

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

Department of Environmental Quality  
811 S. W. Sixth Avenue  
Portland, OR 97204  
Telephone: (503) 229-5279

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

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**ISSUED TO:**

**COPY**

**SOURCES COVERED BY THIS PERMIT:**

Discharge of process wastewater and stormwater from seafood processing facilities. It also covers the disposal of seafood processing residuals through the fisheries enhancement program. This permit does not cover wastewater discharged from surimi processing activities.

[signed by Lauri Aunan on July 17, 2006]  
Lauri Aunan, Administrator  
Water Quality Division

\_\_\_\_\_  
Date

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**PERMITTED ACTIVITIES**

Until this permit expires or is modified or revoked, the permittee is authorized to discharge to waters of the State adequately treated waste waters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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

**SCHEDULE A**  
**WASTEWATER TREATMENT REQUIREMENTS AND DISCHARGE LIMITATIONS**

1. All process wastewaters shall pass through at least a 40 mesh screen (or equivalent control) prior to discharge. If equivalent control is used to meet the discharge limitations, written approval must be obtained from the Department prior to use. The biochemical oxygen demand (BOD), total suspended solids (TSS), and oil & grease (O&G) discharged shall not exceed the quantities calculated using the information in Table 1 below. The table is derived from the effluent limitation guidelines (ELG) in 40 CFR 408. The section numbers in 408 are cited after the species names. **All other ELGs in 40 CFR 408 for other species are hereby incorporated by reference.**

**Table 1**

**All values in the table are in pounds of pollutant/1000 pounds of raw product processed.**

**All existing sources (except those started after July 30, 1975).**

Species	TSS		Oil & Grease	
	Monthly Ave.	Daily Max.	Monthly Ave.	Daily Max
Crab	2.7	8.1	0.61	1.8
Shrimp <sup>1</sup>	54.0	160.0	42.0	126.0
Salmon (hand butchered)	1.6	2.6	0.19	0.31
Salmon (mechanized)	26.0	44.0	11.0	29.0
Bottom Fish (mechanized)	12.0	22.0	3.9	9.9
Bottom Fish (conventional) <sup>2</sup>	2.0	3.6	0.55	1.0
Clam (hand shucked) <sup>3</sup>	18.0	59.0	0.23	0.6
Clam (mechanized)	15.0	90.0	0.97	4.2
Oyster (hand shucked) <sup>4</sup>	38.0	47.0	1.8	2.4
Scallop	1.4	6.0	0.24	7.7

**All new sources (those started after July 30, 1975)**

Species	BOD		TSS		Oil & Grease	
	Monthly Ave.	Daily Max.	Monthly Ave.	Daily Max.	Monthly Ave.	Daily Max.
Crab	4.1	10.0	0.69	1.70	0.10	0.25
Shrimp	62.0	155.0	15.0	38.0	5.7	14.0
Salmon (hand butchered)	1.7	2.7	0.42	0.70	0.026	0.045
Salmon (mechanized)	38.0	62.0	7.6	13.0	1.5	4.2
Bottom Fish (mechanized)	7.5	13.0	2.9	5.3	0.47	1.2
Bottom Fish (conventional)	0.71	1.2	0.73	1.5	0.042	0.077
Clam (hand shucked)	---	---	17.0	55.0	0.21	0.56
Clam (mechanized)	5.7	15.0	4.4	26.0	0.092	0.4
Oyster (hand shucked)	---	---	36.0	45.0	1.7	2.2
Scallop	---	---	1.4	5.7	0.23	7.3
Fish Meal	3.8	6.7	1.5	3.7	0.76	1.4
Tuna	8.1	20.0	3.0	7.5	0.76	1.9
Other <sup>5</sup>	---	---	---	---	---	---

**Notes:**

**Note 1.** These limits apply only to facilities where more than 908 kg (2000 lb) of shrimp are processed on any day during the year.

**Note 2.** These limits apply only to facilities where more than 1816 kg (4000 lb) of bottom fish are processed on any day during the year. Bottom fish includes commercially processed species such as flounder, ocean perch, haddock, cod, sea catfish, sole, halibut, and rockfish.

**Note 3.** These limits apply only to facilities where more than 1816 kg (4000 lb) of clams are processed on any day during the year.

**Note 4.** These limits apply only to facilities where more than 454 kg (1000 lb) of oysters are processed on any day during the year. The weight limit refers to the weight of the oyster meat after shucking.

**Note 5.** There are other seafood processing activities, which do not have specifically adopted effluent limitations guidelines. Until specifically adopted effluent limitations are adopted, the facilities will be considered in compliance if they follow good housekeeping procedures and all wastewater is screened through a 40 mesh screen or equivalent.

The species ELGs are in the following sections in 40 CFR:

Crab	408.82 and 408.85
Shrimp	408.112 and 408.115
Salmon (hand butchered)	408.182 and 408.185
Salmon (mechanized)	408.192 and 408.195
Bottom Fish (mechanized)	408.222 and 408.225
Bottom Fish (conventional)	408.212 and 408.215
Clam (hand shucked)	408.232 and 408.235
Clam (mechanized)	408.242 and 408.245
Oyster (hand shucked)	408.252 and 408.255
Scallop	408.302 and 408.305
Fish meal	408.155
Tuna	408.145

**2. Other Parameters**

<u>Parameter</u>	<u>Limitation</u>
pH	Shall be within 6.0 - 9.0 range

- 3. Stormwater:** Stormwater may be discharged to waters of the state provided all areas of the plant site where seafood scraps are likely to be spilled or otherwise accumulate are swept at least at the end of each shift. As an alternative to sweeping, stormwater drainage from any area may be collected and screened with a 40 mesh screen or finer.
- 4. Mixing Zone:** Notwithstanding the effluent limitations established by this permit except as provided in OAR 340-45-080, no wastes may be discharged or activities conducted that cause a violation of water quality standards in OAR 340-041 applicable to the basin the facility is discharging in, except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:

The allowable mixing zone is limited to a radius of 30 meters from the point of discharge.

- 5. Minimum Dilution Requirement:** The discharge flow rates from the facilities covered under this permit shall be regulated so that a minimum dilution at the edge of the mixing zone of 10 to 1 is maintained in the receiving stream under critical low flow conditions. The 10<sup>th</sup> percentile stream velocity will be used in tidal environments and the 7Q10 flowrate in streams.

## 6. Fisheries Enhancement Program

- a. Approval process: To obtain Department approval for participating in the fisheries enhancement program, the permittee shall provide information regarding the volume and type of seafood processing residuals to the appropriate regional DEQ office. The Department will review the proposal in consultation with the Oregon Department of Fish and Wildlife (ODFW). If approved, the Department may condition the approval as appropriate.
- b. All seafood processing residuals used for fisheries enhancement purposes shall only be deposited in those areas of public waters specifically identified and approved in writing by the Department of Environmental Quality.
- c. If necessary, the Department may require the permittee to perform monitoring activities at the site(s) where the residuals have been deposited to ensure that they are being deposited in a manner that will preclude development of undesirable bottom sludges and/or nuisance conditions.
- d. No materials shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR 340 Division 41 except in the following defined mixing zone:

The allowable mixing zone is limited to a radius of 9 meters from each approved deposition area.

- e. All sport fish cleaning stations need to send a letter to DEQ seeking approval for discharge of fish preparation residuals. If their residuals discharge is less than 500 pounds per day, the residual is cut into pieces of approximately one inch or smaller, and the discharge is not into a zone with limited circulation, then DEQ will send an approval letter. Otherwise, the facility will need to submit more information to both DEQ and ODFW seeking approval.

<b>SCHEDULE B MONITORING AND REPORTING REQUIREMENTS</b>
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**1. Minimum Monitoring Requirements**

A. Facilities that discharge to surface waters shall monitor the discharge in accordance with the following frequency:

Item or Parameter	Minimum Frequency	Type of Sample
Total Suspended Solids (mg/L)	1/month	Composite*
Biochemical Oxygen Demand (BOD) (mg/L)	1/month	Composite*
Oil & Grease (mg/L)	1/month	Grab
pH (standard units)	1/month**	Measurement or Grab
Turbidity (NTU)	1/month	Measurement or Grab
Fecal coliform (#/100 mL)	1/month+	Grab
E. coli (#/100 mL)	1/month+	Grab
Chlorine residual (mg/L)	1/month+ ~	Grab
Ammonia, temperature, alkalinity as CaCO <sub>3</sub> (mg/L)	1/month+ ~	Grab
Inspection of Screens	Daily	Record condition
Effluent Flow (mgd)	Daily	Measurement
Raw Product Processed (lb)	Daily	Pounds of each species
Waste Solids Generated (lb)	Total for month	-----
Waste Solids Disposed (lb)	Per event	Amount, location & date of deposition

\* A composite sample is a series of at least four (4) discrete grab samples collected over the operating day; each aliquot shall not be less than 100 ml and shall be collected and composited into a larger container which has been preserved to protect sample integrity.

\*\*Measurement of pH is not required when: 1) the processing does not include cure or pickle of seafood, and 2) use of detergents and disinfectants does not violate the pH limitation. If ammonia monitoring is done, pH will need to be measured also.

The use of pH paper that has the capability of determining pH to one-tenths (0.1) standard units or a properly calibrated portable pH meter may be used to make measurements.

+ This permit will require monitoring for these parameters for at least two full years. After that time, the Department will evaluate the data to determine whether to set effluent limits, whether any additional monitoring needs to be done, and whether the monitoring for these parameters can be eliminated. If limits are set, they will be phased in through a compliance schedule. Facilities with average daily flowrates of less than 5000 gallons per day are exempted from this additional sampling.

~ Samples for chlorine and ammonia must be taken only if cleaning operations using chlorine and/or ammonia products are being conducted. Sampling will not be required until the first season after the DEQ Laboratory has developed and promulgated sampling and analysis protocols for chlorine and ammonia.

B. Fisheries Enhancement Program:

The permittee shall monitor the deposition of all fisheries enhancement materials by keeping the following records: amount of material deposited, locations, and the date of deposition. The Department *may* require the permittee to periodically make underwater observations and conduct sampling of the areas.

**2. Additional Monitoring for large dischargers**

For all facilities with average daily BOD discharges greater than 1000 pounds or average daily TSS discharges greater than 500 pounds, the following additional monitoring will be required:

All monthly monitoring frequencies in the table above will be increased to twice per month.

**3. Reporting Requirements**

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month. No reporting is required when processing has not occurred on any given day during the calendar month.

**SCHEDULE D  
SPECIAL CONDITIONS**

1. The Department may revoke a general permit as it applies to any person and require such person to apply for and obtain an individual NPDES permit if:
  - a. The permitted source or activity is a significant contributor of pollution or causes environmental problems;
  - b. The permittee is not in compliance with the terms and conditions of this general permit; or
  - c. Conditions or standards have changed so that the source or activity no longer qualifies for a general permit.
  - d. A Total Maximum Daily Load (TMDL) is established, and the TMDL includes waste load allocations for seafood processors.
  
2. Any permittee not wishing to be covered or limited by this general permit may make application for an individual NPDES permit in accordance with the procedures in OAR 340-045-030.

**SCHEDULE F**  
**NPDES GENERAL CONDITIONS**

**SECTION A. STANDARD CONDITIONS**

1. Duty to Comply

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

2. Penalties for Water Pollution and Permit Condition Violations

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

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state, is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison.

3. Duty to Mitigate

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

4. Duty to Reapply

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

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

5. Permit Actions

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

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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

6. Toxic Pollutants

The permittee shall comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights

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

8. Permit References

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



**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**1. Proper Operation and Maintenance

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

2. Duty to Halt or Reduce Activity

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

3. Bypass of Treatment Facilities

## a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality and/or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

## b. Prohibition of bypass.

- (1) Bypass is prohibited unless:
  - (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (c) The permittee submitted notices and requests as required under General Condition B.3.c.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director determines that it will meet the three conditions listed above in General Condition B.3.b.(1).

## c. Notice and request for bypass.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in General Condition D.5.

4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of General Condition B.4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and
- (4) The permittee complied with any remedial measures required under General Condition A.3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Treatment of Single Operational Event

For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation. A single operational event is an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational event does not include Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions

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

b. Prohibition of overflows. Overflows are prohibited unless:

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

c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.

d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled overflows must be reported orally to the Department within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs, upon request by the Department, the permittee shall take such steps as are necessary to alert the public about the extent and nature of the discharge. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

8. Removed Substances

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

## **SECTION C. MONITORING AND RECORDS**

1. Representative Sampling

Sampling and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

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

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

4. Penalties of Tampering

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

5. Reporting of Monitoring Results

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

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value shall be recorded unless otherwise specified in this permit.

7. Averaging of Measurements

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

8. Retention of Records

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

9. Records Contents

Records of monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

10. Inspection and Entry

The permittee shall allow the Director, or an authorized representative upon the presentation of credentials to:

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

**SECTION D. REPORTING REQUIREMENTS**1. Planned Changes

The permittee shall comply with Oregon Administrative Rules (OAR) 340, Division 52, "Review of Plans and Specifications". Except where exempted under OAR 340-52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers shall be commenced until the plans and specifications are submitted to and approved by the Department. The permittee shall give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit shall be transferred to a third party without prior written approval from the Director. The permittee shall notify the Department when a transfer of property interest takes place.

4. Compliance Schedule

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

5. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office shall be called. Outside of normal business hours, the Department shall be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. If the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, and in which case if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
- e. Public notification steps taken, pursuant to General Condition B.7.

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

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

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

6. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports shall contain:

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

7. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

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

8. Signatory Requirements

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

9. Falsification of Reports

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$100,000 per violation and up to 5 years in prison.

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

The permittee must provide adequate notice to the Department of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants and;
- b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

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

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

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

## **SECTION E. DEFINITIONS**

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