



## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

Oregon Department of Environmental Quality  
Northwest Region – City Office  
700 NE Multnomah St., Suite 600  
Portland, OR 97232  
Telephone: 503-229-5263

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

### ISSUED TO:

Cloverdale Sanitary District  
PO Box 157  
Cloverdale, OR 97112

### SOURCES COVERED BY THIS PERMIT:

| Type of Waste      | Outfall Number | Outfall Location       |
|--------------------|----------------|------------------------|
| Treated wastewater | 001            | 45.205958, -123.893108 |

### FACILITY LOCATION:

Cloverdale STP  
34540 Highway 101 South  
Cloverdale, OR 97112  
County: Tillamook  
EPA Permit Type: Minor

### RECEIVING STREAM INFORMATION:

Receiving stream/NHD name: Nestucca River  
USGS 12-Digit HUC: 171002030210  
OWRD Administrative Basin: North Coast  
NHD Reach Code & % along reach: 17100203000035 – 80.8%  
ODEQ LLID & RM: 1239555451826 – RM 7.0  
Integrated Report AU ID: OR\_EB\_1710020302\_01\_107216

Issued in response to Application No. 948138 received March 26, 2024. This permit is issued based on the land use findings in the permit record.

A handwritten signature in blue ink, appearing to read "Tiffany Yelton-Bram".

Tiffany Yelton-Bram, WQ Manager  
Northwest Region

September 13, 2024  
Issuance Date

November 1, 2024  
Effective Date

### PERMITTED ACTIVITIES

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

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

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## SCHEDULE A: WASTE DISCHARGE LIMITS

### 1. Outfall 001 – Permit Limits

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

**Table A1: Permit Limits**

| Parameter                                                                                                                                                                                                                                                                                                                                              | Units     | Average Monthly                                                                 | Average Weekly | Daily Maximum |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------------------------------|----------------|---------------|
| BOD <sub>5</sub>                                                                                                                                                                                                                                                                                                                                       | mg/L      | 10                                                                              | 15             | -             |
|                                                                                                                                                                                                                                                                                                                                                        | lb/day    | 3.3                                                                             | 5.0            | 6.6           |
|                                                                                                                                                                                                                                                                                                                                                        | % removal | 85                                                                              | -              | -             |
| TSS                                                                                                                                                                                                                                                                                                                                                    | mg/L      | 10                                                                              | 15             | -             |
|                                                                                                                                                                                                                                                                                                                                                        | lb/day    | 3.3                                                                             | 5.0            | 6.6           |
|                                                                                                                                                                                                                                                                                                                                                        | % removal | 85                                                                              | -              | -             |
| Chlorine, Total Residual                                                                                                                                                                                                                                                                                                                               | mg/L      | 0.09                                                                            | -              | 0.25          |
| pH                                                                                                                                                                                                                                                                                                                                                     | SU        | Instantaneous limit between a daily minimum of 6.0 and a daily maximum of 9.0   |                |               |
| <i>E. coli</i><br>(See note a.)                                                                                                                                                                                                                                                                                                                        | #/100 mL  | Must not exceed a monthly geometric mean of 57, no single sample may exceed 182 |                |               |
| Temperature                                                                                                                                                                                                                                                                                                                                            | °C        | 25 (as a 7-day rolling average of the daily maximum)                            |                |               |
| Note:<br>a. If a single sample exceeds 182 organisms/100 mL, the permittee may take at least 5 consecutive re-samples at 4-hour intervals beginning within 28 hours after the original sample was taken. A geometric mean of the 5 re-samples that is less than or equal to 57 <i>E. coli</i> organisms/100 mL demonstrates compliance with the limit. |           |                                                                                 |                |               |

### 2. Regulatory Mixing Zone

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

*The Regulatory Mixing Zone (RMZ) is that portion of the Nestucca River contained within a band extending out fifty (50) feet from the south bank of the river and extending from a point fifty (50) feet upstream of the midpoint of the diffuser to a point fifty (50) feet downstream of the midpoint of the diffuser. The Zone of Immediate Dilution (ZID) is that portion of the allowable mixing zone that is within five (5) feet of the point of discharge.*

### 3. Biosolids

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

- a. Biosolids Management Plan - The permittee must manage biosolids in accordance with its DEQ-approved Biosolids Management Plan and Land Application Plan (see Schedule D).
- b. Agronomic Rates for Nutrient Loading - The permittee must apply biosolids at or below the agronomic rates approved by DEQ to minimize potential groundwater degradation. At the time of sale or distribution of exceptional quality biosolids, the origin must be identified and biosolids analyses must be available to appliers or users of the biosolids.

- c. Land Application Site Authorization - The permittee must obtain written site authorization from DEQ for each land application site prior to land application (see Schedule D) and follow the site-specific management conditions in the DEQ-issued site authorization letter. This requirement does not apply for exceptional quality biosolids, which may be land applied as any other fertilizer or soil amendment.
- d. Pathogen and Vector Attraction Reduction - Prior to application, the permittee must ensure that biosolids meet one of the pathogen reduction standards under 40 CFR 503.32 and one of the vector attraction reduction standards under 40 CFR 503.33. For exceptional quality biosolids, the biosolids must meet one of the Class A pathogen reduction requirements in 40 CFR 503.32(a) and one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(8) prior to land application.
- e. Pollutants - The permittee must not apply biosolids containing pollutants in excess of the ceiling concentrations shown in Table A2. The permittee may apply biosolids containing pollutants in excess of the pollutant concentrations. However, the total quantity of these pollutant(s) cannot exceed the cumulative pollutant loading rates in Table A2. For biosolids to be managed as exceptional quality biosolids, the biosolids cannot exceed any of the ceiling concentration limits or the pollutant concentration limits in Table A2.
- f. Approval to Apply Cumulative Pollutant Loading Rates – If the permittee’s biosolids are subject to the cumulative pollutant loading rates as described in Section (e) above, the permittee must obtain specific approval from DEQ to apply these biosolids in accordance with their Biosolids Management Plan and Land Application Site Authorization (see Schedule D).

**Table A2: Biosolids Limits**

| <b>Pollutant</b><br>(See note a.)                                                                                                                                                                    | <b>Ceiling Concentration Limits</b><br>(mg/kg) | <b>Pollutant Concentration Limits</b><br><b>Monthly Average</b><br>(mg/kg) | <b>Cumulative Pollutant Loading Rates</b><br>(kg/ha) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------|
| Arsenic                                                                                                                                                                                              | 75                                             | 41                                                                         | 41                                                   |
| Cadmium                                                                                                                                                                                              | 85                                             | 39                                                                         | 39                                                   |
| Copper                                                                                                                                                                                               | 4300                                           | 1500                                                                       | 1500                                                 |
| Lead                                                                                                                                                                                                 | 840                                            | 300                                                                        | 300                                                  |
| Mercury                                                                                                                                                                                              | 57                                             | 17                                                                         | 17                                                   |
| Molybdenum                                                                                                                                                                                           | 75                                             | –                                                                          | –                                                    |
| Nickel                                                                                                                                                                                               | 420                                            | 420                                                                        | 420                                                  |
| Selenium                                                                                                                                                                                             | 100                                            | 100                                                                        | 100                                                  |
| Zinc                                                                                                                                                                                                 | 7500                                           | 2800                                                                       | 2800                                                 |
| Note:                                                                                                                                                                                                |                                                |                                                                            |                                                      |
| a. Biosolids pollutant limits are described in 40 CFR 503.13, which uses the terms <i>ceiling concentrations</i> , <i>pollutant concentrations</i> , and <i>cumulative pollutant loading rates</i> . |                                                |                                                                            |                                                      |

## SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

### 1. Reporting Requirements

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

**Table B1: Reporting Requirements and Due Dates**

| <b>Reporting Requirement</b>                                                                                                                                                                                                                                                                                                                                                                 | <b>Frequency</b>      | <b>Due Date</b><br>(See note a.)                                | <b>Report Form</b><br>(See note b.)                        | <b>Submit To:</b>                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Tables B2: Influent Monitoring, and B3: Effluent Monitoring                                                                                                                                                                                                                                                                                                                                  | Monthly               | By the 15 <sup>th</sup> of the following month                  | Specified in Schedule B, Section 2 of this permit          | Electronic reporting as directed by DEQ                                                                          |
| Inflow and infiltration report (see Schedule D)                                                                                                                                                                                                                                                                                                                                              | Annually              | February 15                                                     | Electronic copy in a DEQ-approved format                   | Attached via electronic reporting as directed by DEQ                                                             |
| Wastewater solids annual report (see Schedule D)                                                                                                                                                                                                                                                                                                                                             | Annually              | By February 19 of the following year                            | Electronic copy in a DEQ-approved format                   | Attached via electronic reporting as directed by DEQ<br><br>Electronic copy to DEQ Biosolids Program Coordinator |
| Biosolids annual report (see Schedule D) (See note c.)                                                                                                                                                                                                                                                                                                                                       | Annually              | By February 19 of the following year                            | Electronic copy in a DEQ-approved format                   | Attached via electronic reporting as directed by DEQ<br><br>DEQ Biosolids Program Coordinator                    |
| Industrial User Survey (see Schedule D)                                                                                                                                                                                                                                                                                                                                                      | Once per permit cycle | Submit by no later than 24 months after permit's effective date | 1 electronic copy and 1 hard copy in a DEQ approved format | Attached via electronic reporting as directed by DEQ                                                             |
| Outfall Inspection Report (see Schedule D)                                                                                                                                                                                                                                                                                                                                                   | Once per permit cycle | Submit by 09/15/2027                                            | Electronic copy in a DEQ-approved format                   | Attached via electronic reporting as directed by DEQ                                                             |
| Notes:<br>a. For submittals that are provided to DEQ by mail, the postmarked date must not be later than the due date.<br>b. All reporting requirements are to be submitted in a DEQ-approved format, unless otherwise specified in writing.<br>c. Biosolids annual report only required if the permittee produces and distributes biosolids under a DEQ-approved biosolids management plan. |                       |                                                                 |                                                            |                                                                                                                  |

## 2. Monitoring and Reporting Protocols

### a. Electronic Submissions

The permittee must submit to DEQ the results of monitoring indicated in Schedule B in an electronic format as specified below.

- i. The permittee must submit monitoring results required by this permit via DEQ-approved web-based Discharge Monitoring Report (DMR) forms to DEQ via electronic reporting. Any data used to calculate summary statistics must be submitted as a separate attachment approved by DEQ via electronic reporting.
- ii. The reporting period is the calendar month.
- iii. The permittee must submit monitoring data and other information required by this permit for all compliance points by the 15th day of the month following the reporting period unless specified otherwise in this permit or as specified in writing by DEQ.

### b. Test Methods

The permittee must conduct monitoring according to test procedures in 40 CFR 136 and 40 CFR 503 for biosolids or other approved procedures as per Schedule F.

### c. Detection and Quantitation Limits

- i. Detection Level (DL) – The DL is defined as the minimum measured concentration of a substance that can be distinguished from method blank results with 99% confidence. The DL is derived using the procedure in 40 CFR 136 Appendix B and evaluated for reasonableness relative to method blank concentrations to ensure results reported above the DL are not a result of routine background contamination. The DL is also known as the Method Detection Limit (MDL) or Limit of Detection (LOD).
- ii. Quantitation Limits (QLs) – The QL is the minimum level, concentration or quantity of a target analyte that can be reported with a specified degree of confidence. It is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration for the analyte. It is normally equivalent to the concentration of the lowest calibration standard adjusted for sample weights, volumes, preparation and cleanup procedures employed. The QL as reported by a laboratory is also sometimes referred to as the Method Reporting Limit (MRL) or Limit of Quantitation (LOQ).

### d. Sufficient Sensitivity of Quantitation Limits

- i. The Laboratory QLs (adjusted for any dilutions) for analyses performed to demonstrate compliance with permit limits or as part of effluent characterization, must meet at least one of the requirements below:
  - (A) The QL is at or below the level of the water quality criterion for the measured parameter.
  - (B) The QL is above the water quality criterion but the amount of the pollutant in a facility's discharge is high enough that the method detects and quantifies the level of the parameter in the discharge.
  - (C) The QL has the lowest sensitivity of the analytical methods procedure specified in 40 CFR 136.
  - (D) The QL is at or below those defined in Oregon DEQ list of quantitation limits posted online at [DEQ permitting website](#).

- e. Quality Assurance and Quality Control
  - i. Quality Assurance Plan – The permittee must develop and implement a written Quality Assurance Plan that details the facility sampling procedures, equipment calibration and maintenance, analytical methods, quality control activities and laboratory data handling and reporting. The QA/QC program must conform to the requirements of 40 CFR 136.7.
  - ii. If QA/QC requirements are not met for any analysis, the permittee must re-analyze the sample. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity. If the permittee is unable to collect a sample that meets QA/QC requirements, then the permittee must include the result in the discharge monitoring report (DMR) along with a notation (data qualifier). In addition, the permittee must explain how the sample does not meet QA/QC requirements. With the exception of BOD<sub>5</sub>/CBOD<sub>5</sub>, the permittee may not use the result that failed the QA/QC requirements in any calculation required by the permit unless authorized in writing by DEQ. For BOD<sub>5</sub>/CBOD<sub>5</sub>, the permittee may not use the result that failed the QA/QC requirement in any calculation except as follows:
    - (A) When the glucose-glutamic acid, dilution water, and/or seed control check are not met, the values are reported with the “e” (estimate) data qualifier. The estimated values are not used in the calculations.
    - (B) When the minimum DO depletion or the minimum residual DO is not met, the values are reported with the “<” or “>” data qualifiers as appropriate. The data must be used in the calculations. It is not acceptable to report “non-detect” on the discharge monitoring report. The data qualifiers carry to the summary statistic. For example, when calculating the loading, the data qualifiers are added to the value.
  - iii. Flow measurement, field measurement, and continuous monitoring devices - The permittee must:
    - (A) Establish verification and calibration frequency for each device or instrument in the quality assurance plan that conforms to the frequencies recommended by the manufacturer.
    - (B) Verify at least once per year that flow-monitoring devices are functioning properly according to manufacturer’s recommendation. Calibrate as needed according to manufacturer’s recommendations.
    - (C) Verify at least weekly that the continuous monitoring instruments are functioning properly according to manufacturer’s recommendation unless the permittee demonstrates a longer period is sufficient and such longer period is approved by DEQ in writing.
- f. Reporting Sample Results
  - i. The permittee must report the laboratory DL and QL as defined above for each analyte, with the following exceptions: pH, temperature, BOD, CBOD, TSS, Oil & Grease, hardness, alkalinity, bacteriological analytes, and nitrate-nitrite. For temperature and pH, neither the QL nor the DL need to be reported. For the other parameters listed above, the permittee is only required to report the QL and only when the result is ND.
  - ii. The permittee must report the same number of significant digits as the permit limit for a given parameter.

- iii. (For Discharge Monitoring Reports) If a sample result is above the DL but below the QL, the permittee must report the result as the DL preceded by DEQ's data code "E". For example, if the DL is 1.0 µg/l, the QL is 3.0 µg/L and the result is estimated to be between the DL and QL, the permittee must report "E1.0 µg/L" on the DMR. This requirement does not apply in the case of parameters for which the DL does not have to be reported.
- iv. (For Discharge Monitoring Reports) If the sample result is below the DL, the permittee must report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is ND, report "<1.0" on the discharge monitoring report (DMR). This requirement does not apply in the case of parameters for which the DL does not have to be reported.

g. Calculating and Reporting Mass Loads

The permittee must calculate mass loads on each day the parameter is monitored using the following equation:

Example calculation: Flow (in MGD) X Concentration (in mg/L) X 8.34 = Pounds per day

- i. Mass load limits all have two significant figures unless otherwise noted.
- ii. When concentration data are below the DL: To calculate the mass load from this result, use the DL. Report the mass load as less than the calculated mass load. For example, if flow is 2 MGD and the reported sample result is <1.0 µg/L, report "<0.017 lb/day" for mass load on the DMR (1.0 µg/L x 2 MGD x conversion factor = 0.017 lb/day).

### 3. Monitoring and Reporting Requirements

- a. The permittee must monitor influent from the above-ground four-inch pipe into the treatment plant. The permittee must report the results in accordance with Table B1 and the table below.

**Table B2: Influent Monitoring Requirements**

| Item or Parameter                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Units | Time Period | Minimum Frequency | Sample Type / Required Action<br>(See note a.) | Report Statistic<br>(See note b.)        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------|-------------------|------------------------------------------------|------------------------------------------|
| BOD <sub>5</sub><br>(00310)                                                                                                                                                                                                                                                                                                                                                                                                                                                        | mg/L  | Year-round  | 2/month           | 24-hour composite                              | Monthly Average                          |
| TSS<br>(00530)                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | mg/L  | Year-round  | 2/month           | 24-hour composite                              | Monthly Average                          |
| pH<br>(00400)                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | SU    | Year-round  | 3/week            | Grab                                           | 1. Monthly Maximum<br>2. Monthly Minimum |
| Notes:<br>a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must perform grab measurements.<br>b. When submitting DMRs electronically, the permittee must submit all data used to determine summary statistics in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ. |       |             |                   |                                                |                                          |

- b. The permittee must monitor effluent for Outfall 001 at the effluent weir downstream from the effluent dechlorination chamber, and report results in accordance with Table B1 and the table below:

**Table B3: Effluent Monitoring Requirements**

| Item or Parameter                                         | Units  | Time Period | Minimum Frequency | Sample Type/<br>Required Action<br>(See note a.)                           | Report Statistic<br>(See note b.)                                   |
|-----------------------------------------------------------|--------|-------------|-------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------|
| Flow (50050)                                              | MGD    | Year-round  | Daily             | Metered                                                                    | 1. Monthly Average<br>2. Daily Maximum                              |
| BOD <sub>5</sub> (00310)                                  | mg/L   | Year-round  | 2/month           | 24-hour composite                                                          | 1. Monthly Average<br>2. Maximum Weekly Average                     |
| BOD <sub>5</sub> (00310)                                  | lb/day | Year-round  | 2/month           | Calculation                                                                | 1. Daily Maximum<br>2. Monthly Average<br>3. Maximum Weekly Average |
| BOD <sub>5</sub> percent removal (81010)<br>(See note c.) | %      | Year-round  | 1/month           | Calculation based on monthly average BOD <sub>5</sub> concentration values | Monthly Average                                                     |
| TSS (00530)                                               | mg/L   | Year-round  | 2/month           | 24-hour composite                                                          | 1. Monthly Average<br>2. Maximum Weekly Average                     |
| TSS (00530)                                               | lb/day | Year-round  | 2/month           | Calculation                                                                | 1. Daily Maximum<br>2. Monthly Average<br>3. Maximum Weekly Average |
| TSS percent removal (81011)<br>(See note c.)              | %      | Year-round  | 1/month           | Calculation based on monthly average TSS concentration values              | Monthly Average                                                     |
| pH (00400)                                                | SU     | Year-round  | 3/week            | Grab                                                                       | 1. Daily Maximum<br>2. Daily Minimum                                |
| Chlorine, Total Residual (50060)                          | mg/L   | Year-round  | Daily             | Grab                                                                       | 1. Daily Maximum<br>2. Monthly Average                              |
| Chlorine used (81400)                                     | lb/day | Year-round  | Daily             | Scale reading                                                              | Monthly Average                                                     |

| Item or Parameter                       | Units    | Time Period                       | Minimum Frequency | Sample Type/ Required Action<br>(See note a.) | Report Statistic<br>(See note b.)                                                   |
|-----------------------------------------|----------|-----------------------------------|-------------------|-----------------------------------------------|-------------------------------------------------------------------------------------|
| Temperature (00010)                     | °C       | Year-round                        | 3/week            | Grab<br>(See note d.)                         | 1. Daily Maximum<br>2. Monthly Average<br>3. 7-day Rolling Average of Daily Maximum |
| <i>E. coli</i> (51040)                  | #/100 mL | Year-round                        | 2/month           | Grab                                          | 1. Daily Maximum<br>2. Monthly Geometric Mean                                       |
| Alkalinity as CaCO <sub>3</sub> (00410) | mg/L     | Year-round                        | 1/Quarter         | 24-hour composite                             | Quarterly Maximum                                                                   |
| Dissolved Oxygen (00300)                | mg/L     | Third year of permit cycle [2027] | 1/Quarter         | 24-hour composite<br>(See note e.)            | Quarterly Minimum                                                                   |
| Total Kjeldahl Nitrogen (TKN) (00625)   | mg/L     | Third year of permit cycle [2027] | 1/Quarter         | 24-hour composite                             | Quarterly Maximum                                                                   |
| Total ammonia (as N) (00610)            | mg/L     | Third year of permit cycle [2027] | 1/Quarter         | 24-hour composite                             | Quarterly Maximum                                                                   |

Notes:

- In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must perform grab measurements. If the failure or loss is for continuous temperature monitoring equipment, the permittee must collect one grab sample daily between 12 PM and 5 PM until continuous monitoring equipment is redeployed.
- When submitting DMRs electronically, all data used to determine summary statistics must be submitted in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.
- Percent Removal must be calculated on a monthly basis using the following formula:

$$\text{Percent Removal} = \frac{[\text{Influent Concentration}] - [\text{Effluent Concentration}]}{[\text{Influent Concentration}]} \times 100$$

Where:

Influent Concentration = Corresponding Monthly average influent concentration based on the analytical results of the reporting period.

Effluent Concentration = Corresponding Monthly average effluent concentration based on the analytical results of the reporting period.

- The permittee must perform temperature grab measurements between 12 PM and 5 PM.
- CFR 122.21 requires that Dissolved Oxygen be collected as a 24-hour composite for permit application purposes. CFR 136.3(e) specifies that if a composite measurement is required but a composite sample would compromise sample integrity, that individual grab samples must be collected. For Dissolved Oxygen, the permittee must collect and analyze at least four discrete grab samples over the operating day with samples collected no less than one hour apart. The analytical results for all samples in a day must be averaged for reporting purposes.

#### 4. Biosolids Monitoring Requirements

The permittee must monitor biosolids land applied or produced for sale or distribution as listed below. The samples must be representative of the quality and quantity of biosolids generated and undergo the same treatment process used to prepare the biosolids. Results must be reported as required in the biosolids management plan described in Schedule D.

**Table B4: Biosolids Monitoring**

| Item or Parameter                                                                                                                                                                                                                                                                                 | Minimum Frequency                                                                                    | Sample Type                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Nutrient and conventional parameters (% dry weight unless otherwise specified):<br>Total Kjeldahl Nitrogen (TKN)<br>Nitrate-Nitrogen (NO <sub>3</sub> -N)<br>Total Ammonia-Nitrogen (NH <sub>3</sub> -N)<br>Total Phosphorus (P)<br>Potassium (K)<br>pH (S.U.)<br>Total Solids<br>Volatile Solids | As described in DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B5. | As described in DEQ-approved Biosolids Management Plan                                                                               |
| Pollutants: As, Cd, Cu, Hg, Pb, Mo, Ni, Se, Zn, mg/kg dry weight                                                                                                                                                                                                                                  | As described in DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B5  | As described in DEQ-approved Biosolids Management Plan                                                                               |
| Pathogen reduction                                                                                                                                                                                                                                                                                | As described in DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B5. | As described in DEQ-approved Biosolids Management Plan                                                                               |
| Vector attraction reduction                                                                                                                                                                                                                                                                       | As described in DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B5. | As described in DEQ-approved Biosolids Management Plan                                                                               |
| Record of biosolids land application: date, quantity, location.                                                                                                                                                                                                                                   | Each event                                                                                           | Record the date, quantity, and location of biosolids land applied on site location map or equivalent electronic system, such as GIS. |

**Table B5: Biosolids Minimum Monitoring Frequency**

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

## **SCHEDULE C: COMPLIANCE SCHEDULE**

A compliance schedule is not part of this permit.

## **SCHEDULE D: SPECIAL CONDITIONS**

### **1. Inflow and Infiltration**

The permittee must submit to DEQ an annual inflow and infiltration report on a DEQ-approved form as directed in Table B1. The report must include the following:

- a. An assessment of the facility's I/I issues based on a comparison of summer and winter flows to the plant.
- b. Details of activities performed in the previous year to identify and reduce inflow and infiltration.
- c. Details of activities planned for the following year to identify and reduce inflow and infiltration.
- d. A summary of sanitary sewer overflows that occurred during the previous year. This should include the following: date of the SSO, location, estimated volume, cause, follow-up actions and if performed, the results of receiving stream monitoring.

### **2. Emergency Response and Public Notification Plan**

The permittee must develop an Emergency Response and Public Notification Plan ("plan"), or ensure the facility's existing plan is current and accurate, per Schedule F, Section B, and Condition 8 within 6 months of permit effective date. The permittee must update the plan annually to ensure all information contained in the plan, including telephone and email contact information for applicable public agencies, is current and accurate. An updated copy of the plan must be kept on file at the facility for DEQ review. The latest plan revision date must be listed on the plan cover along with the reviewer's initials or signature.

### **3. Exempt Wastewater Reuse at the Treatment System**

Recycled water used for landscape irrigation within the property boundary or in-plant processes at the wastewater treatment system is exempt from the requirements of OAR 340-055 if all of the following conditions are met:

- a. The recycled water is an oxidized and disinfected wastewater.
- b. 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.
- c. Spray and/or drift from the use does not migrate off the site.
- d. Public access to the site is restricted.

### **4. Wastewater Solids Annual Report**

The permittee must submit a Wastewater Solids Annual Report by February 19 each year documenting removal of wastewater solids from the facility during the previous calendar year. The permittee must use DEQ-approved wastewater solids annual report form. This report must include the volume of material removed and the name of the permitted facility that received the solids.

## 5. Biosolids Management Plan

Prior to distributing biosolids to the public, the permittee must develop and maintain a Biosolids Management Plan and Land Application Plan meeting the requirements in OAR 340-050-0031. The permittee must submit these plans and any significant modification of these plans to DEQ for review and approval with sufficient time to clear DEQ review and a public notice period prior to removing biosolids from the facility. The permittee must keep the plans updated. All plan revisions require written authorization from DEQ and are effective upon permittee's receipt of DEQ written approval. No significant modifications can be made to a plan for an administratively extended permit (after the permit expiration date). Conditions in the plans are enforceable requirements under this permit.

### a. Annual Report

The permittee must submit a Biosolids Annual Report by February 19 each year documenting biosolids management activities of the previous calendar year as described in OAR 340-050-0035(6). The permittee must use DEQ approved Biosolids Annual report form. This report must include the monitoring data and analytical laboratory reports for the previous year's monitoring specified under Schedule B.

### b. Site Authorization

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

### c. Public Participation

- i. DEQ will provide an opportunity for public review and comment on any significant plan modifications prior to approving or denying. Public review is not required for minor modifications or changes to utilization dates.
- ii. No DEQ-initiated public notice is required for continued use of sites identified in DEQ-approved biosolids management plan.
- iii. For new sites that fail to meet the site selection criteria in the biosolids management plan or that are deemed by DEQ to be sensitive with respect to residential housing, runoff potential, or threat to groundwater, DEQ will provide an opportunity for public comment as directed by OAR 340-050-0030(2).
- iv. For all other new sites, the permittee must provide for public participation following procedures in its DEQ-approved land application plan.

### d. Exceptional Quality Biosolids

The permittee is exempt from the requirements in Condition 5.b. above, if:

- i. Pollutant concentrations of biosolids are less than the pollutant concentration limits in Schedule A, Table A2;
- ii. Biosolids meet one of the Class A pathogen reduction alternatives in 40 CFR 503.32(a); and

- iii. Biosolids meet one of the vector attraction reduction options in 40 CFR 503.33(b)(1) through (8).

## 6. Wastewater Solids Transfers

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

## 7. Hauled Waste Control Plan

The permittee may accept hauled wastes at discharge points designated by the POTW after receiving written DEQ approval of a Hauled Waste Control Plan. Hauled wastes may include wastewater solids from another wastewater treatment facility, septage, grease trap wastes, portable and chemical toilet wastes, landfill leachate, groundwater remediation wastewaters and commercial/industrial wastewaters. A Hauled Waste Control Plan is not required in the event biological seed must be added to the process at the POTW to facilitate effective wastewater treatment.

## 8. Operator Certification

- a. Definitions
  - i. “Supervise” means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
  - ii. “Supervisor” or “designated operator”, means the operator delegated authority by the permittee for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.
  - iii. “Shift Supervisor” means the operator delegated authority by the permittee for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.
  - iv. “System” includes both the collection system and the treatment systems.
- b. The permittee must comply with OAR Chapter 340, Division 49, “Regulations Pertaining to Certification of Wastewater System Operator Personnel” and designate a supervisor whose certification corresponds with the classification of the collection and/or treatment system as specified in DEQ Supervisory Wastewater Operator Status Report. DEQ may revise the permittee’s classification in writing at any time to reflect changes in the collection or treatment system. This reclassification is not considered a permit modification and may be made after the permit expiration date provided the permit has been administratively extended by DEQ. If a facility is re-classified, a certified letter will be mailed to the system owner from DEQ Operator Certification Program. Current system classifications are publicized on DEQ Supervisory Wastewater Operator Status Report found on [DEQ Wastewater Operator Certification Homepage](#)

- c. The permittee must have its system supervised on a part-time or full-time basis by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system the operator is supervising and at a grade equal to or greater than the wastewater system's classification.
- d. The permittee's wastewater system may be without the designated supervisor for up to 30 consecutive days if another person supervises the system, who is certified at no more than one grade lower than the classification of the wastewater system. The permittee must delegate authority to this operator to supervise the operation of the system.
- e. If the wastewater system has more than one daily shift, the permittee must have another properly certified operator available to supervise operation of the system. Each shift supervisor must be certified at no more than one grade lower than the system classification.
- f. The permittee is not required to have a supervisor on site at all times; however, the supervisor must be available to the permittee and operator at all times.
- g. The permittee must notify DEQ in writing of the name of the system supervisor by completing and submitting the Supervisory Wastewater System Operator Designation Form. The most recent version of this form may be found on [DEQ Wastewater Operator Certification homepage](#) \*NOTE: This form is different from the Delegated Authority form. The permittee may replace or re-designate the system supervisor with another properly certified operator at any time and must notify DEQ in writing within 30 days of replacement or re-designation of the operator in charge. As of this writing, the notice of replacement or re-designation must be sent to Water Quality Division, Operator Certification Program, 700 NE Multnomah St, Suite 600, Portland, OR 97232-4100. This address may be updated in writing by DEQ during the term of this permit.
- h. When compliance with item (c) of this section is not possible or practicable because the system supervisor is not available or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, the Director may grant a time extension for compliance with the requirements in response to a written request from the system owner. The Director will not grant an extension longer than 120 days unless the system owner documents the existence of extraordinary circumstances.

## **9. Industrial User Survey**

### **Industrial User Survey Update**

- a. By the date listed in Table B1, the permittee must submit to DEQ an update to the industrial user survey that was completed February 1, 2022. The update must be completed in accordance with 40 CFR 403.8(f)(2)(i-iii) and provide DEQ with sufficient information to determine the need for development of a pretreatment program.
- b. Should DEQ determine that a pretreatment program is required, the permit must be reopened and modified in accordance with 40 CFR 403.8(e)(1) to incorporate a compliance schedule to require development of a pretreatment program. The compliance schedule must be developed in accordance with the provisions of 40 CFR 403.12(k), and must not exceed twelve (12) months.

## **10. Outfall Inspection**

The permittee must inspect Outfall 001 including the submerged portion of the outfall line and diffuser to document its integrity and to determine whether it is functioning as designed. The inspection must determine whether diffuser ports are intact, clear and fully functional. The inspection must verify the latitude and longitude of the diffuser. The permittee must submit a written report to DEQ regarding the results of the outfall inspection by the date in Table B1. The report must include a description of the outfall as originally constructed, the condition of the current outfall and identify any repairs needed to return the outfall to satisfactory condition.

## **11. Boat Ramp Signage**

The permittee must post a sign at the Cloverdale boat ramp immediately downstream of the outfall if effluent monitoring shows a bacteria limit exceedance, a disinfection system malfunction, or other treatment plant problems that could adversely affect public health.

## **SCHEDULE E: PRETREATMENT ACTIVITIES**

A pretreatment program is not part of this permit.

## **SCHEDULE F: NPDES GENERAL CONDITIONS**

### **DOMESTIC FACILITIES October 1, 2015 Version**

#### **SECTION A. STANDARD CONDITIONS**

##### **A1. Duty to Comply with Permit**

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

##### **A2. Penalties for Water Pollution and Permit Condition Violations**

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to \$250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation.

The Clean Water Act provides that any person who negligently violates any condition, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both.

In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

Any person who knowingly violates section any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.

In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both.

An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000.

Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.
- 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 include 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:
- Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 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
  - 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:
- An upset occurred and that the permittee can identify the causes(s) of the upset;
  - The permitted facility was at the time being properly operated;
  - The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
  - The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### B5. Treatment of Single Operational Upset

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single

operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

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

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

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

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

**B8. Emergency Response and Public Notification Plan**

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

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

**B9. Removed Substances**

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

**SECTION C. MONITORING AND RECORDS**

**C1. Representative Sampling**

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

C2. Flow Measurements

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

C3. Monitoring Procedures

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

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

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

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

**C9. Records Contents**

Records of monitoring information must include:

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

**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 postmarked within 5 days.

- i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:
  - (a) The OERS incident number (if applicable);
  - (b) The cause or suspected cause of the overflow;
  - (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
  - (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
  - (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

b. Other instances of noncompliance.

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

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

(2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

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

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

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

D6. Other Noncompliance

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

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

D7. Duty to Provide Information

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

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

D8. Signatory Requirements

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

D9. Falsification of Information

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

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the federal Clean Water Act if it were directly discharging those pollutants and;
- b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

## SECTION E. DEFINITIONS

- E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m<sup>3</sup>/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.
- E21. *POTW* means a publicly-owned treatment works.