



Public Notice

DEQ Requests Comments on Proposed Mutual Agreement and Order in Lieu of 200-J General Permit for City of Detroit

Date posted: 9/18/26

The Oregon Department of Environmental Quality invites the public to submit written comments on the conditions of City of Detroit's proposed order in lieu of 200-J National Pollutant Discharge Elimination System general permit. This order is known officially as a Mutual Agreement and Order in lieu of NPDES System 200-J general permit for filter backwash systems.

How to provide public comment

Facility name: City of Detroit

Permit type: Mutual Agreement and Order in lieu of 200-J general permit

Comments due by: Monday, Oct. 26, 2026 at 5 p.m.

Submit written comments:

By mail: Trinh Hansen, Water Quality Permit Coordinator, Oregon DEQ, 4026 Fairview Industrial Dr. SE, Salem, OR, 97302.

By email: trinh.hansen@deq.oregon.gov

Summary

Subject to public review and comment, DEQ intends to issue an MAO in lieu of the 200-J. This order will allow the City of Detroit to dispose of filter backwash from its water treatment plant to Mackey Creek. The order requires the city to comply with the 200-J, which expired in 2002 and cannot be assigned to new sources but is scheduled for renewal in the near future. DEQ has reviewed the city's proposal and determined the city can operate in compliance with the requirements of the proposed order and the 200-J.

About the facility

City's New Water Treatment Plant

The city's original water treatment was lost in the 2020 Labor Day fires and replaced by a temporary system. Wastewater from filter backwash and reservoir cleaning activities at the temporary water treatment system was covered by a DEQ order similar to this current proposal. The city is replacing the temporary system with a permanent system on tax lots 105E010000400 and 500 near 125 Weber St E, Detroit, OR 97350 in Detroit, Marion County.

The new water treatment plant will consist of membrane filters, slow sand filters, and storage reservoirs. Wastewater is generated from reservoir cleaning, which is infrequent. The majority of wastewater is generated when the filters need to be cleaned. The wastewater is called "backwash" because clean water is used to flow backwards through the membranes to remove debris. There will be no backwash from the slow sand filters. Standard backwash from the membrane filters is planned to occur daily. Less frequent chemically cleaned backwash water will be produced, chemically neutralized, and dechlorinated prior to discharge to Mackey Creek. All backwash wastewater will be sent to wastewater settling tanks (10,000 gallons each) to settle out solids. Settled backwash waste will discharge to Mackey Creek to the south through a flow control device.

Periodically, the membrane filters will need to be cleaned with sodium hypochlorite and citric acid. Prior to discharge to Mackey Creek, these chemicals will be neutralized with sodium hydroxide and the backwash dechlorinated with sodium bisulfite then pumped to the wastewater settling tanks.

What types of pollutants does the order regulate?

The order sets limits for settleable solids (large particles) and pH.

How does DEQ determine permit requirements?

DEQ used the 200-J permit guidelines for this order. To develop the 200-J permit, DEQ evaluated types and amounts of pollutants and surface waters receiving this type of discharge to set limits that meet state and U.S. Environmental Protection Agency regulations.

How does DEQ monitor compliance with the permit requirements?

This order requires the city to monitor pollutants discharged using approved monitoring practices and report the monitoring results per the conditions of the 200-J permit. DEQ reviews these reports for compliance with permit conditions.

What happens next?

Submit comments by sending an email or using mail service addressed to the permit coordinator listed in the “how to provide public comment” box above.

DEQ will hold a public hearing if DEQ receives written requests for public hearing during the public comment period from at least 10 people or from an organization or organizations representing at least 10 people.

For more information

Find out more and view the water quality permit at Your DEQ Online Help page for more information on how to access public notice documents and submit comments through this platform. Get information about submitting comments through Your DEQ Online, or contact DEQ Water Quality Permit Coordinator Trinh Hansen at:

Phone: 503-378-5055

Email: trinh.hansen@deq.oregon.gov

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

For translation and other formats, visit DEQ’s [Civil Rights and Environmental Justice page](#).

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:) MUTUAL AGREEMENT
) AND ORDER
CITY OF DETROIT) NO. WQ/M-WR-[XXXX-XXX]
) MARION COUNTY

WHEREAS:

1. City of Detroit (City) is an incorporated city located in Marion County, Oregon.
2. City's new water treatment plant is located on tax lots 105E010000400 and 500 near 125 Weber St E, Detroit, OR 97350.
3. On October 31, 2025, City applied to the Department of Environmental Quality (DEQ) for coverage under National Pollution Discharge Elimination System 200-J general permit (200-J) to discharge filter backwash from its water treatment plant to Mackey Creek.
4. Pursuant to Oregon Revised Statutes (ORS) 468.050 and implementing rules, the activity specified above requires a permit issued by DEQ.
5. City is unable to obtain a permit for this activity because the 200-J has expired and therefore cannot be assigned to new applicants.
6. Oregon Administrative Rule (OAR) 340-045-0062(1) adopted pursuant to ORS 468.020 states:

The Director may issue a mutual agreement and order (MAO) in lieu of or in addition to an NPDES permit or WPCF permit where the MAO is part of an enforcement action, for disposal of wastewater associated with the cleanup of a spill, or for an activity that does not lend itself to the normal permitting process or permit term.
7. DEQ finds that the issuance of this MAO satisfies the conditions set forth in OAR 340-045-0062(1).

1 8. Pursuant to OAR 340-045-0062(5), “[w]hen an MAO is used in lieu of a permit,
2 the fee schedule for permits found in OAR 340-045-0075 will apply. On October 31, 2025, City
3 conveyed the required \$1284.40 fees to DEQ.

4 9. According to OAR 340-045-0062(4), this MAO is equivalent to a Class II
5 permitting action and must be put on public notice for 30 days. The MAO was placed on public
6 notice from September 18, 2026 to October 26, 2026.

7 10. This MAO is not an NPDES permit issued pursuant to section 402 of the federal
8 Clean Water Act, and this MAO does not assure compliance with federal law.

9 11. City agrees that this MAO is enforceable in all ways as a permit and that any and
10 all applications, notices, plans, records, reports, or other documents required by this MAO are
11 required by ORS 468 and 468B and implementing rules.

12 **NOW THEREFORE, it is stipulated and agreed that:**

13 1. The Director issues a final order allowing City to discharge the following
14 wastewaters: filter backwash, neutralized waste, and settling basin and reservoir cleaning waters
15 that have been adequately treated prior to discharge, and from the flushing of raw water intakes
16 after storm events to Mackey Creek until this MAO terminates under the conditions specified
17 below:

18 A. Requiring City to comply with all requirements, including monitoring and
19 reporting, of the 200-J that is attached to this MAO and hereby incorporated by reference.

20 B. The new water treatment plant will consist of membrane filters, slow sand
21 filters, and storage reservoirs. Backwash from the membrane filters is planned to occur daily.
22 The slow sand filters will not produce any backwash waste during operation. Reservoir cleaning
23 will be infrequent. Backwash will be dechlorinated with sodium bisulfite and sent through two
24

settling tanks (10,000 gallons each). Periodically, the membrane filters will need to be cleaned with sodium hypochlorite and citric acid. Prior to discharge, these chemicals will be neutralized with sodium hydroxide and the backwash dechlorinated with sodium bisulfite then pumped to the wastewater settling tanks. To ensure aquatic life is protected, the permittee is required to comply with the following:

i. Wastewater must be dechlorinated before discharge to Mackey Creek.

ii. As required by the 200-J, the effluent discharge flow rate must be controlled such that the City's discharge to Mackey Creek meets the minimum dilution requirement of 30:1.

iii. Develop and implement a written Operations & Maintenance Manual prior to discharge. Update the plan as needed.

iv. Develop and implement a written Quality Assurance/Quality Control plan for the testing requirements in this order and the 200-J. Update the plan as needed.

v. Comply with the following effluent limit and minimum monitoring and reporting requirements when discharging to Mackey Creek.

Parameter	Limit	Minimum Monitoring Frequency	Sample Type	Reporting Statistic	Reporting Frequency
Total residual chlorine (mg/L)	0.050 mg/L	Daily	Grab or Continuous	Daily maximum	Quarterly (see Schedule B of 200-J for additional detail)
Discharge flow (cfs)	n/a	Daily	Meter	1. Monthly Average	
Mackey Creek flow (cfs)	n/a	Daily	Staff gauge	2. Daily Maximum	

1 C. Requiring City, upon receipt of a Penalty Demand Notice from DEQ, to
2 pay a civil penalty for each day of each violation of this MAO. Penalties for violations of
3 Paragraphs 12.A and 12.B shall be calculated according to OAR 340-012-0045 using the penalty
4 matrix, base penalty and factors that would normally apply to each violation of this MAO as if it
5 were a violation of a permit.

6 2. The terms of this MAO may be amended by mutual agreement of DEQ and City.
7 DEQ may amend the conditions in this MAO without the agreement of City upon finding that
8 such modification is necessary because of changed circumstances or to protect public health or
9 the environment. If City contests the Amended MAO, the applicable procedures for conduct of
10 contested cases in such matters will apply.

11 3. This MAO is not transferable. No change in ownership or corporate or partnership
12 status relating to the facility shall in any way alter City's obligations under this MAO, unless
13 otherwise approved in writing by DEQ.

14 4. All reports, notices and other communications required under or relating to this
15 MAO should be directed to Jennifer Maglinte-Timbrook, Oregon DEQ, 4026 Fairview Industrial
16 Drive SE, Salem, Oregon 97302, 541-743-1663. The contact person for City is Michelle Connor,
17 125 E. Webber St., Detroit, Oregon, 503-854-3496, mconnor@detroitor.gov.

18 5. City waives any and all rights and objections it may have to the form, content,
19 manner of service, or timeliness of this MAO. City acknowledges that it has actual notice of the
20 contents and requirements of this MAO and that failure to fulfill any of the requirements hereof
21 will constitute a violation of this MAO and subject City to payment of civil penalties pursuant to
22 Paragraph 12.C above.

6. City shall allow DEQ's representatives access to the City's property and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying required records and otherwise conducting all necessary functions related to this MAO in accordance with ORS 468.095.

7. Any stipulated civil penalty imposed pursuant to Paragraphs 12.C shall be due upon written demand. Stipulated civil penalties shall be paid by check or money order made payable to the "Oregon State Treasurer" and sent to: Business Office, Department of Environmental Quality, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Within 20 days of receipt of a "Demand for Payment of Stipulated Civil Penalty" Notice from DEQ, City may request a hearing to contest the Penalty Demand Notice.

8. The terms of this MAO become effective on the date it is signed by DEQ's Regional Administrator on behalf of the Director and will terminate on the date City discontinues the activity, obtains a permit covering the activity, or DEQ denies City's permit application, whichever is soonest. However, any penalties required pursuant to a Penalty Demand Notice as described in Paragraph 18 shall remain due and owing until paid in full. Records required by this MAO must be maintained for the period specified in the MAO or for three years, whichever is longer.

CITY OF DETROIT

Date

Eric Page, Mayor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Date

Rane Nomura, Water Quality Manager, Western Region

FINAL ORDER

IT IS SO ORDERED

DEPARTMENT OF ENVIRONMENTAL QUALITY

Date

Ranei Nomura, Water Quality Manager, Western Region
Department of Environmental Quality
Pursuant to OAR 340-045-0062(1)

**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

ISSUED TO:

SOURCES COVERED BY THIS PERMIT:

Discharge or land application of filter backwash, settling basin, and reservoir cleaning water which have been adequately treated prior to discharge. Flushing of raw water intakes after storm events and spring runoff are also allowed.

Michael T. Llewelyn, Administrator
Water Quality Division

Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge to waters of the State or land apply 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 authorized by another NPDES or WPCF permit, all other direct and indirect discharges to waters of the State are prohibited.

SCHEDULE A**1. Waste Discharge Limitations not to be Exceeded by Facilities Covered by this General Permit:**

<u>Parameters</u>	<u>Limitations - Daily Maximum</u>
Settleable Solids	Shall not exceed 0.1 ml/l
pH	Shall be within the range 6.0 - 9.0 S.U.

- 2. Minimum Dilution Requirement:** In assigning this permit, the Department will ensure that the receiving stream flow provides a 30:1 minimum dilution ratio with the effluent during periods of discharge. Facilities that do not meet this criteria will not be eligible for this permit.
- 3. Temperature Management Plan:** Facilities that discharge to water quality limited streams and meet the dilution requirements above will be deemed to satisfy the requirement of developing and implementing a surface water management plan.
- 4. Mixing Zone:** Notwithstanding the effluent limitations established by this permit except as provided in OAR 340-45-080, no wastes shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR Chapter 340 Division 41 except in the following defined mixing zone:
The allowable mixing zone shall not extend downstream beyond a distance of 30 feet from the point of discharge and shall not exceed one-half the width of the receiving stream.
- 5. Land Application:** The permittee can land apply filter backwash, settling basin, and reservoir cleaning wastewater provided written approval is obtained from the Department and the following conditions are met:
- No surface runoff or discharge to surface waters from the land application site is allowed;
 - Wastewater must not be land applied at rates which exceed the hydraulic or organic loading capacity of the soil; and
 - The application of wastewater must not result in odors or other nuisance conditions.
- 6.** Prior to discharge to waters of the State, all filter backwash water shall pass through a settling pond or other approved treatment system and meet the effluent limitations in condition 1 above.
- 7.** Prior to discharge to waters of the State, all reservoir cleaning water (on and off-site) shall pass through an approved treatment system and meet the effluent limitations in condition 1 above. If super-chlorinated water (i.e. chlorine concentrations above 4 mg/l) is used for cleaning reservoirs or for water main disinfection and flushing, the water must be dechlorinated prior to discharge. Dechlorination must be sufficiently effective to reduce total residual chlorine concentrations to 0.1 mg/l. Alternatively, the permittee can use non-discharge options such as discharge to sanitary sewer or land application.
- 8.** Upon approval by the Department, the permittee may discharge water from the clearwell and contact basins if there are contaminants detected. Depending on the circumstances, the Department may require that minimum dilution requirements be met and/or the discharge be dechlorinated to prevent impacts on the receiving stream.

SCHEDULE B**MINIMUM MONITORING AND REPORTING REQUIREMENTS****1. Monitoring Requirements****A. Discharge to surface waters:**

Item or Parameter	Minimum Frequency	Type of Sample*
Effluent Flow (mgd)	1/month	Record**
Settleable Solids	2/month	Grab
Total Residual Chlorine (mg/l)***	2/month	Grab
pH	2/month	Grab

B. Land application:

Item or Parameter	Minimum Frequency	Type of Sample*
Effluent Flow (mgd)	1/month	Record**

C. Reservoir cleaning activities that result in discharge to surface waters:

Item or Parameter	Minimum Frequency	Type of Sample
Effluent Flow (mgd)	per event	Estimate
Settleable Solids	per event	Grab
Total Residual Chlorine (mg/l)	per event	Grab
pH	per event	Grab

- * The samples shall be collected at the overflow of the settling pond or other treatment device during a filter backwash cycle. If the filters are backwashed at a frequency less than 2/month, the data shall be collected during the time backwash occurs. If the settling pond does not overflow during the backwash cycle but is drained or pumped after settling has occurred, the data shall be collected during the draining or pumping.
- ** Flow should be recorded on a per event basis and only the monthly average of these events should be reported in the annual tabulation.
- *** Monitoring for total residual chlorine is to be conducted only if chlorinated water is used for backwashing.

2. Reporting Requirements

Monitoring data shall be recorded each month. An **annual tabulation** of the data shall be submitted to the appropriate DEQ Regional Office by January 15 of each year. In addition, any violation of permit conditions shall be reported within five (5) days of discovery along with an explanation and correction plan.

SCHEDULE D

SPECIAL CONDITIONS

1. Solids, sludges, dirt, sand, silt and bacterial slime removed from the filters, settling basins, and reservoirs shall be disposed of in a manner that will prevent discharge to public waters and nuisance conditions.
2. 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.
3. 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 340-45-030.

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 ± 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. m³/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