

CITY OF PHILOMATH
Wastewater System Facilities Plan,
Philomath, Oregon

NPDES Permit
MAO
303d Listings

Appendix B

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

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

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

ISSUED TO:

City of Philomath
PO Box 400
Philomath, OR 97370

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 10.2

FACILITY TYPE AND LOCATION:

Stabilization Lagoons without Aeration
Philomath STP
West of Bellfountain Road
Philomath

RECEIVING STREAM INFORMATION:

Basin: Willamette
Sub-Basin: Upper Willamette

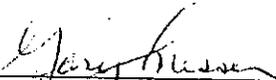
Receiving Stream: Mary's River
Hydro Code: 22E-MARY 10.2 D
County: Benton

Treatment System Class: Level I
Collection System Class: Level II

EPA REFERENCE NO: OR003244-1

Issued in response to Application No. 989510 received November 17, 1995.

This permit is issued based on the land use findings in the permit record.



Gary Messer, Water Quality Manager
Western Region

December 28, 2000

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	8

Unless authorized by another NPDES permit, each other direct and indirect discharge to public waters is prohibited.

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) November 1 - April 30:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	30 mg/L	45 mg/L	460	690	920
TSS	50 mg/L	80 mg/L	760	1100	1500

* Average dry weather design flow to the facility equals 0.475 MGD. Mass load limits based upon the winter discharge rate of 1.82 MGD to allow for disposal of summer accumulations of treated wastewater as well as winter stormwater impacting lagoon surface. Schedule C, Condition 1 requires the permittee to select the basis for calculating winter time (November 1 through April 30 each year) mass load limits. Upon review and approval of the engineering study to determine the design average wet weather flow, pursuant to OAR 340-41-120 (9), and upon request of the permittee, the Department intends to modify this permit and include revised mass load limits.

- (3)

Other parameters (year-round)	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 1)
pH	Shall be within the range of 6.0 - 9.0
BOD ₅ and TSS Removal Efficiency	Shall not be less than 65% monthly average for BOD ₅ and 55% monthly for TSS.
Total Residual Chlorine	Shall not exceed 0.08 mg/l daily maximum and 0.03 mg/l monthly average. (See Note 2)

- (4) Except as provided for in OAR 340-45-080, no wastes shall be discharged and no activities shall be conducted which violate Water Quality Standards as adopted in OAR 340-41-0445 except in the following defined mixing zone:

The allowable mixing zone is that portion of the Marys River contained within a band extending out twenty (20) feet (not to exceed one-half the approximate total stream width) from the point of discharge and extending from a point ten (10) feet upstream of the outfall to a point one-hundred (100) feet downstream from the outfall. The Zone of Immediate Dilution (ZID) shall be defined as that portion of the allowable mixing zone that is within ten (10) feet of the point of discharge.

- (5) Raw sewage discharges are prohibited to waters of the State from November 1 through May 21, except during a storm event greater than the one-in-five-year, 24-hour duration storm, and from May 22 through October 31, except during a storm event greater than the one-in-ten-year, 24-hour duration storm.

If an overflow occurs between May 22 and June 1, and if the permittee demonstrates to the Department's satisfaction that no increase in risk to beneficial uses occurred because of the overflow, no violation shall be triggered if the storm associated with the overflow was greater than the one-in-five-year, 24-hour duration storm.

b. Groundwater

- (1) No activities shall be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater.

NOTES:

1. 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.
2. These are interim chlorine limits and may be modified on the basis of information and data gathered as a result of the corrective action schedule in accordance with the Mutual Agreement and Order (MAO) Case No. WQ/M-WR-00-144.

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

The facility influent sampling locations are the following:

* Collected at Parshall Flume.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
BOD ₅	1 per 2 Weeks	Composite
TSS	1 per 2 Weeks	Composite
pH	2/Week	Grab

b. Treated Effluent Outfall 001

The facility effluent sampling locations are the following:

* Collected on the upstream side of the weir in the outfall manhole located adjacent to the Marys River.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annual	Verification
BOD ₅	1 per 2 Weeks	Composite
TSS	1 per 2 Weeks	Composite
pH	2/Week	Grab
Temperature	2/Week	Record
<i>E. coli</i>	1 per 2 Weeks	Grab (See Note 1)
Quantity Chlorine Used	Daily	Measurement
Chlorine Residual	Daily	Grab
Pounds Discharged (BOD ₅ and TSS)	1 per 2 Weeks	Calculation
Average Percent Removed (BOD ₅ and TSS)	Monthly	Calculation

c. Sludge Management (Cell #1)

Item or Parameter	Minimum Frequency	Type of Sample
Sludge Depth in Cell #1	Annually (See Note 2)	Representative Measurement

d. Mary's River (See Note 3)

Item or Parameter	Minimum Frequency	Type of Sample
Flow (Downstream)	2/week	Measurement

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 Department's Western Region - Salem 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 and method of use of all sludge removed from the treatment facility and a record of all applicable equipment breakdowns and bypassing.

3. Report Submittals

- a. The permittee shall have in place a program to identify and reduce inflow and infiltration into the sewage collection system. An annual report shall be submitted to the Department by February 1 each year which details sewer collection maintenance activities that reduce inflow and infiltration. The report shall state those activities that have been done in the previous year and those activities planned for the following year.

NOTES:

- 1. *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 his authorized representative:

Method	Reference	Page	Method Number
mTEC agar, MF	Standard Methods, 19th Edition	9-28	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.		

- 2. The 1st sludge measurement will be done within 12 months after permit issuance and then subsequent measurements will be done on 5-year intervals unless sludge levels warrant more frequent measurements or removal of biosolids.
- 3. Mary's River flow shall be taken at the USGS stream gauge on the Marys River located at R.M. 9.4.

SCHEDULE C

Compliance Schedules and Conditions

1. By no later than December 28, 2001, the permittee shall submit either an engineering evaluation which demonstrates the design average wet weather flow, or a request to retain the existing mass load limits. The design average wet weather flow is defined as the average flow between November 1 and April 30 when the sewage treatment facility is projected to be at design capacity for that portion of the year. Upon acceptance by the Department of the design average wet weather flow determination, the permittee may request a permit modification to include higher winter mass loads based on the design average wet weather flow.
2. Within 180 days of permit modification to include higher winter mass load limits as specified in Condition 1 of this Schedule, the permittee shall submit to the Department for review and approval a proposed program and time schedule for identifying and reducing inflow. Within 60 days of receiving written Department comments, the permittee shall submit a final approvable program and time schedule. The program shall consist of the following:
 - a. Identification of all overflow points and verification that sewer system overflows are not occurring up to a 24-hour, 5-year storm event or equivalent;
 - b. Monitoring of all pump station overflow points;
 - c. A program for identifying and removing all inflow sources into the permittee's sewer system over which the permittee has legal control; and
 - d. If the permittee does not have the necessary legal authority for all portions of the sewer system or treatment facility, a program and schedule for gaining legal authority to require inflow reduction and a program and schedule for removing inflow sources.
3. Six (6) months prior to the removal of accumulated solids from the lagoon, the permittee shall submit to the Department a biosolids management plan developed in accordance with Oregon Administrative Rule 340, Division 50, "Land Application of Domestic Wastewater Treatment Facility Biosolids, Biosolids Derived Products, and Domestic Septage". Upon approval of the plan by the Department, the plan shall be implemented by the permittee.
4. By no later than March 28, 2001, the permittee shall submit to the Department a report which either identifies known sewage bypass locations and a plan for estimating the frequency, duration and quantity of sewage bypassing treatment, or confirms that there are no bypass points. The report shall also provide a schedule to eliminate the bypass(es), if any.
5. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 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 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 2.a. above) for more than thirty (30) 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 (30) 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, 811 SW 6th Ave., Portland, OR 97204. 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. All biosolids shall be managed in accordance with the DEQ approved biosolids management plan (submitted in accordance with Schedule C, Condition 3), and the site authorization letters issued by the DEQ. Any changes in solids management activities that significantly differ from operations specified under the approved plan require the prior written approval of the DEQ.

All new biosolids application sites shall meet the site selection criteria set forth in OAR 340-50-0070.

The

permittee does not currently have any approved sites. Property owners adjacent to any newly approved application sites shall be notified, in writing or by any method approved by DEQ, of the proposed activity prior to the start of application. For proposed new application sites that are deemed by the DEQ to be sensitive with respect to residential housing, runoff potential or threat to groundwater, an opportunity for public comment shall be provided in accordance with OAR 340-50-0030.

3. The permittee shall notify the DEQ Western Region - Salem Office (phone: (503) 378-8240) 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.

**NPDES GENERAL CONDITIONS
(SCHEDULE F)**

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.

In addition, a person who unlawfully pollutes water as specified in ORS 468.943 or ORS 468.946 is subject to criminal prosecution.

3. Duty to Mitigate

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

4. Duty to Reapply

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

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

5. Permit Actions

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

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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

6. Toxic Pollutants

The permittee shall comply with any applicable effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights

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

8. Permit References

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

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

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

A person who supplies the Department with false information, or omits material or required information, as specified in ORS 468.953 is subject to criminal prosecution.

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

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

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

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

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

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

SECTION E. DEFINITIONS

1. BOD means five-day biochemical oxygen demand.
2. TSS means total suspended solids.
3. mg/L means milligrams per liter.
4. kg means kilograms.
5. m³/d means cubic meters per day.

6. MGD means million gallons per day.
7. Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
8. FC means fecal coliform bacteria.
9. Technology based permit effluent limitations means technology-based treatment requirements as defined in 40 CFR 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-41.
10. CBOD means five day carbonaceous biochemical oxygen demand.
11. Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
12. Quarter means January through March, April through June, July through September, or October through December.
13. Month means calendar month.
14. Week means a calendar week of Sunday through Saturday.
15. Total residual chlorine means combined chlorine forms plus free residual chlorine.
16. The term "bacteria" includes but is not limited to fecal coliform bacteria, total coliform bacteria, and E. coli bacteria.
17. POTW means a publicly owned treatment works.

updated 8-8-00 der AR
updated 9-20-00 rad
updated 11-15-00 der PN

1 Commission has the power to impose a civil penalty and to issue an abatement order for
2 violations of conditions of the Permit. Therefore, pursuant to ORS 183.415(5), the
3 Department and Permittee wish to limit and resolve the future violations referred to in
4 Paragraph 5 in advance by this Mutual Agreement and Order (MAO).

5 7. This MAO is not intended to settle any violation of any interim effluent limitations
6 set forth in Paragraph 5 above. Furthermore, this MAO is not intended to limit, in any way,
7 the Department's right to proceed against Permittee in any forum for any past or future
8 violations not expressly settled herein.

9 NOW THEREFORE, it is stipulated and agreed that:

10 8. The Environmental Quality Commission shall issue a final order:

11 A. Requiring Permittee to comply with the following schedule:

12 (1) By no later than July 1, 2001, the Permittee shall have collected the
13 needed field information and data to perform modeling and analysis for making improvements
14 to the wastewater treatment facilities to comply with the final chlorine effluent limitation
15 included in the Permit.

16 (2) By no later than September 1, 2001, the Permittee shall have performed
17 modeling and analysis for making improvements to the wastewater treatment facilities to
18 comply with the final chlorine effluent limitation included in the Permit.

19 (3) By no later than January 30, 2002, the Permittee shall submit draft
20 engineering plans and specifications for providing wastewater control facilities as needed to
21 assure that Permittee can continuously comply with the final chlorine effluent limitation
22 included in the Permit.

23 (4) By no later than April 30, 2002, the Permittee shall submit final
24 approvable engineering plans and specifications for providing wastewater control facilities as
25 needed to assure that Permittee can continuously comply with the final chlorine effluent
26 limitation included in the Permit.

1 (3) By no later than September 30, 2003, Permittee shall have construction
2 of the wastewater control facilities completed to comply with the final chlorine effluent
3 limitation in the Permit.

4 (4) By no later than November 30, 2003, Permittee shall have wastewater
5 control facilities in operation to comply with the final chlorine effluent limitation in the Permit.

6 B. Requiring Permittee, to meet the following interim chlorine effluent limitation
7 which shall be effective until completion of corrective actions as required by the schedule
8 specified in Paragraph 8.A:

9 (1) The total residual chlorine concentration at the down stream side of the
10 outfall manhole adjacent to the river shall not exceed 1.5 mg/l on a daily average basis.

11 C. Requiring Permittee, upon receipt of a written Penalty Demand Notice from
12 the Department, to pay the following civil penalties:

13 (1) \$250 for each day of each violation of the compliance schedule set for in
14 Paragraph 8A.

15 (2) \$100 for each violation of the total residual chlorine concentration
16 limitation set forth in Paragraph 8.B.(1).

17 9. If any event occurs that is beyond Permittee's reasonable control and that causes or
18 may cause a delay or deviation in performance of the requirements of this MAO, Permittee
19 shall immediately notify the Department verbally of the cause of delay or deviation and its
20 anticipated duration, the measures that have been or will be taken to prevent or minimize the
21 delay or deviation, and the timetable by which Permittee proposes to carry out such measures.
22 Permittee shall confirm in writing this information within five (5) working days of the onset of
23 the event. It is Permittee's responsibility in the written notification to demonstrate to the
24 Department's satisfaction that the delay or deviation has been or will be caused by
25 circumstances beyond the control and despite due diligence of Permittee. If Permittee so
26 demonstrates, the Department shall extend times of performance of related activities under this

1 MAO as appropriate. Circumstances or events beyond Permittee's control include, but are not
2 limited to acts of nature, unforeseen strikes, work stoppages, fires, explosion, riot, sabotage,
3 or war. Increased cost of performance or consultant's failure to provide timely reports may
4 not be considered circumstances beyond Permittee's control.

5 10. Regarding the violations set forth in Paragraph 5., above, which are expressly
6 settled herein without penalty, Permittee and the Department hereby waive any and all of their
7 rights to any and all notices, hearing, judicial review, and to service of a copy of the final
8 MAO herein. The Department reserves the right to enforce this MAO through appropriate
9 administrative and judicial proceedings.

10 11. Regarding the schedule set forth in Paragraph 8.A., above, Permittee acknowledges
11 that Permittee is responsible for complying with that schedule regardless of the availability of
12 any federal or state grant moneys.

13 12. The terms of this MAO may be amended by the mutual agreement of the
14 Department and Permittee.

15 13. The Department may amend the compliance schedule and conditions in this MAO
16 upon finding that such modification is necessary because of changed circumstances or to
17 protect public health and the environment. The Department shall provide Permittee a
18 minimum of thirty (30) days written notice prior to issuing an Amended Order modifying any
19 compliance schedules or conditions. If Permittee contests the Amended Order, the applicable
20 procedures for conduct of contested cases in such matters shall apply.

21 14. This MAO shall be binding on the parties and their respective successors, agents,
22 and assigns. The undersigned representative of each party certifies that he or she is fully
23 authorized to execute and bind such party to this MAO. No change in ownership or corporate
24 or partnership status relating to the facility shall in any way alter Permittee's obligations under
25 this MAO, unless otherwise approved in writing by DEQ.

26 15. All reports, notices and other communications required under or relating to this

1 MAO should be directed to Robert Dicksa, DEQ Salem Regional Office, 750 Front St. N.E.,
2 Suite 120, Salem, Oregon 97301-1039, phone number 503-378-8240, extension 246. The
3 contact person for Permittee shall be The City Manager, City of Philomath, 980 Applegate,
4 P.O. Box 400, Philomath, OR 97370, phone number 541-929-6148.

5 16. Permittee acknowledges that it has actual notice of the contents and requirements of
6 the MAO and that failure to fulfill any of the requirements hereof would constitute a violation
7 of this MAO and subject Permittee to payment of civil penalties pursuant to Paragraph 8.C.
8 above.

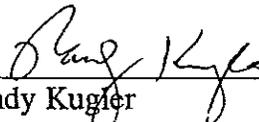
9 17. Any stipulated civil penalty imposed pursuant to Paragraph 8.C. shall be due upon
10 written demand. Stipulated civil penalties shall be paid by check or money order made payable
11 to the "Oregon State Treasurer" and sent to: Business Office, Department of Environmental
12 Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204. Within 21 days of receipt of a
13 "Demand for Payment of Stipulated Civil Penalty" Notice from the Department, Permittee may
14 request a hearing to contest the Demand Notice. At any such hearing, the issue shall be
15 limited to Permittee's compliance or non-compliance with this MAO. The amount of each
16 stipulated civil penalty for each violation and/or day of violation is established in advance by
17 this MAO and shall not be a contestable issue.

18 18. Providing Permittee has paid in full all stipulated civil penalties pursuant to
19 Paragraph 17., above, this MAO shall terminate 60 days after Permittee demonstrates full
20 compliance with the requirements of the schedule set forth in Paragraph 8.A. above.

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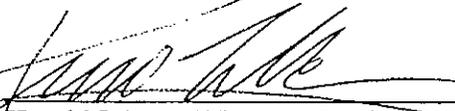
1 **PERMITTEE**

2
3 Jan 12, 2001
Date


Randy Kugler
City Manager

6 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

7
8 1/17/01
Date


Kerri Nelson, Western Region Administrator

10 **FINAL ORDER**

11 **IT IS SO ORDERED:**

12 **ENVIRONMENTAL QUALITY COMMISSION**

13
14 1/17/01
Date


Kerri Nelson, Western Region Administrator
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

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Water Quality Limited Streams Database Details for Waterbody Segment Record ID 8532

The table below provides details for Record ID 8532.

Field	Details
Waterbody Name	Marys River
Sub Basin Name	UPPER WILLAMETTE
HUC	17090003
LLID	1232609445565
River Mile	0 to 13.9
Parameter	Dissolved Oxygen
Criteria	Spawning: 11 mg/L or 95% saturation
Season	October 1 - May 31
Listing Status	303(d) List
Supporting Data	LASAR 10373 RM 0.3: 54% (20/37 samples) < 11 mg/L and 95 % saturation.
Sample Matrix Description	Water Column
List Date	2002
Beneficial Uses	salmonid fish spawning

For more information please contact Marilyn Fonseca by email at fonseca.marilyn@deq.state.or.us or by phone at (503) 229-6804.

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Water Quality Limited Streams Database Details for Waterbody Segment Record ID 6055

The table below provides details for **Record ID 6055**.

Field	Details
Waterbody Name	Marys River
Sub Basin Name	UPPER WILLAMETTE
HUC	17090003
LLID	1232609445565
River Mile	0 to 13.9
Parameter	Fecal Coliform
Criteria	Geometric Mean of 200, No more than 10%>400
Season	Winter/Spring/Fall
Listing Status	303(d) List
Supporting Data	DEQ Data (Site 402041; RM 0.2): 24% (11 of 45) FWS values exceeded fecal coliform standard (400) with a maximum value of 2400 between WY 1986 - 1995. City of Corvallis two sites 1996/97 showed no exceedence of E. coli standard of (406).
Sample Matrix Description	Water Column
List Date	1998
Beneficial Uses	water contact recreation

For more information please contact Marilyn Fonseca by email at fonseca.marilyn@deq.state.or.us or by phone at (503) 229-6804.

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Water Quality Limited Streams Database Details for Waterbody Segment Record ID 5920

The table below provides details for Record ID 5920.

Field	Details
Waterbody Name	Marys River
Sub Basin Name	UPPER WILLAMETTE
HUC	17090003
LLID	1232609445565
River Mile	0 to 13.9
Parameter	Temperature
Criteria	Rearing: 17.8 C
Season	Summer
Listing Status	303(d) List
Supporting Data	DEQ Data (Site 402041; RM 0.2): 85% (41 of 48) Summer values exceeded temperature standard (64) with exceedences each year and a maximum of 82.4 in WY 1986- 1995.
Sample Matrix Description	Water Column
List Date	1998
Beneficial Uses	resident fish and aquatic life salmonid fish spawning salmonid fish rearing anadromous fish passage

For more information please contact Marilyn Fonseca by email at fonseca.marilyn@deq.state.or.us or by phone at (503) 229-6804.

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