



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

Oregon Department of Environmental Quality
Western Region – Salem Office
4026 Fairview Industrial Drive
Telephone: 800-349-7677

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

ISSUED TO:

H2O&S, Inc.
PO Box 917
Depoe Bay, OR 97341

SOURCES COVERED BY THIS PERMIT:

| Type of Waste | Outfall Number | Outfall Location |
|-----------------------------|----------------|---------------------------------|
| Treated Domestic Wastewater | 001 | Pacific Ocean River Mile 173 |

FACILITY LOCATION:

Inn at Otter Crest
Otter Rock Loop 1 Mile W. Of Hwy 101

Treatment System Class: Level II
Collection System Class: N/A

RECEIVING STREAM INFORMATION:

WRD Basin: Mid Coast
USGS Sub-Basin: Siletz/Yaquina
Receiving Stream name: Pacific Ocean
LLID: 1239400456524-99

County: Lincoln

EPA REFERENCE NO. : OR002635-2

Issued in response to Application No. 974305 received July 3, 2007. This permit is issued based on the land use findings in the permit record.

Ranei Nomura, Water Quality Manager
Western Region

7/9/2015
Signature Date

7/29/2015
Effective Date

PERMITTED ACTIVITIES

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

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

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SCHEDULE A: WASTE DISCHARGE LIMITS

1. Outfall 001 – Treated effluent from outfall 001 must meet the following limits:

a. BOD5 and TSS

Year Round:

BOD₅ and TSS Limits

| Parameter | Average Effluent Concentrations, mg/L | | Monthly Average lbs/day | Weekly Average lbs/day | Daily Maximum lbs |
|------------------|---------------------------------------|---------|-------------------------|------------------------|-------------------|
| | Monthly | Weekly | | | |
| BOD ₅ | 30 mg/L | 45 mg/L | 56 | 84 | 110 |
| TSS | 30 mg/L | 45 mg/L | 56 | 84 | 110 |

b. Additional Parameters.

Permittee must comply with the limits of the following table (year around except as noted):

Limits for Additional Parameters

| Year-round (except as noted) | Limits |
|---------------------------------|---|
| BOD5 and TSS Removal Efficiency | May not be less than 85% monthly average for BOD5 and TSS. |
| Fecal Coliform Bacteria | Monthly Median concentration may not exceed 14 organisms per 100 ml. No more than 10% of the samples collected in a calendar month may exceed 43 organisms per 100 ml. |
| Enterococci Bacteria | Monthly geometric mean may not exceed 35 organisms per 100 ml. |
| pH | May not be outside the range of 6.0 to 9.0 S.U. |
| Chlorine, Total Residual | Monthly average concentration may not exceed 0.15 mg/L. Daily maximum concentration may not exceed 0.39 mg/L |

2. Regulatory Mixing Zone

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

The allowable mixing zone for this outfall is that portion of the Pacific Ocean within a one-hundred (100) foot radius of the distribution piping and the ZID is a 50 foot radius from the end of the distribution piping.

3. Biosolids

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

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

Biosolids Limits

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

Note:

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

4. Septage Requirements

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

SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

1. Monitoring and Reporting Protocols

a. Quality Assurance and Quality Control (QA/QC)

The permittee must develop and implement a written QA/QC programme to verify the accuracy of sample analysis as specified in 40 CFR Part 136. The QA/QC programme must conform to the requirements of 40 CFR Part 136.7. For additional requirements on proper sampling techniques, test methods and QA/QC procedures, see Schedule F, Sections B.1 and C.

b. Re-analysis, Re-sampling and Reporting of Data if QA/QC Requirements Not Met

If QA/QC requirements are not met for any analysis, the permittee must re-analyze the sample. If the sample cannot be re-analysed, the permittee must re-sample as soon as possible. If a sample result does not meet QA/QC requirements, the result must be included in the DMR along with a notation explaining how it does not meet QA/QC requirements, but must not be used in any calculation required by the permit.

c. Reporting Procedures

i. Significant Figures

Mass load limits all have two significant figures unless otherwise noted. The permittee must report the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding conventions used by the permittee (such as rounding 5 up for the calculated results or, in the case of measured values, rounding 5 to the nearest even number), the permittee must use the convention consistently, and must ensure that laboratories employed by the permittee use the same convention.

ii. Calculating Mass Loads

The permittee must calculate mass loads on a daily basis as follows:

$$\text{Flow (0.225 MGD)} \times \text{Concentration (30 mg/L)} \times 8.34 = 56.3 \text{ lbs/day rounded off to } 56 \text{ lbs/day}$$

2. Influent Monitoring and Reporting Requirements

The permittee must monitor influent just after the bar screen and before the pre-aeration basin and report results as listed below. Influent Monitoring

| Item or Parameter | Time Period | Minimum Frequency | Sample Type/Required Action | Report |
|---------------------------------|-------------|-------------------|-----------------------------|--|
| BOD ₅ and TSS (mg/L) | Year-round | Weekly | Manual Composite | Daily Values Monthly Averages Weekly Averages Maximum daily value |
| pH (S.U.) | Year-round | 2/Week | Grab | Daily Values Monthly Maximum Monthly Minimum |

3. Effluent Monitoring and Reporting Requirements

The permittee must monitor effluent for Outfall 001 at the end of the active chlorine contact channel and report results as listed below.

Effluent Monitoring

| Item or Parameter | Time Period | Minimum Frequency | Sample Type/Required Action | Report |
|--|-------------|-------------------|-----------------------------|--|
| Total Flow (MGD) | Year Round | Daily | Measurement | Daily Totals Monthly Maximum Monthly Average Monthly Minimum Monthly Total |
| BOD ₅ and TSS (mg/L) | Year Round | Weekly | Manual Composite | Daily Values Monthly Average Weekly Averages Maximum daily value |
| BOD ₅ and TSS Mass Load (lb/day) | Year Round | Weekly | Calculation | Daily Values Monthly Average Weekly Averages Maximum daily value |
| BOD ₅ and TSS Percent Removal (%) | Year Round | Monthly | Calculation | Monthly Average Percent |
| pH (S.U.) | Year Round | 2/Week | Grab | Daily Values Monthly Maximum Monthly Minimum |
| Fecal/100 mL | Year Round | Weekly | Grab | Daily Values Monthly Average |
| Enterococcus/100 mL | Year Round | Weekly | Grab | Daily Values Monthly Geometric Mean |
| Chlorine Used (lbs/day) | Year Round | Daily | Measurement | Amount Used |
| Chlorine, Total Residual (mg/L) | Year Round | Daily | Grab | Daily Maximum Monthly Average |

4. Outfall inspection

During the year 2018, the permittee must inspect outfall 001 and submit a written report to DEQ within the same year regarding the integrity of the outfall. The report should include a description of the outfall as originally constructed, the condition of the current outfall and a discussion of any repairs that would need to be performed to return the outfall to its originally designed condition.

5. Biosolids Monitoring Requirements

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

Biosolids Monitoring

| Item or Parameter | Minimum Frequency | Sample Type |
|--|---|--|
| Nutrient and conventional parameters (% dry weight unless otherwise specified): 1) Total Kjeldahl Nitrogen (TKN) 2) Nitrate-Nitrogen (NO ₃ -N) 3) Ammonium Nitrogen (NH ₄ -N) 4) Total Phosphorus (P) 5) Potassium (K) 6) pH (S.U.) 7) Total Solids 8) Volatile Solids | Annually | As described in the DEQ-approved Biosolids Management Plan |
| Pollutants: As, Cd, Cu, Hg, Mo, Pb, Ni, Se, Zn, mg/kg dry weight | Annually | As described in the DEQ-approved Biosolids Management Plan |
| Pathogen reduction | Each occurrence as described in the DEQ-approved Biosolids Management Plan. | As described in the DEQ-approved Biosolids Management Plan |
| Vector attraction reduction | Each occurrence s described in the DEQ-approved Biosolids Management Plan. | As described in the DEQ-approved Biosolids Management Plan |
| Record of biosolids land application: date, quantity, location. | Each event | Record the date, quantity, and location of biosolids land applied on site location map or equivalent electronic system, such as GIS. |

6. Permit Application Monitoring Requirements

The renewal application for this permit requires 3 scans for the parameters listed in the table below. This data may be collected up to 4.5 years in advance of submittal of the renewal application. DEQ recognizes that some facilities may find it difficult to collect 3 scans that are representative of the seasonal variation in the discharge from each outfall within the permit renewal timeframe, and is therefore requiring that this monitoring be completed as part of compliance with this permit.

Effluent Monitoring Required for NPDES Permit Application

(a minimum of 3 scans required)

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

7. Minimum Reporting Requirements

Reporting Requirements and Due Dates

| Reporting Requirement | Frequency | Due Date (see note a.) | Report Form (unless otherwise specified in writing) | Submit To: |
|--|-----------|---|---|--|
| 1. Influent Monitoring 2. Effluent Monitoring | Monthly | 15 th day of the month following data collection | DEQ-approved discharge monitoring report (DMR) form, electronic and hardcopy. (See Notes b. and c.) | DEQ Regional Office |
| Wastewater solids annual report describing quality, quantity, and use or disposal of wastewater solids generated at the facility. | Annually | February 19 | 2 hard copies, electronic hardcopy | One each to: <ul style="list-style-type: none"> • DEQ Regional Office • DEQ Biosolids Program Coordinator |
| 1. Biosolids land application annual report describing solids handling activities for the previous year and includes the information described in OAR 340-050-0035(6)(a)-(e). 2. Biosolids Monitoring | Annually | February 19 | 2 hard copies, electronic copy | One each to: <ul style="list-style-type: none"> • DEQ Regional Office • DEQ Biosolids Program Coordinator |
| Inflow and infiltration report (see Schedule D, Section 1) | Annually | February 1 | 1 hard copy, electronic copy | DEQ Regional Office |

Notes:

- For submittals that are provided to DEQ by mail, the postmarked date must not be later than the due date.
- Name, certificate classification, and grade level of each responsible principal operator as well as identification of each system classification must be included on DMRs. Font size must not be less than 10 pt.
- Equipment breakdowns and bypass events must be noted on DMRs.

SCHEDULE C: COMPLIANCE SCHEDULE

1. Compliance Schedule to Meet Final Chlorine Discharge Limit

a. Final Compliance Date

The permittee must meet the final effluent limits for chlorine in Schedule A by **December 1, 2015**.

b. Interim Compliance Date(s)

In the interim, the permittee must take the following actions:

- i. Submit the final plan for the new de-chlorination system at the treatment plant to DEQ for review and approval by **September 1, 2015**. The plan must identify alternatives and indicate the selected alternative(s) that will enable the facility to meet final chlorine effluent limits.
- ii. Complete construction of the new de-chlorination system at the wastewater treatment plant by **October 1, 2015**.

2. Responsibility to Meet Compliance Dates

No later than 14 days following each milestone, the permittee must notify DEQ in writing of its compliance or noncompliance with the interim requirements.

Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and a discussion of the likelihood of meeting the next scheduled requirements.

3. Re-opener Clause

This permit may be re-opened and modified to be consistent with conditions or mitigation measures imposed as a result of EPA's Endangered Species Act consultation with NMFS and USF&WS on DEQ's rule authorizing the use of this compliance schedule. If such a re-opener is necessary, DEQ will commence modification of this permit by notifying the permittee and seeking public comment on the proposed modifications within two years after the later of (1) the date EPA's re-approval of Oregon's compliance schedules rule becomes final, or (2) the date DEQ completes any required implementation of EPA re-approval, unless the date for completion of implementation exceeds two years from the date of EPA's action, in which case the modifications must commence within a period of four years from the date of EPA's re-approval.

SCHEDULE D: SPECIAL CONDITIONS

1. Inflow and Infiltration

An annual inflow and infiltration report must be submitted to DEQ as directed in Schedule B. The report must include the following:

- a. Details of activities performed in the previous year to identify and reduce inflow and infiltration.
- b. Details of activities planned for the following year to identify and reduce inflow and infiltration.
- c. A summary of sanitary sewer overflows that occurred during the previous year.

2. Emergency Response and Public Notification Plan

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

3. Biosolids Management Plan

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

4. Land Application Plan

a. Plan Contents

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

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

b. Site Authorization

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

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

5. **Operator Certification**

- a. **Definitions**
 - i. "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
 - ii. "Supervisor" or "designated operator", means the operator delegated authority by the permittee for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.
 - iii. "Shift Supervisor" means the operator delegated authority by the permittee for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.
 - iv. "System" includes both the collection system and the treatment systems.
- b. The permittee must comply with OAR Chapter 340, Division 49, "Regulations Pertaining to Certification of Wastewater System Operator Personnel" and designate a supervisor whose certification corresponds with the classification of the collection and/or treatment system as specified on p. 1 of this permit.
- c. The permittee must have its system supervised full-time by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system, and at a grade equal to or greater than the wastewater system's classification as specified on p. 1 one of this permit.
- d. The permittee's wastewater system may not be without the designated supervisor for more than 30 days. During this period, there must be another person available to supervise who is certified at no more than one grade lower than the classification of the wastewater system. The permittee must delegate authority to this operator to supervise the operation of the system.
- e. If the wastewater system has more than one daily shift, the permittee must have another properly certified operator available to supervise operation of the system. Each shift supervisor, if any, must be certified at no more than one grade lower than the system classification.
- f. The permittee is not required to have a supervisor on site at all times; however, the supervisor must be available to the permittee and operator at all times.
- g. The permittee must notify DEQ in writing of the name of the system supervisor. The permittee may replace or re-designate the system supervisor with another properly certified operator at any time and must notify DEQ in writing within 30 days of replacement or re-designation of operator in charge. As of this writing, the notice of replacement or re-designation must be sent to Water Quality Division, Operator Certification Program, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. This address may be updated in writing by DEQ during the term of this permit.

- h. When compliance with item (e) of this section is not possible or practicable because the system supervisor is not available or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, the Director may grant a time extension for compliance with the requirements in response to a written request from the system owner. The Director will not grant an extension longer than 120 days unless the system owner documents the existence of extraordinary circumstances.

6. Exempt Wastewater Reuse at the Treatment System

The permittee is exempt¹ from the recycled water use requirements in OAR 340-055 when recycled water is used at the wastewater treatment system for landscape irrigation or for in-plant processes at a wastewater treatment system and all of the following conditions are met:

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

7. Wastewater Solids Transfers

- a. *Within state.* The permittee may transfer wastewater solids including Class A and Class B biosolids, to another facility permitted to process or dispose of wastewater solids, including but not limited to: another wastewater treatment facility, landfill, or incinerator. The permittee must monitor, report, and dispose of solids as required under the permit of the receiving facility.
- b. *Out of state.* If wastewater solids, including Class A and Class B biosolids, are transferred out of state for use or disposal, the permittee must obtain written authorization from DEQ, meet Oregon requirements for the use or disposal of wastewater solids, notify in writing the receiving state of the proposed use or disposal of wastewater solids, and satisfy the requirements of the receiving state.

SCHEDULE F: NPDES GENERAL CONDITIONS

DOMESTIC FACILITIES

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

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

A2. Penalties for Water Pollution and Permit Condition Violations

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

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$37,500 and administrative penalties not to exceed \$16,000 per day for each violation of any condition or limitation of this 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. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, 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 federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit. 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.
- k. For communities with combined sewer overflows (CSOs):
 - (1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
 - (2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
 - (3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

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

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 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, if 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. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

- a. Definition. "Overflow" means any spill, release or diversion of sewage including:
 - (1) An overflow that results in a discharge to waters of the United States; and
 - (2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the United States.
- b. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

B7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8. 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.

B8. Emergency Response and Public Notification Plan

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

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

B9. 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.

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 use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

C4. Penalties of Tampering

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

C5. Reporting of Monitoring Results

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

C6. Additional Monitoring by the Permittee

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

C7. Averaging of Measurements

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

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance 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(1)(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, 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) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.

(1) Oral Reporting within 24 hours.

- i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.

- (a) The location of the overflow;
- (b) The receiving water (if there is one);
- (c) An estimate of the volume of the overflow;
- (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
- (e) The estimated date and time when the overflow began and stopped or will be stopped.

- ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:

- (a) The OERS incident number (if applicable); and
- (b) A brief description of the event.

(2) Written reporting postmarked within 5 days.

- i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:

- (a) The OERS incident number (if applicable);
- (b) The cause or suspected cause of the overflow;
- (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
- (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

b. Other instances of noncompliance.

(1) The following instances of noncompliance must be reported:

- i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
- ii. Any upset that exceeds any effluent limitation in this permit;
- iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
- iv. Any noncompliance that may endanger human health or the environment.

(2) 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).

(3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- i. A description of the noncompliance and its cause;
- ii. The period of noncompliance, including exact dates and times;

- iii. The estimated time noncompliance is expected to continue if it has not been corrected;
 - iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
 - v. Public notification steps taken, pursuant to General Condition B7.
- (4) 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 Indirect Dischargers

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

SECTION E. DEFINITIONS

- 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. The sample must be collected and stored in accordance with 40 CFR part 136.
- 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.
- E21. *POTW* means a publicly-owned treatment works.

¹ See OAR 340-055-0013.