to address benchmark exceedances.
- ii. Any additional strategies and timeframes to identify pollutant sources and remove or reduce pollutants to below benchmark levels.

b. Level 2 corrective action

If the benchmarks addressed by the Level 1 corrective action plan are exceeded again in the second year of permit coverage, the registrant must:

- i. Submit a Level 2 corrective action plan by March 1 of the third calendar year of permit coverage to DEQ for approval. The plan must be developed by an Oregon professional engineer and include the following:
 - (1) A proposal to remove, control, or treat pollutants with the goal of achieving the benchmarks.
 - (2) Rationale for the selection of the control and treatment measures, the projected reduction of pollutant concentrations, and schedule for implementing these measures by December 31 of the fourth monitoring year, unless otherwise approved in writing by DEQ.
- ii. Notify DEQ of completion of the plan by January 15 of the fifth year of permit coverage.

- iii. The applicant must submit any proposed changes to DEQ-approved Level 2 corrective actions to DEQ for approval at least 30 days prior to implementation. Revisions to corrective actions do not change the implementation deadline unless otherwise approved in writing by DEQ.
- c. If benchmarks are newly exceeded in any year following the first year of permit coverage, the registrant must follow the process detailed above with the due dates adjusted accordingly by year. For example, a benchmark exceeded in year three of permit coverage would require a Level 1 corrective action plan by March 1 of year four of permit coverage.

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Schedule E:
Pretreatment Activities

There are no pretreatment requirements for this permit.

**Schedule F:
General Conditions**

**INDUSTRIAL FACILITIES
July 31, 2016 version**

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to \$250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation.

The Clean Water Act provides that any person who negligently violates any condition, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both.

In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

In the case of a second or subsequent conviction for a 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.

Any person who knowingly violates section any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.

In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both.

An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000.

Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

A3. Duty to Mitigate

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

A4. Duty to Reapply

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

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

A5. Permit Actions

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

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

- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.

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

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B2. Need to Halt or Reduce Activity Not a Defense

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be

exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.

- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Prohibition of bypass.
 - (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
 - iii. The permittee submitted notices and requests as required under General Condition B3.c.
 - (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when DEQ determines that it will meet the three conditions listed above in General Condition B3.b(1).
- c. Notice and request for bypass.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims 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 D5, hereof (24-hour notice); and
 - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional

incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

B6. Public Notification of Effluent Violation

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B7. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
- b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
- c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials who will receive immediate notification;
- d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
- e. Provide emergency operations; and
- f. Ensure that DEQ is notified of the public notification steps taken.

B8. Removed Substances

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

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. Flow Measurements

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

C3. Monitoring Procedures

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

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

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

C5. Reporting of Monitoring Results

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

C6. Additional Monitoring by the Permittee

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

C7. Averaging of Measurements

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

C8. Retention of Records

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

C9. Records Contents

Records of monitoring information must include:

- a. The date, exact place, time, and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;

- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

C10. Inspection and Entry

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

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

C11. Confidentiality of Information

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

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

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

D2. Anticipated Noncompliance

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

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

- a. The following must be included as information that must be reported within 24 hours under this paragraph:
 - (1) Any unanticipated bypass that exceeds any effluent limitation in this permit;
 - (2) Any upset that exceeds any effluent limitation in this permit;
 - (3) Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
 - (4) Any noncompliance that may endanger human health or the environment.
- b. A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
 - (1) A description of noncompliance and its cause;
 - (2) The period of noncompliance, including exact dates and times;
 - (3) The estimated time noncompliance is expected to continue if it has not been corrected;
 - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
 - (5) Public notification steps taken, pursuant to General Condition B7.

DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5, at the time monitoring reports are submitted. The reports must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

D8. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Discharges of Toxic Pollutant

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

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

SECTION E. DEFINITIONS

- E1. *BOD* or *BOD₅* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD₅* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m³/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.

- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.

Appendix 1: Compliance Calculations

Single Species and Process Compliance Calculation

Applicability

For operations that process a single species at a time and sample wastewater representative of that processing event.

Daily Compliance Determination

To comply with the daily permit limit for a single species and process type, the Production-Normalized Daily Mass Load for that species must be less than the applicable species and process Daily Maximum Permit Limit (daily TBEL) from Table A1 or A2.

Step	Instruction	Equation
1	Calculate Production-Normalized Daily Mass <u>Load</u> based on production	$\frac{\text{Sample Concentration} \left(\frac{mg}{L}\right) \times \text{Daily Flow (MG)} \times 8.34}{\text{Production on Sample Date} \left(1000 \frac{lbs}{day}\right)}$ $= \text{Production-Normalized Daily Mass Load} \left(\frac{lbs}{1000 lbs}\right)$
2	Compare Production-Normalized Daily Mass Load to daily TBEL limit	<p>IF Production-Normalized Daily Mass Load < Daily TBEL, THEN daily value is in compliance</p>

Monthly Compliance Determination

To comply with the monthly permit limit for a single species and process type, the daily mass load for the species and process must be less than its monthly TBEL.

Step	Instruction	Equation
3	Calculate Production-Normalized Monthly Average Mass Load	$\frac{\left(\frac{\textit{Production-Normalized Daily Mass Load on sample day 1}}{\textit{Production-Normalized Daily Mass Load on sample day 1}} \right) + \left(\frac{\textit{Production-Normalized Daily Mass Load on sample day 2}}{\textit{Production-Normalized Daily Mass Load on sample day 2}} \right) + \textit{ETC}}{\textit{Number of Sample Days}}$ $= \textit{Production-Normalized Monthly Average Mass Load} \left(\frac{\textit{lbs discharged}}{\textit{1000 lbs processed}} \right)$
4	Compare Production-Normalized Monthly Average Mass Load to monthly TBEL limit	<p style="text-align: center;"><i>IF Production-Normalized Monthly Average Mass Load < Monthly TBEL, THEN monthly value is in compliance</i></p>

**Multiple Species and Processes
Compliance Calculations**

Applicability

For operations that process multiple species and commingle wastewater from the different species and processes.

Daily Compliance Determination

To comply, the Production-Normalized Daily Mass Load must be less than the calculated Multi-Species Daily Maximum Permit Limit.

Step	Instruction	Equation
1	Calculate Production-Normalized Daily Mass <u>Load</u> based on production	$\frac{\text{Sample Concentration} \left(\frac{mg}{L} \right) \times \text{Daily Flow (MG)} \times 8.34}{\text{Production on Sample Date} \left(1000 \frac{lbs}{day} \right)}$ $= \text{Production-Normalized Daily Mass Load} \left(\frac{lbs}{1000 lbs} \right)$
2	Calculate Multi-Species Daily Maximum Permit Limit	$\left[(\text{Daily TBEL of Species A}) \times (\text{Daily Production of Species A}) \right. \\ \left. + (\text{Daily TBEL of Species B}) \times (\text{Daily Production of Species B}) \right. \\ \left. + \text{ETC} \right] / [\text{Total Daily Production in 1000 lbs}]$ $= \text{Multi-Species Daily Maximum Permit Limit}$
3	Compare Production-Normalized Daily Mass Load to Multi-Species Daily Maximum Permit Limit	<p align="center">IF Production-Normalized Daily Mass Load < Multi-Species Daily Maximum Permit Limit, THEN daily value is in compliance</p>

Monthly Compliance Determination

To comply with the monthly permit limit for multiple species and processes, the daily mass load must be less than the calculated Multi-Species Monthly Average Permit Limit.

Step	Instruction	Equation
4	Calculate Production-Normalized Monthly Average Mass Load	$\frac{\left(\frac{\text{Production-Normalized Daily Mass Load on sample day 1}}{1000 \text{ lbs processed}} \right) + \left(\frac{\text{Production-Normalized Daily Mass Load on sample day 2}}{1000 \text{ lbs processed}} \right) + \text{ETC}}{\text{Number of Sample Days}}$ $= \text{Production-Normalized Monthly Average Mass Load} \left(\frac{\text{lbs discharged}}{1000 \text{ lbs processed}} \right)$
5	Calculate Multi-Species Monthly Average Permit Limit	$\frac{[(\text{Monthly TBEL of Species A}) * (\text{Monthly Production of Species A}) + (\text{Monthly TBEL of Species B}) * (\text{Monthly Production of Species B}) + \text{ETC}]}{[\text{Total Monthly Production in 1000 lbs}]}$ $= \text{Multi-Species Monthly Average Permit Limit}$
6	Compare Production-Normalized Monthly Average Mass Load to Multi-Species Monthly Average Permit Limit	<p style="text-align: center;">IF Production-Normalized Monthly Average Mass Load</p> <p style="text-align: center;">< Monthly Multi-Species Monthly Average Permit Limit,</p> <p style="text-align: center;">THEN monthly value is in compliance</p>