

CITY OF JUNCTION CITY
Wastewater System Facilities Plan Junction City, 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 Junction City
PO Box 250
Junction City, OR 97448-0245

SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Wastewater	001	R.M. 5.5
Reclaimed Water Reuse	002	Land Irrigation

FACILITY TYPE AND LOCATION:

Two Cell Stabilization Lagoon with Aeration
Junction City STP
1/2 mile west of Junction City on High Pass Road
Junction City

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

RECEIVING STREAM INFORMATION:

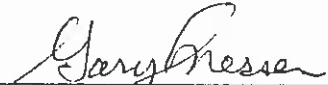
Basin: Willamette
Sub-Basin: Upper Willamette

Receiving Stream: Crow Creek
Hydro Code: 22D-CROW 5.5 D
County: Lane

EPA REFERENCE NO: OR002656-5

Issued in response to Application No. 989840 received October 8, 1999.

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



Gary Messer, Water Quality Manager
Western Region

December 19, 2001

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:

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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 discharge to an underground injection control system.

SCHEDULE A**1. Waste Discharge Limitations not to be exceeded after permit issuance.****a. Treated Effluent Outfall 001**

- (1) May 1 - October 31: No discharge to waters of the State (unless approved in writing by the Department)
- (2) 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	200	300	400
TSS	50 mg/L	80 mg/L	330	500	670

* Average dry weather design flow to the facility equals 0.80 MGD. Mass load limits based upon average dry weather design flow to the facility. 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 85% monthly average for BOD ₅ and 65% monthly for TSS.
Temperature	64 °F at the end of Outfall 001
Total Residual Chlorine	Shall not exceed 0.04 mg/l daily maximum and 0.01 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 Crow Creek contained within a band extending from a point ten (10) feet upstream of the outfall to a point five-hundred (500) 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 fifty (50) feet of the point of discharge.

b. Reclaimed Wastewater Outfall 002

- (1) No discharge to state waters is permitted. All reclaimed water shall be distributed on land, for dissipation by evapotranspiration and controlled seepage by following sound irrigation practices so as to prevent:
- (a). Prolonged ponding of treated reclaimed water on the ground surface;
 - (b). Surface runoff or subsurface drainage through drainage tile;

- (c). The creation of odors, fly and mosquito breeding or other nuisance conditions;
 - (d). The overloading of land with nutrients, organics, or other pollutant parameters; and,
 - (e). Impairment of existing or potential beneficial uses of groundwater.
- (2) Prior to land application of the reclaimed water, it shall receive at least level II treatment as defined in OAR 340-55 to:
- Reduce Total Coliform to 240 organisms per 100 ml in two consecutive samples, and a 7-day median of 23 organisms per 100 ml.
- (3) Irrigation shall conform to the irrigation management plan approved by the Department.
- c. All wastewater and process related residuals shall be managed and disposed and/or of in a manner that will prevent: A violation of the Department's Groundwater Quality Protection Rules (OAR 340-040); and A violation of any permit-specific groundwater concentration limits, established pursuant to OAR 340-040-0030, which have been subsequently incorporated into this permit.
 - d. Based on additional information, the Department may reopen this permit, if necessary, to include groundwater parameters, concentration limits, and compliance points.

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 48 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. This is an interim chlorine limit 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. WQMW-WR-95-138.

235 S1
290 S2
034

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:
At influent flow meter vault prior to the influent distribution box.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
BOD ₅	Weekly	Composite
TSS	Weekly	Composite
pH	3/Week	Grab

b. Treated Effluent Outfall 001

The facility effluent sampling locations are the following:
Chlorine detention tank just prior to 12-inch effluent pipe.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
BOD ₅	Weekly	Composite
TSS	Weekly	Composite
Temperature	3/Week	Measurement
pH	3/Week	Grab
<i>E. coli</i>	Weekly	Grab (See Note 1)
Quantity Chlorine Used	Daily	Measurement
Chlorine Residual	Daily	Grab
Pounds Discharged (BOD ₅ and TSS)	Weekly	Calculation
Average Percent Removed (BOD ₅ and TSS)	Monthly	Calculation

c. Reclaimed Wastewater Outfall 002

Item or Parameter	Minimum Frequency	Type of Sample
Quantity Irrigated (inches/acre)	Daily	Measurement
Flow Meter Calibration	Annually	Verification
Quantity Chlorine Used	Daily	Measurement
Chlorine Residual	Daily	Grab
pH	2/Week	Grab
Total Coliform	1/Week	Grab
Nutrients (TKN, NO ₂ +NO ₃ -N, NH ₃ , Total Phosphorus)	Quarterly	Grab

d. Crow Creek (See Note 2)

Item or Parameter	Minimum Frequency	Type of Sample
Flow (upstream)	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.
- b. By no later than January 15 of each year, the permittee shall submit to the Department an annual report describing the effectiveness of the reclaimed water system to comply with approved reclaimed water use plan, the rules of Division 55, and the limitations and conditions of this permit applicable to reuse of reclaimed water.

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. Crow Creek flow and temperature shall be obtained upstream from the outfall location. The downstream Crow Creek temperature shall be taken at the edge of the mixing zone and from within the effluent plume. All measurements shall be instantaneous values measured within a one (1) hour period.

SCHEDULE C

Compliance Schedules and Conditions

1. By no later than 12 months after permit issuance, 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. By no later than ninety (90) days after permit issuance, 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.
4. By no later than 6 months after permit issuance, the permittee shall submit to the Department, for review and approval, a Preliminary Groundwater Assessment Report. Based on the Department's review of the Preliminary Groundwater Assessment Report, a Hydrogeological characterization and/or groundwater monitoring plan may be required.
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 meet the requirements for use of reclaimed water under Division 55, including the following:
 - a. All reclaimed water shall be managed in accordance with the approved Reclaimed Water Use Plan. No substantial changes shall be made in the approved plan without written approval of the Department.
 - b. No reclaimed water shall be released by the permittee to another person, as defined in Oregon Revised Statute (ORS) 468.005, for use unless there is a valid contract between the permittee and that person that meets the requirements of OAR 340-55-015(9).
 - c. The permittee shall notify the Department within 24 hours if it is determined that the treated effluent is being used in a manner not in compliance with OAR 340-55. When the Department offices are not open, the permittee shall report the incident of noncompliance to the Oregon Emergency Response System (Telephone Number 1-800-452-0311).
 - d. No reclaimed water shall be made available to a person proposing to recycle unless that person certifies in writing that they have read and understand the provisions in these rules. This written certification shall be kept on file by the sewage treatment system owner and be made available to the Department for inspection.
2. Unless otherwise approved in writing by the Department, a deep-rooted, permanent grass cover shall be maintained on the land irrigation area at all times. Grass shall be periodically cut and removed to ensure maximum evapotranspiration and nutrient capture.
3. 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 3.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 3.b. above.
- 4. The permittee shall not be required to perform a formal hydrogeologic characterization or preliminary groundwater monitoring during the term of this permit provided:
 - a. The facilities are operated in accordance with the permit conditions, and;
 - b. There are no adverse groundwater quality impacts (complaints or other indirect evidence) resulting from the facility's operation.

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

- 5. 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.

JUL 18 1995

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:
CITY OF JUNCTION CITY

Permittee,

) MUTUAL AGREEMENT AND
) ORDER
) No. WQMW-WR-95-138
) LANE COUNTY
)

WHEREAS:

1. On July 17, 1995, the Department of Environmental Quality (Department or DEQ) issued a National Pollutant Discharge Elimination System (NPDES) Permit Number 101303 to the City of Junction City (Permittee). The Permit authorizes the Permittee to construct, install, modify or operate wastewater collection, treatment, control and disposal facilities and discharge adequately treated waste waters into Crow Creek, waters of the state, in conformance with the requirements, limitations and conditions set forth in the Permit. The Permit expires on June 30, 2000.

2. Condition 1 of Schedule A of the Permit specifies certain wastewater discharge limits for the Permittees facilities. During the time period the Permit has been in effect, Permittee has not met the above condition in violation of Oregon Revised Statute (ORS) 468B.025(2), and Oregon Administrative Rules (OAR) 340-45-015(5)(b), and the Permit. Permittee has not consistently met these limits in the past and probably cannot meet them in the future if the treatment facilities and collection system remain unchanged.

3. In accordance with 40 CFR 133, a new condition has been added to Schedule A of the permit which requires the facility to achieve 85% removal of BOD and 65% removal of TSS. The Permittee will probably not be able to meet these percent removal requirements consistently, especially during periods of inflow and infiltration (I/I) due to high precipitation.

4. In accordance with OAR 340-41-445, toxic substances shall not be introduced into waters of the state that exceed numerical standards or will adversely affect beneficial uses. The

1 City uses chlorine, which is a toxic substance, to disinfect wastewater. It is unlikely that the
2 chlorine standard is met during low flow conditions in Crow Creek. Prior to Department
3 approval of any proposed treatment and disposal alternatives, the city will be required to
4 demonstrate that the proposed facilities will meet all discharge standards and will not violate in
5 stream water quality standards including the chlorine toxicity standard.

6 5. Condition 4 of Schedule C of the permit requires Permittee to submit a reclaimed
7 water use plan by January 1, 1996. Condition 3 of Schedule D of the permit requires Permittee
8 to comply with all the requirements of OAR Chapter 340, Division 55, regulations pertaining
9 to use of reclaimed water. Permittee's irrigation practices do not currently comply fully with
10 all requirements of OAR Chapter 340 Division 55. At this stage in permittee's facility planning
11 process, development of a reclaimed water use plan by January 1, 1996, would likely be
12 premature. The Department and permittee believe the development of the reclaimed water use
13 plan should be delayed until Permittee's selected alternative for upgrading the facility is known.
14 If the selected alternative for upgrading the treatment facility includes the continued use of the
15 Permittee's current irrigation practice as an interim measure for a period of five years or more,
16 and/or a recommendation for the ultimate long term use of reclaimed water, then a draft
17 reclaimed water use plan will be required to be submitted for approval along with engineering
18 plans and specifications for construction of facility upgrades.

19 6. The Department and Permittee recognize that until Permittee completes the actions
20 required by this Mutual Agreement and Order (MAO), Permittee will continue to violate the
21 Permit and Oregon law.

22 7. Permittee presently is capable of meeting the following interim effluent limitations,
23 measured as specified in the Permit:

24 A. Outfall Number 001 (Sewage Treatment Plant Discharge)

25 (1) November 1 - April 30:

26 Concentration and Mass Load Limitations

<u>Parameter</u>	<u>Average Effluent Concentrations</u>		<u>Monthly Average lb/day</u>	<u>Weekly Average lb/day</u>	<u>Daily Maximum lbs</u>
	<u>Monthly</u>	<u>Weekly</u>			
BOD ₅	80 mg/l	120 mg/l	1094	1641	2188
TSS	80 mg/l	120 mg/l	1094	1641	2188

(2) Other Parameters (year round)

(a) BOD₅ and TSS Removal Efficiency - No Requirement

(b) Total Chlorine Residual - Shall be kept as low as practicable and in no case shall exceed 1.2 mg/l on a monthly average basis or 1.8 mg/l daily maximum.

B. Outfall Number 002 (Land Irrigation)

(1) May 1 through October 31

Sewage shall receive sufficient treatment so as to reduce fecal coliform concentration to not exceed 200 colonies/100 ml.

8. The Department and Permittee further recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for violations of conditions of the Permit. Therefore, pursuant to ORS 183.415(5), the Department and Permittee wish to resolve the past and future violations referred to in Paragraphs 2, 3, 4, 5 and 6 by this MAO.

9. This MAO is not intended to limit, in any way, the Department's right to proceed against Permittee in any forum for any past or future violations not expressly settled herein.

NOW THEREFORE, it is stipulated and agreed that:

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

A. Requiring Permittee to comply with the following schedule:

(1) By no later than August 31, 1995, Permittee shall retain a consultant to prepare the proposed draft facilities plan report for plant upgrade.

(2) By no later than September 1, 1996, Permittee shall submit a draft facilities plan report that evaluates alternatives for complying with the Mass Load Limits, percent removal requirements for BOD and TSS, water quality standards for chlorine and

1 ammonia, reclaim water use rules and all other applicable water quality standards. The facilities
2 plan shall also include an evaluation of the mixing zone that demonstrates that all permit limits
3 and water quality standards can be met at the existing or proposed alternative discharge
4 locations.

5 (3) Six (6) months after the Department provides written comments on
6 the draft facilities plan, Permittee shall submit an approvable final facilities plan report.

7 (4) Eighteen (18) months after Department approval of the facilities
8 plan, Permittee shall submit approvable engineering plans and specifications for construction of
9 necessary improvements to include a reclaimed water use plan.

10 (5) Twenty-four (24) months after approval of the facilities plan,
11 Permittee shall award construction contracts for completion of necessary improvements.

12 (6) Forty-two (42) months after approval of the facilities plan, Permittee
13 shall complete construction of the necessary improvements.

14 (7) Forty-six (46) months after approval of the facilities plan, Permittee
15 shall attain operational level to comply with the established permit waste discharge limitations
16 and all water quality standards.

17 (8) By no later than December 30, 1995 and each year until operational
18 level is attained, Permittee shall submit an annual progress report summarizing Permittee's
19 progress on achieving compliance with Permit discharge limits.

20 B. Requiring Permittee to meet the interim effluent limitations set forth in
21 Paragraph 7 above until completion of necessary corrective actions as required by the schedule
22 specified in Paragraph 10(A).

23 C. Requiring Permittee, upon receipt of a written notice from the Department
24 for any violations of the MAO, to pay the following civil penalties:

25 (1) \$250 for each day of each violation of the compliance schedule set
26 forth in Paragraph 10.A.

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1 (2) \$100 for each violation of each interim limit set forth in Paragraph

2 10.B.

3 11. If any event occurs that is beyond Permittee's reasonable control and that causes or
4 may cause a delay or deviation in performance of the requirements of this MAO, Permittee shall
5 immediately notify the Department verbally of the cause of delay or deviation and its anticipated
6 duration, the measures that have been or will be taken to prevent or minimize the delay or
7 deviation, and the timetable by which Permittee proposes to carry out such measures. Permittee
8 shall confirm in writing this information within five (5) working days of the onset of the event.
9 It is Permittee's responsibility in the written notification to demonstrate to the Department's
10 satisfaction that the delay or deviation has been or will be caused by circumstances beyond the
11 control and despite due diligence of Permittee. If Permittee so demonstrates, the Department
12 shall extend times of performance of related activities under the MAO as appropriate.
13 Circumstances or events beyond Permittee's control include, but are not limited to, acts of
14 nature, unforeseen strikes, work stoppages, fires, explosion, riot, sabotage, or war. Increased
15 cost of performance or consultant's failure to provide timely reports may not be considered
16 circumstances beyond Permittee's control.

17 12. Regarding the violations set forth in Paragraphs 2, 3, 4, 5 and 6 above, which are
18 expressly settled herein without penalty, Permittee and the Department hereby waive any and
19 all of their rights to any and all notices, hearing, judicial review, and to service of a copy of the
20 final MAO herein. The Department reserves the right to enforce this MAO through appropriate
21 administrative and judicial proceedings.

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

24 14. The Department may amend the compliance schedule and conditions of this MAO
25 upon finding that such modification is necessary because of changed circumstances or to protect
26 the public health environment. The Department shall provide the Permittee a minimum of thirty

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1 days written notice prior to issuing an Amended Order modifying any compliance schedules or
2 conditions. If the Permittee contests the Amended Order, the applicable procedures for conduct
3 of contested cases in such matters shall apply.

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

9 16. All reports, notices and other communications required under or relating to this
10 MAO should be directed to Julie Berndt, Western Region - Eugene Office, 1102 Lincoln Street,
11 Suite 210, Eugene, Oregon 97401; telephone number (503) 686-7838 ext. 234.

12 17. Permittee acknowledges that it has actual notice of the contents and requirements
13 of the MAO and that failure to fulfill any of the requirements hereof would constitute a violation
14 of this MAO and subject Permittee to payment of civil penalties pursuant to Paragraph 10.C
15 above.

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

25 19. Providing Permittee has paid in full all stipulated civil penalties pursuant to
26 Paragraph 18 above, this MAO shall terminate 60 days after Permittee demonstrates full

Page

1 compliance with the requirements of the schedule set forth in Paragraph 10.A above.

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7 - MUTUAL AGREEMENT AND ORDER (CASE NO. WQMW-WR-95-138)
(ENF-PER.MAO 10-21-92)



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Water Quality Limited Streams Database Details for Waterbody Segment Record ID 5868

The table below provides details for **Record ID 5868**.

Field	Details
Waterbody Name	Willamette River
Sub Basin Name	-CROSSES SUBBASINS
HUC	17080001
LLID	1227618456580
River Mile	148.8 to 174.5
Parameter	Temperature
Criteria	Rearing: 17.8 C
Season	Summer
Listing Status	303(d) List
Supporting Data	DEQ Data (Site 402023; RM 161.2): 53% (31 of 58) Summer values exceeded temperature standard (64) with exceedances each year and a maximum of 73.4 in WY 1986 - 1995.
Sample Matrix Description	Water Column
List Date	1998
Beneficial Uses	salmonid fish rearing anadromous fish passage

For additional information, please contact [Karla Urbanowicz](#) at (503) 229-6099.

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Water Quality Limited Streams Database Details for Waterbody Segment Record ID 7091

The table below provides details for **Record ID 7091**.

Field	Details
Waterbody Name	Willamette River
Sub Basin Name	-CROSSES SUBBASINS
HUC	17080001
LLID	1227618456580
River Mile	148.8 to 174.5
Parameter	Mercury
Criteria	public health advisories...
Season	Year Around
Listing Status	303(d) List
Supporting Data	Health Division Consumption Health Advisory issued for Mercury in fish tissue (.63 ppm) based on data collected since 1969; Reference level (.35 ppm)
Sample Matrix Description	Fish Tissue
List Date	1998
Beneficial Uses	resident fish and aquatic life anadromous fish passage drinking water

For additional information, please contact [Karla Urbanowicz](#) at (503) 229-6099.

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