

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

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

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

**ISSUED TO:**

Shell Oil Products Company LLC  
 PO Box 261517  
 Highland Ranch, CO 80130

**SOURCES COVERED BY THIS PERMIT:**

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 1.7
Treated Wastewater	002	On Site Drainfield

**FACILITY TYPE AND LOCATION:**

Sand Filter  
 Shell Oil  
 I-5 and HWY 228  
 Halsey

**RECEIVING STREAM INFORMATION:**

Basin: Willamette  
 Sub-Basin: Middle Willamette  
  
 Receiving Stream: Courtney Creek  
 Hydro Code: 1230847444201 1.7 D  
 County: Linn

**Treatment System Class:** Level I  
**Collection System Class:** N/A  
**EPA REFERENCE NO:** OR003118-6

Issued in response to Application No. 982274 received February 23, 2005. This permit is issued based on the land use findings in the permit record.

\_\_\_\_\_  
 John J. Ruscigno, Water Quality Manager  
 Western Region North

DRAFT  
 \_\_\_\_\_  
 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 only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	Page
Schedule A - Waste Discharge Limitations not to be Exceeded .....	2
Schedule B - Minimum Monitoring and Reporting Requirements .....	4
Schedule C - Compliance Conditions and Schedules.....	6
Schedule D - Special Conditions.....	7
Schedule F - General Conditions.....	9

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

**SCHEDULE A**

1. **Waste Discharge Limitations not to be exceeded after permit issuance.**

a. Treated Effluent Outfall 001

- (1) May 1 - October 31: No discharge to waters of the State (unless approved in writing by the Department)
- (2) The influent to the treatment unit shall not exceed the following flow and maximum concentrations:

Parameter	Limitation
Flow	0.002 MGD
BOD <sub>5</sub>	400 mg/L
TSS	200 mg/L
TKN	150 mg/L

- (3) November 1 - April 30 (See Note 1):

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	10 mg/L	15 mg/L	0.17	0.25	0.34
TSS	10 mg/L	15 mg/L	0.17	0.25	0.34

\* Average dry weather design flow to the facility equals 0.002 MGD. Mass load limits have been individually assigned and are based upon prior permit.

- (4)

Other parameters	Limitations
<i>E. coli</i> Bacteria	Shall not exceed 126 organisms per 100 mL monthly geometric mean. No single sample shall exceed 406 organisms per 100 mL. (See Note 2)
pH	Shall be within the range of 6.0 - 9.0
BOD <sub>5</sub> and TSS Removal Efficiency	Shall not be less than 85% monthly average based on an assumed influent strength of 200 mg/L.

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

The allowable mixing zone is that portion of Courtney Creek where the effluent mixes with 25 percent of the stream flow but in no case will extend farther than one fourth the width of the stream from point of discharge and from a point ten feet upstream of the outfall to a point 50 feet downstream of the outfall. The Zone of Initial Dilution (ZID) is defined as that portion of the allowable mixing zone that is within two feet of the point of discharge (See Note 3).

b. Treated Effluent Outfall 002

The permittee is authorized to operate and maintain a domestic sewage treatment and disposal facility consisting of an Intermittent Sand Filter unit with final disposal to a soil absorption drainfield.

- (1) The influent to the treatment unit shall not exceed the following flow and maximum concentrations:

Parameter	Limitation
Flow	0.002 MGD
BOD <sub>5</sub>	400 mg/L
TSS	200 mg/L
TKN	150 mg/L

- (2) The effluent from the treatment unit to the drainfield shall not exceed the following concentrations:

Parameter	Limitation
BOD <sub>5</sub>	30 mg/L
TSS	30 mg/L

On a year around basis, the permittee is allowed to discharge treated effluent to an onsite drainfield and shall be disposed of in such a manner as to prevent:

- (i) Surfacing of the water on the ground surface;
- (ii) Surface runoff or subsurface drainage through drainage tile;
- (iii) The creation of odors, fly and mosquito breeding and other nuisance conditions;
- (iv) The overloading of land with nutrients or organics; and,
- (v) Impairment of existing or potential beneficial uses of groundwater.

c. Groundwater

- (1) No activities shall be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related residuals shall be managed and disposed of in a manner that will prevent a violation of the Groundwater Protection Rules (OAR-340-040).

**NOTES:**

1. No discharge to Courtney Creek will be allowed until such time as the requirements of Schedule C. 1-3 have been completed and approved by the Department.
2. If a single sample exceeds 406 organisms per 100 mL, then five consecutive re-samples may be taken at four-hour intervals beginning within 72 hours after the original sample was taken. If the log mean of the five re-samples is less than or equal to 126 organisms per 100 mL, a violation shall not be triggered.
3. When the permittee completes a dilution and mixing zone study as required by Schedule C, Condition 1, the Department will reopen this permit and amend the mixing zone and ZID as appropriate.

**SCHEDULE B**

1. **Minimum Monitoring and Reporting Requirements** (unless otherwise approved in writing by the Department).

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

a. Influent

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Calculation from pump hours
Flow Calculation Verification	Annually	Verification
BOD <sub>5</sub>	Monthly	Grab
TSS	Monthly	Grab
pH	2/Week	Grab

b. Treated Effluent Outfall 001

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Calculation from pump hours
Flow Calculation Verification	Annually	Verification
BOD <sub>5</sub>	Monthly	Grab
TSS	Monthly	Grab
pH	2/Week	Grab
Temperature	2/Week	Grab
<i>E. coli</i>	Monthly	Grab (See Note 2)
Quantity Chlorine Used	Daily	Measurement
Total Chlorine Residual	Daily	Grab
Pounds Discharged (BOD <sub>5</sub> and TSS)	Monthly	Calculation
Average Percent Removed (BOD <sub>5</sub> and TSS)	Monthly	Calculation
Nutrients		
NH <sub>3</sub> -N, NO <sub>2</sub> +NO <sub>3</sub> -N,	Quarterly	Grab

c. Treated Effluent Outfall 002

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Calculation from pump hours
Flow Calculation Verification	Annually	Verification
BOD <sub>5</sub>	Quarterly	Grab
TSS	Quarterly	Grab
NH <sub>3</sub> -N, NO <sub>3</sub> +NO <sub>2</sub> -N	Quarterly	Grab

d. Other

Item or Parameter	Minimum Frequency	Type of Sample
Inspection of Grease Traps	Quarterly	Record Observations
Tank Inspection (Septic, dosing, recirculation)	Annually	Record Observations
Inspect Pump Screens	Monthly	Record Observations
Testing Alarm Systems	Monthly	Record Testing Dates

e. Courtney Creek

Item or Parameter	Minimum Frequency	Type of Sample
Stream Flow	Daily when discharging	Record (See Note 3)

2. **Reporting Procedures**

- a. Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the appropriate Department Western Region office by the 15th day of the following month.
- b. State monitoring reports shall identify the name, certificate classification and grade level of each principal operator designated by the permittee as responsible for supervising the wastewater collection and treatment systems during the reporting period. Monitoring reports shall also identify each system classification as found on page one of this permit.
- c. Monitoring reports shall also include a record of the quantity of all biosolids or septage removed and transported from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. **Reporting Requirements**

- a. Maintenance practices, solids handling, and inspections shall be summarized and reported once per calendar year. Reports must be submitted to the DEQ office listed on the face page of this permit by January 15 following the reporting period.

**NOTES:**

1. Grease and Oil shall be monitored in June and December each year.
2. *E. coli* monitoring must be conducted according to any of the following test procedures as specified in **Standard Methods for the Examination of Water and Wastewater, 19th Edition**, or according to any test procedure that has been authorized and approved in writing by the Director or an authorized representative:

Method	Reference	Page	Method Number
mTEC agar, MF	Standard Methods, 18th Edition	9-29	9213 D
NA-MUG, MF	Standard Methods, 19th Edition	9-63	9222 G
Chromogenic Substrate, MPN	Standard Methods, 19th Edition	9-65	9223 B
Colilert QT	Idexx Laboratories, Inc.		

3. Measurement must be obtained from the approved gauge installed in accordance with Schedule C.2. The stream flow shall be reported daily as a running seven day average when discharging.

## SCHEDULE C

### Compliance Schedules and Conditions

1. Nine months prior to requesting Department authorization to discharge treated effluent to Courtney Creek, the permittee shall submit to the Department an approvable mixing zone dilution study plan. The plan shall include an approvable schedule for conducting a mixing zone dilution study and submitting the results to the Department. Upon Department approval, the permittee shall conduct the study in accordance with the approved schedule.

The mixing zone dilution study should be conducted through a dye study or an approved and verified mathematical model and should include a characterization of the zone of immediate dilution and the mixing zone boundary. The study shall include an evaluation of the dispersion, mixing and dilution of the discharged effluent and should be conducted during critical low flow conditions and at the average dry weather flow for the facility.

2. Six months prior to requesting Department authorization to discharge treated effluent to Courtney Creek, the permittee shall install an approved flow recording device that will accurately measure the real time flow of Courtney Creek in the vicinity of Outfall 001. Within thirty days of installation, the flow recording device shall be on line and accurately measuring the real time flow of Courtney Creek on a daily frequency.
3. By no later than six months after installation of the flow recording device, the permittee shall develop an approvable hydrographic discharge curve based on the real time flow in Courtney Creek. Treated effluent shall be discharged according to the hydrographic curve.
4. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than fourteen days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he/she determines good and valid cause resulting from events over which the permittee has little or no control.

## SCHEDULE D

### Special Conditions

1. The permittee shall comply with Oregon Administrative Rules (OAR), Chapter 340, Division 49, "Regulations Pertaining To Certification of Wastewater System Operator Personnel" and accordingly:
  - a. The permittee shall have its wastewater system supervised by one or more operators who are certified in a classification and grade level (equal to or greater) that corresponds with the classification (collection and/or treatment) of the system to be supervised as specified on page one of this permit.

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

- b. The permittee's wastewater system may not be without supervision (as required by Special Condition 1.a. above) for more than thirty days. During this period, and at any time that the supervisor is not available to respond on-site (i.e. vacation, sick leave or off-call), the permittee must make available another person who is certified in the proper classification and at grade level I or higher.
  - c. The permittee is responsible for ensuring the wastewater system has a properly certified supervisor available at all times to respond on-site at the request of the permittee and to any other operator.
  - d. The permittee shall notify the Department of Environmental Quality in writing within thirty days of replacement or re-designation of certified operators responsible for supervising wastewater system operation. The notice shall be filed with the Water Quality Division, Operator Certification Program, 400 East Scenic Drive, Suite 307, The Dalles, OR 97058. This requirement is in addition to the reporting requirements contained under Schedule B of this permit.
  - e. Upon written request, the Department may grant the permittee reasonable time, not to exceed 120 days, to obtain the services of a qualified person to supervise the wastewater system. The written request must include justification for the time needed, a schedule for recruiting and hiring, the date the system supervisor availability ceased and the name of the alternate system supervisor(s) as required by 1.b. above.
2. No activities shall be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater. All wastewater and process related residuals shall be managed and disposed in a manner that will prevent a violation of the Groundwater Quality Protection Rules (OAR 340-040).
3. An adequate contingency plan for prevention and handling of spills and unplanned discharges shall be in force at all times. A continuing program of employee orientation and education shall be maintained to ensure awareness of the necessity of good in-plant control and quick and proper action in the event of a spill or accident.
4. The permittee shall not be required to perform a hydrogeologic characterization or groundwater monitoring during the term of this permit provided:
  - a. The facilities are operated in accordance with the permit conditions, and;
  - b. There are no adverse groundwater quality impacts (complaints or other indirect evidence) resulting from the facility's operation.

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

5. All biosolids (septage) shall be managed in accordance with the DEQ approved septage management plan. Any changes in solids management activities that significantly differ from operations specified under the approved plan require the prior written approval of the DEQ.
6. Access to the sand filter area shall be restricted and shall be kept vacant and free of vegetation, equipment, and any material or activity that would interfere with the operation of the system.
7. The disposal and replacement disposal areas shall not be subject to any activity that would adversely affect the soil or the functioning of the system. This includes, but is not limited to, vehicular traffic, covering the area with asphalt or concrete, filling, cutting or other soil modifications.
8. Unless otherwise approved in writing by the Department, a deep-rooted, permanent grass cover shall be maintained on the land disposal area at all times. This area shall be kept vacant, free of vehicular traffic, and no grading, filling, or other soil modification shall occur unless authorized by the Department.
9. The permittee shall, during all times of disposal, provide personnel to assure continuous performance of the disposal system within the limitations of this permit.
10. The permittee shall notify the appropriate DEQ Western Region Office in accordance with the response times noted in the General Conditions of this permit, of any malfunction so that corrective action can be coordinated between the permittee and the Department.

**SCHEDULE F**  
**NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES**

**SECTION A. STANDARD CONDITIONS**

1. Duty to Comply with Permit  
The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the Clean Water Act, Oregon Revised Statutes (ORS) 468B.025, and 40 Code of Federal Regulations (CFR) Section 122.41(a), and grounds for an enforcement action. Failure to comply is also grounds for the Department to modify, revoke, or deny renewal of a permit.
2. Penalties for Water Pollution and Permit Condition Violations  
ORS 468.140 allows the Department to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. Additionally 40 CFR 122.41 (A) provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed \$25,000 per day for each violation.  
  
Under ORS 468.943 and 40 CFR 122.41(a), unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000 imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.  
  
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. Additionally, under 40 CFR 122.41(a) any 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 federal civil penalty not to exceed \$100,000, and up to 6 years in prison.
3. Duty to Mitigate  
The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, 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.
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 must be submitted at least 180 days before the expiration date of this permit.  
  
The Department 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, 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  
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.
6. Toxic Pollutants  
The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 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 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.
8. Permit References  
Except for effluent standards or prohibitions established under OAR 340-041-0033 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.

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

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

1. Proper Operation and Maintenance  
The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. 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.
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 apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation or the diversion is due to nonuse of nonessential treatment units or processes at the treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes that 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 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 that 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 Department may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when the Department 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, a written notice must be submitted to the Department 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 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 must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required in General Condition 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 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 Clean Water Act effluent discharge pollutant parameter. A single operational upset 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 upset 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 storm related overflows. Storm related overflows of raw sewage are prohibited to waters of the State. However, the Environmental Quality Commission (EQC) recognizes that it is impossible to design and construct a conveyance system that will prevent overflows under all storm conditions. The State of Oregon has determined that all wastewater conveyance systems should be designed to transport storm events up to a specific size to the treatment facility. Therefore, such storm related overflows will not be considered a violation of this permit if:

- (1) The permittee has conveyance and treatment facilities adequate to prevent overflows except during a storm event greater than the one-in-five-year, 24-hour duration storm from November 1 through May 21 and except during a storm event greater than the one-in-ten-year, 24-hour duration storm from May 22 through October 31. However, overflows during a storm event less than the one-in-five-year, 24-hour duration storm from November 1 through May 21 are also not permit violations if, the permittee had separate sanitary and storm sewers on January 10, 1996, had experienced sanitary sewer overflows due to inflow and infiltration problems, and has submitted an acceptable plan to the Department to address these sanitary sewer overflows by January 1, 2010;
- (2) The permittee has provided the highest and best practicable treatment and/or control of wastes, activities, and flows and has properly operated the conveyance and treatment facilities in compliance with General Condition B.1.;
- (3) The permittee has minimized the potential environmental and public health impacts from the overflow; and
- (4) The permittee has properly maintained the capacity of the conveyance system.

c. Prohibition of other overflows. All overflows other than stormwater-related overflows (discussed in Schedule F, Section B, Condition 6.b.) 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.

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

e. 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. Reports concerning storm related overflows must include information about the amount and intensity of the rainfall event causing the overflow.

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 must 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 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**

1. 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 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 may not be changed without notification to and the approval of the Department.

2. Flow Measurements  
Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than  $\pm 10$  percent from true discharge rates throughout the range of expected discharge volumes.
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 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.
5. Reporting of Monitoring Results  
Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by the Department. 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.
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 part 136 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 (e.g., Total Chlorine Residual), only the average daily value must be recorded unless otherwise specified in this permit.
7. Averaging of Measurements  
Calculations for all limitations that require averaging of measurements must 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 must retain records of all monitoring information, including: all calibration, 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 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 Department at any time.
9. 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.
10. Inspection and Entry  
The permittee must allow the Department 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 must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (1). Except where exempted under OAR chapter 340, division 52, 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 the Department. The permittee must 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 must give advance notice to the Department of any planned changes in the permitted facility or activity that 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 may be transferred to a third party without prior written approval from the Department. The Department 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 the Clean Water Act (see 40 CFR Section 122.61; in some cases, modification or revocation and reissuance is mandatory). The permittee must 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 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.
5. 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) 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 must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).  
A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. Pursuant to ORS 468.959 (3) (a), if the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days of the time the permittee becomes aware of the circumstances. The written submission 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;
  - 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 must be included as information that must be reported within 24 hours under this paragraph:

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

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 must report all instances of noncompliance not reported under General Condition D.4 or D.5, 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.
7. Duty to Provide Information  
The permittee must furnish to the Department within a reasonable time any information that the Department may request to determine compliance with this permit. The permittee must 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 has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.
8. Signatory Requirements  
All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR Section 122.22.
9. 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 \$100,000 per violation and up to 5 years in prison. 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 shall, 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.
10. Changes to Indirect Dischargers  
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.

**SECTION E. DEFINITIONS**

1. *BOD* means five-day biochemical oxygen demand.
2. *CBOD* means five day carbonaceous biochemical oxygen demand
3. *TSS* means total suspended solids.
4. "*Bacteria*" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and *E. coli* bacteria.
5. *FC* means fecal coliform bacteria.
6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR Section 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR Chapter 340, Division 41.
8. *mg/l* means milligrams per liter.
9. *kg* means kilograms.
10. *m<sup>3</sup>/d* means cubic meters per day.
11. *MGD* means million gallons per day.
12. 24-hour *Composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow. The sample must be collected and stored in accordance with 40 CFR part 136.
13. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
14. *Quarter* means January through March, April through June, July through September, or October through December.
15. *Month* means calendar month.
16. *Week* means a calendar week of Sunday through Saturday.
17. *POTW* means a publicly owned treatment works.