

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

Department of Environmental Quality
Western Region – Salem Office
750 Front Street NE, Suite 120, Salem, OR 97301-1039
Telephone: (503) 378-8240

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

ISSUED TO: City of Medford 411 West Eighth Street Medford, Oregon 97501	SOURCES COVERED BY THIS PERMIT:		
	Type of Waste	Outfall Number	Outfall Location
	Treated Wastewater	001	Rogue River, RM 130.5
	Treated Wastewater, high flow use only	001A	Rogue River, RM 130.5
	Recycled Water Reuse	002	Irrigation

FACILITY TYPE AND LOCATION:

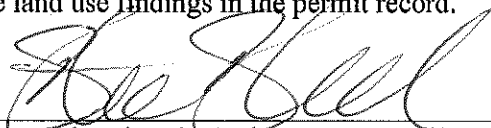
Trickling Filter – Activated Sludge
1100 Kirtland Road
Central Point, OR 97502
Treatment System Class: Level IV
Collection System Class: Level IV

RECEIVING STREAM INFORMATION:

Basin: Rogue
Sub-Basin: Middle Rogue
Receiving Stream: Rogue River
LLID: 1244292424210-130.5-D
County: Jackson

EPA REFERENCE NO: OR-002626-3

Issued in response to Application No. 973788 received on October 25, 2007. This permit is issued based on the land use findings in the permit record.



Steve Schnurbusch, Acting Water Quality Manager
Western Region

Date 12/13/11

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system and discharge to public waters adequately treated wastewaters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules.

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

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SCHEDULE A: WASTE DISCHARGE LIMITATIONS NOT TO BE EXCEEDED**1. Treated Effluent Outfall 001**

The permittee must comply with the effluent limits in the following tables at all times unless otherwise indicated.

a. BOD₅, CBOD₅ and TSS**i. June 1 – October 31**

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
CBOD ₅ (see Note A1, p. 6)	10 mg/L	15 mg/L	1700	2600	3400
TSS	10 mg/L	15 mg/L	1700	2600	3400

ii. November 1 - May 31:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	30 mg/L	45 mg/L	6300	9500	13,000
TSS	30 mg/L	45 mg/L	6300	9500	13,000

* Average dry weather design flow to the facility equals 20 MGD. Summer mass load limits based upon average dry weather design flow to the facility. Winter mass load limits based upon average wet weather design flow to the facility equaling 25.3 MGD. The daily mass load limit is suspended on any day in which the flow to the treatment facility exceeds 40 MGD (twice the design average dry weather flow). The permittee must operate the treatment facility at the highest and best practicable treatment and control.

b. Excess Thermal Loads: April 1 – September 15

The permittee must comply with the effluent limits in the following table upon permit issuance:

Time Period	Rogue River 7Q10 ¹ (cfs)	Excess Thermal Load Limit ² (million Kcals/day)	
		Stream Flow ¹ ≤ 7Q10	Stream Flow ¹ > 7Q10
Apr 1 – May 15	1154	513	$ETL = 0.1772 \text{ } ^\circ\text{C} \times (Q_e + Q_r) \times C_f$ <p>$Q_e = 7\text{-day average effluent flow rate, cfs}$</p> <p>$Q_r = 7\text{-day average flows from USGS gage 14339000 plus USGS gage 14348000, cfs.}$</p> <p>$C_f = \text{conversion factor } 2.446 \frac{\text{million kcal} \times \text{sec}}{^\circ\text{C} \times \text{ft}^3 \times \text{day}}$</p>
May 16 – May 31	1728	762	
Jun 1 – Jun 15	1740	768	
Jun 16 – Jun 30	1490	659	
Jul 1 – Aug 31	1438	637	
Sep 1 – Sep 15	1484	657	

¹USGS gage 4339000 Rogue River at Dodge Bridge, near Eagle Point plus USGS gage 14348000 Little Butte Creek below Eagle Point, Oregon.

c. Excess Thermal Loads: September 15 – October 31

- i. Until November 1, 2014, the permittee must comply with the interim effluent limits in the following table:

Time Period	Rogue River 7Q10 ¹ (cfs)	Excess Thermal Load Limit ² (million Kcals/day)	
		Stream Flow ¹ ≤ 7Q10	Stream Flow ¹ > 7Q10
Sep 16 – Sep 30	1008	755	ETL = 0.2923 °C x (Q _e + Q _r) x C _f
Oct 1 – Oct 15	1009	756	
Oct 16 – Oct 31	956	719	

- ii. Between November 1, 2014 and November 1, 2018, the permittee must comply with the interim effluent limits in the following table:

Time Period	Rogue River 7Q10 ¹ (cfs)	Excess Thermal Load Limit ² (million Kcals/day)	
		Stream Flow ¹ ≤ 7Q10	Stream Flow ¹ > 7Q10
Sep 16 – Sep 30	1008	654	ETL = 0.2485 °C x (Q _e + Q _r) x C _f
Oct 1 – Oct 15	1009	654	
Oct 16 – Oct 31	956	622	

- iii. Between November 1, 2018 and November 1, 2022, the permittee must comply with the interim effluent limits in the following table:

Time Period	Rogue River 7Q10 ¹ (cfs)	Excess Thermal Load Limit ² (million Kcals/day)	
		Stream Flow ¹ ≤ 7Q10	Stream Flow ¹ > 7Q10
Sep 16 – Sep 30	1008	523	ETL = 0.2193 °C x (Q _e + Q _r) x C _f
Oct 1 – Oct 15	1009	523	
Oct 16 – Oct 31	956	497	

- iv. After November 1, 2022, the permittee must comply with the final excess thermal load effluent limitation:

Time Period	Rogue River 7Q10 ¹ (cfs)	Excess Thermal Load Limit ² (million Kcals/day)	
		Stream Flow ¹ ≤ 7Q10	Stream Flow ¹ > 7Q10
Sep 16 – Sep 30	1008	450	ETL = 0.1772 °C x (Q _e + Q _r) x C _f
Oct 1 – Oct 15	1009	451	
Oct 16 – Oct 31	956	428	

¹ USGS gage 14339000 Rogue River at Dodge Bridge near Eagle Point plus USGS gage 14348000 Little Butte Creek below Eagle Point, Oregon

² Where Q_e = 7-day average effluent flow rate, (cfs)

Q_r = 7-day average flows from USGS gage 14339000 plus USGS gage 14348000 (cfs)

C_f = conversion factor 2.446 $\frac{\text{million kcal} \times \text{sec}}{\text{°C} \times \text{ft}^3 \times \text{day}}$

d. Other Parameters

Year-round (except as noted)	Limitations
<i>E. coli</i> Bacteria	Must not exceed 126 organisms per 100 mL monthly geometric mean. No single sample may exceed 406 organisms per 100 mL (see Note A2, p. 6)
pH	Must be within the range of 6.0 to 9.0 S.U.
BOD ₅ (Nov-May), CBOD ₅ (Jun-Oct), and TSS Removal Efficiency	Must not be less than 85% monthly average.
Total Residual Chlorine	Must not exceed a monthly average concentration of 0.02 mg/L and a daily maximum concentration of 0.04 mg/L (see Note Error! Reference source not found., p. Error! Bookmark not defined.).
Ammonia-N (June - October)	Must not exceed a monthly average concentration of 13 mg/L and a daily maximum concentration of 25 mg/L.

e. Permit Shield and Regulatory Mixing Zone

No wastes may be discharged or activities conducted that cause or contribute to a violation of water quality standards in OAR 340-041 applicable to the Rogue Basin except as provided for in OAR 340-045-0080 and the following regulatory mixing zone:

The allowable mixing zone is that portion of the Rogue River contained within a band extending out 100 feet from the south bank of the river and extending from a point 10 feet upstream of the outfall to a point 300 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of the allowable mixing zone that is within 2 feet upstream to 30 feet downstream of the point of discharge.

2. Outfall 001A – High Flow Use Only

- a. No discharge to state waters is permitted, except on days when the instantaneous flow rate exceeds 90 million gallons per day. The effluent limitations in Schedule A, condition 1 apply to discharges from Outfall 001A.

3. Recycled Wastewater Outfall 002

- a. No discharge to state waters is permitted. Recycled water must be treated to the appropriate level and reused for the following beneficial purposes:

Level of Treatment	Beneficial Purpose	Alternative Approval?
Class A	Any purpose allowed by OAR 340-055 for Class A recycled water, except for artificial groundwater recharge.	No

- b. All recycled water use distributed on land for dissipation by evapotranspiration and controlled seepage must follow sound irrigation practices so as to prevent:
 - i. Prolonged ponding of treated recycled water on the ground surface;
 - ii. Surface runoff or subsurface drainage through drainage tile;
 - iii. The creation of odors, fly and mosquito breeding or other nuisance conditions;
 - iv. The overloading of land with nutrients, organics, or other pollutant parameters; and,
 - v. Impairment of existing or potential beneficial uses of groundwater.
- c. Prior to use, the Class A recycled water must receive at least Class A treatment as defined in OAR 340-055 and meet the following criteria:
 - i. Prior to disinfection, the turbidity must not exceed an average of 2 nephelometric turbidity units (NTUs) within a 24-hour period, 5 NTUs more than 5 percent of the time within a 24-hour period and 10 NTUs at any time.
 - ii. After disinfection, total coliform must not exceed a median of 2.2 organisms per 100 mL based on results of the last 7 days that analyses have been completed and 23 total coliform organisms per 100 mL in any single sample.
- d. All use of recycled water must conform to the Recycled Water Use Plan approved by DEQ. Upon approval of the Recycled Water Use Plan, the Plan is an enforceable permit condition.

3. No activities may be conducted 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 in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040).

4. Septage must not be accepted at this facility for treatment or processing without written approval from DEQ.

Schedule A Notes

- A1. The CBOD₅ concentration limits are considered equivalent to the minimum design criteria for BOD₅ specified in OAR 340-041. These limits and CBOD₅ mass limits may be adjusted (up or down) by permit action if more accurate information regarding CBOD₅/BOD₅ becomes available.
- A2. If a single sample exceeds 406 organisms per 100 mL, then 5 consecutive re-samples may be taken at 4-hour intervals beginning within 72 hours after the original sample was taken. If the log mean of the 5 re-samples is less than or equal to 126 organisms per 100 mL, a violation will not be triggered.

SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS**1. Minimum Monitoring Requirements**

The permittee must monitor the parameters as specified below at the locations indicated. The laboratory used by the permittee to analyze samples must have a quality assurance/quality control (QA/QC) program to verify the accuracy of sample analysis. If QA/QC requirements are not met for any analysis, the results must be included in the report, but not used in calculations required by this permit. When possible, the permittee must re-sample in a timely manner for parameters failing the QA/QC requirements, analyze the samples, and report the results.

a. Influent

The facility influent grab and composite samples and measurements must be taken at taken just after the bar screen and just before the aerated grit chamber.

Item or Parameter	Time Period	Minimum Frequency	Type of Sample
Total Flow (MGD)	Year round	Daily	Measurement
Flow Meter Calibration	Year round	Quarterly	Verification
BOD ₅	November - May	3/Week	24-hour Composite
CBOD ₅	June - October	3/Week	24-hour Composite
TSS	Year round	3/Week	24-hour Composite
pH	Year round	Daily	Continuous (see Note B1, p. 12)
Metals Cyanide Phenols Hardness (see Note B2, p. 12)	January - March April - June July - September October - December	Quarterly using 3 consecutive days from Monday through Friday (see Note B3, p. 14)	24-hour daily composite (see Note B4, p. 14)

b. Outfall 001

The facility effluent grab and composite samples and measurements must be taken from the end of any active chlorine contact channel. All final chlorine residual samples and all toxicity samples must be taken after dechlorination and before the effluent flume.

Item or Parameter	Time Period	Minimum Frequency	Type of Sample
BOD ₅	November - May	3/Week	24-hour Composite
CBOD ₅	June - October	3/Week	24-hour Composite
TSS	Year round	3/Week	24-hour Composite
pH	Year round	Daily	Continuous (see Note B1, p. 12)
<i>E. coli</i>	Year round	3/Week	Grab
Ammonia (NH ₃ -N)	June - October	3/Week (Jun-Oct)	24-hour Composite
Quantity Chlorine Used (pounds)	Year round	Daily	Measurement
Chlorine Residual	Year round	Daily	Grab
Pounds discharged and % removed TSS and BOD	November - May	Monthly	Calculation
Pounds discharged and % removed TSS and CBOD ₅	June - October	Monthly	Calculation

Toxics and related parameters

Item or Parameter	Time Period	Minimum Frequency	Type of Sample
Whole Effluent Toxicity	Beginning First Quarter 2012:	Quarterly until 4 consecutive tests show no toxicity at dilutions at ZID (acute) and MZ (chronic).	Grab for acute testing (see condition D.6.a.iii, p. 19) 24-hr composite for chronic testing (see D.6.b.iii, p. 19)
	January – March		
	April – June		
	July – September		
Metals, Cyanide, Phenol, and Hardness (see Note B2, p. 12)	January – March	Quarterly using 3 consecutive days from Monday through Friday (see Note B3, p. 14)	24-hour daily composite (see Note B4, p. 14)
	April – June		
	July – September		
	October – December		
Base-neutral, Volatile, and Acid-extractable organics; and pesticides. (see Note B2, p. 12)	September	2/year for the first 2 years (see Note B3, p. 14)	24-hour composite (see Note B4, p. 14)
	February		

Excess Thermal Load

Item or Parameter	Time Period	Minimum Frequency	Type of Sample
Temperature, Daily Maximum (°C)	April 1 - October 31	Daily	Continuous (see Note B1, p. 12)
Temperature, 7-day Average of Daily Maximums (million kcal/day)	April 7 - October 31	Daily	Calculation (rolling 7-day average)
Thermal Credits (million kcal/day)	April 7 - October 31	Daily	Calculation, per the procedures in the approved trading program
Excess Thermal Load, 7-day Average (million kcal/day)	April 7 - October 31	Daily	Calculation ¹

$$^1 \text{Excess Thermal Load (ETL)} = Q_E(T_E - T_R)C_f - TC \text{ million Kcals/day}$$

Where Q_E = rolling 7-day average effluent flow, cfs

T_E = rolling 7-day average of the daily maximums temperature flow, °C

T_R = the applicable criterion, °C (listed in table below)

C_f = conversion factor $2.446 \frac{\text{million kcal} \times \text{sec}}{^\circ\text{C} \times \text{ft}^3 \times \text{day}}$

TC = Thermal Credits, million kcals/day

Time Period	Applicable Criterion, °C (T_R)
Apr 1 – May 15	13.0
May 16 – May 31	13.5
Jun 1 – Jun 15	16.5
Jun 16 – Jun 30	16.7
Jul 1 – Aug 31	19.4
Sep 1 – Sep 15	17.9
Sep 16 – Sep 30	15.5
Oct 1 – Oct 15	13.6
Oct 15 – Oct 31	13.0

c. Biosolids and Sewage Sludge Management (see Note B9, p. 15)

Item or Parameter	Minimum Frequency	Type of Sample
For all anaerobically digested Class B biosolids land applied:		
Total Solids (% dry wt.) Volatile solids (% dry wt.) NH ₃ -N; NO ₃ -N; & TKN (% dry wt.) Phosphorus (% dry wt.) Potassium (% dry wt.) pH (standard units)	Bimonthly when land applying	Composite sample to be representative of the product to be land applied from the sludge drying bed (see Note B6, p. 15)
Ag, As, Cd, Cr, Cu, Hg, Mo, Ni, Pb, Se, and Zn (measured as total in mg/kg dry weight)	Bimonthly when land applying	Composite sample to be representative of the product to be land applied from the sludge drying bed (see Note B6, p. 15)
Record of locations where biosolids are applied on each DEQ-approved site. (Site location maps to be maintained at treatment facility for review upon request by DEQ)	Each occurrence	Record of date, volume, and locations where biosolids were applied on site location map
Record of % volatile solids reduction accomplished through stabilization	Monthly when land applying	Calculation (see Note B7, p. 15)
Record of digestion days (mean cell residence time)	Monthly	Calculation
Daily Minimum Biosolids Temperature	Daily	Record
Fecal coliform per gram total solids (dry weight basis)	Monthly when land applying	At least 7 individual samples representative of the product to be land applied from the sludge drying bed (see Note B8, p. 15)
For all biosolids or sewage sludge disposed of in a landfill:		
Record of percent total solids and volume of all biosolids or sewage sludge disposed	Each occurrence	Record of date and volume.

- d. Recycled Water Outfall 002
Monitoring is required only when using and/or delivering recycled water.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD) or Quantity Irrigated (inches/acre)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
Quantity Chlorine Used	Daily	Measurement
Chlorine Residual	Daily	Grab
pH	Daily	Continuous
Total Coliform	Daily (Class A)	Grab
Turbidity	Hourly (see Note B10, p. 15)	Measurement
Nutrients (TKN, NO ₂ +NO ₃ -N, NH ₃ , Total Phosphorus)	Quarterly	Grab

- e. Rogue River

Item or Parameter	Time Period	Minimum Frequency	Type of Sample
Rogue River Flow	April 1 – October 31	Daily	Calculation (see Note B5, p. 14)

2. Monthly Report Submittals

- a. Monthly discharge monitoring reports (DMRs) must be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the DEQ regional office by the 15th day of the following month.
- b. Monthly DMRs must identify the name, certificate classification, and grade level of each principal operator designated by the permittee as responsible for supervising the wastewater collection and treatment systems during the reporting period. Monitoring reports must also identify each system classification as found on page 1 of this permit.
- c. Monthly DMRs must include a record of all applicable equipment breakdowns and bypassing.

3. Annual Report Submittals

- a. By January 15 of each year, the permittee must submit an annual report for the previous year if recycled water was generated and used during that year. The report must describe the effectiveness of its recycled water system to comply with the approved Recycled Water Use Plan, OAR 340-045-055, and limitations and conditions of this permit applicable to the reuse of recycled water. One copy of the annual report must be submitted to the DEQ regional office; a second copy must be submitted to the DEQ Reuse Water Coordinator.
- b. By February 1 of each year, the permittee must submit to an annual report to the DEQ regional office the results of its credit trading activities for the previous year. The report must include the following:
 - i. Summary descriptions of trading activities, quantity of credits generated by each activity, and a cumulative sum of all credits generated.

- ii. Whether credits were generated by activities conducted by the permittee or through trading agreements.
 - iii. How the credits were used (for example, applied towards compliance with waste discharge limitations, sold to another permittee, insurance reserve for future use).
 - iv. A progress update relative to the interim goals defined for the trading program.
 - v. A report of progress on achieving compliance with the final thermal load limits.
 - vi. Other activities performed during the previous calendar year to reduce or prevent thermal loading, including an estimate of the heat reduced or prevented in million kilocalories per day.
- c. By February 19 of each year, the permittee must submit an annual report to the DEQ regional office for the previous year if biosolids are land applied during that year. The report must describe solids handling activities and include, but is not limited to, the required information outlined in OAR 340-050-0035(6)(a)-(e).
- d. By August 1 of each year, the permittee must submit to the DEQ regional office an annual report that details sewer collection maintenance activities that reduce inflow and infiltration. The report must state those activities that have been done in the previous year and those activities planned for the following year.

4. Other Report Submittals

- a. By March 1, 2014, the permittee must submit a Summary Report (in both electronic and paper versions) and copies of the laboratory analytic reports for all pollutants in note B2 below. The electronic Summary Report must be on a DEQ-approved template. The report must include all the information listed in Schedule B, condition 2 above.
- b. Following the submission of effluent monitoring results and subject to the provisions in **Schedule F (Section D7)**, the Department may request in writing that the permittee provide additional effluent and/or ambient water quality data to determine whether cause exists for modifying the permit.
- c. By June 1, 2016, the permittee must submit a Mixing Zone Study Report for Department review and approval. The report must include:
- i. Environmental mapping
 - ii. Outfall, regulatory mixing zone, and regulatory zone of immediate dilution description
 - iii. Ambient receiving water conditions
 - iv. Discharge characteristics
 - v. Mixing zone modeling analysis
 - vi. Additional water quality data, as appropriate

5. Reporting Analytical Results Less than the Quantitation Level

- a. Unless the Department instructs the Permittee in writing to do otherwise, the following procedures are to be used for analytic results that are less than the quantitation level:
- i. Sample result at or below detection level
If a sample result is at or below the detection level, report the result as less than the specified detection level. For example, if the detection level is 1.0 ug/L and the result is non-detect, report "<1.0 ug/L" on the DMR.
 - ii. Sample result above detection level but below quantitation level
If a sample result is above the detection level but below the quantitation level, report the result as the detection level preceded by the DEQ data code "e". This code identifies the result as being

between the detection level and quantitation level. For example, if the detection level is 1 ug/L and the quantitation level is 5 ug/L and the sample result is 4 ug/L, report "e1 ug/L" on the DMR.

Schedule B Notes

- B1. The following applies to continuous monitoring when used for the parameters in Schedule B above:
- a. DEQ must approve the use of stream monitoring data collected by another entity (for example, USGS) prior to being used; and
 - b. DEQ acknowledges that uninterrupted data collection is not guaranteed. In the event of equipment failure or loss, the permittee must notify DEQ and deploy repaired or new equipment to minimize interruption of data collection. During any period of data loss beyond the reasonable control of the permittee, temperature and/or pH may be estimated by any method acceptable to DEQ.
- B2. Analytical results from metals, cyanide, phenol, hardness, base-neutral organics, volatile organics, and acid-extractable organics must be submitted in a summary report as detailed in condition B.4 above and need not be submitted with the monthly reports. However, Permittee must note on monthly reports the dates that the monitoring is conducted.

Whenever possible, the permittee must use a test method, as indicated in 40 CFR § 136.3, with a Quantitation Limit (QL) that is lower than the permitted effluent limit or water quality criteria for priority pollutant scans. The permittee must ensure that all monitoring analysis reports contain both the QL and the detection level as defined below:

- a. Detection Level: Same as the Method Detection Limit (MDL) derived using 40 CFR part 136 Appendix B.
- b. Quantitation Limit (QL): Same as the Method Reporting Limit (MRL). It is the lowest level at which the entire analytic system must give 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.

Metals¹, Cyanide, Phenols and Hardness					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Antimony	7440360	0.1	Arsenic (total)	7440382	0.5
Beryllium	7440417	0.1	Cadmium	7440439	0.1
Chromium	7440473	0.4	Chromium (III)	16065831	10
Chromium (VI)	18540299	10	Copper	7440508	10
Iron (dissolved)	7439896	100	Lead	7439921	5
Mercury	7439976	0.01	Nickel	7440020	10
Selenium	7782492	2	Silver	7440224	1
Thallium	7440280	0.1	Zinc	7440666	5
Cyanide (total)	57125	5	Cyanide (free)	57125	5
Total Phenolic Compounds	NA	NA	Hardness	NA	NA

¹All metals must be analyzed for total and dissolved

Base-Neutral Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Acenaphthene	83329	1	Acenaphthylene	208968	1
Anthracene	120127	1	Benzidine	92875	10

Base-Neutral Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Benzo(a)Anthracene	56553	1	Benzo(a)Pyrene	50328	1
3,4-Benzoflouranthene	205992	1	Benzo(ghi)Perylene	191242	1
Benzo(k)flouranthene	207089	1	Bis(2-Chloroethoxy) Methane	111911	2
Bis(2-Chloroethyl)-Ether	111444	1	Bis(2-Chloroiso-Propyl) Ether	108601	2
Bis(2-Ethylhexyl) Phthalate	117817	1	4-Bromophenyl Phenyl Ether	101553	1
Butyl Benzyl Phthalate	85687	1	2-Chloronaphthalene	91587	1
4-Chlorophenyl Phenyl Ether	7005723	1	Chrysene	218019	1
Dibenzo(a,h) Anthracene	53703	1	1,2-Dichlorobenzene	95501	0.5
1,3-Dichlorobenzene	541731	0.5	1,4-Dichlorobenzene	106467	0.5
Dichlorobenzenes *	NA	0.5	3,3-Dichlorobenzidene	91941	1
Diethyl Phthalate	84662	1	Dimethyl Phthalate	131113	1
Di-n-Butyl Phthalate	84742	1	2,4-Dinitrotoluene	121142	1
2,6-Dinitrotoluene	606202	1	Dinitrotoluenes **	NA	1
Di-n-Octyl Phthalate	117840	1	1,2-Diphenyl-hydrazine	122667	5
Diphenyl-hydrazine	NA	5	Fluoranthene	206440	2
Fluorene	86737	1	Hexachlorobenzene	118741	1
Hexachlorobutadiene	87683	2	Hexachlorocyclo-pentadiene	77474	2
Hexachloroethane	67721	2	Indeno(1,2,3-cd) Pyrene	193395	1
Isophorone	78591	10	Naphthalene	91203	1
Nitrobenzene	98953	1	N-Nitrosodi-Methylamine	62759	1
N-Nitrosodi-N-Propylamine	621647	2	N-Nitrosodi-Phenylamine	86306	1
Pentachlorobenzene	608935	10	Phenanthrene	85018	1
Pyrene	129000	1	1,2,4-Trichlorobenzene	120821	0.5
1,2,4,5-Tetrachlorobenzene	95943	1			
* For the purposes of the Summary Report, Total Dichlorobenzenes is highest single cumulative sampling event of the 3 isomers (1,2;1,3 & 1,4). No additional monitoring is required.					
** For the purposes of the Summary Report, Total Dinitrotoluene is highest single cumulative sampling event of the 2 isomers (2,4 & 2,6). No additional monitoring is required.					

Volatile Organic Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Acrolein	107028	5	Acrylonitrile	107131	5
Benzene	71432	0.5	Bromoform	75252	0.5
Carbon Tetrachloride	56235	0.5	Chlorobenzene	108907	0.5
Chlorodibromomethane	124481	0.5	Chloroethane	75003	0.5
2-Chloro-Ethylvinylether	110758	5	Chloroform	67663	0.5
Dichlorobromomethane	75274	0.5	1,1-Dichloroethane	75343	0.5
1,2-Dichloroethane	107062	0.5	1,1-Dichloroethylene	75354	0.5
1,2-Dichloropropane	78875	0.5	1,3-Dichloropropylene	542756	0.5
Ethylbenzene	100414	0.5	Halomethanes	NA	NA
Methyl Bromide	74839	0.5	Methyl Chloride	74873	0.5
Methylene Chloride	75092	0.5	Polynuclear Aromatic Hydrocarbons	NA	NA
1,1,2,2-Tetrachloro-ethane	79345	0.5	Tetrachloro-ethylene	127184	0.5
Toluene	108883	0.5	1,2-Trans-Dichloroethylene	156605	0.5
1,1,1-Tr ichloroethane	71556	0.5	1,1,2-Trichloroethane	79005	0.5
Trichloroethylene	79016	0.5	Vinyl Chloride	75014	0.5

Acid-Extractable Compounds					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
2-Chlorophenol	95578	1	2,4-Dichlorophenol	120832	1
2,4-Dimethylphenol	105679	5	4,6-Dinitro-o-Cresol	534521	2
2,4-Dinitrophenol	51285	5	2-Nitrophenol	88755	2
4-Nitrophenol	100027	5	p-Chloro-m-Cresol	59507	1
Pentachlorophenol	87865	2	Phenol	108952	1
2,4,5-Trichlorophenol	95954	2	2,4,6-Trichlorophenol	88062	1

Pesticides					
Pollutant	CAS Number	QL (µg/L)	Pollutant	CAS Number	QL (µg/L)
Aldrin	309002	0.01	Endrin	72208	0.01
BHC alpha-	319846	0.01	Endrin Aldehyde	7421934	0.01
BHC beta-	319857	0.01	Heptachlor	76448	0.01
BHC gamma -- (Lindane)	58899	0.01	Haptachlor Epoxide	1024573	0.01
BHC delta	319868	0.01	PCB, Arochlor 1016 1	12674112	0.5
Chlordane	57749	0.1	PCB, Arochlor 1221 1	11104282	0.5
DDD 4,4'-	72548	0.01	PCB, Arochlor 1232 1	11141165	0.5
DDE 4,4'-	72559	0.01	PCB, Arochlor 1242 1	53469219	0.5
DDT 4,4'-	50293	0.01	PCB, Arochlor 1248 1	12675296	0.5
Dieldrin	60571	0.01	PCB, Arochlor 1254 1	11097691	0.5
Endosulfan alpha-	959988	0.01	PCB, Arochlor 1260 1	11096825	0.5
Endosulfan beta-	33213659	0.01	Toxaphene	8001352	0.01
Endosulfan Sulfate	1031078	0.01			

1 PCB Reporting – Total PCB should be reported along with the individual PCB results

- B3. For effluent cyanide samples, at least 6 discrete grab samples must be collected over the operating day. Each aliquot must not be less than 100 mL and must be collected and composited into a larger container that has been preserved with sodium hydroxide for cyanide samples to insure sample integrity.
- B4. Samples must be 24-hour daily composites, except where sampling volatile compounds. In this case, 6 discrete samples (not less than 40 mL) collected over the operating day are acceptable. The permittee must take special precautions in compositing the individual grab samples for the volatile organics to insure sample integrity (that is, no exposure to the outside air). Alternately, the discrete samples collected for volatiles may be analyzed separately and averaged.
- B5. Receiving stream flow rate may be derived from the USGS gauging stations 4339000 Rogue River at Dodge Bridge, near Eagle Point, and USGS gage 14348000 Little Butte Creek below Eagle Point, Oregon. In the event that this data is temporarily unavailable, the permittee may use the historical average adjusted by the relative flows from the nearest available USGS gauging station. In the event the data from either gauging station becomes permanently unavailable, the permittee must obtain DEQ approval for an alternative flow determination strategy.

- B6. Composite samples from the sludge drying bed must be taken from reference areas in the sludge drying bed pursuant to *Test Methods for Evaluating Solid Waste, Volume 2; Field Manual, Physical/Chemical Methods*, November 1986, Third Edition, Chapter 9.

Inorganic pollutant monitoring must be conducted according to *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, Second Edition (1982) with Updates I and II and Third Edition (1986) with Revision I.

- B7. Calculation of the % volatile solids reduction is to be based on comparison of a representative grab sample of total and volatile solids entering each digester (a weighted blend of the primary and secondary clarifier solids) and a representative composite sample of solids being land applied.
- B8. Analyze and report fecal coliform result for each individual sample separately. Calculate and report the geometric mean of all the samples.
- B9. Monitoring of biosolids in accordance with this Schedule is not required unless the sludge is beneficially land applied as biosolids. All biosolids monitoring results must be included in the yearly report and do not have to be included in the monthly discharge monitoring report (DMR).
- B10. Monitoring data for turbidity will be collected continuously using an on-line turbidimeter. Hourly turbidity data may be extracted and reported on approved forms from the continuously recorded data. Should the on-line turbidimeter become inoperable, then the hourly turbidity data may be collected manually on an hourly frequency during the interim period.

SCHEDULE C: COMPLIANCE SCHEDULE

1. Excess Thermal Loads

- a. The permittee must comply with the final excess thermal load effluent limitation in condition A.1.c.iv, p. 5, by November 1, 2022. Until the final compliance deadline, the permittee must comply with the interim excess thermal load effluent limitations in condition A.1.c, p. 4.
 - i. Beginning in 2013 and ending in 2022, permittee must complete planting of at least one project per calendar year.
 - ii. By December 31, 2014, permittee must have obtained a total of at least 35 million kilocalories per day in thermal credits.
 - iii. By December 31, 2018, permittee must have obtained a total of at least 88 million kilocalories per day in thermal credits.
 - iv. By December 31, 2022, permittee must have obtained a total of at least 177 million kilocalories per day in thermal credits.
- b. The permittee must provide written notice of compliance or noncompliance with interim requirements within 14 days following each milestone. (See general condition F.D.4).
- c. Annual Report of Progress: See Schedule B, condition 3.b.v.

2. Re-Opener Clause

This permit may be re-opened and modified to be consistent with conditions or mitigation measures imposed as a result of EPA's Endangered Species Act consultation with NMFS and USFW on the DEQ rule authorizing the use of this compliance schedule. If such a re-opener is necessary, DEQ will commence modification of this permit by notifying the permittee and seeking public comment on the proposed modifications within 2 years after the later of: (a) the date EPA's re-approval of Oregon's compliance schedules rule becomes final, or (b) the date DEQ completes any required implementation of EPA re-approval, unless the date for completion of implementation exceeds 2 years from the date of EPA's action, in which case the modifications must commence within a period of 4 years from the date of EPA's re-approval.

SCHEDULE D: SPECIAL CONDITIONS**1. Wastewater System Operator Certification**

The permittee must comply with OAR 340-049 *Regulations Pertaining to Certification of Wastewater System Operator Personnel* and the following:

- a. The permittee must have its wastewater system supervised by one or more operators who are certified in a classification and grade level (equal to or greater) that corresponds with the classification (collection and/or treatment) of the system to be supervised as specified on page one of this permit.

Note: A "supervisor" is defined as the person exercising authority for establishing and executing the specific practice and procedures of operating the system in accordance with the policies of the permittee and requirements of the waste discharge permit. "Supervise" means responsible for the technical operation of a system, which may affect its performance or the quality of the effluent produced. Supervisors are not required to be on-site at all times.

- b. The permittee's wastewater system must not be without supervision (as required by condition D.1.a. above) for more than 30 days. During this period and any time the supervisor is not available to respond on-site (for example, vacation, sick leave), the permittee must make available another person who is certified at no less than one grade lower than the system classification.
- c. If the wastewater system has more than one daily shift, the permittee must have the shift supervisor, if any, certified at no less than one grade lower than the system classification.
- d. The permittee is responsible for ensuring the wastewater system has a properly certified supervisor available at all times to respond on-site at the request of the permittee and to any other operator.
- e. The permittee must notify DEQ in writing within 30 days of replacement or re-designation of certified operators responsible for supervising wastewater system operation. The notice must be filed with the Water Quality Division, Operator Certification Program, 2020 SW 4th Avenue, Suite 400, Portland OR. 97201.
- f. 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. The written request must include justification for the time needed, a schedule for recruiting and hiring, the date the system supervisor availability ceased, and the name of the alternate system supervisor(s) as required by condition D.1.b. above.

2. Biosolids and Sewage Sludge Management

- a. All biosolids must be managed in accordance with the current, DEQ-approved biosolids management plan, and the site authorization letters issued by DEQ. Any changes in solids management activities that significantly differ from operations specified under the approved plan require the prior written approval of DEQ.
- b. All new biosolids application sites must be located within Jackson County and meet the site selection criteria set forth in OAR 340-050-0070. All currently approved sites are located in Jackson County and no new public notice is required for the continued use of these currently approved sites.
- c. Property owners adjacent to any newly approved application sites must be notified in writing or by any other method approved by DEQ of the proposed activity prior to the start of application. For proposed new application sites that are deemed by DEQ to be sensitive with respect to residential housing, runoff

potential, or threat to groundwater, an opportunity for public comment must be provided in accordance with OAR 340-050-0030.

- e. This permit may be modified to incorporate any applicable standard for biosolids use or disposal promulgated under section 405(d) of the federal Clean Water Act, if the standard for biosolids use or disposal is more stringent than any requirements for biosolids use or disposal in the permit, or controls a pollutant or practice not limited in this permit.
- e. If biosolids are disposed of in a landfill cell or are used as interim cover, disposal and waste monitoring must be in accordance with OAR 340-093.

3. Recycled Water Management

The permittee must meet the requirements for use of recycled water under OAR 340-055, including the following:

- a. No recycled water may be released by the permittee until a Recycled Water Use Plan is approved by DEQ.
- b. All recycled water must be managed in accordance with the approved Recycled Water Use Plan. No substantial changes may be made in the approved plan without written approval of DEQ.
- c. The permittee must notify DEQ within 24 hours if it is determined that the treated effluent is being used in a manner not in compliance with OAR 340-055. When the DEQ regional office is not open, the permittee must report the incident of noncompliance to the Oregon Emergency Response System at 1-800-452-0311.
- d. No recycled water may be made available to a person proposing to recycle until that person certifies in writing that they have read and understand the provisions in these rules. This written certification must be kept on file by the permittee and made available to DEQ upon request.
- e. Recycled water used by a wastewater treatment system owner for landscape irrigation or for in plant processes at a wastewater treatment system is not subject the requirements of condition A.2 (Recycled Water) if:
 - 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; and
 - iv. Public access to the site is restricted.

4. Inflow and Infiltration (I/I) Reduction Program

The permittee must have in place an ongoing program to identify and reduce inflow and infiltration (I/I) into the sewage collection system. The program must include goals for I/I identification (e.g. miles of pipe smoke tested, number of basins flow mapped), criteria for ranking I/I reduction projects and a list of I/I removal projects.

5. Groundwater Quality

The permittee is not required to perform a formal hydrogeologic characterization or preliminary groundwater monitoring during the term of this permit provided:

- a. The facilities are operated in accordance with the permit conditions, and;
- b. There are no adverse groundwater quality impacts (complaints or other indirect evidence) resulting from the facility's operation.

If warranted, at permit renewal DEQ may evaluate the need for a full assessment of the facilities impact on groundwater quality.

6. Whole Effluent Toxicity Testing

a. 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. Tests must be conducted on final effluent sample collected as a single grab or 24-composite sample. No treatments to the final effluent (for example, dechlorination), except those included as part of the methodology, may be performed by the laboratory unless approved by DEQ prior to analysis.
- iv. Acute tests must be conducted on a control and a minimum of the following dilution series, unless otherwise approved by DEQ in writing: 2.5%, 11%, 20%, 35%, 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 dilutions equal to or less than the dilution that is known to occur at the edge of the zone of immediate dilution (11 percent effluent).

b. 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. Tests must be conducted on final effluent samples collected as 24-hour composite samples. No treatments to the final effluent (for example, dechlorination), except those included as part of the methodology, may be performed by the laboratory unless approved by DEQ prior to analysis.
- iv. Chronic tests must be conducted on a control and a minimum of the following dilution series, unless otherwise approved by DEQ in writing: 2.5%, 7.1%, 20%, 35%, and 100%.

- v. A chronic WET test will be considered to show toxicity if the IC₂₅ (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 (7.1 percent effluent).
- c. Dual End-Point Tests – Organisms and Protocols
- 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 must 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. Tests must be conducted on final effluent samples collected as described in condition D.10.b.iii above.
 - iv. Tests run as dual end-point tests must be conducted on a control and a minimum of the following dilution series, unless otherwise approved by DEQ in writing: 2.5%, 7.1 %, 11%, 20%, and 100%.
 - v. Toxicity determinations for dual end-point tests must correspond to the acute and chronic definitions in conditions D.10.a.v and D.10.b.v above.
- d. Additional Sampling
At the time of WET sampling, effluent samples should also be collected and analyzed for metals, hardness, and ammonia.
- e. Evaluation of Causes and Exceedances
- i. If any test exhibits toxicity as defined in conditions D.10.a.v and D.10.b.v above, another toxicity test using the same species and DEQ-approved methodology must be conducted within 2 weeks, unless otherwise approved by DEQ.
 - ii. If two consecutive WET test results indicate toxicity as defined in conditions D.10.a.v and D.10.b.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, for example, NOEC, LOEC, and IC₂₅.
 - iv. The permittee must make available to DEQ upon request the written standard operating procedures used for all toxicity tests required by DEQ.

g. Reopener

DEQ may reopen and modify this permit to include new limitations, monitoring requirements, and/or conditions as determined by DEQ to be appropriate in accordance with procedures outlined in OAR 340-045 if:

- i. WET testing data indicate acute and/or chronic toxicity;
- ii. The facility undergoes any process changes; or
- iii. Discharge monitoring data indicate a change in the reasonable potential to exhibit toxicity.

7. **Water Quality Credit Trading in the Rogue Basin**

The permittee is authorized to use water quality credit trading to comply with the waste discharge limitations in Schedule A provided its credit trading activities comply with the requirements of this section.

a. Approved Credit Trading Program and Changes

The DEQ-approved credit trading program is incorporated into this permit by reference. All credit trading activities must be conducted according to the procedures in the DEQ-approved credit trading program. The permittee must submit any change in direction or objectives of its approved program to DEQ for approval at least 90 days prior to implementation. DEQ may allow for a shorter timeframe provided public notice can be provided as directed below.

- i. *Public notice.* DEQ will provide an opportunity for a 30-day public review and comment period on the proposed credit trading program or any significant program amendment prior to approving or denying the proposal. Significant amendments include changes in trading ratio, types of trades or trading metrics (for example, addition of an activity to a riparian shade restoration program that provides cooling or prevents heating but is not measured using a shading metric), or changes to trading parameters (for example, addition of nutrients to a thermal load credit program).
- ii. *Exceptions.* DEQ approval and public review is not required for trading agreements, specific project sites, or minor amendments to the program provided they are consistent with the overall direction and objectives of the permittee's DEQ-approved credit trading program.
- iii. *Trading program elements.* At a minimum, the permittee's program must include the following:
 - (1) Description of the planned credit-generating activity or activities, including location.
 - (2) Estimation of credit quantity to be generated, including the methodology used to calculate the quantity.
 - (3) *Thermal load credits.* For thermal load credits from riparian restoration projects:
 - (a) An ecologically appropriate planting strategy.
 - (b) Long-term financial plan for implementation and maintenance of credit-generating activities.
 - (c) Interim yearly goals by which the success of the program will be measured. These goals are not subject to enforcement action by DEQ.
 - (4) Any additional information requested by DEQ.

b. General Provisions for Credit Trading

- i. *Credit generation and use.* The permittee may use credits to comply with Schedule A limitations if the credits are generated and maintained as follows:
 - (1) Credits are generated from activities that do not impair beneficial uses or cause adverse ecological conditions and are not already required by statute or rule. Activities must also target areas that are in need of improvement and the permittee should focus on areas that have greater potential for overall ecological benefit whenever possible.
 - (2) Credits are generated prior to or during the period they are applied to the permittee's waste discharge limitations in Schedule A unless otherwise allowed by this permit or DEQ in writing.
 - (3) Credit-generating activities are maintained and monitored during their expected life to ensure that they are functioning as described in the approved trading program. Whenever monitoring shows that an activity is not functioning as initially intended, the permittee must recalculate the credit availability.
 - (4) Credit generation is consistent with the permittee's DEQ-approved trading program.
- ii. *Obtaining credits.* The permittee may obtain credits through contractual trading agreements with land or water conservation organizations, government agencies, private parties, or marketplace exchanges, or from activities performed by the permittee itself.
- iii. *Duration of credit use.* The permittee may use credits for as long as the credit generation activity is monitored and functioning as described in the approved trading program, unless otherwise specified by this permit or DEQ in writing.
- iv. *Trading Agreements.* To generate credits through trading agreements, the permittee must ensure that agreements are in writing, signed and dated by the duly authorized representatives of the buyer and seller. A breach of a trading agreement by either party is not a violation of this permit in and of itself. At a minimum, the agreement must include the following:
 - (1) Name of party or parties involved with the generation and use of credits.
 - (2) Responsibilities of each party.
 - (3) Agreement termination procedures, including notice of termination to each party.
 - (4) Consequences for failure to fulfill negotiated terms.
- v. *Events beyond the permittee's reasonable control.*
 - (1) Damage to a project due an event beyond the permittee's reasonable control (for example, wildfire, flood, vandalism) is not in and of itself considered a violation of this permit.
 - (2) If such an event occurs, the permittee must report to DEQ within 90 days of the damage. The report must include the following:
 - (a) A description of the event, including an assessment of the damage.
 - (b) A plan for addressing the damage. Natural restoration and/or active replanting of the site is allowed if continued maintenance is expected to provide a reasonable potential for the long term restoration of the shading function in an ecologically appropriate manner. Replacement with an alternate site or sites is also allowed.
 - (c) Schedule for implementation of the permittee's plan.
 - (3) Credits from projects that are damaged due to events beyond the reasonable control of the permittee remain valid provided the permittee demonstrates to DEQ that the sites will be restored or alternative solutions implemented within a reasonable timeframe.

c. Specific Provisions for Thermal Load Credits

i. *Credit generation activity*

Thermal load credits may be generated from ecologically appropriate riparian shading projects with a trading ratio of 2:1 (that is, to generate credit for one unit of thermal load, two units of solar

radiation thermal load must be blocked by the planting) unless otherwise approved by DEQ through amendment of the trading program.

- ii. *Start date for credit generation activities.* Credits must be from activities implemented after the adoption date of the Rogue Basin TMDL (12/22/2008)
- iii. *Credit generation area.* Credits must be generated in the area of the Rogue Basin upstream of the "Point of Maximum Impact" defined in the Rogue Basin TMDL as Rogue River at River Mile 62.
- iv. *Additional requirements for riparian shading.*
 - (1) *Credit use.* Credits for reducing thermal load with riparian shading may be used for compliance with Schedule A waste discharge limitations when site planting is complete.
 - (2) *Ecologically appropriate planting plan.* Ecologically appropriate written planting plans based on local reference sites are required for riparian shading projects. A general plan is acceptable provided it is ecologically appropriate for the entire credit generation area. The permittee may also use ecologically appropriate plans developed by another entity (for example, watershed council). At a minimum, a plan must include the following:
 - (a) Schedule and timeline for planting.
 - (b) Site preparation protocols.
 - (c) Description of planting goals, including minimum species diversity and plant density and maximum allowable level of non-native and invasive species.
 - (d) Integrated pest management plan that includes measures to control non-native and invasive species and damage from wildlife.
 - (e) Monitoring and maintenance practices for ensuring plant survival on a schedule appropriate to the type and location of habitat being planted.
 - (f) Monitoring practices to document project success, including pre- and post-implementation photo documentation whenever possible. Monitoring should occur at least once a year during the first 5 years of planting and may be allowed on a more relaxed schedule once the plantings are established.
 - (3) *Plant materials.* Plant materials must be from sources appropriate for the project site.
 - (4) *Recordkeeping.* The following recordkeeping is required for each project site and must be made available to DEQ within 14 days of request:
 - (a) Project name and address.
 - (b) General description of the project, including land ownership information, a description with latitudes and longitudes delineating the project boundary and, if applicable, the georeferenced GIS shapefile of the project boundary.
 - (c) Site-specific planting plan if developed.
 - (d) Monitoring documentation, including photos.
 - (e) Name and contact information of party or parties responsible for conducting the planting and monitoring.

SCHEDULE E: PRETREATMENT ACTIVITIES

The permittee must implement the following 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 limitations 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 limitations 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 limitations 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(h). The content and format of this report must follow the most recent version of DEQ's *Guidance For Completing Oregon DEQ Pretreatment Annual Report Forms*. (<http://www.deq.state.or.us/wq/pretreatment/docs/guidance/annualrptguide.pdf>)

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.

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: 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. ORS 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. Prohibition of overflows. Overflows are prohibited. DEQ may exercise enforcement discretion regarding overflow events. In exercising its enforcement discretion, DEQ may consider various factors, including the adequacy of the conveyance system's capacity and the magnitude, duration and return frequency of storm events.
- c. 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 ± 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 Chlorine Residual), 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(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification, 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.
- ii. 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. ORS 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 *BOD₅* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD₅* 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, and *E. coli* 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. *kg* means kilograms.
- E10. *m³/d* means cubic meters per day.
- E11. *MGD* means million gallons per day.
- E12. *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.
- E13. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E14. *Quarter* means January through March, April through June, July through September, or October through December.
- E15. *Month* means calendar month.
- E16. *Week* means a calendar week of Sunday through Saturday.
- E17. *POTW* means a publicly-owned treatment works.