

**Modification #1**



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

Oregon Department of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
Telephone: 503-229-5696

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

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**REGISTERED TO:**

This National Pollutant Discharge Elimination System general permit provides coverage for a discharge of treated petroleum hydrocarbon contaminated wastewater from remediation activities and operations. These types of projects include but are not limited to the following:

- leaking petroleum underground storage tank cleanups.
- used oil (“waste oil”) tank cleanups as long as the oil does not contain any non-petroleum contaminants (including solvents, PCBs)
- ground and/or surface water from treatment systems,
- ground water resulting from pumping and/or monitoring aquifer(s) associated with groundwater treatment,
- dewatering as a result of excavation
- other treated petroleum related discharges as long as conditions are met.

Modification #1: DEQ-initiated minor modification to correct typographical errors in the permit issued on September 10, 2021 with an effective date of Oct. 29, 2021. (Note: deletions are indicated as a strikethrough in red text and additions are in red text.)

Jennifer Wigal  
Jennifer Wigal (Apr 25, 2022 20:09 PDT)

Jennifer Wigal, Administrator  
Water Quality

Apr 25, 2022

Issuance Date

Apr 25, 2022

Effective Date

**PERMITTED ACTIVITIES**

This permit replaces the 1500A general permit issued on August 22, 2000. Until this permit expires or is modified or revoked, the permit registrant is authorized to discharge wastewaters from petroleum hydrocarbon remediation 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 or Water Pollution Control Facility 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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## COVERAGE AND ELIGIBILITY

### 1. Discharges not authorized by this permit

Coverage under this permit is not available for the following:

- a. A discharge that contains detectable levels of non-petroleum contaminants, such as solvents, cadmium, chromium and polychlorinatedbiphenyls as indicated by the analytical results submitted with the application.
- b. A discharge to the Clackamas River Subbasin, McKenzie River Subbasin above Hayden Bridge (river mile 15) and North Santiam River Subbasins unless that discharge is from underground storage tank cleanup as described in OAR 340-041-0350(6)(b).
- c. A discharge to Outstanding Resource Waters.
- d. A discharge to a wastewater treatment facility or public treatment works through a sanitary sewer.

### 2. Registration for permit coverage

An application for registration must include a DEQ-approved application form, a completed Land Use Compatibility Statement form and applicable fees. The application must be submitted to DEQ as follows: *(Note: The effective dates below are based on the permit issued on Sept. 10, 2021 with an effective date of Oct. 29, 2021.)*

- a. Within but no later than 90 days after the effective date of this permit registrants that submitted renewal applications for the 1500A permit on or before June 30, 2005 must submit an application to continue permit coverage.
- b. Within but no later than 90 days after the effective date of this permit, new applicants have permit coverage and must submit a DEQ-approved application form to continue permit coverage.
- c. After 90 days of the effective date of this permit, new applicants must submit a DEQ-approved application form for permit coverage at least 180 days before the intended discharge.
- d. DEQ is in the process of transitioning its permit application process to an electronic system. When DEQ directs, the applicant must submit the general permit application and application related documents electronically on DEQ approved web-based forms including pre-approved formats for attachments. The applicant must sign and certify all electronic submissions in accordance with the signature requirements in Schedule F, Section D8 of this permit.

### 3. Renewing Coverage Prior to Permit Expiration

A registrant must submit a complete application 180 days prior to permit expiration on DEQ-approved forms.

- a. The DEQ director may grant permission to submit the complete application later than the 180 days but no later than the permit expiration date.

4. **Alternative to a General Permit**

Any person not eligible for permit coverage under this general permit may seek authorization to discharge under an individual permit.

## SCHEDULE A: WASTE DISCHARGE LIMITS

### 1. Permit Limits for Registrants

During coverage under this permit, a registrant must comply with the following limits:

- a. The discharge must not cause or contribute to the violation of water quality standards. If at any time the registrant or its contractor or the Department becomes aware that the discharge causes or contributes to a violation of water quality standards, the registrant must take corrective action as required in condition 4 below.
- b. The discharge must not exceed the limits in Table A1. In months when the minimum dilution ratio is less than 10:1 the discharge must not exceed the limits in the Column A – Permit Limits for minimum dilution ratio of less than 10:1. The calculation for minimum dilution ratio is in Schedule B Table B1.

**Table A1: Wastewater Discharge Limits**

Parameter	CAS #	Column A – Permit Limits for minimum dilution ratio of less than 10:1 <sup>a</sup>		Column B – Permit Limits for minimum dilution ratio of 10:1 or greater <sup>b</sup>	
		Average Monthly (µg/L)	Daily Maximum (µg/L)	Average Monthly (µg/L)	Daily Maximum (µg/L)
Total Petroleum Hydrocarbon (TPH)	-----	-----	1000	-----	1000
Total of Benzene, Ethylbenzene, Toluene, and Xylenes (BTEX)	-----	-----	250	-----	250
Benzene	71432	0.44 <sup>c</sup>	0.64	4.8	7.1
Ethylbenzene	100414	160	233	-----	-----
pH (SU) <sup>d</sup>	-----	Instantaneous limit to meet daily minimum and daily maximum for pH water quality criterion in OAR 340-041-0021 <sup>d</sup>		Instantaneous limit between a daily minimum of 6.0 and a daily maximum of 9.0 <sup>d</sup>	
Acenaphthene	83329	95	140	137	200
Anthracene	120127	137	200	137	200
Benzo(a)anthracene	56553	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Benzo(a)pyrene	50328	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Benzo(b)fluoranthene	205992	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Benzo(k)fluoranthene	207089	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Chrysene	218019	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Dibenzo(a,h)anthracene	53703	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Fluoranthene	206440	14	20.4	137	200
Fluorene	86737	137	200	137	200
Indeno(1,2,3-cd)pyrene	193395	<del>0.013<sup>e</sup></del> <b>0.0013<sup>c</sup></b>	0.0019 <sup>c</sup>	0.014 <sup>c</sup>	0.021 <sup>c</sup>
Naphthalene	91203	68.5	100	68.5	100
Pyrene	129000	137	200	137	200
Methyl t-butyl ether (MTBE)	1634044	21	30	21	30

Parameter	CAS #	Column A – Permit Limits for minimum dilution ratio of less than 10:1 <sup>a</sup>		Column B – Permit Limits for minimum dilution ratio of 10:1 or greater <sup>b</sup>	
		Average Monthly (µg/L)	Daily Maximum (µg/L)	Average Monthly (µg/L)	Daily Maximum (µg/L)
iso-propylbenzene (cumene)	98828	Report only		Report only	
1,2,4-trimethylbenzene	96536	Report only		Report only	
1,3,5-trimethylbenzene	108678	Report only		Report only	
EDB (1,2-dibromoethane)	106934	Report only		Report only	
EDC (1,2-dichloroethane)	107062	0.35 <sup>c</sup>	0.51	3.8	5.6
Lead	7439921	0.52 <sup>e</sup>	0.89 <sup>e</sup>	5.7	9.8
Temperature	-----	Report only			
Notes:					
a. Permit limits in Column A are developed for a discharge with no dilution.					
b. Permit limits in Column B are developed for a discharge with a minimum dilution ratio of 10:1.					
c. DEQ has established a minimum Quantitation Limit of 0.5 µg/L for Benzene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene and EDC (1,2-dichloroethane). In cases where the average monthly or maximum daily limit for these pollutants is lower than the Quantitation Limit, DEQ will use the Quantitation Limit reported here as the compliance evaluation level.					
d. When a discharge occurs to water quality limited water for which a total maximum daily load is approved or established by EPA, effluent limits for pH shall be consistent with the wasteload allocation established in the TMDL.					
e. DEQ has established a minimum Quantitation Limit of 1 µg/L for Lead. In cases where the average monthly or maximum daily limit for these pollutants is lower than the Quantitation Limit, DEQ will use the Quantitation Limit reported here as the compliance evaluation level.					

**2. Water Quality Limited Water (Categories 4 and 5)**

For any pollutant listed in Table A1, the discharge to a waterbody or segment that is listed for that pollutant as water quality limited on DEQ’s list of impaired waters in Categories 4 and 5 must not exceed the limits in Table A1 Column A.

**3. Regulatory Mixing Zone**

Pursuant to OAR 340-041-0053 and except as provided in condition A1.b. and A2 above, the registrant is granted a regulatory mixing zone as described below:

The mixing zone shall not extend out into the stream more than one half the receiving stream width and shall not extend up or down the stream more than one receiving stream width. In no case shall the mixing zone extend beyond a radius of 10 meters from the point of discharge.

**4. Corrective Action**

In addition to other applicable requirements of state law, the registrant must take the following corrective actions after becoming aware or DEQ determines that a discharge is not authorized under the permit or the discharge causes or contributes to an exceedance of a water quality standard or the treatment system is not operating properly:

- a. Investigate the causes or conditions, no later than 24 hours after becoming aware or being informed of the need for corrective action;
- b. Correct the cause or condition before the next sample.
- c. At the direction of DEQ increase sampling frequency, decrease the effluent flow, stop and contain the discharge.
- d. Take corrective actions to stop and contain a spills no later than 24 hours after becoming aware or being informed of a spill or unauthorized discharge.

## **SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS**

### **1. Monitoring and Reporting Requirements**

The registrant must submit to DEQ the results of monitoring as indicated below:

a. Paper Submissions

The registrant must submit to DEQ the results of monitoring as indicated in Schedule B on approved paper forms and include any attachments as specified below:

- i. The reporting period is the calendar month. A report is due each calendar month even when there is no discharge.
- ii. The permittee must submit monitoring data and other information required by this permit by the 15th day of the month following the reporting period unless specified otherwise in this permit or as specified in writing by DEQ.

b. Electronic Submissions

When DEQ directs, the permittee must submit to DEQ the results of monitoring indicated in Schedule B in an electronic format as specified below:

- i. The permittee must submit monitoring results required by this permit on approved web-based forms and related documents electronically.
- ii. The reporting period is the calendar month. A report is due each calendar month even when there is no discharge.
- iii. The permittee must submit monitoring data and other information required by this permit by the 15th day of the month following the reporting period unless specified otherwise in this permit or as specified in writing by DEQ.

### **2. Monitoring Requirements**

The registrant shall meet the following requirements for analysis:

- a. Unless otherwise indicated in Table B1 below, perform all water/wastewater analyses in accordance with the analytical test procedures specified in 40 CFR 136.
- b. When more than one test procedure is approved or available for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 CFR 136, 40 CFR 122.21(e)(3), and 40 CFR 122.44(i)(1)(iv).

### **3. Discharge Monitoring**

The registrant must conduct monitoring representative of its discharge as follows:

- a. Collect a grab sample for analysis, at the nearest accessible point after final treatment and prior to discharge or dilution when discharging.
- b. Measure or estimate effluent and provide streamflow and dilution as indicated in Table B1 below.
- c. Analyze samples for the parameters listed in Tables B1 at the frequency indicated and submit the results with the monitoring report.
  - i. Any additional samples taken consistent with the monitoring and reporting requirements contained herein shall be reported on the Monitoring Report Forms.



**Table B1: Monitoring**

Parameter	Units	Minimum Frequency	Report Statistic
Effluent Flow Maximum <sup>a</sup> (50050)	gpd	Weekly	Maximum Weekly Average
Stream Flow <sup>b,d</sup> (00056)	cfs	Weekly	Minimum Weekly Average
Dilution Ratio <sup>c,d</sup> (80093)	-----	Weekly	Minimum Weekly Average
Total Petroleum Hydrocarbon (TPH) <sup>e</sup> (82181)	µg/L	Monthly	Daily Maximum
Total of Benzene, Ethylbenzene, Toluene, and Xylenes (BETX) <sup>f</sup> (30383)	µg/L	Monthly	Daily Maximum
Benzene (34030)	µg/L	Monthly	Monthly Average Daily Maximum
Ethylbenzene <sup>g</sup> (37371)	µg/L	Monthly	Monthly Average Daily Maximum
pH (004000)	SU	Monthly	Daily Minimum Daily Maximum
Acenaphthene (34205)	µg/L	Monthly	Monthly Average Daily Maximum
Anthracene (34220)	µg/L	Monthly	Monthly Average Daily Maximum
Benzo(a)anthracene (34526)	µg/L	Monthly	Monthly Average Daily Maximum
Benzo(a)pyrene (34247)	µg/L	Monthly	Monthly Average Daily Maximum
Benzo(b)fluoranthene <del>(79531)</del> (34230)	µg/L	Monthly	Monthly Average Daily Maximum
Benzo(k)fluoranthene (34242)	µg/L	Monthly	Monthly Average Daily Maximum
Chrysene (34320)	µg/L	Monthly	Monthly Average Daily Maximum
Dibenzo(a,h)anthracene (34556)	µg/L	Monthly	Monthly Average Daily Maximum
Fluoranthene (34376)	µg/L	Monthly	Monthly Average Daily Maximum
Fluorene (34381)	µg/L	Monthly	Monthly Average Daily Maximum
Indeno(1,2,3-cd)pyrene (34403)	µg/L	Monthly	Monthly Average Daily Maximum
Naphthalene (34696)	µg/L	Monthly	Monthly Average Daily Maximum
Pyrene (34469)	µg/L	Monthly	Monthly Average Daily Maximum
Methyl t-butyl ether (MTBE) (22417)	µg/L	Monthly	Monthly Average Daily Maximum
iso-propylbenzene (cumene)	µg/L	Monthly	Report only
1,2,4-trimethylbenzene	µg/L	Monthly	Report only
1,3,5-trimethylbenzene	µg/L	Monthly	Report only
EDB (1,2-dibromoethane)	µg/L	Monthly	Report only

Parameter	Units	Minimum Frequency	Report Statistic
EDC (1,2-dichloroethane) (32103)	µg/L	Monthly	Monthly Average Daily Maximum
Lead (Total) (01051)	µg/L	Monthly	Monthly Average Daily Maximum
Temperature	°C	Weekly	Maximum Value
<p>Notes:</p> <p>a. Flows may be estimated, such as by use of integrating timers on pumps, or draw down in tanks.</p> <p>b. Stream flows may be estimated by using correlation with an upstream gage or by using USGS StreamStats application. If StreamStats is used include a copy of the StreamStats report, report the monthly 95<sup>th</sup> percent duration flow and use this value in the calculation. For discharges through a storm sewer, streamflow is determined for the stream at the point where the storm sewer discharges. Reported stream flows may be based on flow gage data or measurement.</p> <p>c. Determine dilution by using the calculation below:</p> $\frac{(\text{CFS of Effluent Flow} + (\text{CFS of Stream Flow} \times 0.5))}{\text{CFS of Effluent Flow}}$ <p>Where:            CFS is cubic feet per second.            A factor of 0.5 is used to adjust for half of the stream flow allowed by the mixing zone.            Conversion factor for millions of gallons per day to CFS :multiply Effluent flow in MGD by 1.55 to convert MGD to CFS,            Conversion factor for gallons per day to cfs: multiply effluent flow in gpd by 0.0000015 to convert gpd to cfs</p> <p>d. Streamflow estimate and dilution calculation are not required when complying with limits in Schedule A Table A1, Column A-Permit Limits for minimum dilution ratio of less than 10:1 dilution.</p> <p>e. TPH shall be a sum of the test method Test Method NWTPH-Gx for gasoline and diesel and heavier hydrocarbons NWTPH-Dx.</p> <p>f. BETX is reported as the sum of: benzene (CAS No. 71432); toluene (CAS No. 108883); ethylbenzene (CAS No. 100-41-4); and (m,p,o) xylenes (CAS Nos. 108-38-3, 106-42-3, 95-47-6, and 1330-20-7).</p> <p>g. Ethylbenzene Monthly Average and Daily Maximum statistics are reported when complying with limits in Schedule A Table A1, Column A- Permit Limits for minimum dilution ratio of less than 10:1 dilution.</p>			

#### 4. Discharge Monitoring Data

The registrant must report results of the analysis in accordance Table B1.

**5. Operation and Maintenance Monitoring Requirements:**

The registrant must conduct inspections, take action and keep records as follows:

- a. Inspect the following items and parameters applicable to petroleum hydrocarbon remediation activities:

**Table B2 O&M Monitoring**

<b>Item or Parameter</b>	<b>Minimum Frequency</b>	<b>Sample Type/ Required Action</b>
Treatment System	weekly	Inspection/record results
Flow monitoring equipment	weekly	Inspection/record results
Storage and containment structures	monthly	Inspection/record results

- b. Correct any deficiencies found as a result of these inspections as soon as practicable, record actions taken to correct the deficiency and if not corrected within 30 days provide an explanation in the record of the factors preventing correction.

**6. Spill Reporting and Recordkeeping**

The registrant must notify Oregon Emergency Response System by calling 1-800-452-0311 within 24 hours of becoming aware of the following circumstances:

- a. The amount of oil or hazardous material spilled or released, or threatening to spill or release, exceeds the reportable quantity established in ORS 466.605 or listed in OAR 340-142-0050, or will exceed a reportable quantity in any 24-hour period. The reportable quantities in OAR 340-142-0050 include, but are not limited to, any quantity of oil that would produce a visible film, sheen, oily slick, oily solids or coat aquatic life, habitat or property with oil.
- b. The registrant must document within 5 days and retain the following information in response to a spill in Condition 6.a. above and Schedule A4.d.:
  - i. Information provided to Oregon Emergency Response System
  - ii. Summary of corrective action taken or to be taken including the date corrective action was started and the date completed or expected to be completed.
  - iii. Any measures taken to prevent the recurrence of a spill or leak or other unpermitted discharge.
  - iv. Results of any water quality sampling data.

## **SCHEDULE D: SPECIAL CONDITIONS**

1. **Management of petroleum contaminated wastewater**

The registrant must properly operate and maintain all systems of treatment and control (and related appurtenances) that are installed or used to achieve compliance with the conditions of this permit.

2. **Discharge through a storm sewer system**

The registrant must obtain prior written permission from the owner of the storm sewer system before discharging to a receiving stream from that storm sewer system.

3. **Solids Management**

The registrant must manage solids, sludges, dirt, sand, silt, filters and treatment debris in a manner that will prevent a non-authorized discharge to water.

## **SCHEDULE F: NPDES GENERAL CONDITIONS**

Schedule F contains General Conditions that are included in all general permits issued by DEQ. Where requirements in Schedules A, B, and D contain requirements that are more specific than the general conditions in Schedule F, those provisions supersede the general conditions.

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  $\pm 10$  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 *BOD<sub>5</sub>* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD<sub>5</sub>* 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. *m<sup>3</sup>/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.





# 1500A\_PERMMOD1\_NPDESGP\_Apr2022

Final Audit Report

2022-04-26

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