

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

Oregon Department of Environmental Quality  
811 SW Sixth Avenue, Portland, OR 97204, (503) 229-6962  
Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

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**ISSUED TO:**

All owners or operators of facilities discharging pollutants that are covered by this permit. The submittal of an approved application and payment of applicable fees are required.

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**SOURCES COVERED BY THIS PERMIT:**

Treated discharges from aquatic animal production facilities which produce at least 20,000 pounds of fish per year, but have less than 300,000 pounds on hand at any time. Offsite discharge of water associated with the release of fish. Facilities which produce less than 20,000 pounds of fish per year and feed less than 5000 pounds of food during the month of maximum feeding or facilities that hold fish, including fish monitoring or fish acclimation, do not require a NPDES permit unless required by the Department on a case-by-case basis.

For a new or increased discharge from facilities on 303(d) water quality listed streams for temperature, the applicant or permittee shall follow provisions in Oregon Administrative Rule 340-041-0026.

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Michael T. Llewelyn, Administrator  
Water Quality Division

Issued: October 3, 2002  
Effective: October 16, 2002

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**PERMITTED ACTIVITIES**

Until this permit expires or is modified or revoked, the permittee is authorized to discharge to waters of the state 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:

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

## **SUMMARY OF APPLICATION REQUIREMENTS FOR PERMIT COVERAGE**

1. New Facilities Can Obtain Coverage By The Following Steps.
  - a. Notify the Department by submitting a completed application form requesting coverage under this permit at least 180 days prior to the planned activity that will result in the discharge to waters of the state.
  - b. Submit all required fees with the application.
  - c. Submit a Pollution Prevention Plan with the permit application (refer to 300-J permit, Schedule C).
  - d. The Department will review the application information and will either request additional information in writing or will notify the applicant by mail that it has received coverage and is authorized to operate under the conditions of this permit. If the applicant's operation cannot be approved for coverage under the general permit, the applicant may need to obtain an individual permit.
  
2. Existing Facilities Requiring Renewal Can Renew Coverage By The Following Steps.
  - a. Notify the Department by submitting a completed application form at least 180 days prior to permit expiration.
  - b. Submit all required fees with the application.
  - c. The Department will review the application for any substantial changes at the facility or any site-specific requirements such as waste load allocations that could affect coverage. The applicant will be notified if coverage cannot continue under the general permit in the event that the applicant may need to obtain an individual permit.
  - d. The existing permit will continue to be effective through administrative extension after the permit expiration date if the permittee submits a complete renewal application.
  - e. The Department will notify the applicant by mail that it has received coverage and is authorized to operate under the conditions of the new permit.

**SCHEDULE A**  
**WASTE DISCHARGE LIMITATIONS AND CONTROLS**

1. Normal Operations: Discharges shall not exceed the following limitations.

Parameter	Monthly Average	Daily Maximum
TSS <sup>1</sup>	5 mg/l	10 mg/l
Settleable Solids	0.1 ml/l	--
Temperature	--	77° F
pH	Within the range of 6.0 - 9.0 S.U.	

2. Cleaning Operations: Discharges shall not exceed the following limitations.

Parameter	Daily Maximum
TSS <sup>1</sup>	15 mg/l
Settleable Solids	0.2 ml/l
Temperature	77° F
pH	Within the range of 6.0 - 9.0 S.U.

Notes:

1. When surface water is used as supply water, the influent total suspended solids (TSS) may be monitored on the day an effluent TSS sample has been collected and for up to two days prior. The maximum daily influent TSS value can be used to derive the net TSS effluent value.
3. Operating Requirements:
- a. Sand, silt, mud, solids, filter backwash, debris, or other pollutants deposited or removed in the aquatic animal production or treatment process shall be disposed of in a manner that prevents such materials from entering waters of the state.
  - b. Discharge of untreated waste from cleaning operations to waters of the state is prohibited.
  - c. Dead fish, fish eggs, or processing waste shall be disposed of in a manner that prevents such materials from entering the waters of the state.
4. Except as provided for in OAR 340-045-0080, no wastes shall be discharged and no activities shall be conducted which violate Water Quality Standards as adopted in OAR 340-041 except in the following defined mixing zone:
- The allowable mixing zone shall not exceed a maximum distance of 30 feet in the downstream direction from the point of discharge and shall not exceed half of the receiving stream width.
5. The effluent limitations and other conditions (Schedule B and C) in this permit related to temperature constitute the surface water temperature management plan (temperature management plan) required by OAR 340-041-0026(3)(a)(D) applicable to the permittee, unless otherwise notified in writing by the Department. Provided that the permittee complies with this temperature management plan, the permittee will be deemed to be in compliance with the state temperature water quality standard and not to be causing or contributing to a violation of the water quality standards for temperature. If a

TMDL analysis or other monitoring information indicates the discharge has potential to affect the receiving water that is water quality limited for temperature, the Department may require specific corrective actions and/or application for an individual or basin-specific permit.

6. Chemical Use:

- a. Unless approved in writing by the Department before use, permittee must use chemicals approved or allowed for hatchery use by the US Food and Drug Administration (USFDA) or the US Environmental Protection Agency (USEPA). USFDA approved chemicals include: Investigational New Animal Drugs (INADs), Low Regulatory Priority (LRP) listed drugs, Deferred Regulatory Status (DRS) drugs and veterinary Extra-Labeled drugs. The permittee shall follow the conditions detailed in a facility's INAD permit application, treatment restrictions for LRP and DRS drugs, product label instructions for environmental protection, and precautions on labels of chemicals that are Extra-labeled by prescription.

The current USFDA LRP drugs are: acetic acid, calcium chloride, calcium oxide, carbon dioxide gas, Fuller's Earth, Garlic (whole form), hydrogen peroxide, ice, magnesium sulfate, onion (whole form), papain, potassium chloride, povidone iodine, sodium bicarbonate, sodium chloride, sodium sulfite, urea and tannic acid. The DRS chemicals are potassium permanganate and copper sulfate.

All chemical use shall be reported on the chemical use log and included in the annual report. Permittee shall document the disposal of all spent chemical dip treatment solutions according to the procedure described in the permittee's Pollution Prevention Plan.

- b. When seeking Department approval of drugs and chemicals not approved or allowed by USFDA or USEPA, the permittee must show all of the following:
- i) The drug or disease control chemical used and/or method of its application could not have reasonably been anticipated;
  - ii) Written or facsimile notification is provided to the appropriate DEQ Regional Office 24 hours prior to administering the drug or disease control chemical and approval from the Department is received; and
  - iii) Adequate precautions and procedures are followed and documented to ensure that the quality of the receiving water is not impaired.
- c. The use of any chemical shall not violate any applicable water quality standard.

7. Biomass: Permittee's maximum monthly biomass shall not exceed \_\_\_\_\_ pounds for this facility. (If not specified, the facility shall not exceed 300,000 pounds.)
8. Off site discharge of water incidental to the release of healthy fish into waters of the state is permitted.
9. Water Quality Limited Streams - If Total Maximum Daily Loads are established and the discharge from a permitted source is determined to be a significant contributor for a stream that is water quality limited, coverage may be terminated and application for an individual permit or different general permit may be required that would include waste load allocations.

**SCHEDULE B**  
 MINIMUM MONITORING AND REPORTING REQUIREMENTS

1. Effluent Discharge Normal Operations:

Item or Parameter	Minimum Frequency	Type of Sample
Flow	Weekly <sup>a</sup>	Estimate
Total Suspended Solids	Weekly <sup>a</sup>	Composite <sup>b</sup>
Settleable Solids	Weekly <sup>a</sup>	Grab
pH	Quarterly <sup>a</sup>	Grab <sup>c</sup>
Total Phosphorus	Quarterly <sup>a, d</sup>	Grab
Ammonia-N	Quarterly <sup>a, d</sup>	Grab
Temperature	Monthly <sup>e</sup>	Measurement(s)

2. Effluent Discharge Cleaning Operations (monitoring to be conducted during active cleaning operations within the month of highest production during each calendar quarter; “per event” means any time cleaning operations occur during the quarter):

Parameter	Minimum Frequency	Type of Sample
Flow	Per Event <sup>a</sup>	Estimate
Total Suspended Solids	Per Event <sup>a</sup>	Composite <sup>b</sup>
Settleable Solids	Per Event <sup>a</sup>	Grab
Total Phosphorus	Per Event <sup>a, d</sup>	Grab
Ammonia-N	Per Event <sup>a, d</sup>	Grab
Temperature	Per Event <sup>e</sup>	Measurement(s)

3. Receiving Stream Monitoring:

Parameter	Minimum Frequency	Type of Sample
Temperature	Monthly <sup>f</sup>	Measurement(s)

4. Influent Supply Water (optional for net TSS compliance calculation; refer to Schedule A):

Parameter	Minimum Frequency	Type of Sample
TSS	Optional – Per Event	Composite <sup>g</sup>

Notes for Monitoring Requirements:

- a. During the month of highest production for each calendar quarter.
- b. A representative composite sample shall consist of at least 4 grab samples collected during daylight hours of a single day and composited for analysis. For a facility that has multiple outfalls, only one outfall is required to be sampled during normal operations and cleaning operations, provided the other outfalls all have substantially identical effluents.
- c. The following may be used for the measurement of pH: pH paper that has the capability of determining pH to one-tenths (0.1) standard units or a proper calibrated pH meter.

- d. Monitoring is required only during the first four quarters after the permit is assigned to the permittee.
- e. Effluent temperature monitoring must be conducted from April 1 through October 31. Effluent measurement shall be conducted at approximately the same time as the receiving stream temperature monitoring during the afternoon hours. For multiple outfalls, monitoring is required at only one outfall, provided that the outfalls have substantially identical effluents.
- f. Receiving stream temperature monitoring must be conducted from April 1 through October 31. Measurements must be collected at three distinct locations during the afternoon hours. Sample locations shall include a point 10 feet upstream from the intake structure, a point 10 feet above the outfall, and at a point 30 feet downstream from the outfall. For multiple outfalls, monitoring is required at only one outfall, provided that the outfalls have substantially identical effluents.
- g. A representative sample of the supply water shall be a daily composite sample (as defined in Note b).

5. Chemicals Record Keeping:

The permittee shall keep a written record on all chemicals used at the facility for three (3) years and these records shall be available for review upon request by the Department. These records shall include:

- a. Person(s) responsible for administering the chemicals.
- b. The trade name of the chemicals used.
- c. The date of application(s).
- d. The reason for chemical usage and method of application.
- e. The location (e.g., hatch house, raceway or pond) of chemical use, estimated or measured concentration of active ingredient in the hatchery or rearing facility effluent at the point of discharge to the receiving waters, and a comparison of the estimated effluent chemical concentration to the chemical label dilution requirement.
- f. The quantity, trade name, method of disposal, and location of any disposed spent chemical dip solutions.

6. Reporting Procedures and Schedules:

- a. Permittee shall collect and record the monitoring data according to the frequency in Schedule B. Permittee must submit the results to the Department on approved forms by the 15th of the month following the end of each quarter. Monitoring during cleaning operations shall be accomplished during active cleaning operations within the month of highest production during the calendar quarter.

If the facility did not discharge during any quarterly period, the Discharge Monitoring Report (DMR) must still be submitted. The DMR shall describe the status of operations (i.e., no discharge).

- b. Permittee shall submit a summary of chemical use annually or more often if requested by the Department. The annual report covers the previous calendar year and is due by February 15th. The annual summary report shall describe the monthly quantity of each chemical used, the reason for application, and the total annual quantity of each chemical used.

### **SCHEDULE C**

#### COMPLIANCE CONDITIONS AND SCHEDULES

1. Pollution Prevention Plan:
  - a. For an existing facility, **within one (1) year** after assignment of this permit, the permittee shall develop, implement, and submit a copy of the Pollution Prevention Plan (Plan) to the Department. The submittal of the Plan shall include a certification statement and signature by the hatchery manager or other responsible person stating that the permittee is employing all reasonable best management practices, the Plan is being implemented, the Plan will be evaluated if a compliance problem occurs, and updates to the Plan will occur as necessary.
  - b. For a new facility, the Plan shall be developed **prior** to starting operations and submitted with the application for permit assignment.
  - c. The permittee shall maintain a copy of the Plan at the facility for review by the Department. The permittee shall assure that appropriate staff are familiar with the Plan and have been adequately trained to follow the applicable procedures and practices. The permittee shall review the Plan following any significant discharge of pollutants and revise it as needed to comply with the permit limitations and conditions.
  - d. The content of the required Plan shall include, but not be limited to, the following:
    - (1) A flow diagram of the production operations, wastewater collection and treatment, and monitoring locations that are required in Schedule B.
    - (2) A description of how fish feeding will be conducted to minimize the discharge of unconsumed food.
    - (3) The frequency of pond and raceway cleaning and the procedures that will be used to determine when cleaning is necessary to prevent the discharge of accumulated to waters of the state.
    - (4) A description of how pond and raceway cleaning will be performed to reduce the disturbance and discharge of settled solids during cleaning events.
    - (5) A description of how grading, harvesting, fish release, and other activities within ponds or raceways will be conducted to minimize disturbance and discharge of accumulated solids.
    - (6) A description of how all chemicals will be used within the facility to ensure that the amounts and frequency of application are the minimum necessary for effective disease treatment and control. Include procedures that describe how the concentration of disease control chemicals, drugs, and other chemicals in the facility's discharge will be

minimized to the maximum extent practicable and comply with the chemical labeling for dilution requirements.

- (7) A description of how all chemicals will be stored and disposed.
  - (8) A description of how solid and biological wastes will be collected, stored, and ultimately disposed. Wastes to be included are cleaning waste from production or treatment areas. The land application of solid waste shall be at appropriate agronomic rates.
  - (9) Procedures to prevent spills, spill response procedures, and notification plan for any unplanned discharge of waste materials, oil, disease chemicals, and other hazardous materials.
  - (10) Procedures to identify and prevent storm water pollution. The procedures shall consider management practices or treatment controls, materials exposure, and spill prevention to prevent discharge quality problems resulting from storm water runoff.
  - (11) Provide an evaluation of the receiving stream water quality limited status and the parameter(s) of concern, and determine potential impacts to these parameters from the fish hatchery discharge and any additional measures needed to prevent the excessive discharge of pollutants.
2. Updated Temperature Management Plan:
- a. **Within three and a half (3.5) years** after permit issuance, the permittee shall submit a report that analyzes the data from the first three years of monitoring to determine compliance with the temperature standard and if necessary proposes control strategies. The report must include an evaluation of operational thermal load impacts outside the defined mixing zone. The report shall also describe existing and/or proposed temperature reduction control strategies to comply with the numeric water quality temperature standard (i.e., 64° F, 55° F, 50° F, or no measurable increase; applicable criteria for salmonid spawning, rearing, or threatened and endangered). The report will be considered an updated temperature management plan.
  - b. At the time the temperature monitoring report is submitted the permittee may request a discontinuation of Schedule B temperature monitoring frequency if there is no reasonable potential to exceed applicable criteria.

#### **SCHEDULE D** **SPECIAL CONDITIONS**

1. 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 340-045-0030.



**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 to 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.
  - d. The permittee shall pay the fees required to be filed with this permit application and to be paid annually for permit compliance determination as outlined in the Oregon Administrative Rules, Chapter 340, Division 45.  
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 judgement 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 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 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  $\pm 10$  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 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 ug/l);
  - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/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 ug/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. M<sup>3</sup>/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.