



Oregon

Tina Kotek, Governor

Department of Environmental Quality

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March 16, 2026

Jacob Robinson
2660 NE Hwy 20 Ste 610 PMB 448
Bend, OR 97701

RE: Pre-Enforcement Notice
Cascade Powerwash 2, LLC
2026-PEN-10135
WPCF GEN 1700-B, #14273
FIS RID #304734
Deschutes County

Mr. Robinson:

Cascade Power Wash 2 LLC currently holds a Water Pollution Control Facilities (WPCF) General 1700-B permit listing you as the responsible official. This permit allows the business to dispose of pavement-cleaning wastewater by means of evaporation, seepage, and/or irrigation. On 2/4/2026 DEQ called Jennifer Robinson (Cascade Power Wash 2 LLC employee) to discuss the 2025 annual report that was due on 1/15/2026, per condition B.2 of the 1700-B permit. In this phone call, Mrs. Robinson informed me that the business routinely cleans sidewalks for a shopping center using heated water and steam, including in 2025. Furthermore, the business disposes of sidewalk-cleaning wastewater by allowing it to flow to nearby storm drains.

Additionally, the Cascade Powerwash 2 LLC business is showing a status of “administrative dissolution” on the Oregon Secretary of State business registry website. The effective date of this status is 1/2/2025.

Based upon these facts, the Department has concluded that you are responsible for the following violations of Oregon environmental law:

VIOLATIONS:

- (1) OAR 340-055(1)(d); (Class I): “Operating a discharge source or conducting a discharge activity without first obtaining an individual permit or applying for coverage under a general permit for that discharge or disposal activity.”

Because the 1700-B General WPCF permit is issued to Cascade Powerwash 2 LLC, and not to Jacob Robinson or to any employee of the business, discharge of sidewalk cleaning wastewater is not considered to be authorized while the business is dissolved.

It should be noted that DEQ’s 1700-A permit (which is different from the 1700-B permit that was issued to Cascade Power Wash 2 LLC, and is provided in Attachment 1 for reference) provides a de minimis exemption from requiring a permit for sidewalk cleaning operations that discharge to storm drains, and meet certain criteria. Nevertheless, the use of steam and heated water for sidewalk cleaning disqualifies this activity from being considered de minimis, per the 1700-A permit.

Class I violations are the most serious violations; Class III violations are the least serious.

Corrective Action Required

Violation #1:

- 1) By **5/1/2026**, you must either:
 - a. Renew the business registration for Cascade Power Wash LLC with the Oregon Secretary of State. Written proof of business registration must also be provided to DEQ. Upon registration of the business, the business must comply with all conditions of the 1700-B permit, including the prohibition against discharging to storm drains, and the requirement to monitor oil and grease and pH monthly while operating.
 - OR
 - b. Submit a letter to DEQ stating that Jacob Robinson and/or Cascade Power Wash 2 LLC will carry out sidewalk cleaning operations in accordance with all applicable de minimis conditions of the 1700-A permit (Attachment 1). The letter must specify that chemicals, soaps, detergents, steam, or heated water will not used, and that surfaces will be swept prior to washing.

Your timely and responsive action on these items will be taken into consideration in any civil penalty assessment issued by the Department.

If you believe any of the facts in this Pre-Enforcement Notice are in error, you may provide written information to me at the address shown at the top of the letter. The Department will consider new information you submit and take appropriate action.

The Department endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, feel free contact me in writing or by phone at 971-300-5142 or by email at Carl.Makepeace@deq.oregon.gov.

Sincerely,



Carl Makepeace

Permitting, Compliance, and
Land Application Specialist

Attachment 1

1700-A General NPDES Permit

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTEWATER DISCHARGE PERMIT

Department of Environmental Quality
811 Southwest Sixth Avenue, Portland, OR 97204
Telephone: (503) 229-5279

Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

All Owners or Operators of Facilities
Conducting Activities that are Covered by this
Permit

SOURCES COVERED BY THIS PERMIT: Vehicle, equipment, building, and pavement washing activities that discharge wash water to surface waters or storm sewers. This permit covers discharges from fixed washing operations and mobile washing operations.

ACTIVITIES NOT COVERED BY THIS PERMIT: This general permit does not cover the following: hydroblasting (see Schedule D for definition) or the use of abrasives to remove paint or oxidized metal; and washing the inside of trailers, railroad cars, and other large commodity-carrying containers. This permit also does not cover discharges from boat washing activities.

Michael T. Llewelyn, Administrator
Water Quality Division

Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system and discharge to public waters adequately treated wastewaters in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Unless authorized by another NPDES permit, all other direct and indirect discharges to public waters are prohibited.

SCHEDULE A

EXEMPTED ACTIVITIES

1. Any facility that **collects, treats, and recycles ALL wastewater with no discharge** to surface waters or groundwater may operate without a permit from the Department of Environmental Quality (DEQ).
2. Any facility that **collects ALL wastewater and discharges to a municipal sanitary sewerage system** (refer to Schedule D for definitions) may operate without a permit from the DEQ. This includes those facilities that may collect and hold wastewater for later disposal to the municipal sewerage system. A permit for discharge to sanitary sewer may be required by the local city or county.

DEMINIMIS ACTIVITIES

3. The following washing activities are considered to have a **deminimis** impact on the environment and are allowed without obtaining a permit. However, any facility found to be adversely affecting water quality will be required to obtain a permit. Such a facility would then be subject to all terms and conditions of this permit.
 - a) *ACTIVITIES WITH DISCHARGE TO SURFACE WATERS AND STORM SEWER* (refer to Schedule D for definitions) - The use of any chemicals, soaps, detergents, steam, or "heated" water in the following activities is prohibited.
 - i) The washing of **buildings** is permitted provided chemicals, soaps, detergents, steam, or heated water are not used.
 - ii) The washing of **roads, parking lots, sidewalks, and other paved surfaces** is permitted provided chemicals, soaps, detergents, steam, or heated water are not used, and surfaces are swept prior to washing.
 - iii) The washing of **new or used vehicles or equipment** awaiting sale, lease or delivery is permitted provided chemicals, soaps, detergents, steam, or heated water are not used, and washing is restricted to the outside of the vehicle or piece of equipment (no engines, transmissions, or undercarriages). Rental vehicles and rented equipment are not included in this exemption.
 - iv) **Businesses** that wash **less than 8** vehicles or pieces of equipment per week are permitted provided chemicals, soaps, detergents, steam, or heated water are not used. Washing shall be restricted to the exterior of the vehicle or equipment (no engines, transmissions, or undercarriages). When washing large trucks, the tractor and trailer are counted as separate pieces.
 - b) *REFER TO 1700B PERMIT FOR ACTIVITIES WITH NO DISCHARGE TO SURFACE WATERS, STORM SEWERS AND DRY WELLS.*
 - c) *NON-PROFIT ACTIVITIES* - Vehicle washing by private citizens and fund-raising groups such as schools, churches, boy scouts, girl scouts, etc. is permitted. Fund-raising groups shall employ the best management practices outlined in the Department's fact sheet on non-profit activities.

LIMITATIONS

4. Prohibitions - The use of organic solvents or non-biodegradable chemicals, soaps and detergents is prohibited for all washing activities covered by this permit, including activities in Condition 3 above. All chemicals, soaps or detergents used shall be phosphate-free. The use of chemicals to maintain proper operation of treatment facilities is allowed.
5. Approval from Local Authority - Discharge of wash water to a municipal owned storm sewer system may require approval from the local authority. No discharges are allowed by this permit including discharges from activities listed in Condition 3 without prior approval from the municipality.
6. Sub-basin Limitation - Excluding activities listed in Condition 3 above, no new wash water discharges shall be permitted to the Clackamas River Sub-basin, McKenzie River Sub-basin (above

Hayden Bridge, river mile 15), and North Santiam River Sub-basin as required by OAR 340-41-470(1). Existing sources, which are defined as those discharges from point sources that existed prior to January 28, 1994, can continue to discharge wash water under the Three Basin Rule.

7. Water Quality Limited Streams - The Department may establish additional controls on washing operations that discharge to water quality limited streams in cases where Total Maximum Daily Loads (TMDL) are developed and where washing operations are specifically mentioned as an activity that needs additional controls.
8. Temperature Management Plan - Individual wash water discharges are not expected to cause a measurable increase in stream temperatures. Facilities that discharge to water quality limited streams and meet the terms and conditions of this permit will be deemed to satisfy the requirement of developing and implementing a surface water temperature management plan.
9. Lagoons/Ponds - The Department may require lagoons/ponds to be lined in areas of shallow groundwater or highly permeable soils to prevent adverse impacts to groundwater.
10. Groundwater Protection - No activities shall be conducted that could adversely impact groundwater quality. If adverse impacts to groundwater quality are suspected from a facility covered by this permit, the Department may require the Permittee to perform a groundwater investigation.
11. Engine Washing, Acid/Caustic/Metal Brightener Washing, or Steam/Heated Water Washing - Facilities that conduct engine washing, acid/caustic/metal brightener washing, or steam/heated water washing shall conduct these operations on an **impermeable** surface. Wash water shall be collected and treated prior to discharge. The treated wash water shall comply with the following effluent limits:

Parameters	Limitations (Daily Maximum)
Oil & Grease	15 mg/l
Copper	0.1 mg/l
Lead	0.1 mg/l
Zinc	0.5 mg/l
pH	Shall be within 6.0 - 9.0 range

12. Other Activities - Excluding activities listed in Conditions 3 and 11 above, all other washing activities covered by this permit shall comply with the following effluent limits:

Parameters	Limitations (Daily Maximum)
Total Suspended Solids	60 mg/l
Oil & Grease	15 mg/l
pH	Shall be within 6.0 - 9.0 range

13. Allowable Mixing Zone - Notwithstanding the effluent limitations established by this permit except as provided in OAR 340-45-080, no wastes shall be discharged and no activities shall be conducted that will violate applicable water quality standards as adopted in OAR 340 Division 41, except within a mixing zone in the following defined mixing zone:

The allowable mixing zone shall not extend beyond a distance of 30 feet from the point of discharge and shall not exceed one-half the width of the receiving stream.

SCHEDULE B**MINIMUM MONITORING REQUIREMENTS**

1. Engine Washing, Acid/Caustic/Metal Brightener Washing, or Steam/ Heated Water Washing - Facilities that conduct *any* of these washing activities shall monitor the discharge from these activities in accordance with the following frequency:

Parameters	Frequency	Sample Type
Oil and Grease	1/month	Grab
Copper	1/month	Grab
Lead	1/month	Grab
Zinc	1/month	Grab
pH	1/month	Grab

2. All Other Activities Covered by this Permit - Excluding activities listed in Schedule A, Condition 3 (Deminimis Activities) and Condition 11 (Engine Washing, Acid/Caustic/Metal Brightener Washing, or Steam/Heated Water Washing), all other washing operations shall monitor their discharge in accordance with the following frequency:

For the first year of operation and until compliance is attained*:

Parameters	Frequency	Sample Type
Total Suspended Solids	1/month	Grab
Oil and Grease	1/month	Grab
pH**	1/month	Grab

After the first year of operation if compliance is attained*:

Parameters	Frequency	Sample Type
Total Suspended Solids	1/quarter	Grab
Oil and Grease	1/quarter	Grab
pH**	1/month	Grab

* Compliance will be based on consistently meeting effluent limits over a six-month period.

** pH paper that has the capability of determining pH to one-tenths (0.1) standard units or a properly calibrated portable pH meter may be used to make field measurement of pH.

Note: Mobile washers that conduct washing operations covered in conditions 1 and 2 above shall obtain representative samples from both washing operations at the frequency stated above.

REPORTING REQUIREMENTS

3. Facilities that conduct engine washing, acid/caustic/metal brightener washing, or steam/heated water washing shall report monitoring results on a monthly basis. Reports must be submitted to the Department by the 15th day of the following month.
4. All other facilities, who monitor their discharge and are covered by this permit, shall report monitoring results on a quarterly basis. Reports must be submitted to the Department by the 15th day of the month following the quarter (i.e., January 15th, April 15th, July 15th, and October 15th). Once a facility has attained compliance (as defined above) with the effluent limits in the permit, the permittee shall notify the Department in its quarterly monitoring report that compliance with effluent limits has been achieved and the facility is monitoring at the reduced frequency.
5. The permittee shall install and operate any necessary treatment facilities in accordance with Schedule C of the permit. The permittee shall submit a letter stating that treatment facilities are installed and operational within 14 days after completion.

SCHEDULE C

COMPLIANCE CONDITIONS AND SCHEDULES

1. Existing facilities (i.e. facilities that are in operation at the time the permit is issued) shall have until September 15, 1998, to achieve compliance with the effluent limits in Schedule A, Conditions 11 and 12 of this permit. An existing facility shall comply with all other conditions in the permit at the time of permit assignment. New facilities shall comply with all conditions in the permit upon commencement of discharge from the facility.

SCHEDULE D**SPECIAL CONDITIONS**

1. The permittee shall implement whenever economically and technically feasible the best management practices listed in the DEQ's guidance document titled *Recommended Best Management Practices for Washing Activities*.
2. The changing of vehicle fluids is prohibited in wash bay areas.
3. Catch basins and sediment traps shall be cleaned on a routine basis to prevent concentration of pollutants and re-contamination of the discharge.
4. Solids removed in any cleaning process shall be collected and disposed of in accordance with methods approved by DEQ and the local city or county.
5. Washing operations shall be conducted in a manner that will prevent erosion at the site.
6. The Director may revoke a general permit as it applies to any person and require such person to apply for and obtain an individual NPDES or WPCF permit if:
 - a) The permitted source or activity is a significant contributor of pollution or creates other environmental problems;
 - b) The permittee is not in compliance with the terms and conditions of this general permit; or
 - c) Conditions or standards have changed so that the source or activity no longer qualifies for a general permit.
7. Any permittee not wishing to be covered or limited by this general permit may make application for an individual NPDES permit in accordance with NPDES procedures in OAR 340-45-030.
8. Definitions:

Hydroblasting - The use of high pressure to remove paint or oxidized metals from a surface. Typically, pressures of 2000 psi and greater are used to remove paint or oxidized metal, however, lower pressures may also remove paint or oxidized metal. This permit does not cover hydroblasting activities.

Storm sewer - A system that collects runoff from rainfall, snowmelt, and discharges from human activities (i.e., wash water). This water is typically discharged to nearby waterways with little or no treatment.

Sanitary sewer - A system that collects wastewater from residential, commercial and industrial sources. The wastewater is then directed to a sewage treatment plant for treatment and subsequent discharge.

Impermeable surface - A surface that prevents water from seeping into the ground and allows water to be collected. Examples of impermeable surfaces include paved areas using asphalt, concrete, or cement, and synthetic materials such as plastics.

SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; for permit termination, suspension, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

Oregon Law (ORS 468.140) allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state, is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee shall 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.

4. 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 shall be submitted at least 180 days before the expiration date of this permit.

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

5. Permit Actions

This permit may be modified, suspended, 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; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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

6. Toxic Pollutants

The permittee shall comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants 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.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit References

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

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary

facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee shall, 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 shall not be 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.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality and/or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which 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 unless:
 - (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
 - (b) 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 which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The permittee submitted notices and requests as required under General Condition B.3.c.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Director determines that it will meet the three conditions listed above in General Condition B.3.b.(1).

c. Notice and request for bypass.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in General Condition D.5.

4. 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 B.4.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 shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required in General Condition D.5, hereof (24-hour notice); and
- (4) The permittee complied with any remedial measures required under General Condition A.3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Treatment of Single Operational Event

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

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions

- (1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.
- (3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.

b. Prohibition of overflows. Overflows are prohibited unless:

- (1) Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and
- (3) The overflows are the result of an upset as defined in General Condition B.4. and meeting all requirements of this condition.

c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means.

d. Reporting required. Unless otherwise specified in writing by the Department, all overflows and uncontrolled overflows must be reported orally to the Department within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D.5.

7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs, upon request by the Department, the permittee shall take such steps as are necessary to alert the public about the extent and nature of the discharge. 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.

8. Removed Substances

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

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Sampling and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

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

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

4. Penalties of Tampering

The 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 shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years, or by 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.

5. Reporting of Monitoring Results

Monitoring results shall be summarized each month on a Discharge Monitoring Report form approved by the Department. The reports shall 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.

6. 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 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value shall be recorded unless otherwise specified in this permit.

7. Averaging of Measurements

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

8. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records of 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, 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 the Director at any time.

9. Records Contents

Records of monitoring information shall 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.

10. Inspection and Entry

The permittee shall allow the Director, or an authorized representative 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.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall comply with Oregon Administrative Rules (OAR) 340, Division 52, "Review of Plans and Specifications". Except where exempted under OAR 340-52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers shall be commenced until the plans and specifications are submitted to and approved by the Department. The permittee shall give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. 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 the

rules of the Commission. No permit shall be transferred to a third party without prior written approval from the Director. The permittee shall notify the Department when a transfer of property interest takes place.

4. 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 shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

5. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office shall be called. Outside of normal business hours, the Department shall be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. If the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, and in which case if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission shall 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;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
- e. Public notification steps taken, pursuant to General Condition B.7.

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

- a. Any unanticipated bypass which exceeds any effluent limitation in this permit.
- b. Any upset which exceeds any effluent limitation in this permit.
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

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

6. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under General Condition D.4 or D.5, at the time monitoring reports are submitted. The reports shall 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.

7. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

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

8. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified in accordance with 40 CFR 122.22.

9. Falsification of Reports

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 \$100,000 per violation and up to 5 years in prison.

10. Changes to Indirect Dischargers - [Applicable to Publicly Owned Treatment Works (POTW) only]

The permittee must provide adequate notice to the Department 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 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 shall 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.

11. **Changes to Discharges of Toxic Pollutant - [Applicable to existing manufacturing, commercial, mining, and silvicultural dischargers only]**

The permittee must notify the Department as soon as they know or have reason to believe of the following:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (4) The level established by the Department in accordance with 40 CFR 122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (4) The level established by the Department in accordance with 40 CFR 122.44(f).

SECTION E. DEFINITIONS

1. BOD means five-day biochemical oxygen demand.
2. TSS means total suspended solids.
3. mg/l means milligrams per liter.
4. kg means kilograms.
5. m³/d means cubic meters per day.
6. MGD means million gallons per day.
7. Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
8. FC means fecal coliform bacteria.
9. 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 340-41.
10. CBOD means five day carbonaceous biochemical oxygen demand.
11. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
12. Quarter means January through March, April through June, July through September, or October through December.
13. Month means calendar month.
14. Week means a calendar week of Sunday through Saturday.
15. Total residual chlorine means combined chlorine forms plus free residual chlorine.
16. The term "bacteria" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
17. POTW means a publicly owned treatment works.