WATER POLLUTION CONTROL FACILITIES PERMIT

Oregon Department of Environmental Quality
Region – Pendleton Office
800 SE Emigrant, #330
Pendleton, OR 97801
Telephone: 541-276-4063

Issued pursuant to ORS 468B.050

ISSUED TO:	SOURCES COVERED BY THIS PERMIT:		
Red Rock Biofuels, LLC 4745 E. Boardwalk Dr., Ste D101 Ft. Collins, CO 80525	**Type of Waste**	**Outfall Number**	**Location**
	Industrial Wastewater	001	42.1056/-120.2211

FACILITY TYPE AND LOCATION:

Industrial Wastewater Lagoon
1 Mile S. of Lakeview
Lakeview, OR 97630
County: Lake

RIVER BASIN INFORMATION:

WRD Basin: Upper Sacramento

USGS Sub-Basin: Goose Lake
Nearest surface water body name: E. Branch Thomas Creek
LLID: 1203755421439 RM: 2.5

Issued in response to Application No. 950938 received August 31, 2020. This permit is issued based on the land use findings in the permit record.

Chad P. Gubala, Water Quality Manager Eastern Region	Issuance Date	Effective Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify or operate a wastewater collection, treatment, control and disposal system in conformance with the requirements, limits, and conditions set forth in this permit.

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

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SCHEDULE A: WASTE DISCHARGE LIMITS

1. Permitted System

Facility generated wastewater is to be discharged to a single-cell lined treatment lagoon. Wastewater discharge consists of equipment scrubber generated wastewater (referred to as hydrogen sulfide scrubber wastewater) and incidental precipitation. Other wastewater sources generated by the facility are directly piped to the Town of Lakeview's domestic wastewater treatment facility.

Permittee must receive prior written approval from DEQ prior to discharging additional waste streams into the treatment lagoon.

2. Surface Water Protection

Direct discharge to navigable waters as defined in OAR Chapter 340 Division 045 Section 0010 (13) is prohibited.

3. Groundwater Protection

Any activity that has an adverse effect on existing or potential beneficial uses of groundwater are prohibited. All wastewater and wastewater solids must be managed and disposed in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR Chapter 340, Division 40). If warranted, at any time, DEQ may evaluate the need for or require a full assessment of the facility's affect on groundwater quality.

4. Lagoon Freeboard

The permittee must maintain a freeboard of no less than two feet at all times in the treatment lagoon. Freeboard is the vertical distance between the top of the impounded water and the lowest point on the dike.

5. Sanitary Wastewater Disposal

All sanitary wastewater from the facility is to be discharged upon approval to the Town of Lakeview domestic wastewater treatment facility. Any additional sources of industrial wastewater to be discharged to the Town of Lakeview wastewater treatment facility must be approved by the Town and are not covered under this permit.

6. Land Application

The Permittee is prohibited from conducting land application of wastewater under this permit.

7. Reopener Clause

This permit may be re-opened and modified to include new or revised discharge limitations, monitoring, or reporting requirements, compliance conditions and schedules, and special conditions. If necessary, DEQ will commence modification of this permit by notifying the permittee and seeking public comment on the proposed modifications.

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SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

1. Reporting Requirements

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

2. Monitoring and Reporting Protocols

The Permittee must submit, on or before March 1 of each year, an annual facility monitoring report to the Department that reports and summarizes all permit required reporting for the preceding year. Reports are to be submitted hardcopy to the DEQ Bend Office or via electronic reporting as directed by DEQ.

When directed by DEQ, the permittee must submit monitoring reports required by this permit via a DEQ-approved web-based program.

Monitoring reports must also include a record of the quantity and method of removal and disposal for use of all solids removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing. "Bypass" means intentional diversion of waste streams from any portion of the treatment facility.

3. Monitoring and Reporting Requirements

a. Influent Monitoring

The permittee must monitor influent prior to discharge into the treatment lagoon and report results in accordance with the Table B1 below:

Table B1: Influent Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type / Required Action See note a.	Report Statistic
Flow (50050)	MGD	Year-round	5x/week	Measurement	Monthly Average Daily Maximum
BOD_5 (00310)	mg/L	Year-round	Quarterly	Grab	Quarterly Value
TSS (00530)	mg/L	Year-round	Quarterly	Grab	Quarterly Value
pH (00400)	Standard Units SU	Year-round	Quarterly	Grab	Quarterly Value
Temperature (00010)	ºC	Year-round	Quarterly	Grab	Quarterly Value

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b. Lagoon Site Monitoring

The permittee must periodically assess the following parameters of the lagoon as described in Table B2 below:

Table B2: Lagoon Monitoring and Reporting

Item or Parameter	Minimum Frequency	Type of Sample	Report
Perimeter Inspection (See Note a)	Monthly	Observation/Log Entry	Report monthly inspection completed date
Depth of Wastewater per Lagoon	Monthly	Staff gauge measurement	Record Measurement
Lagoon Solids Accumulation	Once/Permit Cycle	Measurement	Record Measurement
Notes: a. A perimeter inspection is a visual surveillance of the lagoon dikes looking for the presence of muskrats, ground hogs, or other rodents whose burrowing activities could threaten the structural integrity of a dike.			

c. Effluent Monitoring

The permittee must monitor effluent when discharging from the lagoon to the domestic wastewater treatment facility and report results in accordance with Table B3 below:

Table B3: Effluent Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action See note c.	Report Statistic
Flow (50050)	MGD	Year-round	5x/week	Measurement	Monthly Average Daily Maximum
BOD_5 (00310)	mg/L	Year-round	Quarterly	Grab	Quarterly Value
TSS (00530)	mg/L	Year-round	Quarterly	Grab	Quarterly Value
pH (00400)	Standard Units (SU)	Year-round	Quarterly	Grab	Quarterly Value
Temperature (00010)	ºC	Year-round	Quarterly	Grab	Quarterly Value

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SCHEDULE D: SPECIAL CONDITIONS

1. Non-Compliance Reporting

The permittee must notify the Department's Eastern Region - Bend office at (541) 388-6146 in accordance with the response times contained in the General Conditions of this permit in the event of any malfunction to enable coordination of corrective action between the Permittee and the Department.

2. Contingency Plan

The permittee must have an adequate contingency plan for prevention and handling of spills and unplanned discharges in force at all times. Permittee must maintain a continuing program of employee orientation and education to ensure awareness of the necessity for good operational control and proper action in the event of a spill or accident.

3. Environmental Supervision

The permittee must designate an environmental supervisor to coordinate and implement all necessary functions related to maintenance and operation of waste management, treatment, and disposal facilities. This person must have access to all information pertaining to the generation of wastes in the various process areas.

4. Plans & Specifications

Prior to constructing or modifying wastewater management, treatment and disposal facilities, Permittee must submit detailed plans and specifications for approval in writing by the Department.

5. Nuisance Conditions

All nuisance complaints related to plant wastewater management, treatment or disposal must be investigated by a plant representative promptly following the receipt of the complaint. Permittee must maintain a log of all complaints. A plant representative must provide a written response to the complainant within five working days and provide a copy of the response to the Department.

6. Industrial Pretreatment

The permittee is responsible for adhering to any required local pretreatment limits and including evaluation of discharges in accordance with the prohibited discharge standards as set forth in 40 CFR 403.5(a) and (b).

7. Hauled Waste Prohibition

The permittee may not accept hauled waste inputs into the wastewater treatment facility.

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SCHEDULE F: WPCF GENERAL CONDITIONS

STANDARD CONDITIONS – INDUSTRIAL PERMITS

1. 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 grounds for an enforcement action. Failure to comply is also grounds for the Department to modify, revoke, or deny renewal of a permit.

2. Property Rights and Other Legal Requirements

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 rights, or any infringement of federal, tribal, state, or local laws or regulations.

3. Liability

The Department of Environmental Quality or its officers, agents, or employees may not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities or systems because of this permit.

4. Permit Actions

After notice by the Department, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to the following:

a. Violation of any term or condition of this permit, any applicable rule or statute, or any order of the Commission;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

5. Transfer of Permit

This permit may not be transferred to a third party without prior written approval from the Department. The Department may approve transfers where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of this permit and the rules of the Commission. A transfer application and filing fee must be submitted to the Department.

6. Permit Fees

The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

At all times the permittee must maintain in good working order and properly operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to comply with the terms and conditions of this permit.

2. Standard Operation and Maintenance

All waste collection, control, treatment, and disposal facilities or systems must be operated in a manner consistent with the following:

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a. At all times, all facilities or systems must be operated as efficiently as possible in a manner that will prevent discharges, health hazards, and nuisance conditions.

b. All screenings, grit, and sludge must be disposed of in a manner approved by the Department to prevent any pollutant from the materials from reaching waters of the state, creating a public health hazard, or causing a nuisance condition.

c. Bypassing untreated waste is generally prohibited. Bypassing may not occur without prior written permission from the Department except where unavoidable to prevent loss of life, personal injury, or severe property damage.

3. Noncompliance and Notification Procedures

If the permittee is unable to comply with conditions of this permit because of surfacing sewage; a breakdown of equipment, facilities or systems; an accident caused by human error or negligence; or any other cause such as an act of nature, the permittee must:

a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.

b. Immediately notify the Department's Regional office so that an investigation can be made to evaluate the impact and the corrective actions taken, and to determine any additional action that must be taken.

c. Within 5 days of the time the permittee becomes aware of the circumstances, the permittee must submit to the Department a detailed written report describing the breakdown, the actual quantity and quality of waste discharged, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or liability for failure to comply.

4. Wastewater System Personnel

The permittee must provide an adequate operating staff that is duly qualified to carry out the operation, maintenance, and monitoring requirements to assure continuous compliance with the conditions of this permit.

5. 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 entitles (e.g., public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed in accordance with General Condition B.6. 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.

6. 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.

SECTION C. MONITORING AND RECORDS

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1. Inspection and Entry

The permittee must at all reasonable times allow authorized representatives of the Department to:

a. Enter upon the permittee's premises where a waste source or disposal system is located or where any records are required to be kept under the terms and conditions of this permit;

b. Have access to and copy any records required by this permit;

c. Inspect any treatment or disposal system, practices, operations, monitoring equipment, or monitoring method regulated or required by this permit; or

d. Sample or monitor any substances or permit parameters at any location at reasonable times for the purpose of assuring permit compliance or as otherwise authorized by state law...

2. Averaging of Measurements

Calculations of averages of measurements required for all parameters except bacteria must use an arithmetic mean; bacteria must be averaged as specified in the permit.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures specified in the most recent edition of **Standard Methods for the Examination of Water and Wastewater**, unless other test procedures have been approved in writing by the Department and specified in this permit.

4. Retention of Records

The permittee must retain records of all monitoring and maintenance information, including all calibrations, 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. The Department may extend this period at any time.

SECTION D. REPORTING REQUIREMENTS

1. Plan Submittal

Pursuant to Oregon Revised Statute 468B.055, unless specifically exempted by rule, construction, installation, or modification of disposal systems, treatment works, or sewerage systems may not commence until plans and specifications are submitted to and approved in writing by the Department. All construction, installation, or modification shall be in strict conformance with the Department's written approval of the plans.

2. Change in Discharge

Whenever a facility expansion, production increase, or process modification is expected to result in a change in the character of pollutants to be discharged or in a new or increased discharge that will exceed the conditions of this permit, a new application must be submitted together with the necessary reports, plans, and specifications for the proposed changes. A change may not be made until plans have been approved and a new permit or permit modification has been issued.

3. Signatory Requirements

All applications, reports, or information submitted to the Department must be signed and certified by the official applicant of record (owner) or authorized designee.

4. Twenty-Four Hour Reporting

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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 Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

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

a. Any unanticipated bypass that exceeds any effluent limitation in this permit;
b. Any upset that exceeds any effluent limitation in this permit;
c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Department in this permit; and
d. Any noncompliance that may endanger human health or the environment.

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:

e. A description of noncompliance and its cause;
f. The period of noncompliance, including exact dates and times;
g. The estimated time noncompliance is expected to continue if it has not been corrected;
h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
i. Public notification steps taken, pursuant to General Condition B.6.

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

SECTION E. DEFINITIONS

1. *BOD_5* means five-day biochemical oxygen demand.
2. *TSS* means total suspended solids.
3. *FC* means fecal coliform bacteria.
4. *NH_3-N* means Ammonia Nitrogen.
5. *NO_3-N* means Nitrate Nitrogen.
6. *NO_2-N* means Nitrite Nitrogen.
7. *TKN* means Total Kjeldahl Nitrogen.
8. *Cl* means Chloride.
9. *TN* means Total Nitrogen.
10. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
11. *Total residual chlorine* means combined chlorine forms plus free residual chlorine.
12. *mg/1* means milligrams per liter.
13. *ug/l* means micrograms per liter.
14. *kg* means kilograms.
15. *GPD* means gallons per day.
16. *MGD* means million gallons per day.
17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
18. *Composite sample* means a combination of samples collected, generally at equal intervals over a 24-hour period, and based on either time or flow.
19. *Week* means a calendar week of Sunday through Saturday.
20. *Month* means a calendar month.
21. *Quarter* means January through March, April through June, July through September, or October through December.

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