



# Oregon

John A. Kitzhaber, MD, Governor

CITY OF GRESHAM

JUL 02 2014

Department of Environmental Quality

Northwest Region

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Portland, OR 97201

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TTY 711

June 30, 2014

Paul Eckley Wastewater Services Division Director  
City of Gresham  
1333 NW Eastman Parkway  
Gresham, OR 97030-5927

Re: NPDES Permit Issuance Letter  
Permit #: 102523  
File #: 35173  
Site: Gresham WWTP  
County: Multnomah

Dear Mr. Eckley:

We have completed our review of your permit application and have issued the enclosed National Pollution Discharge Elimination System Permit.

There were comments submitted by the U.S. Environmental Protection Agency and the Association of Clean Water Agencies. Response to the comments did not result in significant changes to the permit or fact sheet. Therefore, we are issuing the permit.

This permit will be considered the final action on permit application number 962558.

In addition, the City of Gresham Biosolids Master Plan is considered complete and approved. It is issued in concert with the NPDES permit.

If you are dissatisfied with the conditions or limitations of this permit, you have 20 days to request a hearing before the Environmental Quality Commission or its authorized representative. Any such request shall be made in writing to the Director and shall clearly state the grounds for the request.

You are urged to carefully read the permit and take all possible steps to comply with conditions established. Should you have any questions regarding this permit, please contact Mike Pinney, Northwest Region Senior Environmental Engineer, at (503) 229-5310.

Sincerely,

Michael Pinney  
Senior Environmental Engineer  
Enclosures: NPDES Permit, Evaluation Report/Fact Sheet/



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

Oregon Department of Environmental Quality  
Northwest Region – Portland Office  
2020 SW 4<sup>th</sup> Ave. Suite 400  
Telephone: 503-229-5263

Issued pursuant to ORS 468B.050 and The Federal Water Pollution Control Act (The Clean Water Act)

**ISSUED TO:**

CITY OF GRESHAM  
1333 N.W. Eastman Parkway  
Gresham, OR 97030

**SOURCES COVERED BY THIS PERMIT:**

Type of Waste	Outfall Number	Location
Treated Wastewater	001	114.9
Recycled Water	099	Reuse
Biosolids		Specified in Land Application Plan

**FACILITY TYPE AND LOCATION:**

Activated Sludge  
GRESHAM WWTP  
20015 NE SANDY BLVD  
Portland, Oregon 97230

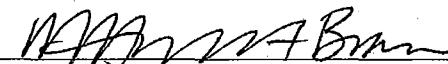
**RECEIVING STREAM INFORMATION:**

WRD Basin: Willamette  
USGS Subbasin: Lower Columbia / Willamette  
Receiving Stream: Columbia River Main Stream  
LLID: 1240483462464 117.5 D  
Lat/Long: 45° 33' 32.75" N 122° 27' 31.06" W  
County: Multnomah

Treatment System Class Level: IV  
Collection System Class Level: IV

**EPA REFERENCE # OR0026131**

Issued in response to application #962558 received Nov. 16, 2012, and based on the land use compatibility statement in the permit record.

  
Tiffany Yelton-Bram  
Manager WQ-DEQ-NWR

June 30, 2014  
Signature Date

August 1, 2014  
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 WPCF permit, or by Oregon statute or administrative rule, any other direct or indirect discharge of pollutants to waters of the state is prohibited.

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**SCHEDULE A**  
**Waste Discharge Limits**

**1. Treated Effluent Outfall 001**

a. BOD<sub>5</sub> and TSS

i. May 1 – October 31:

**Table A1: BOD<sub>5</sub> and TSS Limits May - Oct**

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	20 mg/L	30 mg/L	2502	3753	5004
TSS	20 mg/L	30 mg/L	2502	3753	5004

Other Parameters	Limitation
Excess Thermal load	7-day moving average of daily maximum excess thermal load shall not exceed $436 \times 10^6$ Kcal/day  The monthly average shall not exceed $231 \times 10^6$ Kcal/day
Notes	a. The thermal load limit was calculated using the maximum week and maximum month dry weather design flows and the maximum 7-day moving average effluent temperature and the monthly average of the daily 7-day moving average temperatures respectively. Upon approval of a Total Maximum Daily Load for temperature for this sub-basin, this permit may be re-opened and new temperature and/or thermal load limits assigned.

- ii. November 1 – April 30: During this time period the permittee must comply with the limits in the following table:

**Table A2: BOD<sub>5</sub> and TSS Limits Nov-April**

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum Lbs
	Monthly	Weekly			
BOD <sub>5</sub>	30 mg/L	45 mg/L	6255	9380	12510
TSS	30 mg/L	45 mg/L	6255	9380	12510

- iii. Additional information for the limits in Tables A1 and A2 above.

1) Average dry weather design flow to the facility equals 15 MGD. Summer mass load limits based upon average dry weather design flow to the facility equaling 15 MGD. Winter mass load limits based upon average wet weather design flow to the facility equaling 25 MGD. The daily mass load limit is suspended on any day in which the flow to the treatment facility exceeds 30 MGD (twice the design average dry weather flow).

- b. Additional Parameters. Permittee must comply with the limits in the following table (year round except as noted):

**Table A3: Limits for Additional Parameters**

Year-round (except as noted)	Limits
BOD <sub>5</sub> and TSS Removal Efficiency (see Note a.)	May not be less than 85% monthly average for BOD <sub>5</sub> and TSS
<i>E. coli</i> Bacteria (see Note b.)	Monthly log mean may not exceed 126 organisms per 100 ml. No single sample may exceed 406 organisms per 100 ml.
pH	May not be outside the range of 6.0 to 8.5 S.U.
Total Residual Chlorine	Monthly average concentration may not exceed 0.14 mg/L. Daily maximum concentration may not exceed 0.36 mg/L.
<p>Notes</p> <p>a. When monthly average flows exceed 25 MGD, the percent removal rate will be no less than 75 percent.</p> <p>b. No single <i>E. coli</i> sample may exceed 406 organisms per 100 mL; however, DEQ will not cite a violation of this limit if the permittee takes at least 5 consecutive re-samples at 4 hour intervals beginning within 28 hours after the original sample was taken and the log mean of the 5 re-samples is less than or equal to 126 <i>E. coli</i> organisms/100 mL.</p>	

**2. Regulatory Mixing Zone**

Pursuant to OAR 340-041-0053, the permittee is granted a regulatory mixing zone as described below:

The regulatory mixing zone is that portion of the Columbia River from the outfall to a point 200 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of the regulatory mixing zone that is within 20 feet of the point of discharge.

**3. Groundwater Protection**

The permittee may not conduct any activities that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related residuals must be managed and disposed of in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR Chapter 340, Division 40).

**4. Use of Recycled Water**

The permittee is authorized to distribute recycled water if it is:

- a. Treated and used according to the criteria listed in Table A4.
- b. Managed in accordance with its DEQ-approved Recycled Water Use Plan unless exempt as provided in Schedule D, condition 4.
- c. Used in a manner and applied at a rate that does not have the potential to adversely impact groundwater quality.
- d. 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.
- e. Irrigated using sound irrigation practices to prevent:
  - i. Offsite surface runoff or subsurface drainage through drainage tile;
  - ii. Creation of odors, fly and mosquito breeding, or other nuisance conditions; and
  - iii. Overloading of land with nutrients, organics, or other pollutants.

**Table A4: Recycled Water Limits**

Class	Level of Treatment (after disinfection unless otherwise specified)	Beneficial Uses
C	Class C recycled water must be oxidized and disinfected. Total coliform may not exceed: <ul style="list-style-type: none"> <li>• A median of 23 total coliform organisms per 100 mL, based on results of the last 7 days that analyses have been completed.</li> <li>• 240 total coliform organisms per 100 mL in any two consecutive samples.</li> </ul>	Class C recycled water may be used for: <ul style="list-style-type: none"> <li>• Class D and nondisinfected uses.</li> <li>• Irrigation of processed food crops; irrigation of orchards or vineyards if an irrigation method is used to apply recycled water directly to the soil.</li> <li>• Landscape irrigation of golf courses, cemeteries, highway medians, or industrial or business campuses.</li> <li>• Industrial, commercial, or construction uses limited to: industrial cooling, rock crushing, aggregate washing, mixing concrete, dust control, nonstructural fire fighting using aircraft, street sweeping, or sanitary sewer flushing.</li> </ul>

**5. Biosolids**

The permittee may land apply biosolids or provide biosolids for sale or distribution, subject to the following conditions:

- a. The permittee must manage biosolids in accordance with its DEQ-approved Biosolids Management Plan and Land Application Plan.
- b. Except when used for land reclamation and approved by DEQ, biosolids must be applied at or below the agronomic rate required for maximum crop yield.
- c. The permittee must obtain written site authorization from DEQ for each land application site prior to land application (see Schedule D, Condition 6) and follow the site-specific management conditions in the DEQ-issued site authorization letter.
- d. Biosolids must meet one of the pathogen reduction standards under 40 CFR §503.32 and one of the vector attraction reduction standards under 40 CFR §503.33.
- e. Pollutants in biosolids may not exceed the ceiling concentrations shown in Table A5 below. Biosolids exceeding the pollutant concentrations in Table A5 must be applied at a rate that does not exceed the corresponding cumulative pollutant loading rates.

Table A5: Biosolids Limits

Pollutant	Ceiling concentrations <sup>1</sup> (mg/kg)	Pollutant concentrations <sup>1</sup> (mg/kg)	Cumulative pollutant loading rates <sup>1</sup> (kg/ha)
Arsenic	75	41	41
Cadmium	85	39	39
Copper	4300	1500	1500
Lead	840	300	300
Mercury	57	17	17
Molybdenum	75	N/A	N/A
Nickel	420	420	420
Selenium	100	100	100
Zinc	7500	2800	2800

## Note:

1. Biosolids pollutant limits are described in 40 CFR Part 503.13, which uses the terms *ceiling concentrations*, *pollutant concentrations*, and *cumulative pollutant loading rates*. Biosolids containing pollutants in excess of the ceiling concentrations may not be applied to the land. Biosolids containing pollutants in excess of the pollutant concentrations, but below the ceiling concentrations, may be applied to the land; however, the total quantity of biosolids applied may not exceed the cumulative pollutant loading rates.

## SCHEDULE B Minimum Monitoring and Reporting Requirements

### 1. Monitoring and Reporting Protocols

- a. Sampling, Test Methods, and Laboratory Quality Assurance and Quality Control (QA/QC)

For all test methods used, the analyses must meet the quantitation limits specified in this schedule, unless the pollutant concentration of the sample can be quantified using a higher analytical threshold. If the permit holder demonstrates, in accordance with the methodology in 40 CFR Part 136, that a higher quantitation limit is needed due to matrix interference, DEQ may approve the change. DEQ's approval must be in writing. The permit holder may also request permission to use a different test method if the one listed in the permit is obsolete, or if a method with comparable or greater accuracy has been identified. As with changes to Quantitation Limits (QLs), DEQ's approval must be in writing. Regarding QA/QC, the permittee must develop and implement a written QA/QC program to verify the accuracy of sample analyses as specified in 40 CFR part 136. The QA/QC program must conform to the requirements of 40 CFR Part 136.7. For further instruction on proper sampling techniques, test methods and the use of laboratories with QA/QC procedures, see Schedule F, Sections B.1 and C.
- b. Re-analysis and Re-sampling if QA/QC Requirements Not Met

If QA/QC requirements are not met any analysis, the results must be included in reports, but not used in calculations required by this permit. The permittee must re-analyze the sample if QA/QC requirements are not met. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity.
- c. Significant Figures and Rounding Conventions

The permittee must report the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding conventions used by the permittee (such as, rounding 5 up for the calculated results or, in the case of laboratory results, rounding 5 to the nearest even number), the permittee must use the convention consistently, and must ensure that laboratories employed by the permittee use the same convention<sup>1</sup>.
- d. Reporting of Detection Levels and Quantitation Limits

When reporting sampling results, the permittee must record the laboratory detection level and quantitation limit as defined below for each analyte except BOD, TSS, E. coli, pH and total residual chlorine.

  - i. Detection Level (DL): The Method Detection Limit (MDL) or Limit of Detection (LOD) and derived using 40 CFR §136 Appendix B; and
  - ii. Quantitation Limit (QL): The Method Reporting Limit (MRL) or Limit of Quantitation (LOQ). It is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration for the analyte. It is equivalent to the concentration of the lowest calibration standard assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed.
- e. Reporting Sample Results

The permittee must follow the procedures listed below when reporting sampling results.

  - i. If a sample result is below the DL, report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is non-detect, report "<1.0 µg/L" on the discharge monitoring report (DMR).



- ii. If a sample result is above the DL but below the QL, 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, report "e1.0 µg/L" on the DMR.
  - iii. If a sample result does not meet QA/QC requirements, the result must be included in the DMR along with a notation but must not be used in any calculation required by this permit.
- These requirements do not apply to the following parameters: BOD, TSS, E. coli, pH and total residual chlorine.

f. Calculating and Reporting Mass Loads

The permittee must follow the procedures listed below when calculating and reporting mass loads.

*Sample calculation:*

$$\text{Flow (MGD)} \times \text{Concentration (mg/L)} \times 8.34 = \text{Pounds per day}$$

g. Daily Maximum Excess Thermal Load

The daily maximum excess thermal load may be calculated using the daily maximum temperature and the total discharge flow for the day. The 7-day average of daily maximum thermal load is a moving average of the daily maximum thermal loads. Excess thermal loads must be calculated using the formula. If the calculation results in a thermal load value less than zero, the results must be recorded as zero. Individual values of zero must be used in calculating the average values.

$$\text{ETL} = \Delta T * Q * 2.447 \text{ (million kcals/day } ^\circ\text{C)}$$

Where:

ETL = Excess thermal load ( $10^6$  Kcal/day)

$\Delta T$  = 7-day average of daily maximum effluent temperature ( $^\circ\text{C}$ ) minus criterion ( $20^\circ\text{C}$  from May 1 through Oct 31)

Q = Discharge flow (cfs)

2.447 (million kcals/day  $^\circ\text{C}$ ) = conversion from Kcals/Kg water/ second to mill Kcals/day

2. **Influent Monitoring and Reporting Requirements**

The permittee must monitor influent grab samples for both upper and lower plants just upstream of the bar screens and report results in accordance with the table below. Influent composite samples are to be taken between the bar screens and the Parshall flumes.

**Table B1: Influent Monitoring**

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Action	Report
Total Flow (MGD)	Year-round	Daily	Measurement by totalizing meter	1. Daily values 2. Monthly total 3. Monthly average
Flow Meter Calibration	Year-round	Quarterly	Verification	1. Report that calibration was completed with date. 2. Keep records on site
BOD <sub>5</sub> and TSS (mg/L)	Year-round	3/Week	24-hour composite	1. Daily values 2. Monthly average
pH (S.U.)	Year-round	2 / Week	Grab	Values

Temperature °C	Year-round	Continuous	Measurement	1. Continuous log will be kept on site 2. Daily average
Daily Max. Temperature °C	Year-round	Continuous	Calculation	1. Daily one hour maximum

### 3. Compliance Effluent Monitoring and Reporting

The permittee must monitor effluent for Outfall 001. Effluent grab and composite samples can either be taken from within the effluent flow channel (between the chlorine contact basin weirs and the outfalls) or within the downstream flow measurement Structure (just north of the WWTP fence line and railroad tracks) and before discharge to the outfalls and report results in accordance with the table below:

Table B2: Effluent Monitoring

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Required Action	Report
Total Flow (MGD)	Year-round	Daily	Measurement by totalizing meter	<ol style="list-style-type: none"> <li>Daily values</li> <li>Monthly total</li> <li>Minimum</li> <li>Maximum</li> <li>Monthly average</li> <li>Weekly average</li> </ol>
BOD <sub>5</sub> and TSS (mg/L)	Year-round	3/Week	24-hour composite	<ol style="list-style-type: none"> <li>Daily values</li> <li>Monthly total</li> <li>Minimum</li> <li>Maximum</li> <li>Monthly average</li> <li>Weekly average</li> </ol>
BOD <sub>5</sub> and TSS Mass Load (lb/day)	Year-round		Calculation	<ol style="list-style-type: none"> <li>Daily values</li> <li>Monthly total</li> <li>Minimum</li> <li>Maximum</li> <li>Monthly average</li> </ol>
BOD <sub>5</sub> and TSS Percent Removal (%)	Year-round	Monthly	Calculation	Monthly average
pH (S.U.)	Year-round	Daily	Grab	<ol style="list-style-type: none"> <li>Daily values</li> <li>Maximum daily value</li> <li>Minimum daily value</li> </ol>
Temperature (degrees Celsius)	May-Oct	Daily	Continuous	<ol style="list-style-type: none"> <li>Daily Maximum</li> <li>Daily Average</li> </ol>
Excess Thermal Load (Mkcal/day)	May-Oct	Daily	Calculation	Maximum Excess Thermal Load Using Daily maximum Temperature
Excess Thermal Load (Mkcal/day)	May-Oct	Monthly	Calculation	<ol style="list-style-type: none"> <li>Daily Maximum Temperature Daily values as a rolling seven-day average</li> <li>Monthly Average Excess Thermal Load Limit</li> </ol>
<i>E. coli</i> (MPN/100mL depending on method)	Year-round	3/Week	Grab	<ol style="list-style-type: none"> <li>Daily values</li> <li>Monthly max</li> <li>Monthly log-average</li> </ol>
Quantity Chlorine Used (Gallons)	Year-round	Daily	Measurement	<ol style="list-style-type: none"> <li>Daily values</li> <li>Monthly average</li> </ol>

Item or Parameter	Time Period	Minimum Frequency	Sample Type/Required Action	Report
Total Residual Chlorine (mg/L)	Year-round	Daily	Grab	1. Daily values 2. Maximum daily value 3. Monthly average

#### 4. Pretreatment Monitoring

The permit holder must monitor both influent and effluent according to the table below and report the results on an annual basis.

**Table B3: Pretreatment Monitoring**

Pollutant	CAS <sup>a</sup>	QL	Minimum Frequency	Sample Type	Report
Arsenic (total) <sup>b</sup>	7440382	0.50	Quarterly on 3 consecutive days between Monday and Friday, inclusive.	24-hour composite	Daily values
Cadmium <sup>b</sup>	7440439	0.10			
Chromium (total) <sup>b</sup>	7440473	0.40			
Copper <sup>b</sup>	7440508	10			
Lead <sup>b</sup>	7439921	5			
Mercury <sup>b</sup>	7439976	0.01			
Molybdenum <sup>b</sup>	7439987	10			
Nickel <sup>b</sup>	7440020	10			
Selenium <sup>b</sup>	7782492	2.0			
Silver <sup>b</sup>	7440224	1.0			
Zinc <sup>b</sup>	7440666	5.0			
Cyanide (Total) <sup>c</sup>	57125	5.0			

a. Chemical Abstract Service.

b. All metals must be analyzed for total recoverable concentration unless otherwise specified.

c. When sampling for Cyanide, at least six discrete grab samples must be collected over the operating day with samples collected no less than one hour apart. The aliquot must be at least 100 mL and collected and composited into a larger container that has been preserved with sodium hydroxide to insure sample integrity.

#### 5. Effluent Toxics Characterization Monitoring

The permittee must analyze effluent samples for the parameters listed in tables B3-B7 above and below.

Effluent composite samples can either be taken from within the effluent flow channel (between the chlorine contact basin weirs and the outfalls) or within the downstream flow measurement Structure (just north of the WWTP fence line and railroad tracks) and before discharge to the outfalls.

Samples must be taken and analyzed October 2014, April 2015, October 2015, and April 2016. Samples must be 24 hour composites except as noted in Tables B3 and B4 for Free Cyanide, Total Phenolic Compounds and Volatile Organic Compounds.

**Table B4: Metals, Cyanide, Total Phenols, Nitrates, Ammonia and Hardness**

(µg/L unless otherwise specified)

Pollutant <sup>a</sup>	CAS <sup>b</sup>	QL	Pollutant	CAS	QL
Antimony	7440360	0.10	Mercury	7439976	0.005 <sup>2</sup>
Arsenic (total) <sup>c</sup>	7440382	0.50	Nickel	7440020	10
Arsenic (Inorganic) <sup>c</sup>	7440382	1.0	Selenium	7782492	2.0
Arsenic III <sup>c</sup>	22541544	50	Silver	7440224	1.0
Beryllium	7440417	0.10	Thallium	7440280	0.10
Cadmium	7440439	0.10	Zinc	7440666	5.0
Chromium (total)	7440473	0.40	Cyanide (Free) <sup>e</sup>	57125	10
Chromium III <sup>d</sup>	16065831	10	Cyanide (Total) <sup>e</sup>	57125	5.0
Chromium VI <sup>d</sup>	18540299	10	Total Phenolic Compounds <sup>f</sup>		5.0
Copper	7440508	10	Nitrates-Nitrite	14797558	100
Iron	7439896	100	Ammonia	7664417	1000
Lead	7439921	5	Hardness (Total as CaCO <sub>3</sub> )		

- a. All metals must be analyzed for total recoverable concentration unless otherwise specified.
- b. Chemical Abstract Service
- c. If the result for Total Arsenic does not exceed 1.0 µg/L, it is not necessary to monitor for Inorganic Arsenic and Arsenic III. Otherwise, Method 1632A must be used for monitor for Inorganic Arsenic and Arsenic III.
- d. If the result for Total Chromium does not exceed 10 µg/L, then it is not necessary to monitor for Chromium III and Chromium VI.
- e. When sampling for Cyanide, at least six discrete grab samples must be collected over the operating day with samples collected no less than one hour apart. The aliquot must be at least 100 mL and collected and composited into a larger container that has been preserved with sodium hydroxide to insure sample integrity. If the result for Total Cyanide does not exceed 5.0 µg/L, it is not necessary to test for free cyanide.
- f. When sampling for Total Phenolic Compounds, at least six discrete grab samples must be collected over the operating day with samples collected no less than one hour apart. "Total Phenolic Compounds" is identified as Phenols in 40 CFR Part 136.3, Table 1B.

**Table B5: Volatile Organic Compounds**

(µg/L unless otherwise specified)

Pollutant <sup>a</sup>	CAS	QL	Pollutant <sup>a</sup>	CAS	QL
Acrolein	107028	5.0	1,1-dichloroethylene <sup>e</sup>	75354	0.50
acrylonitrile	107131	5.0	1,2-dichloropropane	78875	0.50
Benzene	71432	0.50	1,3-dichloropropylene <sup>f</sup>	542756	0.50
bromoform	75252	0.50	Ethylbenzene	100414	0.50
carbon tetrachloride	56235	0.50	methyl bromide <sup>g</sup>	74839	0.50
chlorobenzene	108907	0.50	methyl chloride <sup>h</sup>	74873	0.50
Chlorodibromomethane <sup>b</sup>	124481	0.50	methylene chloride	75092	0.50
chloroethane	75003	0.50	1,1,2,2-tetrachloroethane	79345	0.50
2-chloroethylvinyl ether	110758	5.0	tetrachloroethylene <sup>i</sup>	127184	0.50
chloroform	67663	0.50	Toluene	108883	0.50
dichlorobromomethane <sup>c</sup>	75274	0.50	1,1,1-trichloroethane	71556	0.50
1,1-dichloroethane	75343	0.50	1,1,2-trichloroethane	79005	0.50
1,2-dichloroethane	107062	0.50	Trichloroethylene <sup>j</sup>	79016	0.50
1,2-trans-dichloroethylene <sup>d</sup>	156605	0.50	vinyl chloride	75014	0.50

- a. Permit holders with lagoon facilities that have retention times in excess of 24 hours may collect a single sample over the operating day. Permit holders with other types of facilities must collect six discrete samples<sup>3</sup> (not less than 40 mL) over the operating day at intervals of at least one hour. The samples may be analyzed separately or composited. If analyzed separately, the analytical results for all samples must be averaged for reporting purposes. If composited, they must be

Pollutant <sup>a</sup>	CAS	QL	Pollutant <sup>a</sup>	CAS	QL
proportionally composited in the laboratory at the time of analysis and this must be done in a manner that maintains the integrity of the samples and prevents the loss of volatile analytes. The quantitation limits listed above remain in effect for composite samples.					
b. Chlorodibromomethane is identified as dibromochloromethane in 40 CFR Part 136.3, Table 1C.					
c. Dichlorobromomethane is identified as Bromodichloromethane in 40 CFR Part 136.3, Table 1C.					
d. 1,2-trans-dichloroethylene is identified as trans-1,2-dichloroethene in 40 CFR Part 136.3, Table 1C.					
e. 1,1-dichloroethylene is identified as 1,1-dichloroethene in 40 CFR Part 136.3, Table 1C.					
f. 1,3-dichloropropylene consists of both cis-1,3-dichloropropene and trans-1,3-dichloropropene. Both should be reported individually.					
g. Methyl bromide is identified as Bromomethane in 40 CFR Part 136.3, Table 1C.					
h. Methyl chloride is identified as chloromethane in 40 CFR Part 136.3, Table 1C.					
i. Tetrachloroethylene is identified as trichloroethene in 40 CFR Part 136.3, Table 1C.					
j. Trichloroethylene is identified as trichloroethene in 40 CFR Part 136.3, Table 1C.					

**Table B6: Acid-Extractable Compounds**

(µg/L unless otherwise specified)

Pollutant	CAS	QL <sup>a</sup>	Pollutant	CAS	QL <sup>a</sup>
p-chloro-m-cresol	59507	1.0	2-nitrophenol	88755	2.0
2-chlorophenol	95578	1.0	4-nitrophenol	100027	5.0
2,4-dichlorophenol	120832	1.0	pentachlorophenol	87865	2.0
2,4-dimethylphenol	105679	5.0	Phenol	108952	1.0
4,6-dinitro-o-cresol <sup>b</sup>	534521	2.0	2,4,5-trichlorophenol <sup>d</sup>	95954	2.0
2,4-dinitrophenol	51285	5.0	2,4,6-trichlorophenol	88062	1.0
a. Some QLs may need methods with modification allowed in 40 CFR Part 136.6 or EPA's Solutions for Analytical Chemistry Problems w/Clean Water Methods, March 2007. (url: <a href="http://water.epa.gov/scitech/methods/cwa/atp/upload/2008_02_06_methods_pumpkin.pdf">http://water.epa.gov/scitech/methods/cwa/atp/upload/2008_02_06_methods_pumpkin.pdf</a> )					
b. p-chloro-m-cresol is identified as 4-Chloro-3-methylphenol in 40 CFR Part 136.3, Table 1C.					
c. 4,6-dinitro-o-cresol is identified as 2-Methyl-4,6-dinitrophenol in 40 CFR Part 136.3, Table 1C.					
d. To monitor for 2,4,5-trichlorophenol, use EPA Method 625.					

**Table B7: Base-Neutral Compounds**  
(µg/L unless otherwise specified)

Pollutant	CAS	QL <sup>a</sup>	Pollutant	CAS	QL
acenaphthene	83329	1.0	3,3-Dichlorobenzidine	91941	1.0
acenaphthylene	208968	1.0	diethyl phthalate	84662	1.0
anthracene	120127	1.0	dimethyl phthalate	131113	1.0
benzidine	92875	10.	2,4-dinitrotoluene	121142	1.0
benzo(a)anthracene	56553	1.0	2,6-dinitrotoluene	606202	1.0
benzo(a)pyrene	50328	1.0	1,2-diphenylhydrazine <sup>d</sup>	122667	5.0
3,4-benzofluoranthene <sup>b</sup>	205992	1.0	fluoranthene	206440	2.0
benzo(ghi)perylene	191242	1.0	fluorene	86737	1.0
benzo(k)fluoranthene	207089	1.0	hexachlorobenzene	118741	1.0
bis(2-chloroethoxy)methane	111911	2.0	hexachlorobutadiene	87683	2.0
bis(2-chloroethyl)ether	111444	1.0	hexachlorocyclopentadiene	77474	2.0
bis(2-chloroisopropyl)ether <sup>c</sup>	108601	2.0	hexachloroethane	67721	2.0
bis(2-ethylhexyl)phthalate	117817	1.0	indeno(1,2,3-cd)pyrene	193395	1.0
4-bromophenyl phenyl ether	101553	1.0	isophorone	78591	10
butylbenzyl phthalate	85687	1.0	naphthalene	91203	1.0
2-chloronaphthalene	91587	1.0	nitrobenzene	98953	1.0
4-chlorophenyl phenyl ether	7005723	1.0	N-nitrosodimethylamine	62759	1.0
chrysene	218019	1.0	N-nitrosodi-n-propylamine	621647	2.0
di-n-butyl phthalate	84742	1.0	N-nitrosodiphenylamine	86306	1.0
di-n-octyl phthalate	117840	1.0	Pentachlorobenzene <sup>e</sup>	608935	10
dibenzo(a,h)anthracene	53703	1.0	phenanthrene	85018	1.0
1,2-Dichlorobenzene (o)	95501	0.50	pyrene	129000	1.0
1,3-Dichlorobenzene (m)	541731	0.50	1,2,4-trichlorobenzene	120821	5.0
1,4-Dichlorobenzene (p)	106467	0.50	Tetrachlorobenzene,1,2,4,5 <sup>e</sup>	95943	1.0

- a. Some QLs may need methods with modification allowed in 40 CFR Part 136.6 or EPA's *Solutions for Analytical chemistry Problems w/Clean Water Methods, March 2007*.
- b. 3,4-benzofluoranthene is listed as Benzo(b)fluoranthene in 40 CFR Part 136.
- c. Bis(2-chloroisopropyl)ether is listed as 2,2'-oxybis(2-chloro-propane in 40 CFR Part 136.
- d. 1,2-diphenylhydrazine is difficult to analyze given its rapid decomposition rate in water. Azobenzene (a decomposition product of 1,2-diphenylhydrazine), should be analyzed as an estimate of this chemical.<sup>4</sup>
- e. To analyze for Pentachlorobenzene and Tetrachlorobenzene 1,2,4,5, use EPA 625.

## 6. Ambient and Additional Effluent Characterization Monitoring

DEQ will evaluate the results of monitoring required under Schedule B condition 5: Effluent Toxics Characterization Monitoring to determine whether the permittee will be required to conduct additional ambient water quality and/or effluent monitoring. DEQ will notify the permittee of its determination through a written "Monitoring Action Letter."

### a. Sampling Plan

If additional monitoring is needed, the permittee must submit a sample and analysis plan to DEQ for approval within 3 months of receipt of the DEQ Monitoring Action Letter. The sampling plan must include the following:

- i. Characterization of ambient water quality for any pollutants identified as having the reasonable potential to exceed the water quality criterion at the point of discharge.
- ii. If, after permit issuance, the EQC adopts water quality standards for a new parameter or parameters, characterization of effluent and ambient water quality for the new pollutant parameter(s).

- iii. If, after permit issuance, the receiving stream is listed as impaired on DEQ's 303(d) list for a new parameter or parameters, characterization of effluent and, if necessary, ambient water quality for the newly listed pollutant parameter(s).
- iv. Sampling locations for receiving water must be located as far upstream from outfall location as necessary to insure that samples contain no effluent.
- v. Timing of sampling must coincide with the critical period.

b. Implementation

The permittee must implement the approved plan within 12 months of approval.

**7. Whole Effluent Toxicity (WET) Testing Requirements**

The permittee must monitor final effluent for whole effluent toxicity as described below using the testing protocols specified in Schedule D, condition 9, Whole Effluent Toxicity Testing for Freshwater.

*Effluent grab and composite samples can either be taken from within the effluent flow channel (between the chlorine contact basin weirs and the outfalls) or within the downstream flow measurement Structure (just north of the WWTP fence line and railroad tracks) and before discharge to the outfalls.*

**Table B8: WET Test Monitoring**

Parameter	Minimum Frequency	Sample Type/Location
Acute toxicity	The permit holder must monitor 4 times over the permit cycle with each sample collected during a different quarter. All four samples may be collected in the first year of the permit or they may be collected during a different quarter each year over 4 years (i.e., Year 1, Qtr 1).  When possible, conduct WET testing concurrent with Effluent Toxics Characterization Monitoring as described in Schedule B, Condition 9.  If 4 consecutive tests show no toxicity at the acute (ZID) and the chronic (RMZ) dilutions, no further testing is required. Otherwise, the permittee must re-test and if necessary evaluate the cause of toxicity as described in Schedule D, Condition 9.	For acute toxicity: Grab or 24-hour Composite sample
Chronic toxicity		For chronic toxicity: 24-hr composite sample

**8. Recycled Water Monitoring Requirements: Outfall 099**

The permittee must monitor recycled water as listed below. The samples must be representative of the recycled water delivered for beneficial reuse at the location identified in the Recycled Water Use Plan.

**Table B9: Recycled Water Monitoring**

Item or Parameter	Minimum Frequency	Sample Type/Required Action
Total Flow (MGD) or Quantity Irrigated (inches/acre)	Daily	Measurement
Flow Meter Calibration <sup>5</sup>	Annually	Verification
Quantity Chlorine Used (lbs)	Daily	Measurement
Chlorine, Total Residual (mg/L)	Daily	Grab



Item or Parameter	Minimum Frequency	Sample Type/Required Action
pH	2/Week	Grab
<i>E. coli</i>	Weekly (Class D)	Grab
Nutrients (TKN, NO <sub>2</sub> +NO <sub>3</sub> -N, NH <sub>3</sub> , Total Phosphorus <sup>6</sup> )	Quarterly	Grab

### 9. Biosolids Monitoring Requirements

The permittee must monitor biosolids land applied or produced for sale or distribution as listed below. The samples must be representative of the quality and quantity of biosolids generated and undergo the same treatment process used to prepare the biosolids.

**Table B10: Biosolids Monitoring**

Item or Parameter	Minimum Frequency	Sample Type
Nutrient and conventional parameters <sup>7</sup> (% dry weight unless otherwise specified): 1) Total Kjeldahl Nitrogen (TKN) 2) Nitrate-Nitrogen (NO <sub>3</sub> -N) 3) Ammonium Nitrogen (NH <sub>4</sub> -N) 4) Total Phosphorus (P) 5) Potassium (K) 6) pH (S.U.) 7) Total Solids 8) Volatile Solids	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B10.	As described in the DEQ-approved Biosolids Management Plan
Pollutants: As, Cd, Cu, Hg, Pb, Mo, Ni, Se, Zn, mg/kg dry weight	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B10.	As described in the DEQ-approved Biosolids Management Plan
Pathogen reduction	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B10.	As described in the DEQ-approved Biosolids Management Plan
Vector attraction reduction	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B10.	As described in the DEQ-approved Biosolids Management Plan
Record of biosolids land application: date, quantity, location.	Each event	Record the date, quantity, and location of biosolids land applied on site location map or equivalent electronic system, such as GIS.

**Table B11: Biosolids Minimum Monitoring Frequency**

Quantity of biosolids land applied or produced for sale or distribution per calendar year		Minimum Sampling Frequency
(dry metric tons)	(dry U.S. tons)	
Less than 290	Less than 320	Once per year
290 to 1,500	320 to 1,653	Once per quarter (4x/year)
1500 to 15,000	1,653 to 16,535	Once per 60 days (6x/year)
15,000 or more	16,535 or more	Once per month (12x/year)

**10. Permit Application Monitoring Requirements**

The following information is provided for the convenience of the permit holder and does not represent a requirement under the current permit. The renewal application for this permit requires 3 scans for the parameters listed in the table below. This data may be collected up to 4.5 years in advance of submittal of the renewal application. DEQ recognizes that some facilities may find it difficult to collect 3 scans that are representative of the seasonal variation in the discharge from each outfall, and is therefore calling attention to this permit application requirement of the permit application within this permit.

**Table B12: Effluent Monitoring Required for NPDES Permit Application**

Parameter
Ammonia (as N)
Chlorine (Total Residual, TRC)
Dissolved Oxygen
Total Kjeldahl Nitrogen (TKN)
Nitrate Plus Nitrite Nitrogen
Oil and Grease

**11. Minimum Reporting Requirements**

The permittee must report monitoring results as listed below.

**Table B13: Reporting Requirements and Due Dates**

Reporting Requirement	Frequency	Due Date	Report Form (unless otherwise specified in writing)	Submit To:
1. Table B1: Influent Monitoring 2. Table B2: Effluent Monitoring	Monthly	15 <sup>th</sup> day following the completed monitoring period	DEQ-approved discharge monitoring report (DMR) form, electronic and hard copy (see Notes a. and b.)	<ul style="list-style-type: none"> <li>• DEQ Regional Office</li> <li>• DEQ Water Quality Division, OIS</li> </ul>
Table B3: Pretreatment Report	Annually	March 31st	Report	DEQ Pretreatment Coordinator
Tables B4 – B7: Effluent Toxics Characterization	Once (see Note c.)	According to Schedule B (5)	<ul style="list-style-type: none"> <li>• DEQ - approved electronic summary template</li> <li>• 1 hard copy</li> </ul>	DEQ Regional Office
Condition B.6: Ambient and Additional Effluent Toxics Characterization Data	Once (see Note c.)	If required, within one year of completion of Effluent Toxics Characterization	<ul style="list-style-type: none"> <li>• 1 hard copy</li> <li>• Data in electronic format (see RPA spreadsheet) to upload to LASAR</li> </ul>	DEQ Regional Office
Table B8: WET Test Monitoring	See Table B8	Within the month following the performance of the test.	1 hard copy	DEQ Regional Office

Reporting Requirement	Frequency	Due Date	Report Form (unless otherwise specified in writing)	Submit To:
1. Recycled water annual report describing effectiveness of recycled water system in complying with the DEQ-approved recycled water use plan, OAR 340-055, and this permit. (see Schedule D for more detail) 2. Table B9: Recycled Water Monitoring	Annually	January 31	2 hard copies	One each to: <ul style="list-style-type: none"> <li>• DEQ Regional Office</li> <li>• DEQ Water Reuse Program Coordinator</li> </ul>
Wastewater solids annual report describing quality, quantity, and use or disposal of wastewater solids generated at the facility.	Annually	February 19	2 hard copies	One each to: <ul style="list-style-type: none"> <li>• DEQ Regional Office</li> <li>• DEQ Biosolids Program Coordinator</li> </ul>
1. Biosolids land application annual report describing solids handling activities for the previous year and includes the information described in OAR 340-050-0035(6)(a)-(e). 2. Table B9: Recycled Water Monitoring	Annually	February 19	Class I facilities, POTWs with design flows $\geq 1$ mgd and POTWs serving $\geq 10,000$ people: 3 hard copies	One each to: <ul style="list-style-type: none"> <li>• DEQ Regional Office</li> <li>• DEQ Biosolids Program Coordinator</li> <li>• EPA Region 10</li> </ul>
Inflow and infiltration report (see Schedule D, Section 1 for description)	Annually	February 19th	1 hard copy	DEQ Regional Office
Mercury Minimization Plan (see Schedule D, Section 12 for description)	One time	Within 24 months of permit effective date	1 hard copy	DEQ Regional Office
<b>Notes:</b> <ol style="list-style-type: none"> <li>a. Name, certificate classification, and grade level of each responsible principal operator as well as identification of each system classification must be included on DMRs.</li> <li>b. Equipment breakdowns and bypass events must be noted on DMRs.</li> <li>c. Though the overall characterization only needs to be performed once during the permit cycle, a particular characterization may include multiple sampling events.</li> </ol>				

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**SCHEDULE C**  
**Compliance Schedule**

There are no compliance schedules associated with this permit.

## SCHEDULE D Special Conditions

### 1. Inflow and Infiltration

An annual inflow and infiltration report must be submitted to DEQ as directed in Schedule B. The report must include the following:

- a. Details of activities performed in the previous year to identify and reduce inflow and infiltration.
- b. Details of activities planned for the following year to identify and reduce inflow and infiltration.
- c. A summary of sanitary sewer overflows that occurred during the previous year.

### 2. Emergency Response and Public Notification Plan

The permittee must develop and maintain an Emergency Response and Public Notification Plan (the Plan) per Schedule F, Section B, and Conditions 7 & 8. The permit holder must develop the plan within six months of permit issuance and update the Plan annually to ensure that telephone and email contact information for applicable public agencies are current and accurate. An updated copy of the plan must be kept on file at the wastewater treatment facility for Department review. The latest plan revision date must be listed on the Plan cover along with the reviewer's initials or signature.

### 3. Recycled Water Use Plan

In order to distribute recycled water for reuse, the permittee must have and maintain a DEQ-approved Recycled Water Use Plan meeting the requirements in OAR 340-055-0025. The permittee must submit substantial modifications to an existing plan to DEQ for approval at least 60 days prior to making the proposed changes. Conditions in the plan are enforceable requirements under this permit.

### 4. Exempt Wastewater Reuse at the Treatment System

The permittee is exempt from the recycled water use requirements in OAR 340-055 when recycled water is used at the wastewater treatment system for landscape irrigation or for in-plant processes at a wastewater treatment system and all of the following conditions are met:

- i. The recycled water is an oxidized and disinfected wastewater.
- ii. The recycled water is used at the wastewater treatment system site where it is generated or at an auxiliary wastewater or sludge treatment facility that is subject to the same NPDES or WPCF permit as the wastewater treatment system. Contiguous property to the parcel of land upon which the treatment system is located is considered the wastewater treatment system site if under the same ownership.
- iii. Spray or drift or both from the use does not occur off the site.
- iv. Public access to the site is restricted.

### 5. Biosolids Management Plan

The permittee must maintain a Biosolids Management Plan meeting the requirements in OAR 340-050-0031(5). The permittee must keep the plan updated and submit substantial modifications to an existing plan to DEQ for approval at least 60 days prior to making the proposed changes. Conditions in the plan are enforceable requirements under this permit.

### 6. Land Application Plan

#### a. Plan Contents

The permittee must maintain a land application plan that contains the information listed below. The land application plan may be incorporated into the Biosolids Management Plan.

- i. All known DEQ-approved sites that will receive biosolids while the permit is effective.
- ii. The geographic location, identified by county or smaller unit, of new sites which are not specifically listed at the time of permit application.

- iii. Criteria that will be used in the selection of new sites.
- iv. Management practices that will be implemented at new sites authorized by the DEQ.
- v. Procedures for notifying property owners adjacent to proposed sites of the proposed activity prior to the start of application<sup>8</sup>.

b. Site Authorization

The permittee must obtain written authorization from DEQ for each land application site prior to its use. Conditions in site authorizations are enforceable requirements under this permit<sup>9</sup>. The permittee may land apply biosolids to a DEQ-approved site only as described in the site authorization, while this permit is effective and with the written approval of the property owner. DEQ may modify or revoke a site authorization following the procedures for a permit modification described in OAR 340-045-0055.

c. Public Participation

- i. No DEQ-initiated public notice is required for continued use of sites identified in the DEQ-approved land application plan.
- ii. For new sites that fail to meet the site selection criteria in the land application plan or that are deemed by DEQ to be sensitive with respect to residential housing, runoff potential, or threat to groundwater, DEQ will provide an opportunity for public comment as directed by OAR 340-050-0015(10)<sup>10</sup>.
- iii. For all other new sites, the permittee must provide for public participation following procedures in its DEQ-approved land application plan.

7. **Wastewater Solids Transfers**

- a. *Within state.* The permittee may transfer wastewater solids including Class A and Class B biosolids, to another facility permitted to process or dispose of wastewater solids, including but not limited to: another wastewater treatment facility, landfill, or incinerator. The permittee must monitor, report, and dispose of solids as required under the permit of the receiving facility.
- b. *Out of state.* If wastewater solids, including Class A and Class B biosolids, are transferred out of state for use or disposal, the permittee must obtain written authorization from DEQ, meet Oregon requirements for the use or disposal of wastewater solids, notify in writing the receiving state of the proposed use or disposal of wastewater solids, and satisfy the requirements of the receiving state.

8. **Hauled Waste Control**

- a. The permittee may accept hauled wastes at discharge points designated by the POTW after receiving written DEQ approval of a hauled waste control plan. Hauled wastes may include wastewater solids from another wastewater treatment facility, septage, grease trap wastes, portable and chemical toilet wastes, landfill leachate, groundwater remediation wastewaters and commercial/industrial wastewaters. Wastewater solids from out-of-state facilities must not exceed the ceiling concentration limits in Schedule A, Table A5: Biosolids Limits.
- b. The City of Gresham wastewater treatment facility accepts hauled waste currently as an integral part of methane production at the facility. The concept and application of received hauled waste for methane production has been reviewed and approved by DEQ, although not written down as a Hauled Waste Control Plan as such. The City has six months from the effective date of this renewed permit to submit a Hauled Waste Control Plan and may continue to accept hauled waste for the purpose of methane production until and after such a plan is submitted and approved.

9. **Whole Effluent Toxicity Testing for Freshwater**

- a. The permit holder must conduct whole effluent toxicity (WET) tests as specified here and in Schedule B of this permit.
- b. Acute Toxicity Testing - Organisms and Protocols
  - i. The permittee must conduct 48-hour static renewal tests with *Ceriodaphnia dubia* (water flea) and 96-hour static renewal tests with *Pimephales promelas* (fathead minnow).
  - ii. All test methods and procedures must be in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002. Any deviation of the bioassay procedures outlined in this method must be submitted in writing to DEQ for review and approval prior to use.
  - iii. Treatments to the final effluent samples (for example, dechlorination), except those included as part of the methodology, may not be performed by the laboratory unless approved by DEQ prior to analysis.
  - iv. Unless otherwise approved by DEQ in writing, acute tests must be conducted on a control (0%) and the following dilution series: 1%, 5%, 15%, 30%, and 100%.
  - v. An acute WET test will be considered to show toxicity if there is a statistically significant difference in survival between the control and 5 percent effluent.
- c. Chronic Toxicity Testing - Organisms and Protocols
  - i. The permittee must conduct tests with *Ceriodaphnia dubia* (water flea) for reproduction and survival test endpoint, *Pimephales promelas* (fathead minnow) for growth and survival test endpoint, and *Raphidocelis subcapitata* (green alga formerly known as *Selenastrum capricornutum*) for growth test endpoint.
  - ii. All test methods and procedures must be in accordance with Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA-821-R-02-013, October 2002. Any deviation of the bioassay procedures outlined in this method must be submitted in writing to DEQ for review and approval prior to use.
  - iii. Treatments to the final effluent samples (for example, dechlorination), except those included as part of the methodology, may not be performed by the laboratory unless approved by DEQ prior to analysis.
  - iv. Unless otherwise approved by DEQ in writing, chronic tests must be conducted on a control (0%) and the following dilution series: 1%, 5%, 15%, 30%, and 100%.
  - v. A chronic WET test will be considered to show toxicity if the  $IC_{25}$  (25% inhibition concentration) occurs at dilutions equal to or less than the dilution that is known to occur at the edge of the mixing zone, that is,  $IC_{25} \leq 1\%$ .
- d. Dual End-Point Tests
  - i. WET tests may be dual end-point tests in which both acute and chronic end-points can be determined from the results of a single chronic test. The acute end-point will be based on 48-hours for the *Ceriodaphnia dubia* (water flea) and 96-hours for the *Pimephales promelas* (fathead minnow).
  - ii. All test methods and procedures must be in accordance with Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA-821-R-02-013, October 2002. Any deviation of the bioassay procedures outlined in this method must be submitted in writing to DEQ for review and approval prior to use.
  - iii. Unless otherwise approved by DEQ in writing, tests run as dual end-point tests must be conducted on a control (0%) and the following dilution series: 1%, 5%, 15%, 30%, and 100%.
  - iv. Toxicity determinations for dual end-point tests must correspond to the acute and chronic tests described in conditions 9.b.v and 9.c.v above.



e. Evaluation of Causes and Exceedances

- i. If any test exhibits toxicity as described in conditions 9.a.v and 9.c.v above, the permittee must conduct another toxicity test using the same species and DEQ-approved methodology within two weeks unless otherwise approved by DEQ.
- ii. If two consecutive WET test results indicate acute or chronic toxicity as described in conditions 9.b.v and 9.c.v above, the permittee must immediately notify DEQ of the results. DEQ will work with the permittee to determine the appropriate course of action to evaluate and address the toxicity.

f. Quality Assurance and Reporting

- i. Quality assurance criteria, statistical analyses, and data reporting for the WET tests must be in accordance with the EPA documents stated in this condition.
- ii. A bioassay laboratory report for each test must be prepared according to the EPA method documents referenced in this Schedule. The report must include all QA/QC documentation, statistical analysis for each test performed, standard reference toxicant test (SRT) conducted on each species required for the toxicity tests, and completed Chain of Custody forms for the samples including time of sample collection and receipt. Reports must be submitted to DEQ within 45 days of test completion.
- iii. The report must include all endpoints measured in the test: NOEC, LOEC, and IC<sub>25</sub>.
- iv. The permittee must make available to DEQ upon request the written standard operating procedures they, or the laboratory performing the WET tests, use for all toxicity tests required by DEQ.

g. Reopener

DEQ may reopen and modify this permit to include new limits, monitoring requirements, and/or conditions as determined by DEQ to be appropriate, and in accordance with procedures outlined in OAR Chapter 340, Division 45 if:

- i. WET testing data indicate acute and/or chronic toxicity.
- ii. The facility undergoes any process changes.
- iii. Discharge monitoring data indicate a change in the reasonable potential to cause or contribute to an exceedance of a water quality standard

**10. Operator Certification**

a. Definitions

- i. "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
- ii. "Supervisor" or "designated operator", means the operator delegated authority by the permittee for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.
- iii. "Shift Supervisor" means the operator delegated authority by the permittee for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.
- iv. "System" includes both the collection system and the treatment systems.

- b. The permittee must comply with OAR Chapter 340, Division 49, "Regulations Pertaining to Certification of Wastewater System Operator Personnel" and designate a supervisor whose certification corresponds with the classification of the collection and/or treatment system as specified on p. 1 of this permit.

- c. The permittee must have its system supervised full-time by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system, and at a grade equal to or greater than the wastewater system's classification as specified on p. 1 one of this permit.
- d. The permittee's wastewater system may not be without the designated supervisor for more than 30 days. During this period, there must be another person available to supervise who is certified at no more than one grade lower than the classification of the wastewater system. The permittee must delegate authority to this operator to supervise the operation of the system.
- e. If the wastewater system has more than one daily shift, the permittee must have another properly certified operator available to supervise operation of the system. Each shift supervisor, if any, must be certified at no more than one grade lower than the system classification.
- f. The permittee is not required to have a supervisor on site at all times; however, the supervisor must be available to the permittee and operator at all times.
- g. The permittee must notify DEQ in writing of the name of the system supervisor. The permittee may replace or re-designate the system supervisor with another properly certified operator at any time and must notify DEQ in writing within 30 days of replacement or re-designation of operator in charge. As of this writing, the notice of replacement or re-designation must be sent to Water Quality Division, Operator Certification Program, 2020 SW 4<sup>th</sup> Avenue, Suite 400, Portland, OR 97201.
- h. Upon written request, DEQ may grant the permittee reasonable time, not to exceed 120 days, to obtain the services of a qualified person to supervise the wastewater system.<sup>11</sup> The written request must include a justification for the time needed, schedule for recruiting and hiring, date the system supervisor availability ceased, and name of the alternate system supervisor as required by above.

#### 11. Mercury Minimization Plan

Within 24 months of the permit effective date, the permittee must develop and submit for approval an MMP (Mercury Minimization Plan) tailored to the facility's potential to discharge mercury. At a minimum, the MMP must include the following:

- a. Identification and evaluation of current and potential mercury (both methyl mercury, known as MeHg, and total mercury) sources
- b. Identification and evaluations of conditions (i.e. anaerobic conditions) that contribute to the methylation of elemental mercury in the collection and treatment systems
- c. Identification of large industrial, commercial and residential sources that could contribute significant mercury loads to the POTW
- d. If applicable, a Monitoring Plan that will identify current or potential sources of mercury
- e. An Action Plan that will:
  - i. Identify potential methods for reducing or eliminating mercury. This may include but is not limited to assigning limits to potential industrial and commercial sources of mercury to a collection system or requiring BMPs such as:
    - 1) material substitution
    - 2) material recovery
    - 3) spill control and collection
    - 4) waste recycling
    - 5) process modifications
    - 6) proper housekeeping and laboratory use and disposal practices, and
    - 7) public education

- ii. Identify potential methods for reducing or eliminating conditions that contribute to the methylation of elemental mercury.

The permittee must begin implementation of the plan within one month of DEQ approval of the plan. If it is determined that the conditions in the approved MMP are effective in reducing levels of mercury or if a water column criteria for mercury is developed, the DEQ may reopen the permit to modify the permit conditions. Any minimization plan activities undertaken or additions to permit conditions must be consistent with the State's Anti-Degradation Rule (OAR 340-041-0004).

## SCHEDULE E Pretreatment Activities

### 1. Program Administration

The permittee must conduct and enforce its Pretreatment Program, as approved by DEQ, and comply with the General Pretreatment Regulations (40 CFR part 403). The permittee must secure and maintain sufficient resources and qualified personnel to carry out the program implementation procedures described in this permit as required by 40 CFR § 403.8(f)(3).

### 2. Legal Authorities

The permittee must adopt all legal authority necessary to fully implement its approved pretreatment program and to comply with all applicable state and federal pretreatment regulations. The permittee must also establish, where necessary, contracts or agreements with contributing jurisdictions to ensure compliance with pretreatment requirements by industrial users within these jurisdictions. These contracts or agreements must identify the agency responsible for all implementation and enforcement activities to be performed in the contributing jurisdictions. Regardless of jurisdictional situation, the permittee is responsible for ensuring that all aspects of the pretreatment program are fully implemented and enforced.

### 3. Industrial Waste Survey

The permittee must update its inventory of industrial users at a frequency and diligence adequate to ensure proper identification of industrial users subject to pretreatment standards, but no less than once per year. The permittee must notify these industrial users of applicable pretreatment standards in accordance with 40 CFR § 403.8(f)(2)(iii).

### 4. National Pretreatment Standards

The permittee must enforce categorical pretreatment standards promulgated pursuant to section 307(b) and (c) of the Act, prohibited discharge standards as set forth in 40 CFR § 403.5(a) and (b), or local limits developed by the permittee in accordance with 40 CFR § 403.5(c), whichever are more stringent, or are applicable to any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

### 5. Local Limits

The permittee must perform a technical evaluation of the need to revise local limits within 18 months after permit re-issuance unless DEQ authorizes or requires, in writing, an alternate time frame. Locally derived discharge limits must be defined as pretreatment standards under section 307(d) of the Act and must conform to 40 CFR § 403.5(c) and § 403.8(f)(4). Technically based local limits must be developed in accordance with the procedures established by DEQ and the EPA's Local Limits Guidance.

### 6. Control Mechanisms

The permittee must issue an individual control mechanism to all Significant Industrial Users except where the permittee may, at its discretion, issue a general control mechanism as defined by 40 CFR § 403.8(f)(1)(iii); or certification in lieu of a control mechanism for Non-Significant Categorical Industrial Users (NSCIUs) as defined by 40 CFR § 403.3(v)(2), and Non-Discharging Categorical Industrial Users (NDCIUs). All individual and general control mechanisms must be enforceable and contain, at a minimum, the requirements identified in 40 CFR § 403.8(f)(1)(iii)(B); and, may contain equivalent concentration and mass based effluent limits where appropriate under 40 CFR § 403.6(c)(5) and (6). Unless a more stringent definition has been adopted by the permittee, the definition of Significant Industrial User must be as stated in 40 CFR § 403.3(v).

## 7. Compliance Monitoring

### a. Industrial User Sampling and Inspection

The permittee must randomly sample and analyze the effluent from Industrial Users at a frequency commensurate with the character, consistency, and volume of the discharge and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. The permittee must conduct a complete facility inspection; and, sample the effluent from each Significant Industrial User at least once a year at a minimum, unless otherwise specified below:

- i. Where the permittee has authorized the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with 40 CFR § 403.12(e)(2), the permittee must sample for the waived pollutant(s) at least once during the term of the Categorical Industrial User's control mechanism. In the event that the permittee subsequently determines that a waived pollutant is present or is expected to be present in the Industrial User's wastewater based on changes that occur in the User's operations, the permittee must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.
- ii. Where the permittee has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the permittee must evaluate, at least once per year, whether an Industrial User continues to meet the criteria in 40 CFR § 403.3(v)(2).
- iii. In the case of Industrial Users subject to reduced reporting requirements under 40 CFR § 403.12(e)(3), the permittee must randomly sample and analyze the effluent from Industrial Users and conduct inspections at least once every two years. If the Industrial User no longer meets the conditions for reduced reporting in 40 CFR § 403.12(e)(3), the permittee must immediately begin sampling and inspecting the Industrial User at least once a year.

### b. Industrial User Self Monitoring and Other Reports

The permittee must receive and analyze self-monitoring and other reports submitted by industrial users as required by 40 CFR § 403.8(f)(2)(iv) and § 403.12(b),(d),(e),(g) and (h). Significant Industrial User reports must include Best Management Practice (BMP) compliance information per 40 CFR § 403.12(b), (e), (h), where appropriate.

### c. Industrial User Monitoring in Lieu of Self-Monitoring

Where the permittee elects to conduct monitoring of an industrial user in lieu of requiring self-monitoring, the permittee must gather all information which would otherwise have been submitted by the user. The permittee must also perform the sampling and analyses in accordance with the protocols established for the user and must follow the requirements in 40 CFR § 403.12(g)(2) if repeat sampling is required as the result of any sampling violation(s).

### d. Sample Collection and Analysis

Sample collection and analysis, and the gathering of other compliance data, must be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Unless specified otherwise by the Director in writing, all sampling and analyses must be performed in accordance with 40 CFR part 136 or 40 CFR part 503 for biosolids analytes.

## 8. Slug Control Plans

The permittee must evaluate whether each Significant Industrial User needs a slug control plan or other action to control slug discharges. Industrial Users identified as significant after October 14, 2005, must be evaluated within 1 year of being designated a Significant Industrial User. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through or in any other way violate the

permittee's regulations, local limits, or conditions of this permit. The results of such activities must be available to DEQ upon request. The permittee must require Significant Industrial Users to immediately notify the permittee of any changes at its facility affecting potential for a slug discharge. If the permittee determines that a slug control plan is needed, the requirements to control slug discharges must be incorporated into the Significant Industrial User's control mechanism and the slug plan must contain, at a minimum, the following elements:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the permittee of slug discharges, including any discharge that would violate a prohibition under 40 CFR § 403.5(b) with procedures for follow-up written notification within five days; and
- d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

**9. Enforcement**

The permittee must identify all violations of the industrial user's permit or local ordinance. The permittee must investigate all such instances of industrial user noncompliance and take all necessary steps to return users to compliance. The permittee's enforcement actions must follow its approved legal authorities (for example, ordinances) and Enforcement Response Plan developed in accordance with 40 CFR § 403.8(f)(5).

**10. Public Notice of Significant Noncompliance**

The permittee must publish annual notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the permittee of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this requirement, an industrial user is in significant noncompliance if it meets one or more of the criteria listed in 40 CFR § 403.8(f)(2)(viii).

**11. Data and Information Management**

The permittee must develop and maintain a data management system designed to track the status of the industrial user inventory, discharge characteristics, and compliance. In accordance with 40 CFR § 403.12(o), the permittee must retain all records relating to pretreatment program activities for a minimum of 3 years and make such records available to DEQ and EPA upon request. The permittee must also provide public access to information considered effluent data under 40.CFR part 2.

**12. Annual Pretreatment Program Report**

The permittee must submit a complete report to DEQ on or before March 31 that describes the pretreatment program activities during the previous calendar year pursuant to 40 CFR § 403.12(i). For guidance on the content and format of this report, contact DEQ's pretreatment coordinator. Reports submitted to DEQ regarding pretreatment must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is for overall operation of the POTW<sup>12</sup>.

**13. Pretreatment Program Modifications**

The permittee must submit in writing to DEQ a statement of the basis for any proposed modification of its approved program and a description of the proposed modification in accordance with 40 CFR § 403.18. No substantial program modifications may be implemented by the delegated program prior to receiving written authorization from DEQ. This Schedule incorporates, by reference, all substantial and non-substantial pretreatment program modifications approved by DEQ prior to NPDES permit re-issuance.

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**14. Implementation of 2005 EPA Streamlining Amendments to 40 CFR Part 403**

The permittee must complete implementation of the required portions of the 2005 EPA streamlining amendments within 12 months after the permit reissuance unless DEQ authorizes or requires in writing an alternate time frame.

**SCHEDULE F  
General Conditions  
SCHEDULE F**

**NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES**

**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 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 \$10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any condition or limitation of this 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, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

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 \$250,000 and up to 10 years in prison per ORS chapter 161. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

**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 that has a reasonable likelihood of adversely affecting human health or the environment. 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.
- k. For communities with combined sewer overflows (CSOs):
  - (1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
  - (2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
  - (3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

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

**A6. Toxic Pollutants**

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 307(a) of the federal Clean Water Act for toxic pollutants, and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**A7. Property Rights and Other Legal Requirements**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

**A8. Permit References**

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

**A9. Permit Fees**

The permittee must pay the fees required by OAR.

**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

**B1. Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and

appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B2. Need to Halt or Reduce Activity Not a Defense

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

B3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.

- (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
  - iii. The permittee submitted notices and requests as required under General Condition B3.c.
- (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.b.(1).

c. Notice and request for bypass.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
  - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**B5. Treatment of Single Operational Upset**

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

**B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations**

- a. Definition. "Overflow" means any spill, release or diversion of sewage including:
  - (1) An overflow that results in a discharge to waters of the United States; and
  - (2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the United States.
- b. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

**B7. Public Notification of Effluent Violation or Overflow**

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 B8. 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.

**B8. 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 overflows, 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 public entities (including public water systems). The overflow 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.

B9. 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.

C2. Flow Measurements

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

C3. Monitoring Procedures

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

C4. Penalties of 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 use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

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

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503).

Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

**C9. Records Contents**

Records of monitoring information must include:

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

**C10. Inspection and Entry**

The permittee must allow DEQ or EPA upon the presentation of credentials to:

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

**C11. Confidentiality of Information**

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

**SECTION D. REPORTING REQUIREMENTS**

**D1. Planned Changes**

The permittee must comply with OAR 340-052, "Review of Plans and Specifications" and 40 CFR § 122.41(I)(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, 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) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

##### a. Overflows.

##### (1) Oral Reporting within 24 hours.

- i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.

- (a) The location of the overflow;
- (b) The receiving water (if there is one);
- (c) An estimate of the volume of the overflow;
- (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
- (e) The estimated date and time when the overflow began and stopped or will be stopped.

- ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:

- (a) The OERS incident number (if applicable); and
- (b) A brief description of the event.

##### (2) Written reporting within 5 days.

- i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:

- (a) The OERS incident number (if applicable);
- (b) The cause or suspected cause of the overflow;
- (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
- (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

##### b. Other instances of noncompliance.

##### (1) The following instances of noncompliance must be reported:

- i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
- ii. Any upset that exceeds any effluent limitation in this permit;
- iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
- iv. Any noncompliance that may endanger human health or the environment.

##### (2) 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).

##### (3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- i. A description of the noncompliance and its cause;
- ii. The period of noncompliance, including exact dates and times;
- iii. The estimated time noncompliance is expected to continue if it has not been corrected;

- iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
  - v. Public notification steps taken, pursuant to General Condition B7.
- (4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

**D6. Other Noncompliance**

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5 at the time monitoring reports are submitted. The reports must contain:

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

**D7. Duty to Provide Information**

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

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

**D8. Signatory Requirements**

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

**D9. Falsification of Information**

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

**D10. Changes to Indirect Dischargers**

The permittee must provide adequate notice to DEQ 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 federal 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 must 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.

**SECTION E. DEFINITIONS**

E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.

E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.

E3. *TSS* means total suspended solids.

- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m<sup>3</sup>/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow. The sample must be collected and stored in accordance with 40 CFR part 136.
- 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.
- E21. *POTW* means a publicly-owned treatment works.
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