NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

Oregon Department of Environmental Quality
Western Region – Salem Office
4026 Fairview Industrial Dr. SE
Salem, OR 97302
Telephone: 503-378-8240

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

ISSUED TO:

Recology Valley View Inc.
170 Oak Street
Ashland, OR, 97520

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Landfill Leachate	001	**Latitude:** 42.264885° N **Longitude:** 122.735600° W
Emergency Overflow	003	**Latitude:** 42.262931° N **Longitude:** 122.734825° W
Landfill Leachate Irrigation	002	North of former landfill

FACILITY LOCATION:

3000 N. Valley View Road
Ashland, OR and 97520
County: Jackson

EPA Permit Type: Minor

RECEIVING STREAM INFORMATION:

WRD Basin: Rogue
USGS Sub-Basin: Middle Rogue
Receiving Stream name: Jeffery Creek
NHD Reach Code: 17100308003507 (5.62%)
LLID: insert 1227507422509-1.41

Issued in response to Application No. 952571 received April 16, 2019. This permit is issued based on the land use findings in the permit record.

DRAFT	DRAFT	DRAFT
Ranei Nomura, Water Quality Manager Western Region	Issuance Date	Effective Date

PERMITTED ACTIVITIES

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

Unless specifically authorized by this permit, by another NPDES 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.

Public Notice

TABLE OF CONTENTS

SCHEDULE A: WASTE DISCHARGE LIMITS 3
1. Outfall 001 and Outfall 003 (Emergency Outfall) – Permit Limits 3
2. Use of Landfill Leachate for Irrigation 4

SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS 5
1. Reporting Requirements 5
2. Monitoring and Reporting Protocols 5
3. Monitoring and Reporting Requirements 7
4. Landfill Leachate Irrigation Monitoring Requirements: Outfall 002 9
5. Irrigation Area Soil and Root Zone Monitoring Requirements 10

SCHEDULE D: SPECIAL CONDITIONS 13
1. Emergency Response and Public Notification Plan 13
2. Wastewater Irrigation Plan 13
3. Annual Irrigation Site Report 13
4. Environmental Supervisor 13

SCHEDULE F: NPDES GENERAL CONDITIONS 15

Note: Schedule C: Compliance Schedule and Schedule E: Pretreatment Activities are not part of this permit.

LIST OF TABLES

Table A1: Permit Limits 3
Table B1: Reporting Requirements and Due Dates 5
Table B2: Effluent Monitoring Requirements 8
Table B3: Landfill Leachate Irrigation Monitoring 9
Table B4: Irrigation Area Soil Monitoring Requirements 10

Public Notice

SCHEDULE A: WASTE DISCHARGE LIMITS

1. Outfall 001 and Outfall 003 (Emergency Outfall) – Permit Limits

During the term of this permit, the permittee must comply with the limits in the following table:

Table A1: Permit Limits

Parameter	Units	Average Monthly	Daily Maximum
May 1 to November 30			
Effluent Flow	MGD	No discharge (Daily max limit = 0 MGD)	
December 1 to April 30			
BOD_5	mg/L	37	140
TSS	mg/L	27	88
Total Dissolved Solids	mg/L	500	-
Iron	mg/L	1.125	1.643
Zinc	mg/L	0.082	0.12
Ammonia	mg/L	1.26	1.26
Phosphorous	mg/L	0.08	-
a-Terpineol	mg/L	0.016	0.033
Benzoic Acid	mg/L	0.071	0.12
p-Cresol	mg/L	0.014	0.025
Phenol	mg/L	0.015	0.026
pH	SU	Instantaneous limit between a daily minimum of 6.5 and a daily maximum of 8.5	
E. coli See note a.	#/100 mL	Must not exceed a monthly geometric mean of 126, no single sample may exceed 406	

Notes:

a. The permittee may take at least 5 consecutive re-samples at 4 hour intervals beginning within 28 hours after the original sample was taken and the geometric mean of the 5 re-samples is less than or equal to 126 *E. coli* organisms/100 mL to demonstrate compliance with the limit.

Public Notice

2. Use of Landfill Leachate for Irrigation

The permittee is authorized to irrigate wastewater if it is:

a. Managed in accordance with its DEQ-approved Wastewater Irrigation Plan.

b. Used in a manner and applied at a rate that does not adversely affect groundwater quality.

c. Applied at a rate and in accordance with site management practices that ensure continued agricultural, horticultural, or silvicultural production and does not reduce the productivity of the site.

d. Uniformly applied to the designated land application area.

e. Irrigated using sound irrigation practices to prevent:

   i. Prolonged ponding of wastewater on the ground surface;

   ii. Offsite surface runoff or subsurface drainage through drainage tile;

   iii. Creation of odors, fly and mosquito breeding, or other nuisance conditions; and

   iv. Overloading of land with nutrients, organics, or other pollutants.

Public Notice

SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

1. Reporting Requirements

The permittee must submit to DEQ monitoring results and reports as listed below.

Table B1: Reporting Requirements and Due Dates

Reporting Requirement	Frequency	Due Date See note a.	Report Form See note b.	Submit To:
Table B2 Effluent Monitoring	Monthly	By the 15th of the following month	Specified in Schedule B. Section 2 of this permit	Electronic reporting as directed by DEQ
Annual Irrigation Report (see Schedule D)	Annually	January 31	Electronic copy in the DEQ-approved format	Attached via electronic reporting as directed by DEQ Electronic copy to DEQ Water Reuse Program Coordinator
Wastewater Irrigation Plan	One time	Within 6 months of permit issuance	Electronic copy in the DEQ-approved format	Attached via electronic reporting as directed by DEQ

Notes:
a. For submittals that are provided to DEQ by mail, the postmarked date must not be later than the due date.
b. All reporting requirements are to be submitted in a DEQ approved format, unless otherwise specified in writing.

2. Monitoring and Reporting Protocols

a. **Electronic Submissions**

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 via DEQ-approved web-based Discharge Monitoring Report (DMR) forms to DEQ via electronic reporting. Any data used to calculate summary statistics must be submitted as a separate attachment approved by DEQ via electronic reporting.

ii. The reporting period is the calendar month.

iii. The permittee must submit monitoring data and other information required by this permit for all compliance points 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. **Test Methods**

The permittee must conduct monitoring according to test procedures in 40 CFR part 136 or other approved procedures as per Schedule F.

Public Notice

c. **Detection and Quantitation Limits**

i. Detection Level (DL) – The DL is defined as the minimum measured concentration of a substance that can be distinguished from method blank results with 99% confidence. The DL is derived using the procedure in 40 CFR part 136 Appendix B and evaluated for reasonableness relative to method blank concentrations to ensure results reported above the DL are not a result of routine background contamination. The DL is also known as the Method Detection Limit (MDL) or Limit of Detection (LOD).

ii. Quantitation Limits (QLs) – The QL is the minimum level, concentration or quantity of a target analyte that can be reported with a specified degree of confidence. It is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration for the analyte. It is normally equivalent to the concentration of the lowest calibration standard adjusted for sample weights, volumes, preparation and cleanup procedures employed. The QL as reported by a laboratory is also sometimes referred to as the Method Reporting Limit (MRL) or Limit of Quantitation (LOQ).

d. **Implementation**

The Laboratory QLs (adjusted for any dilutions) for analyses performed to demonstrate compliance with permit limits, must be at or below the QLs specified in the permit unless one of the conditions below is met.

i. The monitoring result shows a detect above the laboratory reported QL.

ii. The monitoring result indicates non-detect at a DL which is less than the QL.

iii. Matrix effects are present that prevent the attainment of QLs and these matrix effects are demonstrated according to procedures described in EPA's "Solutions to Analytical Chemistry Problems with Clean Water Act Methods", March 2007. If using alternative methods and taking appropriate steps to eliminate matrix effects does not eliminate the matrix problems, DEQ may authorize in writing re-sampling or allow a higher QL to be reported.

e. **Quality Assurance and Quality Control**

i. Quality Assurance Plan – The permittee must develop and implement a written Quality Assurance Plan that details the facility sampling procedures, equipment calibration and maintenance, analytical methods, quality control activities and laboratory data handling and reporting. The QA/QC program must conform to the requirements of 40 CFR 136.7.

ii. If QA/QC requirements are not met for any analysis, the permittee must re-analyze the sample. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity. If the permittee is unable to collect a sample that meets QA/QC requirements, then the permittee must include the result in the discharge monitoring report (DMR) along with a notation (data qualifier). In addition, the permittee must explain how the sample does not meet QA/QC requirements. The permittee may not use the result that failed the QA/QC requirements in any calculation required by the permit unless authorized in writing by DEQ.

iii. Flow measurement, field measurement, and continuous monitoring devices - The permittee must:

(A) Establish verification and calibration frequency for each device or instrument in the quality assurance plan that conforms to the frequencies recommended by the manufacturer.

Public Notice

(B) Verify at least once per year that flow-monitoring devices are functioning properly according to manufacturer's recommendation. Calibrate as needed according to manufacturer's recommendations.

(C) Verify at least weekly that the continuous monitoring instruments are functioning properly according to manufacturer's recommendation unless the permittee demonstrates a longer period is sufficient and such longer period is approved by DEQ in writing.

f. **Reporting Sample Results**

i. The permittee must report the laboratory DL and QL as defined above for each analyte, with the following exceptions: pH, temperature, BOD, CBOD, TSS, Oil & Grease, hardness, alkalinity, bacteriological analytes and nitrate-nitrite. For temperature and pH, neither the QL nor the DL need to be reported. For the other parameters listed above, the permittee is only required to report the QL and only when the result is ND.

ii. The permittee must report the same number of significant digits as the permit limit for a given parameter.

iii. Chemical Abstracts Service (CAS) Numbers. CAS numbers (where available) must be reported along with monitoring results.

iv. (For Discharge Monitoring Reports) If a sample result is above the DL but below the QL, the permittee must report the result as the DL preceded by DEQ's data code "e". For example, if the DL is 1.0 µg/l, the QL is 3.0 µg/L and the result is estimated to be between the DL and QL, the permittee must report "e1.0 µg/L" on the DMR. This requirement does not apply in the case of parameters for which the DL does not have to be reported.

v. (For Discharge Monitoring Reports) If the sample result is below the DL, the permittee must report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is ND, report "<1.0" on the discharge monitoring report (DMR). This requirement does not apply in the case of parameters for which the DL does not have to be reported.

3. Monitoring and Reporting Requirements

a. The permittee must monitor effluent at Outfall 001, located at the end of the stormwater detention pond, prior to discharge and report results in accordance with Table B1 and the table below.

b. The permittee must monitor effluent at Outfall 003, located at the leachate storage tanks, and report the results in accordance with Table B1 and the following table.

Public Notice

Table B2: Effluent Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action	Report Statistic See note a.
Flow (50050)	MGD	Year-round	Daily	Metered	Monthly Average Daily Maximum
BOD_5 (00310)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
TSS (00530)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
pH (00400)	SU	Dec 1–Apr 30	1/month	Grab	Daily Maximum Daily Minimum
E. coli (51040)	#/100 mL	Dec 1–Apr 30	1/month	Grab	Daily Maximum Monthly Geometric Mean
Ammonia (as N) (00610)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
Temperature (00010)	°C	Dec 1–Apr 30	1/month	Grab	Monthly Value
Hardness (00900)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Value
Iron (01045) See note b.	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
Zinc (01092) See note d.	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
Zinc, Dissolved (01090) See note d.	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Value
a-Terpineol (51045)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
Benzoic Acid (77247)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
p-Cresol (77146)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
Phenol (46000) See note e.	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average Daily Maximum
Total Phosphorus (00665)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average
Total Dissolved Solids (70295)	mg/L	Dec 1–Apr 30	1/month	Grab	Monthly Average

Public Notice

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action	Report Statistic See note a.

Notes:
a. When submitting DMRs electronically, all data used to determine summary statistics must be submitted in a DEQ approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.
b. Total Iron (CAS 7439896) quantitation limit .100 mg/L
c. Total Zinc (CAS 7440280) quantitation limit .005 mg/L
d. Phenol (CAS 108952) quantitation limit .0045 mg/L

4. Landfill Leachate Irrigation Monitoring Requirements: Outfall 002

The permittee must monitor landfill leachate at Outfall 002 as listed below. The samples must be representative of the landfill leachate irrigated.

Table B3: Landfill Leachate Irrigation Monitoring

Item or Parameter	Time Period	Minimum Frequency	Sample Type/ Required Action	Report See note a.
Total Flow (gallons per day and acre-inches) See note b	Year-round	Daily	Measurement (MGD) Calculation (acre-inches)	Daily Totals Monthly Maximum Monthly Minimum Monthly Average Monthly Total
Acres irrigated	Year-round	Daily	Record	Acres Irrigated
pH	Year-round	Monthly	Grab	Monthly Value
Total Dissolved Solids	Year-round	Monthly	Grab	Monthly Value
Nitrogen Loading Rate (lbs/acre-year) See note c	Year-round	Annually	Calculation	Annual Value
Nutrients: Total Kjeldahl Nitrogen Nitrite as Nitrogen Nitrate as Nitrogen Ammonia as Nitrogen Total Phosphorus Ortho-Phosphorus	Year-round	Monthly	Grab	Monthly Value
Calcium	Year-round	Monthly	Grab	Monthly Value
Magnesium	Year-round	Monthly	Grab	Monthly Value
Sodium	Year-round	Monthly	Grab	Monthly Value
Sulfate	Year-round	Monthly	Grab	Monthly Value
Chloride	Year-round	Monthly	Grab	Monthly Value
Sodium Adsorption Ratio	Year-round	Monthly	Calculation	Monthly Value
Conductivity	Year-round	Monthly	Grab	Monthly Value

Public Notice

Note:

a. Data must be submitted in the annual irrigation report
b. 1 acre inch = 27,154 gallons of water
c. Pounds nitrate X 0.23=pounds nitrogen

The following apply to obtain pounds nitrate:

- 1 acre-foot of water = 325,851 gal water
- 1 gal of water = 3.78 L of water
- A crop requires 3.5 acre-feet of water in a growing season per acre of crop grown
- Irrigation water sample contains X mg/L nitrate (NO_3-)
  - (3.5 ac-ft.) x (325,851 gal / 1 ac-ft.) = 1,140,478.5 gal
  - (1,140,478.5 gal) x (3.78 Liters/ 1 gal) = 4,311,008.7 L
  - (X NO_3^- mg/L) x (4,311,008.5 L) = X mg NO_3^-
  - (X mg NO_3^-) / (1000 mg) = X gr NO_3^-
  - (X gr NO_3^-) x (1 pound (lb.) / 453.6 gr) = X lbs. NO_3^-

5. Irrigation Area Soil and Root Zone Monitoring Requirements

The following monitoring is required on the land irrigation area. The samples must be representative of the irrigation area.

Table B4: Irrigation Area Soil Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action	Report See note a
Nutrients: Total Kjeldahl Nitrogen Nitrite as Nitrogen Nitrate as Nitrogen Ammonia as Nitrogen Total Phosphorus Ortho-Phosphorus	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Calcium	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Magnesium	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data

Public Notice

Sodium	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Potassium	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Sulfate	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Chloride	mg/L-dry weight	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Total Dissolved Solids	mg/L	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
pH	SU	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Electrical Conductivity of Saturated Extract	Deci-semens	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Sodium Absorption Ratio	Ratio	October	1/year	0-12 inches 12-24 inches 24-36 inches Unless otherwise specified in Wastewater Irrigation Plan	Monthly Value Chart of Annual Data
Note: a. Data must be submitted in the annual irrigation report					

Public Notice

SCHEDULE C: COMPLIANCE SCHEDULE

A compliance schedule is not part of this permit.

Public Notice

SCHEDULE D: SPECIAL CONDITIONS

1. Emergency Response and Public Notification Plan

The permittee must develop an Emergency Response and Public Notification Plan ("plan"), or ensure the facility's existing plan is current and accurate, per Schedule F, Section B, and Condition 7 within 6 months of permit effective date. The permittee must update the plan annually to ensure all information contained in the plan, including telephone and email contact information for applicable public agencies, is current and accurate. An updated copy of the plan must be kept on file at the facility for DEQ review. The latest plan revision date must be listed on the plan cover along with the reviewer's initials or signature.

2. Wastewater Irrigation Plan

The permittee must maintain and implement a wastewater irrigation plan by the date listed in Table B1. The plan must be current reflecting current equipment and operation. The plan must include a minimum of the following:

a. Type of facility and wastewater source
b. Current flow diagram and location of land application site
c. Description of holding tanks and sedimentation pond
d. Description of irrigation system (mainline pipe and manual valve operation, distribution lines and valves, pressure main, sprinklers, and spray system monitoring and maintenance)
e. Sprinkler application rate and timing (spring, summer, fall, winter)
f. Vegetation description, vegetation maintenance, schedule of maintenance and equipment used
g. Information regarding wastewater monitoring (sample type, sampling methods, frequency, parameters, analytical methods and QA/QC procedures)
h. Description of soil sampling and monitoring protocol
i. Information regarding any supplemental water and description of average annual precipitation
j. Quantities and information regarding commercial fertilizers or other nitrogen sources
k. Daily irrigation checklist when irrigating

3. Annual Irrigation Site Report

The annual irrigation site report must include the following:

a. Details of vegetation maintenance performed to maintain the vegetation on the land irrigation area to ensure maximum evapotranspiration and nutrient capture
b. Any new land used for irrigation
c. A summary of any maintenance, repairs, failures or major changes done on mainlines, pumps, distribution valves and vacuum release valves, distribution lines and sprinklers
d. Summary and actions taken to prevent surface runoff, prolonged ponding, unacceptable spray drift
e. Irrigation water monitoring results and soil monitoring results required in Schedule B

4. Environmental Supervisor

An environmental supervisor must be designated to coordinate and carry out all necessary functions related to maintenance and operation of waste collection, treatment and disposal facilities. This person must have access to all information pertaining to the generation of wastes in the various process areas.

Public Notice

SCHEDULE E: PRETREATMENT ACTIVITIES

A pretreatment program is not part of this permit.

Public Notice

SCHEDULE F: NPDES 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.

Public Notice

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.

Public Notice

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.

Public Notice

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.

Public Notice

B6. Public Notification of Effluent Violation
If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B7. Emergency Response and Public Notification Plan
The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

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

B8. Removed Substances
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling
Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

C3. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

Public Notice

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.

Public Notice

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).

Public Notice

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.

Public Notice

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_5* means five-day biochemical oxygen demand.
E2. *CBOD or $CBOD_5$* 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^3/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.

Public Notice

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.

Public Notice