



## **AGENDA**

### CITY COMMISSION OF THE CITY OF WARRENTON REGULAR MEETING

January 26, 2021– 6:00 P.M.

Warrenton City Commission Chambers – 225 South Main Avenue  
Warrenton, OR 97146

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Public Meetings will be conducted in the Commission Chambers with a limited seating arrangement. To adhere to social distancing recommendations, meetings will now also be audio and video live streamed. Go to <https://www.ci.warrenton.or.us/administration/page/live-stream-public-meetings> for connection instructions.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. CONSENT CALENDAR**

- A. System Development Charges Annual Report – FYE 6.30.2020
- B. Library Director's Quarterly Report
- C. Marinas Report; July – December 2020
- D. Police Dept. Monthly Statistics – December 2020
- E. Police Dept. Statistics Review – 2020
- F. City Recorder's Activity Report; June – December 2020

Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

**4. COMMISSIONER REPORTS**

**5. PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit it to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Recorder, at [cityrecorder@ci.warrenton.or.us](mailto:cityrecorder@ci.warrenton.or.us), no later than

5:00 p.m. the day of the meeting. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

**6. PUBLIC HEARINGS**

A. Building Division Fund Supplemental Budget; Resolution No. 2587

**7. BUSINESS ITEMS**

A. Consideration of Second Reading of Ordinance No. 1247; Amending WMC Section 16.208.050.H – Applications and Review Procedures

B. Consideration of Paving Maintenance Program Change Order - Otak

C. Consideration of E-Permit System and Services IGA

**8. DISCUSSION ITEMS**

A. NPDES Permit – Wastewater Treatment Plant

**9. GOOD OF THE ORDER**

**10. EXECUTIVE SESSION**

**11. ADJOURNMENT**

**Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.**



## FINANCE DEPARTMENT MEMO

To: Linda Engbretson, City Manager  
From: April Clark, Finance Director  
Date: January 4, 2021  
Copy: File

**Regarding- SDC Annual Report**

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This report fulfills annual reporting requirements for SDCs. It is posted in the foyer and on the website, for public consumption.

# CITY OF WARRENTON, OREGON



Filing Date:  
1/1/2021

System Development Charges  
Annual Report

Fiscal Year Ending June 30, 2020



# City of Warrenton, Oregon

## SYSTEM DEVELOPMENT CHARGES

## ANNUAL REPORT

This report fulfills the requirements, laid out in Oregon State Statutes, ORS.223.311, providing for an annual accounting (report), to be completed by January 1 of each year, for system development charges showing the total amount of system development charge revenues collected for each system and the projects that were funded in the previous fiscal year.

The local government shall include in the annual accounting (a) a list of the amount spent on each project funded, in whole or in part, with system development charge revenues; and (b) the amount of revenue collected by the local government from system development charges and attributed to the costs of complying with the provisions of ORS 223.297 to 223.314.

The annual accounting is on page 2.

City of Warrenton, Oregon

System Development Charges

Annual Accounting

For the fiscal year ended June 30, 2020

	Parks		Water		Sewer		Storm Sewer		Streets	
	Reimbursement	Improvement	Reimbursement	Improvement	Reimbursement	Improvement	Reimbursement	Improvement	Reimbursement	Improvement
<b>Revenue</b>										
System Development Charges		18,860	69,367		40,874			12,588		74,989
Interest Earned		3,301	1,713		975			1,086		18,771
Total Revenue	-	22,161	71,080	-	41,849	-	-	13,674	-	93,760
<b>Uses</b>										
Debt Service OEDD-G99001			80,000							
Debt Service DEQ R94942					39,305					
Debt Service OECDD Y04001										
SE 4th & Main Stormwater Pump Station								-		
Total Uses			80,000		39,305			-		-
Beginning Fund Balance		143,744	100,715		50,643			43,628		815,508
Net Change	-	22,161	(8,920)	-	2,544	-	-	13,674	-	93,760
Ending Fund Balance	-	165,905	91,795	-	53,187	-	-	57,302	-	909,268

## December 2020 WCL Director's Quarterly Report



### Building & Technology

- Since 11/18/20, New Covid 19 protocols and city policies in place based on Gov. Brown's new framework and [OSHA's Temporary Rule 437-001-0744](#) and [Appendix Addressing COVID-19 Workplace Risks](#)
- Clatsop County is considered "high-risk"-limited people in library to 10 people (50% capacity) and 15 minute time limit for browsing and computers. For OSHA's temporary rule purposes, libraries are considered retail.
- Isaac Anderson from the school district maintenance department, changed the furnace filters 12/3/20 as part of the library's yearly maintenance. Also a requirement of OSHA's Temporary rule
- Roof has been sealed, drip is a lot less, but still a small drip with heavy rains.
- Some issues with connectivity to the internet/network throughout Sept. and October. Lightpoint updated firewall router 11/20/20, and issues have mostly ceased.

### Community Computer users for the last three months

Month	# users
Sept	220
Oct	291
Nov	208

### Staff

- [Youth Services Aide position open](#)--not posted. 18 hours a week at \$12/hour (3 hours added) Needs review and update to reflect specific hours working at the circulation desk
- New Easter Seals employee, Sally Schultz, started 11/2/20-16 hours a week working at circulation desk and learning library aide responsibilities. Sally was off during the 2 week freeze per Easter Seals (11/18-12/2)
- Volunteers on hold coming into the building since 11/18/20 due to the Governor's two week freeze. Volunteer hold continues until Clatsop County is out of the high-risk category
- The following safety protocols must be followed:
  1. Masks are required to be worn unless you are working in a private workspace with walls floor to ceiling and a door
  2. Six feet must be maintained between workspaces at all times.
  3. Clean work areas at the start of your shift (wiping down keyboard, mouse, checkout desk area) and sign your initials and date on the cleaning log.
  4. Time in the library for patrons, whether on the computer or browsing, is limited to 15 minutes.
  5. Patrons are asked to sanitize computer keyboard and mouse before use



**Volunteer hours**

Month	# of hours
Sept	70.5
Oct	72.5
Nov	56.5

***Continuing Education & Meetings***

- Director Kelly Knudsen signed up for American Library Association Library webinar “Director Crash Course: Getting the Skills You Need” starting Jan 25, 2021. Three, 90 minute webinars
- [Staff completed the OSHA temporary rule required trainings in relation to COVID-19](#) 12/9/20

***Collections & Materials***

- Continuing to add new books and items to our collection monthly
- Daily donations
- Weekly patron recommendations
- Please see attached [Activity Summary PDF Comparison to previous year](#) during Sept. Oct. Nov.

***Programming & Outreach*****Library Wide**

- Mostly on hold due to changing COVID-19 policies and social distance requirements
- Rural Race talks with LaNicia Duke concluded 11/4/20-many positive comments from the 14 participants
- Interest form created for Friends of Warrenton Community Library group and out

**Youth Services**

- September 22-Storytime in the park, led by Director Kelly Knudsen. 15 participants, social distanced and outside at Warrenton City Park. Take home craft
- 10/13/20- Wish Storytime outside at picnic tables for singing and inside for wish tree craft. Led by Kelly and Mary. 2 participants
- 10/27/20-Halloween and Doggie Dress up storytime. Led by Kelly and Mary 8 participants
- Fire safety storytime 11/6 & 11/7-successful collaboration with Warrenton Fire Department .
- For Dec, Jan, &Feb, creating monthly storytime kits for pre-readers (0-5) and themed passive-programming available for tweens and Young Adults to pick up and do at home

**Short Term Goals (Jan, Feb, March)**

- Stay safe and healthy
- Friends of the Warrenton Community Library steering committee meeting
- Summer Reading 2021 planning
- Review and update Youth Services Aide position with support from the Library Advisory Board(?) and repost
- Ideas for youth services or adult programming during Covid-19?

**Long Term Goals**

- Friends of the Warrenton Community Library group
- Ideas?

## Activity Summary for Location with Comparison to Previous Year

### Warrenton

Courtesy Notice Counts Excluded

Circulation Transactions	09/01/2020 - 11/30/2020	09/01/2019 - 11/30/2019	Percent Change
Check In	4,796	3,995	20.05%
Check Out	4,126	3,584	15.12%
Holds Processed	830	445	86.52%
Renewal	935	634	47.48%
<b>Payment Transactions</b>			
Payments Processed	186	327	-43.12%
Total Tendered	\$298.21	\$245.89	21.28%
Total Waived	\$221.94	\$8.4	2,542.14%
<b>Notice Statistics *</b>			
<b>Borrower Maintenance</b>			
Borrower Add	65	71	-8.45%
Borrower Delete	698	44	1,486.36%
Borrower Update	311	222	40.09%
Borrowers Processed Totals	1,074	337	218.69%
<b>On-The-Fly Title Maintenance</b>			
Title Deleted - Circ	1	3	-66.67%
Titles Processed Totals	1	3	-66.67%
<b>On-The-Fly Item Maintenance</b>			
Item Added - Circ	1	0	
Item Deleted - Circ	263	223	17.94%
Item Updated - Circ	47	38	23.68%
Items Processed Totals	311	261	19.16%
<b>Cataloging Title Maintenance</b>			
<b>Cataloging Item Maintenance</b>			

\* If Courtesy Notices are included, only notices generated after LS Release 19 was installed are included in counts as they were not tracked before then. Release 19 was available after 10/17/2011.

**CITY OF WARRENTON MARINAS - REVENUE COLLECTED THROUGH DECEMBER 31, 2020**

WARRENTON				HAMMOND			
REVENUE	BUDGET	YTD	%	REVENUE	BUDGET	YTD	%
OSMB - MAP GRANT	\$ -	\$ -	0%	OSMB - MAP GRANT	\$ -	\$ -	0%
MOORAGE CREDITS				MOORAGE CREDITS		\$ -	
ANNUAL MOORAGE	\$ 270,000.00	\$ 255,257.00	95%	ANNUAL MOORAGE	\$ 75,000.00	\$ 93,558.00	125%
TRANSIENT DAILY	\$ 25,000.00	\$ 41,395.00	166%	TRANSIENT DAILY	\$ 10,000.00	\$ 15,690.00	157%
UTILITIES	\$ 55,000.00	\$ 20,264.92	37%	UTILITIES	\$ 1,000.00	\$ 612.82	61%
BOAT STORAGE	\$ 20,000.00	\$ 14,193.00	71%	BOAT STORAGE			
LAUNCH RAMP	\$ 30,000.00	\$ 23,590.00	79%	LAUNCH RAMP	\$ 60,000.00	\$ 84,920.00	142%
HOIST/SHOWER	\$ 15,000.00	\$ 8,625.00	58%	HOIST/SHOWER			
FUEL CHARGES				FUEL CHARGES			
MONTHLY MOORAGE	\$ 25,000.00	\$ 6,700.00	27%	MONTHLY MOORAGE	\$ 10,000.00	\$ 7,200.00	72%
FACILITIES FEE	\$ 45,000.00	\$ 36,600.00	81%	FACILITIES FEE	\$ 7,500.00	\$ 13,155.00	175%
PARKING	\$ 25,000.00	\$ 21,970.00	88%	PARKING	\$ 20,000.00	\$ 22,880.00	114%
PUMP OUT				PUMP OUT			
OVERNIGHT STAY	\$ 6,000.00	\$ 14,600.00	243%	OVERNIGHT STAY	\$ 25,000.00	\$ 56,540.00	226%
LIVEABOARD FEES	\$ 6,000.00	\$ 2,520.00	42%	LIVEABOARD FEES			
WORK SLIP	\$ 8,000.00	\$ 2,700.00	34%	WORK SLIP			
REPAIR CHARGES				REPAIR CHARGES			
PIER USE	\$ 4,000.00	\$ 30,550.00	764%	PIER USE			
FISHERMEN & FARMERS	\$ 1,000.00						
MISCELLANEOUS		\$ 1,145.00		MISCELLANEOUS		\$ 2,737.00	
INTEREST EARNINGS	\$ 7,000.00	\$ 4,267.34	61%	INTEREST EARNINGS	\$ 12,000.00	\$ 5,528.10	46%
LEASE RECIPITS	\$ 29,226.00	\$ 15,811.66	54%	LEASE RECIPITS	\$ 12,901.00	\$ 6,350.64	49%
<b>TOTALS</b>	<b>\$ 571,226.00</b>	<b>\$ 500,188.92</b>	<b>88%</b>	<b>TOTALS</b>	<b>\$ 233,401.00</b>	<b>\$ 309,171.56</b>	<b>132%</b>

Accounts Receivable	Current	30-60	60-90	Over 90	Total
	\$ 14,456.00	\$ 3,453.04	1,264.54	\$ 15,848.41	\$ 35,021.99
<b>Receivable Breakdown Warrenton :</b>	<b>\$32,195.42</b>		<b>Hammond : \$2,826.57</b>		<b>\$ 35,021.99</b>

Current Occupancy Report	Total Slips	Annual Commercial	Annual Guide/Ch:	Annual Pleasure/Sail	Occupancy Total	% Occupancy
Warrenton	346	78	3	77	158	46%
Hammond	180	1	10	61	72	40%

**Warrenton Marina Goals 2020-2021**

Pier Repair -Urban Renewal Project Scheduled for 2020-2021

Become OSMB Clean Marina

Raise and Remove Abandoned/Derelict Vessel - Suzanne

Remove(Possible Burn to Learn Abandoned /Derelict Vessel - Master Chris

Seizure and Sale of Sailing Vessel - Tigger

Seizure and Sale of Vessel - A Dock

Recycle Area Commercial Fishermen Gear

Paint Launch Ramp Restrooms

On Going Dock Repair & Maintenance

Continue with Launch/Park A Veteran Idea

Continue with Improved Signage

Continue with Thursday Market\*\*POSTPONED DUE TO COVID-19\*\*

On Going Education, Training & Preparation COVID-19 Requirements

**Hammond Marina Goals 2020 - 2021**

**Become OSMB Clean Marina**

Continue with Marina acquisition - Easement Requirement

Continue with Marina dredging - 1/2 Completed final dredging Fall 2021

Continue with Launch/Park A Veteran Idea

Continue with River Beach clean up

Continue with improve signage

On Going Education, Training & Preparation COVID-19 Requirements





**WARRENTON POLICE DEPARTMENT**  
**DECEMBER 2020 STATISTICS**  
 JANUARY 26, 2021



December Statistics (% changes are compared to 2019)							
Category	2020	2019	% Chg	2018	% Chg	2017	% Chg
Calls for Service	<b>640</b>	731	<b>-12%</b>	867	<b>-26%</b>	663	<b>-3%</b>
Incident Reports	<b>201</b>	228	<b>-12%</b>	231	<b>-13%</b>	115	<b>75%</b>
Arrests/Citations	<b>185</b>	145	<b>28%</b>	218	<b>-15%</b>	72	<b>157%</b>
Traffic Events	<b>168</b>	119	<b>41%</b>	237	<b>-29%</b>	192	<b>-13%</b>
DUII Calls	<b>2</b>	5	<b>-60%</b>	5	<b>-60%</b>	4	<b>-50%</b>
Traffic Accidents	<b>23</b>	29	<b>-21%</b>	21	<b>10%</b>	21	<b>10%</b>
Property Crimes	<b>84</b>	91	<b>-8%</b>	131	<b>-36%</b>	76	<b>11%</b>
Disturbances	<b>90</b>	85	<b>6%</b>	88	<b>2%</b>	51	<b>76%</b>
Drug/Narcotics Calls	<b>10</b>	4	<b>150%</b>	12	<b>-17%</b>	4	<b>150%</b>
Animal Complaints	<b>16</b>	19	<b>-16%</b>	22	<b>-27%</b>	16	<b>0%</b>
Officer O.T.	<b>165.95</b>	323.2	<b>-49%</b>	164.8	<b>1%</b>	152	<b>9%</b>
Reserve Hours	<b>0</b>	12	<b>-100%</b>	79.5	<b>-100%</b>	53.5	<b>-100%</b>

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Calls for Service	657	605	587	545	634	651	751	843	719
Incident Reports	192	166	146	170	208	217	251	213	209
Arrests/Citations	132	122	166	168	171	131	153	172	154
Traffic Events	135	184	97	93	89	142	128	174	155
DUII Calls	2	3	3	3	4	2	2	2	2
Traffic Accidents	18	14	10	14	19	25	31	24	22
Property Crimes	94	104	102	95	81	90	106	103	87
Disturbances	86	80	66	98	65	54	114	91	104
Drug/Narcotics Calls	4	4	12	4	3	8	4	8	3
Animal Complaints	23	15	12	16	25	19	31	24	29
Officer O.T.	255.07	241	215.73	117.15	187.73	223	147.15	137.16	104.4
Reserve Hours	0	0	0	0	5	7.5	0	0	0



Oct	Nov	Dec	2020 YTD	2020 Estimate	2019	2020 v 2019	2018	2020 v. 2018	2017	2020 v. 2017
689	641	640	7962	7962	9106	-13%	9332	-15%	7956	0%
233	199	201	2405	2405	2420	-1%	2551	-6%	2028	19%
179	158	185	1891	1891	2095	-10%	1731	9%	1098	72%
144	120	168	1629	1629	2461	-34%	3101	-47%	2094	-22%
3	2	2	30	30	46	-35%	55	-45%	52	-42%
22	30	23	252	252	260	-3%	271	-7%	226	12%
97	100	84	1143	1143	1254	-9%	1187	-4%	902	27%
86	88	90	1022	1022	1082	-6%	953	7%	778	31%
6	4	10	70	70	87	-20%	108	-35%	79	-11%
21	24	16	255	255	328	-22%	325	-22%	301	-15%
158.4	122.65	165.95	2075	2075	2194.5	-5%	1731.7	20%	2400.3	-14%
0	0	0	13	13	259.5	-95%	359.5	-97%	290	-96%

Homeless Incidents	2020	2019
Code 40 (Normal)	30	22
Code 41 (Aggressive)	1	0

The following is a graphic representation of statistics for **December 2020** using our **CityProject** membership (formerly [CrimeReports.com](https://www.cityproject.com)). The “Dots” represent a location of a call and if you would zoom in on the map you would see an icon for the type of call and some basic time/date details. Some dots represent multiple calls at one location. If you go to the website, you can zoom in on each incident for more details.

- Assault
  - Assault with Deadly Weapon
  - Sexual Offense
  - Sexual Assault
  - Sexual Offense
  - Other Sexual Offense
  - Other Violent Offense
  - Homicide
  - Kidnapping
  - Robbery
- Property & Theft
  - Property Crime
  - Breaking & Entering
  - Property Crime Commercial
  - Property Crime Residential
  - Other Property Crime
  - Theft
  - Theft from Vehicle
  - Theft of Vehicle
  - Other Theft
- Disorder/Disturbance
  - Disorder
  - Disorder
  - Drugs
  - Drugs
  - Liquor
  - Liquor
  - Quality of Life
  - Quality of Life
- 911 or Other
  - Community Events
  - Community Policing
  - Proactive Policing
  - Emergency
  - Emergency
  - Fire
  - Fire
  - Police Calls

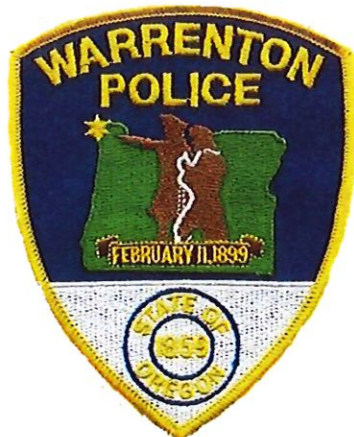
Incidents (Warrenton & Hammond)





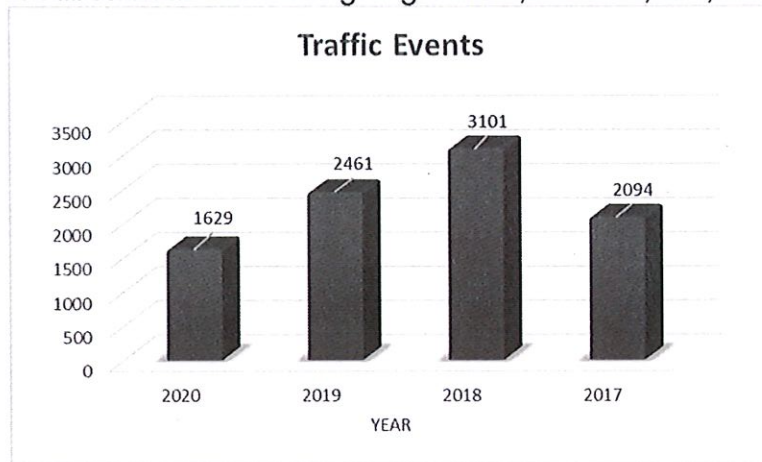
2020

# WPD STATISTICS REVIEW



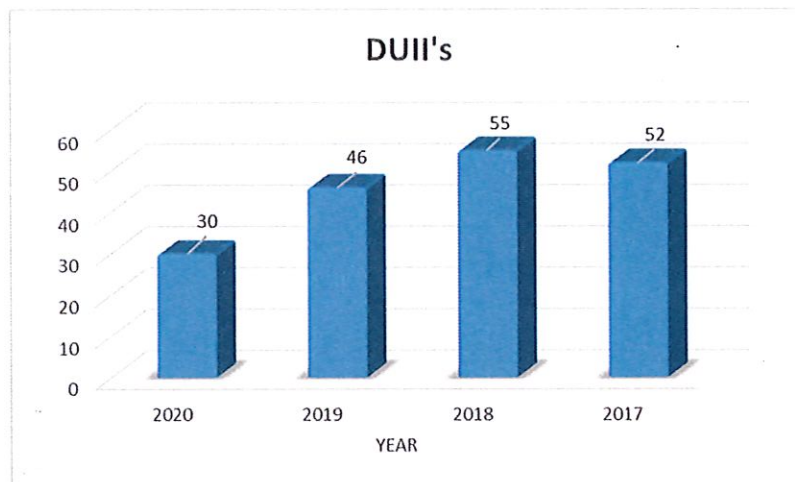
Chief Mathew Workman  
Chief of Police  
1/1/2020

- Traffic Events had a substantial decrease going from 2,461 to 1,629, down 34%.

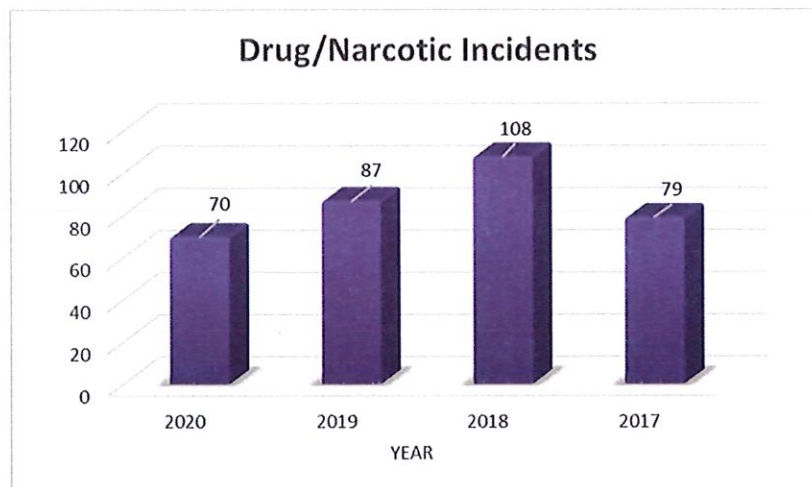


I see this as a direct effect of the pandemic with fewer people on the roadways during the tourist season, a change in patrol tactics making fewer stops at the beginning of the pandemic, moratoriums on expired plates, etc., and the fact that we were short-staffed through all of 2020 so fewer officer running traffic.

- DUII events decreased by 35%, 46 to 30.... Again, this can be attributed to the same reasons for the decrease in Traffic Events.

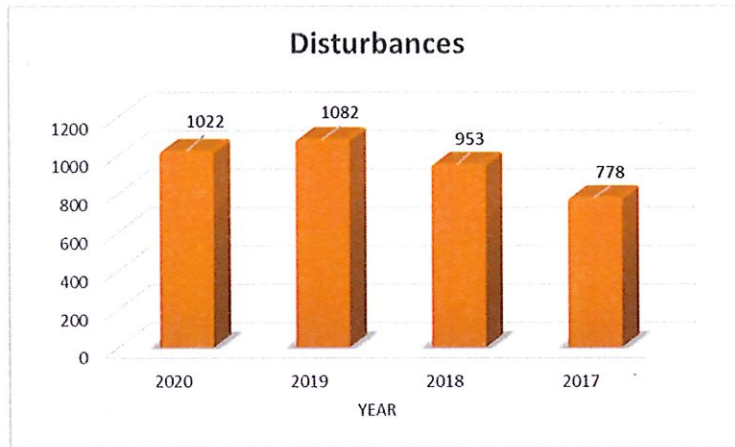


- Drug/Narcotics Incidents were down 19% going from 87 to 70... These numbers will most likely continue to fall with SB 110 going into effect which decriminalizes many drug possession crimes.





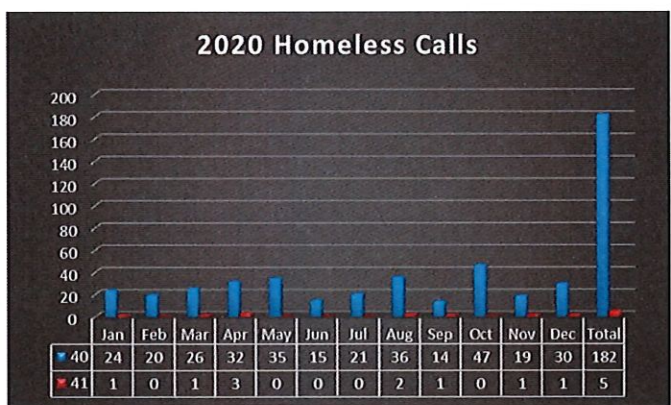
- Disturbances decreased slightly last year by 5.5% (1,082 to 1,022).



- Property Crimes decreased 9% (1,254 to 1,143). I thought this would have been a higher decrease with the pandemic, but it stayed pretty steady. This was helped by Fred Meyers having loss prevention personnel the entire year.



- The WPD, Astoria PD, and Seaside PD all traffic contacts with the Homeless using a clearance code. "Code 40" if a normal contact and "Code 41" if the contact is "aggressive" (verbally or physically). 2019 was only a partial year for this code but here are the two years:



Overall statistics saw the following trends:

- 13.18% decrease** in 2020 over 2019
- 13.63% decrease** in 2020 over 2018
- 2.98% increase** in 2020 over 2017



2020 was a very unique year for everyone presenting multiple challenges and changes that affected all of Warrenton's citizens and visitors. Even though 2020 was often very difficult, the men and women of the WPD persevered through these challenges and remained committed to Community Policing by being involved in numerous community events, all while continuing our duty to protect and serve our community.

### Chief Workman







## STAFF REPORT

TO: The Warrenton City Commission  
FROM: Dawne Shaw, City Recorder  
DATE: January 26, 2021  
RE: City Recorder Activity Report; June – December 2020

The following is an activity report from the City Recorder's office outlining activities and statistics for June – December 2020. With the vacant Deputy Recorder position, the main focus was staying caught up on day-to-day tasks and operations. At the time of this report, we are in the process of hiring a new Deputy Recorder. Once trained, this additional staff will be a great help in moving projects forward.

- **Meetings: 23 Meetings** - includes regular commission meetings, work sessions, executive sessions, URA meetings, Budget meetings and WURAC meetings. (includes preparing agendas, packets, staff reports, press notices, minutes, attendance, etc.)
- **Public Records Requests: 17 Public Records Requests**
- **Notary Services: 10 Notarizations**

This report is not fully inclusive of all activities of the city recorder's office. Other projects and activities include but are not limited to – Assistant to the City Manager; Human Resources Coordinator duties; Management & maintenance of the City website and social media accounts; Responding to citizens' concerns and complaints; Filing insurance claims; Records management, retention & destruction per Secretary of State guidelines.



## Finance Department Agenda Memorandum

To: The Honorable Mayor and Members of the Warrenton City Commission  
 From: April Clark  
 Finance Director  
 Date: January 26, 2021

**Regarding – Consideration of Resolution No. 2587 Approving and Adopting a Supplemental Budget by making Appropriations for Municipal Purposes of the City of Warrenton for the fiscal year commencing July 1, 2020 and ending June 30, 2021**

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**SUMMARY:**

Staff is presenting a supplemental budget for your approval in order to amend the current budget to allow for additional spending authority in the Building Division Fund for increased costs in professional services.

This request is due to incurred and anticipated professional services in support of plan review functions of the Building Department for fire & life safety associated with larger projects (multi-family, commercial, etc.) that were not known at the time of budget preparation. These services are being outsourced to a third party, allowing staff to maintain other Building Department Services to the public in a timely and customer-service oriented manner. Building Official, Van Wilfinger, will be available to answer any questions you may have. This supplemental budget increases spending authority in the Building Division Fund Materials & Services by \$60,000 and reduces Contingency by the same amount. A Public Hearing is required.

**RECOMMENDATION:**

A public notice of the supplemental budget hearing was published on January 15, 2021 and the hearing must be held and public comment taken prior to adoption of the attached resolution amending the budget. The Mayor and Commissioners will review the material and ask questions from staff if necessary. The Mayor will then open the hearing and receive testimony or comments from the public. After all comments are heard, the Mayor will close the hearing. The Mayor and Commissioners then deliberate and make a decision regarding the proposed resolution.

Staff recommends the following motions:

“I move to approve Resolution No. 2587 Approving and Adopting a Supplemental Budget by making appropriations for municipal purposes of the City of Warrenton for the fiscal year commencing July 1, 2020 and ending June 30, 2021.”

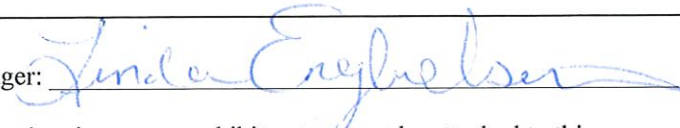
**ALTERNATIVE:**

No alternative is being recommended.

**FISCAL IMPACT:**

This supplemental budget does not change overall requirements, but increases spending authority in materials and services in the Building Division Fund by \$60,000 by transferring the same amount from Contingency. Current resources are available to support these increased costs.

Approved by City Manager:

A handwritten signature in blue ink, appearing to read "Linda Engelber", is written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

**RESOLUTION NO. 2587**  
**Introduced by All Commissioners**

**APPROVING AND ADOPTING A SUPPLEMENTAL BUDGET BY  
MAKING APPROPRIATIONS FOR MUNICIPAL PURPOSES OF THE CITY OF WARRENTON  
FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021**

WHEREAS, a local government may prepare a supplemental budget under ORS 294.471.

WHEREAS, preparing a supplemental budget does not authorize the governing body to impose additional ad valorem taxes ORS 294.471(4).

The City of Warrenton hereby does resolve as follows:

Section 1. Be it resolved that the Warrenton City Commission, for the City of Warrenton, hereby adopts the supplemental budget for the 2020-2021 fiscal year,

Section 2. This supplemental budget allows spending authority for additional professional services for fire & life safety review and inspection in the Building Division Fund by allowing for a transfer from Contingency.

Section 3. Be it resolved that the amounts for the fiscal year beginning July 1, 2020, are hereby appropriated for the purposes shown below, as follows:

Fund/Description	Adopted Budget	Change	Amended Budget
<i>Building Department Fund:</i>			
<i>Total Resources</i>	<u>1,264,000</u>	<u>0</u>	<u>1,264,000</u>
Building Department	324,175	60,000	384,175
Contingency	168,000	(60,000)	108,000
Ending Fund Balance	771,825		771,825
<i>Total Requirements</i>	<u>1,264,000</u>	<u>0</u>	<u>1,264,000</u>

This resolution is effective on January 26, 2021.

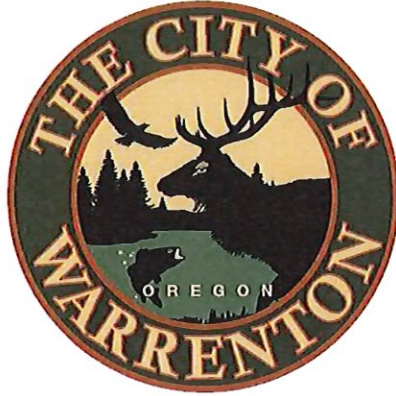
PASSED by the City Commission of the City of Warrenton this \_\_\_\_ day of \_\_\_\_\_, 2021

APPROVED by the Mayor of the City of Warrenton this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder



City of Warrenton  
Supplemental Budget  
Building Division Fund

Public Notice: January 15, 2021  
Public Hearing: January 26, 2021  
Proposed Adoption: January 26, 2021

**City of Warrenton  
Budget Document**

**Building Division Fund 021 (423)**

Historical Data			Budget for Fiscal Year 7/1/2020- 6/30/2021					
Actual		Adopted Budget	Resources and Requirements	Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body	Plus: Supplemental Budget	Adopted by Governing Body
FYE 6/30/18	FYE 6/30/19	FYE 6/30/20						
			<b>Resources</b>					
\$ 293,156	\$ 272,657	\$ 238,000	300000	\$ 790,000	\$ 790,000	\$ 790,000		\$ 790,000
243,060	185,935	336,500	322100	470,000	470,000	470,000		470,000
	94		337203					
288	259		360000					
3,880	6,138	4,000	361000	4,000	4,000	4,000		4,000
<b>540,384</b>	<b>465,083</b>	<b>578,500</b>	<b>Total Resources</b>	<b>1,264,000</b>	<b>1,264,000</b>	<b>1,264,000</b>	<b>-</b>	<b>1,264,000</b>
			<b>Requirements</b>					
			Personnel Services=Building Dept:					
103,822	109,862	177,500	110000	169,750	169,750	169,750		169,750
342			110001					0
6,700			110002					0
8,316	8,216	13,579	141000	12,986	12,986	12,986		12,986
857	591	1,773	142000	1,727	1,727	1,727		1,727
227	420	355	143000	170	170	170		170
19,373	21,213	47,701	144000	40,051	40,051	40,051		40,051
16,594	29,616	54,987	145000	49,931	49,931	49,931		49,931
140	212	275	146000	275	275	275		275
38	351	571	149000	546	546	546		546
2,892	2,623	5,239	199999	4,855	4,855	4,855		4,855
<b>159,302</b>	<b>173,106</b>	<b>301,980</b>	<b>Total Personnel Services</b>	<b>280,291</b>	<b>280,291</b>	<b>280,291</b>		<b>280,291</b>
		2.825	<b>Total Full-Time Equivalent (FTE)</b>	<b>2.825</b>	<b>2.825</b>	<b>2.825</b>		<b>2.825</b>
			Materials and Services-Building Dept:					
841	1,610	1,125	210000	2,500	2,500	2,500		2,500
		50	211000	50	50	50		50
	38		223000	50	50	50		50
462	525	555	223001	555	555	555		555
41	28	250	310000	250	250	250		250
2,010	4,163	7,000	320000	8,000	8,000	8,000		8,000
958	841	1,120	340000	1,050	1,050	1,050		1,050
460	441	595	340001	560	560	560		560
494	784	1,100	340002	1,500	1,500	1,500		1,500
93	99	123	340005	154	154	154		154
47	49	70	340006	70	70	70		70
9	10	14	340007	14	14	14		14
44	43	53	340008	53	53	53		53
3,132	3,361	4,000	360000	5,125	5,125	5,125		5,125
175	535	800	362000	1,000	1,000	1,000		1,000
642	593	250	366000	1,200	1,200	1,200		1,200
93,801	2,695	12,000	380000	12,000	12,000	12,000	60,000	72,000
2,863	2,954	4,500	380020	4,500	4,500	4,500		4,500
	1,809	600	380050	1,800	1,800	1,800		1,800
2,354	1,852	3,634	390090	3,453	3,453	3,453		3,453
<b>108,425</b>	<b>22,231</b>	<b>37,839</b>	<b>Total Materials and Services</b>	<b>43,884</b>	<b>43,884</b>	<b>43,884</b>	<b>60,000</b>	<b>103,884</b>
			Capital Outlay-Building Dept:					
-	-	-	610001	-	-	-		-
			<b>Total Capital Outlay</b>					
			<b>Total Building Dept. Requirements</b>					
-	-	68,000	800000	168,000	168,000	168,000	(60,000)	108,000
<b>267,727</b>	<b>195,337</b>	<b>407,819</b>	<b>Total Expenditures</b>	<b>492,175</b>	<b>492,175</b>	<b>492,175</b>	<b>-</b>	<b>492,175</b>
<b>272,657</b>	<b>269,746</b>	<b>170,681</b>	880001	771,825	771,825	771,825	-	771,825
<b>\$ 540,384</b>	<b>\$ 465,083</b>	<b>\$ 578,500</b>	<b>Total Requirements</b>	<b>\$ 1,264,000</b>	<b>\$ 1,264,000</b>	<b>\$ 1,264,000</b>	<b>\$ -</b>	<b>\$ 1,264,000</b>





January <sup>26</sup>27, 2021

To: Warrenton City Commission

From: Scott Hess, Community Development Director

Re: Second reading and adoption, Ordinance 1247, amendment to Warrenton Municipal Code section 16.208.050.H

**Summary:** This proposed development code amendment would allow the City Manager and Planning Director to appeal a Type III Planning Commission decision to the City Commission. The City Commission conducted a public hearing and first reading of this proposed ordinance on January 12, 2021. Staff recommends that the City Commission conduct a second reading and adopt the proposed ordinance; and adopt the proposed findings.

**Recommended Motions:**

*I move that the City Commission conduct a second reading of ordinance 1247.*

*I move that the City Commission adopt ordinance 1247, and adopt the proposed findings.*

Alternative Motion: *I move to continue this matter to [date].*

Alternative Motion: *I move that the City Commission not adopt the proposed amendment.*

**Attachments:** Ordinance 1247; Draft Findings

Approved by City Manager:

*Lisa Engstrom*



**Ordinance 1247**  
**Introduced by All Commissioners**

**AN ORDINANCE AMENDING WARRENTON MUNICIPAL CODE TITLE 16,  
DEVELOPMENT CODE, DIVISION 4, APPLICATIONS AND REVIEW  
PROCEDURES, CHAPTER 16.208, TYPES OF APPLICATIONS AND REVIEW  
PROCEDURES, SECTION 16.208.050, TYPE III PROCEDURE**

**WHEREAS**, the City of Warrenton is best served by an efficient and effective land use decision-making process; and

**WHEREAS**, the City Commission finds it appropriate to amend the Development Code's procedural requirements to assure that the land use decision making process continues to meet the City's needs; and

**WHEREAS**, the City Commission conducted a public hearing on this amendment on January 12, 2021, to receive public testimony and to consider the Planning Commission's recommendation;

**NOW, THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** Amend Warrenton Municipal Code Section 16.208.050.H, to read as follows:

[new language; deleted language]

16.208.050. Type III Procedure (Quasi-Judicial)

...

H. Appeal. A Type III quasi-judicial decision may be appealed to the City Commission as follows:

1. Who May Appeal. The following people have legal standing to appeal a Type III quasi-judicial decision:

- a. The applicant.
- b. Any person who submitted written or oral testimony to the decision making body.
- c. The Planning Director or City Manager.

**Section 2.** This Ordinance shall take full force and effect 30 days upon its adoption by the Commission of the City of Warrenton.

**First Reading: January 12, 2021**

**Second Reading: January 26, 2021**

**ADOPTED by the City Commission of the City of Warrenton, Oregon this 26<sup>th</sup> day of January, 2021.**

Approved

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Henry A. Balensifer III, Mayor

Attest

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Dawne Shaw, City Recorder

## Findings, Ordinance 1247

### Comprehensive Plan

*Establish a comprehensive planning process which benefits the public as a whole by ensuring the opportunity for local citizens to be involved during all phases of the process, requiring an adequate factual basis for decisions and actions, achieving a desirable level of coordination and consistency with other governmental bodies, and providing a suitable balance between stability and change. (Comprehensive Plan Section 10.200, Procedures, Goals)*

This goal is implemented, in part, through the various types of decision-making procedures described in the Development Code. The amendment to the Type III procedure's appeals process does not conflict with this policy because it does not reduce or curtail opportunities for citizen involvement in the planning process; nor does the amendment compromise the requirement for an adequate factual basis for decisions and actions; nor does the amendment change the balance between stability and change. The amendment merely clarifies that the Planning Director and City Manager may appeal Type III Planning Commission decisions to the City Commission. The amendment leaves unchanged the right of permit applicants and parties to the Planning Commission hearing to appeal these decisions. Based on this, the City Commission finds that the development code amendment is consistent with this policy.

*Effective review and updating of the Comprehensive Plan will be carried out through extensive involvement of the Planning Commission. (Comprehensive Plan Section 10.310, Procedures, Policy 1)*

Policy 1 assures that the Planning Commission is involved in comprehensive plan amendments. The proposed amendment does not reduce the Planning Commission's role; nor does it change the way the City develops and reviews comprehensive plan amendments. Comprehensive plan amendments are handled under a Type IV procedure. This amendment affects only Type III decisions. Based on this, the City Commission finds that the amendment does not conflict with policy 1.

*The City will undertake a major review of its Comprehensive Plan in accordance with the State mandated periodic review schedule. The City will make other revisions to the Comprehensive Plan as necessary to address local needs and concerns. (Comprehensive Plan Section 10.310, Procedures, Policy 2)*

The amendment does not alter the City's ability to consider Comprehensive Plan amendments at any time. The State-mandated periodic review schedule mentioned in policy 2 is no longer applicable to Warrenton (ORS197.629(1)). The policy does not prohibit the City from considering development code amendments outside of the periodic review schedule. Comprehensive Plan amendments are handled under a Type IV procedure (WMC 16.208.060).

This amendment affects only Type III decisions. Based on this, the City Commission finds the amendment consistent with this policy.

*All Comprehensive Plan amendments shall comply with the Statewide Planning Goals and will be supported by adequate evidence indicating the desirability of the proposed revisions. The desirability of changes in the intent or boundaries of land and water use areas, as shown on the respective maps, will be determined in part by (a) the expected impact on the ability of the Plan to help satisfy land and water use needs; (b) the improvements to transportation facilities and community facilities and services, if any, necessary to accommodate the change; and (c) the physical development limitation and other natural feature characteristics of the areas involved. (Comprehensive Plan Section 10.310, Procedures, Policy 3)*

Policy 3 requires that amendments comply with the applicable statewide planning goals. These are addressed elsewhere in this document.

Policy 3 requires evidence of the desirability of the proposed revisions. The amendment adds the City Manager and the Planning Director to the list of parties that may appeal a Type III Planning Commission decision to the City Council. The City Commission determined that the proposal is desirable because it provides an additional safeguard in those rare cases when the Planning Commission is not fully apprised of all relevant facts; or when the Planning Commission's decision exposes the City to unacceptable risk.

Policy 3 addresses map amendments. This amendment is to the text of the zoning ordinance, and has no impact on amendments to the zoning map or comprehensive plan map.

For these reasons, the City Commission finds the amendment consistent with policy 3.

*Amendments to the Comprehensive Plan text or map may be initiated by the City Commission, Planning Commission, Community Development Director, any City resident or any person or organization owning real property in the City. The person proposing the amendments will be responsible for providing justification for the revisions, and will also be responsible for providing a for of notice for the text of any exception language, should such be necessary to meet Statewide Planning Goals. (Comprehensive Plan Section 10.310, Procedures, Policy 4)*

This amendment was initiated by the interim city planner at the direction of the City Manager. The justification for the revision is that it provides clarity to the Type III appeals procedure, adding the City Manager and Planning Director to the list of parties that may appeal a Type III decision. The language in policy 4 referring to exception language concerns exceptions to statewide planning goal requirements. It is not relevant to this amendment, because the

amendment does not include an exception. Based on this, the City Commission finds that the amendment does not conflict with policy 4.

*The Planning Commission and the City Commission shall hold public hearings on proposed amendments to the Comprehensive Plan or map. Notice of public hearings will be given in accordance with Development Code requirements. (Comprehensive Plan Section 10.310, Procedures, Policy 5)*

The amendment does not alter public notice or hearing requirements in policy 4. The adoption procedure for DCR20-02 followed the Development Code's applicable Type IV requirements. The amendment affects only Type III appeals; it does not change Type III notice or hearing requirements. Based on this, the City Commission finds the amendment consistent with policy 5.

*For purposes of reviewing and updating the Comprehensive Plan, the Planning Commission will be the officially recognized committee for citizen involvement. It will be appointed in an open and public manner and its membership shall be representative of a broad range of geographical, cultural and economic elements of the population in the Warrenton area. Adequate resources will be allocated for its activities and other citizen involvement efforts. (Comprehensive Plan Section 10.310, Procedures, Policy 6)*

This amendment does not change or diminish the Planning Commission's role as the committee for citizen involvement in Comprehensive Plan reviews and updates; nor does the amendment alter the method for appointing Planning Commissioners. The City provides adequate financial resources for citizen involvement efforts through its budget process; the amendment does not change the extent or scope of the City's citizen involvement process. For these reasons, the City Commission finds the amendment consistent with policy 6.

*The Planning Commission and City staff will provide the general public with an opportunity to be involved in inventory work, plan revisions and plan implementation. Efforts will be undertaken to respond to citizen suggestions and make technical information and minutes of meetings available to the general public. (Comprehensive Plan Section 10.310, Procedures, Policy 7)*

The amendment does not reduce opportunities for the public to be involved in inventory work, comprehensive plan revisions, and plan implementation. The City makes agendas, staff reports, and Planning Commission minutes available on its website, and at City Hall. The amendment does not alter the availability of technical information or meeting minutes. Based on this, the City Commission finds that this amendment does not conflict with policy 7.

*When reviewing and updating the Comprehensive Plan, the City will attempt to (a) give ample consideration to the comments and concerns of other governmental bodies; (b) achieve consistency with their policies to the extent appropriate; and (c) avoid*

*unnecessary overlapping responsibilities. Affected special districts and appropriate local, regional, state and federal agencies will be notified by mail of public hearings on Comprehensive Plan amendments. (Comprehensive Plan Section 10.310, Procedures, Policy 8)*

This policy addresses Comprehensive Plan reviews and updates. Reviews are generally non-hearing, work session items. Updates are formally considered under a Type IV procedure. The amendment addresses Type III procedure appeals. Policy 8 is not applicable to this amendment.

*Implementation will occur in a manner which makes possible meaningful participation by local citizens and interested governmental bodies; consistency between the Plan and implementation measures intended to fulfill Plan objectives; and periodic review and update of these controls. (Comprehensive Plan Section 10.320, Plan Implementation, Policy 1)*

The amendment does not detract from the policy of ensuring meaningful participation in the implementation of the Comprehensive Plan; it allows the City Manager and Planning Director to appeal a Type III Planning Commission decision. The amendment does not alter any other implementation measures related to citizen participation.

The amendment does not create inconsistency between the Development Code and the Comprehensive Plan. As shown by these findings, the amendment does not conflict with applicable Comprehensive Plan policies, or with any Development Code requirements.

The amendment does not interfere with the City's ability to review and update the Comprehensive Plan and Development Code. These kinds of updates are considered under a Type IV procedure; the amendment modifies the Development Code's Type III procedure.

For these reasons, the City Commission finds the amendment consistent with all parts of Plan Implementation policy 1.

*Major actions undertaken to implement the Comprehensive Plan shall take place in a well-publicized, open atmosphere. The Planning Commission, general public and interested governmental bodies will be given an opportunity to comment on these actions before they are carried out. (Comprehensive Plan Section 10.320, Plan Implementation, Policy 2)*

The Comprehensive Plan is implemented through the Development Code and the Zoning Map, so *major actions to implement the comprehensive plan* include development code amendments, such as this one. This amendment and the public hearings before the Planning Commission and City Commission have been well-publicized by notices in *The Columbia Press*, and on the City's website. Additionally, the amendment has been posted on the Oregon Department of Land

Conservation and Development's website. The general public and interested governmental bodies had the opportunity to comment on the amendment. The Planning Commission conducted a public hearing on this amendment on December 10, 2020. The Planning Commission's recommendation was received by the City Commission at a public hearing on January 12, 2021. The City Commission finds that the amendment's adoption process followed applicable procedural requirements of Plan Implementation policy 2, as implemented through the City's Development Code. The City Commission further finds that the amendment is consistent with policy 2 because it does not alter the requirements of policy 2: the amendment affects only Type III matters, not Development Code or Zoning Map amendments, which are considered under Type IV procedures.

*Provisions of the zoning ordinance, subdivision and partitioning regulations and other land and water use controls used to implement the Plan shall be consistent with the Plan. This does not mean, however, that these provisions have to be specifically authorized by the Plan or cannot be more detailed than those in the Plan. (Comprehensive Plan Section 10.320, Plan Implementation, Policy 3)*

The consistency requirement in policy 3 is not violated by the amendment because the Type III appeal procedure occurs only in the development code, and nowhere else in the City's planning documents. The City Commission finds that the procedures in WMC 16.208 are an example of detailed development code language mentioned in policy 3. For these reasons, the City Commission finds the amendment consistent with Pan Implementation policy 3.

*Land and water use controls used to implement the Plan will be periodically reviewed and updated. Before changes in the regulations are adopted, there will be at least one public hearing on the proposal and adequate public notice of every hearing. (Comprehensive Plan Section 10.320, Plan Implementation, Policy 4)*

The *land and water use controls* that implement the Comprehensive Plan are the Development Code and the Zoning Map. The Planning Commission considered this Development Code amendment at a public hearing on December 10, 2020. The hearing was advertised in *The Columbia Press*, and on the City's website. This amendment does not alter the hearing or public notice requirements for Development Code or Zoning Map amendments. The amendment has no impact on Development Code or Zoning Map amendments, which are considered under a Type IV procedure, because the amendment affects the appeals process for Type III land use decisions. Based on this, the City Commission finds that the amendment does not conflict with the requirements of Plan Implementation policy 4.

### **Statewide Planning Goal 1, Citizen Involvement**



Goal 1 is: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.* This development code amendment was reviewed in accordance with the acknowledged provisions for citizen involvement in Warrenton's municipal code, which implement goal 1. The amendment does not restrict opportunities for citizen involvement. The Development Code's requirements for advertising and hearings are unchanged. Opportunities for citizens to appeal land use decisions are not restricted or narrowed by the amendment. Instead, the amendment adds the City Manager and Planning Director to the list of parties that may appeal certain Planning Commission decisions to the City Commission. Based on this, the City Commission finds the amendment consistent with Statewide Planning Goal 1.

### **Statewide Planning Goal 2, Land Use Planning**

Goal 2 requires that local governments “establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The amendment to the City's Type III appeals process fits into the City's land use planning processes and policy framework. The amendment clarifies that the City Manager and Planning Director may appeal a Type III decision from the Planning Commission to the City Commission. The amendment does not alter the basic framework for planning and decision-making in Warrenton. Based on this, the City Commission finds the amendment consistent with Statewide Planning Goal 2.

### **Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**

The basic aim of Goal 5 is “To protect natural resources and conserve scenic and historic areas and open spaces.” The City's goal 5 implementation measures in its Comprehensive Plan and Development Code are unaffected by the proposed amendment. Goal 5 protection measures remain in force. The amendment does not add any new resources to the City's goal 5 inventories, or take any resources out of these inventories, or alter prior decisions concerning those goal 5 resources. Based on this, the City Commission finds the amendment consistent with Statewide Planning Goal 5.

### **Statewide Planning Goal 6, Air, Water and Land Resources**

Goal 6 is “to maintain and improve the quality of the air, water and land resources of the state.” It deals mainly with control of “waste and process discharges from future development.” The amendment does not affect any of the City's goal 6 implementation measures. These implementation measures, in the Development Code and the Comprehensive Plan, remain in effect. Based on this, the City Commission Finds that the amendments are consistent with Statewide Planning Goal 6.

### **Statewide Planning Goal 7, Areas Subject to Natural Hazards**

Goal 7 is to “to protect people and property from natural hazards.” The City’s goal 7 implementation measures are not changed by the amendment. The Flood Hazard Overlay Zone and the Soil Hazard Overlay zone are two of the City’s principal goal 7 implementation tools. These are unchanged by the amendment. Those areas subject to goal 7 are still subject to the City’s goal 7 implementation measures. Based on this, the City Commission finds the amendments do not conflict with Statewide Planning Goal 7.

### **Statewide Planning Goal 8, Recreational Needs**

Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” The City’s goal 8 needs are met by lands that are zoned primarily for recreational purposes. The amendment does not change this. The amendment does not alter the City’s approach to meeting its goal 8 obligations, or any goal 8 implementation measures. None of the City’s Goal 8 Comprehensive Plan policies are changed by the amendment. Based on this, the City Commission finds that the amendment is consistent with Statewide Planning Goal 8.

### **Statewide Planning Goal 9, Economic Development**

Goal 9 is “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.” The amendment has no impact on the City’s ability to meet its goal 9 obligations. The amendment does no reduce the City’s inventory of buildable commercial or industrial lands. The amendment does not change any substantive requirements for reviewing new commercial or industrial development. Based on this, the City Commission finds the amendment consistent with Statewide Planning Goal 9.

### **Statewide Planning Goal 10, Housing**

Goal 10 is “to provide for the housing needs of citizens of the state.” The goal requires cities to assess future need for various housing types and to plan and zone sufficient buildable land to meet those projected needs. The amendment has no impact on land available for housing in Warrenton; nor does it change the substantive requirements for approval of new residential development; nor does it alter the mix of housing types allowed in the City. Based on this, the City Commission finds the amendments consistent with Statewide Planning Goal 10.

### **Statewide Planning Goal 11, Public Facilities and Services**

Goal 11 is “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The amendment does

not change any of the City's goal 11 implementation measures. The supply of developable lands, and the capacity of public facilities needed to serve those lands, are unchanged by the amendment. The amendment has no impact on City policies regarding the expansion and financing of public facilities. Based on this, the City Commission finds the amendment consistent with Statewide Planning Goal 11.

### **Statewide Planning Goal 12, Transportation**

Goal 12 is "to provide and encourage a safe, convenient and economic transportation system." The City's goal 12 implementation measures are unaffected by the amendment. Warrenton's existing transportation infrastructure and the City's plans for future expansion of transportation facilities are unchanged by the amendment. Current and likely future transportation demand is not affected by the amendments. Based on this, the City Commission finds the development code amendment consistent with Statewide Planning Goal 12.

### **Statewide Planning Goal 13, Energy**

Goal 13 is simply "to conserve energy". The City's goal 13 implementation measures are unchanged by the amendment. Based on this, the City Commission finds that the amendment is consistent with Statewide Planning Goal 13.

### **Statewide Goal 14, Urbanization**

Goal 14 is "to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." The amendment does not conflict with this goal: it clarifies a relatively minor part of the City's Type III appeal process. The amendment does not alter the UGB. None of the City's goal 14 implementation measures are affected by the amendment. Based on this, the City Commission finds the amendments consistent with Statewide Planning Goal 14.

### **Statewide Planning Goal 16, Estuarine Resources**

Goal 16 is "to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries." The City's primary goal 16 implementation measures are the estuarine resources element of its comprehensive plan; the development code's Aquatic Natural, Aquatic Conservation, and Aquatic Development zones; and the development code's Columbia River Estuary Shoreland and Aquatic Area Development Standards. These implementation

measures are unchanged by the amendment. Based on this, the City Commission finds the amendment consistent with Statewide Planning Goal 16.

### **Statewide Planning Goal 17, Coastal Shorelands**

Goal 17 aims “to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.” The City implements goal 17 primarily through the Coastal Shorelands element of its comprehensive plan; and through the development code’s Coastal Lake and Freshwater Wetlands Zone, and Water-Dependent Industrial Shorelands Zone. The amendment does not change any of these implementation measures. Based on this, the City Commission finds that the amendment is consistent with Statewide Planning Goal 17.

### **Statewide Planning Goal 18, Beaches and Dunes**

Goal 18 is: “To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.” The City’s basic implementation measures for goal 18 are the Comprehensive plan’s beaches and dunes element, and the development code’s Beach and Dune Overlay District. The amendment does not change any of these implementation measures, or the City’s overall goal 18 planning strategy. Based on this, the City Commission finds that the amendment is consistent with Statewide Planning Goal 18.



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Collin Stelzig, Public Works Director  
DATE: For the Meeting of January 26<sup>th</sup>, 2021  
SUBJ: 2020-2021 Paving Maintenance Program - Change Order 1

### SUMMARY:

Otak and the City entered an agreement for services of the 2020-2021 Paving Management Program on June 8<sup>th</sup>, 2020 for \$22,000.00. The City and Otak changed the Scope of Work to provide additional services to include drainage research and fieldwork to provide paving recommendations to assist the City's determination of streets that will require paving. The change to the total contract amount is \$13,505.14, bringing the contract total to \$35,505.14.

In addition to the additional scope of work items, the original goal was to try to piggyback observation services between the Paving Project and the SE Anchor and could no longer be observed simultaneously. Because of this, there ended up being additional time spent for construction administration and observation on the paving project. The Public Works department feels that this additional administration and observation is justified as both projects came in under budget and on time. The anchor waterline came in under the contract amount by about \$10,000 and the paving project came in under the contract amount by about \$13,000.

### RECOMMENDATION/SUGGESTED MOTION

"I move to approve Change Order 1 for the 2020-2021 Paving Maintenance Project".

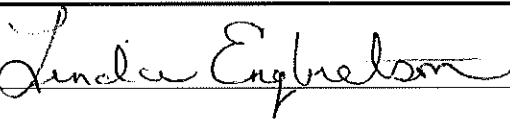
ALTERNATIVE

- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

FISCAL IMPACT

Additions of this scope of work increases the original contract by \$13,505.14.

Approved by City Manager:



Linda Engstrom

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

**Change Order No. 1**

Date of Issuance: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Owner	CITY OF WARRENTON		
Project:	2020-2021 Paving Maintenance Program – Project Management	City Project #:	040-431-371000
Engineer:	Otak	Engineer's Proj. #:	N/A
Contractor:		Contractor's #:	
Contract:	C0582	Date of Contract:	06/08/2020
City Project Manager:	Collin Stelzig, Public Works Director		
<i>The Contract Documents are modified as follows upon execution of this Change Order:</i>			

Description:

Work shall include:

1.

Attachments:

N/A

**CHANGE IN CONTRACT PRICE:**

Original Contract Price:  
 \$ 22,000  
 Increase of this Change Order:  
 (\$13,505.14)  
 Contract Price incorporating this Change Order:  
 \$ 35,505.14

**CHANGE IN CONTRACT TIMES:**

Original Contract Times:  Working days  Calendar days  
 Substantial completion (days): N/A  
 Ready for final payment (days): N/A  
 Increase this Change Order:  
 Substantial completion (days): 0  
 Ready for final payment (days): 0  
 Contract Times with all approved Change Orders:  
 Substantial completion (days): N/A  
 Ready for final payment (days): N/A

The above prices and specifications of the change order are satisfactory and are hereby accepted. This change order amount and extension of time constitutes total compensation for the change, including compensation for all impacts and delays relating to the change and their cumulative effect on the project to date. All work shall be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

RECOMMENDED

ACCEPTED:

ACCEPTED:

By: \_\_\_\_\_ By: \_\_\_\_\_ By: \_\_\_\_\_  
 Engineer (Authorized Signature) Owner/Title (Authorized Signature) Contractor (Authorized Signature)  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Funding Agency (if applicable): \_\_\_\_\_  
 Agency: \_\_\_\_\_ Name, Title \_\_\_\_\_ Date: \_\_\_\_\_

You are hereby directed to make the herein described changes from the plans and/or specifications or perform the above described work not included in the plans and/or specifications of this contract.



**Project Status Form:**

Project Name: 2020-2021 Paving Maintenance Program – Project Management				
Project Budget: 65,000				
Original Contract Amount: \$22,000				
Notice to Proceed Date:				
Original Completion Date:				
Original Contract Time:				
Project Location:				
Change Orders	C.O. Amount/ Allowance Amt.	C.O. Days	Commission Date	REASON FOR CHANGE
Revision Date	New Total	New Total	New Comp. Date	
#1	35,505.14	0		
#2				
#3				
#4				
#5				
#6				
#7				
#8				
Project Summary	Contract amount	Contract days	Completion Date	





## AGENDA MEMORANDUM

**TO:** The Honorable Mayor and Warrenton City Commission  
**FROM:** Linda Engbretson, City Manager  
**DATE:** For the Agenda of January 26, 2021  
**SUBJ:** E-Permit System and Services IGA

### **SUMMARY**

The City has been discussing and preparing to join the state building codes e-permitting program. Staff is ready to start the integration process. Staff is looking forward to completing the implementation of the E-permit System for the convenience of our customers and assistance to staff. Opportunities to expand the program and include software for additional departments may be available. Clatsop County has used the program for about a year and has reported success.

### **RECOMMENDATION/SUGGESTED MOTION**

"I move to authorize the Mayor's signature on the E-Permit System and Services IGA between the City and State of Oregon."

### **ALTERNATIVE**

No recommendation.

### **FISCAL IMPACT**

State surcharge on permits currently pays for this program.

**INTERGOVERNMENTAL PARTNERSHIP AGREEMENT**  
ePermit System and Services

**THIS INTERGOVERNMENTAL PARTNERSHIP AGREEMENT** (“Agreement”) will become effective when all required signatures have been obtain by and between The State of Oregon, acting by and through the Department of Consumer and Business Services (DCBS), Building Codes Division (“BCD”) and the City of Warrenton (“Jurisdiction”), a political subdivision of the State of Oregon. BCD and the Jurisdiction may collectively be referred to herein as the Parties and individually as the Party. The Parties enter into this Agreement to cooperate and share services pursuant to the authority granted under ORS 455.185. The purpose of this partnering agreement is to encourage economic development through construction and to use experimentation and innovation for administration of building inspection programs. It is in the best interest of BCD and Warrenton’s leaders to ensure that construction-related development activities proceed in a manner as quickly and efficiently as practical. Having a flexible and responsive system requires sufficient staff and resources to be available to construction businesses. By partnering together, BCD and the City of Warrenton can explore new ways to maximize the use of scarce resources.

**DCBS:**

Celina Patterson  
e-Permitting Manager  
1535 Edgewater Street NW  
PO Box 14470  
Salem, OR 97309  
(503) 373-0855

**Jurisdiction:**

Linda Engbretson  
City Manager  
PO Box 250  
Warrenton, OR 97146  
(503) 861-3927

**RECITALS**

- A. Oregon Revised Statute ORS 455.095 provides that DCBS shall develop and implement a system that provides electronic access to building permitting information. The statute also requires DCBS to make the system accessible for use by municipalities in carrying out the building inspection programs administered and enforced by the municipalities.
- B. The Department of Administrative Services, State Procurement on behalf DCBS issued a Request for Proposal (RFP) for a statewide ePermit system and associated products and services (“ePermit System”). Accela, Inc. was the successful proposer. On or about August 8, 2008, DCBS and Accela, Inc. entered into a contract (“ePermit contract”) by which Accela, Inc. licensed to DCBS ePermitting system software, an IVR system and provided related configuration, implementation and hosting services (collectively the “ePermit System”)

- C. The ePermit contract provided that the ePermit System and related Services would be available to municipalities (“Participating Jurisdictions”).
- D. BCD is the division of DCBS that implements and administers the ePermitting system.
- E. Jurisdiction has requested that BCD provide access to the ePermitting System and related Services to Jurisdiction and to implement the Jurisdiction as a Participating Jurisdiction as set forth in the ePermitting contract.
- E. BCD is willing, upon the terms of and conditions of this Agreement, to provide access to Jurisdiction to the ePermitting System and related Services and to implement Jurisdiction as provided herein.

## **1. DEFINITIONS.**

- 1.1. As used in this Agreement, the following words and phrases shall have the indicated meanings.
- 1.2. “Agreement” means this Regional Partnership Agreement.
- 1.3. “ePermitting Contract” has the meaning set forth in Recital B and includes all amendments thereto.
- 1.4. “ePermit System” means the entire system including the ePermitting software licensed implemented and configured pursuant to the ePermit contract and related Services including hosting and IVR.
- 1.5. “Jurisdiction” has the meaning set forth in the first paragraph of this Agreement.

## **2. TERM, RENEWAL AND MODIFICATIONS.**

- 2.1. Term. This Agreement is effective, and will be considered fully executed, upon signature by both parties, and shall remain in effect until termination of this Agreement as provided herein. Unless otherwise terminated as provided herein, this Agreement will be in effect for the period that Jurisdiction administers and enforces a building inspection program. This Agreement will automatically renew in the event that the Jurisdiction’s program assumption is renewed for an additional period.
- 2.2. Agreement Modifications. Notwithstanding the foregoing, or, any other provision of the Agreement, BCD may propose a modified Agreement or new intergovernmental agreement for Jurisdiction access to the ePermit System.

BCD will propose such modified Agreement or new intergovernmental agreement with at least 60 days written notice prior to expiration of the Jurisdiction's current program assumption period. The new intergovernmental agreement or modified Agreement will be effective on the effective date of the renewal of Jurisdiction's program assumption. If the parties cannot agree to the new intergovernmental agreement or modified Agreement, this Agreement will terminate effective on the renewal date of Jurisdiction's program assumption. Additionally, during the term of this Agreement, BCD may propose modifications to this Agreement and which will become effective upon mutual agreement by the parties in accordance with section 19 of this Agreement.

### **3. PERFORMANCE AND DELIVERY.**

#### 3.1 Responsibilities of BCD.

- 3.1.1. BCD shall use its best efforts to provide Jurisdiction access to the ePermit System and related Services. BCD shall use its best effort to provide the Jurisdiction with satisfactory access on a parity with all other jurisdictions implemented by BCD to the ePermit System.
- 3.1.2. BCD will implement the Jurisdiction using the process according to the ePermitting Implementation Methodology set forth in Exhibit E. In the event that a Work Order Contract is used to implement a specific city or county, a copy of that agreement shall be provided in Exhibit D.
- 3.1.3. Upon implementation, Jurisdiction will have access to the System and the functionality as described in the ePermit contract and determined during the implementation process.
- 3.1.4. BCD will provide technical support for the ePermit program. Support shall be provided to Jurisdiction 8:00 a.m. to 5:00 p.m. Monday through Friday, except for state observed holidays and from 8:30-10:00 am on Mondays when ePermitting staff holds its weekly staff meeting. The general support structure shall be as follows:
  - 3.1.4.1. State ePermitting team provides technical support to participating city or county.
  - 3.1.4.2. Accela provides technical support to State ePermitting team.

In the event that the State team is unable to communicate a solution to the participating city or county, the State team will facilitate communication between Accela and participant.

#### 3.2. Responsibilities of Jurisdiction.

- 3.2.1. Jurisdiction agrees to the requirements of Exhibit A.
- 3.2.2. Jurisdiction agrees to abide by the terms and conditions of the Software License set forth in Exhibit B.
- 3.2.3. Jurisdiction agrees to abide by the implementation model that is identified in Exhibit E.

#### **4. REPRESENTATIONS AND WARRANTIES.**

4.1 Representations of Jurisdiction. Jurisdiction represents and warrants to BCD as follows:

- 4.1.1. Organization and Authority. Jurisdiction is a political subdivision of the State of Oregon (or an intergovernmental entity formed by political subdivisions of the State of Oregon under ORS Chapter 190) duly organized and validly existing under the laws of the State of Oregon. Jurisdiction has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder. Jurisdiction has assumed and administers a building inspection program under ORS 455.148 to ORS 455.153.
- 4.1.2. Due Authorization. The making and performance by Jurisdiction of this Agreement (1) have been duly authorized by all necessary action of Jurisdiction and (2) do not and will not violate any provision of any applicable law, rule, and regulation.
- 4.1.3. Binding Obligation. This Agreement has been duly executed and delivered by Jurisdiction and constitutes a legal, valid and binding obligation of Jurisdiction, enforceable according to its terms.
- 4.1.4. Jurisdiction has reviewed the ePermit Contract and ePermit System and is knowledgeable of the ePermit system functionality and performance and has entered into this Agreement based on its evaluation of the ePermit Contract and the ePermit System

4.2. Representations and Warranties of BCD. BCD represents and warrants to Jurisdiction as follows:

- 4.2.1. Organization and Authority. BCD is an agency of the state government and BCD has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder.
- 4.2.2. Due Authorization. The making and performance by BCD of this Agreement (1) have been duly authorized by all necessary action of BCD and (2) do not and will not violate any provision of any applicable law, rule, and regulation.

4.2.3. Binding Obligation. This Agreement has been duly executed and delivered by BCD and constitutes a legal, valid and binding obligation of BCD, enforceable according to its terms.

4.2.4. Performance Warranty. BCD will use its best efforts to provide Jurisdiction access to the ePermit System and implement the Jurisdiction according to the ePermit contract. Notwithstanding the foregoing, Jurisdiction understands and agrees that the ePermit System is composed of software and services provided by third parties and BCD has no responsibility to Jurisdiction for the functionality or performance of the ePermit System.

4.3. The warranties set forth above are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

## **5. ACCESS TO RECORDS AND FACILITIES.**

5.1. Records Access. BCD, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives shall have access to the books, documents, papers and records of the Jurisdiction that are directly related to this Agreement, for the purpose of making audits, examinations, excerpts, copies and transcriptions.

5.2. Retention of Records. Jurisdiction shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following the termination of this Agreement.

5.3. Public Records. Jurisdiction shall be deemed the Custodian for the purposes of public records requests regarding requests related to Jurisdiction's building inspection program.

## **6. JURISDICTION DEFAULT.** Jurisdiction shall be in default under this Agreement upon the occurrence of any of the following events:

6.1. Jurisdiction fails to perform, observe or discharge any of its covenants, agreements or obligations set forth herein.

6.2. Any representation, warranty or statement made by Jurisdiction herein is untrue in any material respect when made.

## **7. BCD DEFAULT.** BCD shall be in default under this Agreement upon the occurrence of any of the following events:

7.1. BCD fails to perform, observe or discharge any of its covenants, agreements, or obligations set forth herein; or

7.2. Any representation, warranty or statement made by BCD herein is untrue in any material respect when made.

**8. TERMINATION.**

- 8.1. Jurisdiction Termination. Jurisdiction may terminate this Agreement in its entirety as follows:
- 8.1.1. For its convenience, upon at least six calendar months advance written notice to BCD, with the termination effective as of the first day of the month following the notice period;
  - 8.1.2. Upon 30 days advance written notice to BCD, if BCD is in default under this Agreement and such default remains uncured at the end of said 30 day period or such longer period, if any, as Jurisdiction may specify in the notice; or
  - 8.1.3. Immediately upon written notice to BCD, if Oregon statutes or federal laws, regulations or guidelines are modified, changed or interpreted by the Oregon Legislative Assembly, the federal government or a court in such a way that Jurisdiction no longer has the authority to meet its obligations under this Agreement.

**9. TERMINATION.** BCD may terminate this Agreement as follows:

- 9.1. For its convenience, upon at least twenty-four calendar months advance written notice to Jurisdiction, with the termination effective as of the first day of the month following the notice period.
- 9.2. Upon termination of the ePermit Contract with such reasonable notice to Jurisdiction as feasible under the terms of the ePermit Contract.
- 9.3. Immediately upon written notice to Jurisdiction if Oregon statutes or federal laws, regulations or guidelines are modified, changed or interpreted by the Oregon Legislative Assembly, the federal government or a court in such a way that DCBS no longer has the authority to meet its obligations under this Agreement.
- 9.4. Upon 30 days advance written notice to Jurisdiction, if Jurisdiction is in default under this Agreement and such default remains uncured at the end of said 30 day period or such longer period, if any, as BCD may specify in the notice.
- 9.5. Immediately, in the event that Jurisdiction no longer administers and enforces a building inspection program.

**10. EFFECT OF TERMINATION.**

- 10.1. No Further Obligation. Upon termination of this Agreement in its entirety, BCD shall have no further obligation to provide access to the ePermit System and related Services to Jurisdiction.
- 10.2. Survival. Termination or modification of this Agreement pursuant to sections 8

and 9 above, shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination or modification.

However, upon receiving a notice of termination, Jurisdiction shall immediately cease all activities under this Agreement, unless expressly directed otherwise by BCD in the notice of termination.

10.3. **Minimize Disruptions.** If a termination right set forth in section 8 or 9 is exercised, both parties shall make reasonable good faith efforts to minimize unnecessary disruption or other problems associated with the termination.

10.4. **Jurisdiction Data.** Jurisdiction may obtain a copy of data related to its building inspection program.

**11. NOTICE.** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid to Jurisdiction or BCD at the addresses or numbers set forth on page one of this agreement, or to such other addresses or numbers as either party may indicate pursuant to this section. Any communication or notice so addressed and mailed shall be effective five (5) days after mailing. Any communication or notice delivered by facsimile shall be effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours of the recipient, or on the next business day, if transmission was outside normal business hours of the recipient. To be effective against BCD, any notice transmitted by facsimile must be confirmed by telephone notice to BCD's ePermitting Manager. To be effective against Jurisdiction, any notice transmitted by facsimile must be confirmed by telephone notice to Jurisdiction's City Manager. Any communication or notice given by personal delivery shall be effective when actually delivered.

**12. SEVERABILITY.** The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

**13. COUNTERPARTS.** This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

**14. GOVERNING LAW, CONSENT TO JURISDICTION.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between BCD (and/or any other agency or department of the State of Oregon) and Jurisdiction that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within a circuit court in the State of Oregon of proper jurisdiction. In no event shall this section be



construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Jurisdiction, by execution of this agreement, hereby consents to the in personam jurisdiction of said courts.

- 15. COMPLIANCE WITH LAW.** The parties shall comply with all state and local laws, regulations, executive orders and ordinances applicable to the Agreement. All employers, including BCD and Jurisdiction, that employ subject workers who provide Services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126.
- 16. ASSIGNMENT OF AGREEMENT, SUCCESSORS IN INTEREST.** The parties agree there will be no assignment or delegation of the Agreement, or of any interest in this Agreement, unless both parties agree in writing. The parties agree that no services required under this Agreement may be performed under subcontract unless both parties agree in writing. The provisions of this Agreement shall be binding upon and shall inure to the parties hereto, and their respective successors and permitted assignees.
- 17. NO THIRD PARTY BENEFICIARIES.** BCD and Jurisdiction are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons any greater than the rights and benefits enjoyed by the general public unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- 18. WAIVER.** The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision. No waiver or consent shall be effective unless in writing and signed by the party against whom it is asserted.
- 19. AMENDMENT.** No amendment, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and when required by the Department of Administrative Services and Department of Justice. Such amendment, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. Jurisdiction, by signature of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.
- 20. HEADINGS.** The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and shall not be used to construe the meaning or to interpret this Agreement.
- 21. CONSTRUCTION.** This Agreement is the product of extensive negotiations between BCD and representatives of Jurisdiction. The provisions of this Agreement are to

be interpreted and their legal effects determined as a whole. An arbitrator or court interpreting this Agreement shall give a reasonable, lawful and effective meaning to the Agreement to the extent possible, consistent with the public interest.

**22. INDEPENDENT CONTRACTOR.** The parties agree and acknowledge that their relationship is that of independent contracting parties and that neither party is an officer, employee, or agent of the other as those terms are used in ORS 30.265 or otherwise.

**23. LIMITATION OF LIABILITY.**

23.1. Jurisdiction agrees that BCD shall not be subject to any claim, action, or liability ARISING IN ANY MANNER WHATSOEVER OUT OF ANY ACT OR OMISSION, INTERRUPTION, OR CESSATION OF ACCESS OR SERVICE UNDER THIS AGREEMENT. THE STATE SHALL NOT BE LIABLE OR RESPONSIBLE FOR ANY DIRECT, INDIRECT SPECIAL OR CONSEQUENTIAL DAMAGES SUSTAINED BY THE POLITICAL SUBDIVISION, INCLUDING, BUT NOT LIMITED TO, DELAY, INTERRUPTION OF BUSINESS ACTIVITIES, OR LOST RECEIPTS THAT MAY RESULT IN ANY MANNER WHATSOEVER FROM ANY ACT OR OMISSION, INTERRUPTION, OR CESSATION OF SERVICE.

23.2. EXCEPT FOR LIABILITY ARISING UNDER SECTION 26 NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT. NEITHER PARTY SHALL BE LIABLE FOR ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT OR ANY PART HEREOF IN ACCORDANCE WITH ITS TERMS.

**24. FORCE MAJEURE.** Neither BCD nor Jurisdiction shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, natural causes, or war which is beyond the reasonable control of BCD or Jurisdiction, respectively. Each party shall, however, make all reasonable efforts to remove or eliminate such cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement.

**25. TIME IS OF THE ESSENCE.** Time is of the essence in the performance of all under this Agreement.

**26. CONTRIBUTION**

26.1. If any third party makes any claim or brings any action, suit or proceeding ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings

with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

- 26.2. With respect to a Third Party Claim for which BCD is jointly liable with the Jurisdiction (or would be if joined in the Third Party Claim ), BCD shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Jurisdiction in such proportion as is appropriate to reflect the relative fault of BCD on the one hand and of the Jurisdiction on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of BCD on the one hand and of the Jurisdiction on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. BCD's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if BCD had sole liability in the proceeding.
- 26.3. With respect to a Third Party Claim for which the Jurisdiction is jointly liable with BCD (or would be if joined in the Third Party Claim), the Jurisdiction shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by BCD in such proportion as is appropriate to reflect the relative fault of the Jurisdiction on the one hand and of BCD on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Jurisdiction on the one hand and of BCD on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Jurisdiction's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

**27. AGREEMENT DOCUMENTS IN ORDER OF PRECEDENCE.** This Agreement consists of the following documents that are listed in descending order of precedence:

- This Agreement less all exhibits;
- Exhibit A - Jurisdiction Obligations
- Exhibit B - ePermit License Agreement
- Exhibit C - ePermit Contract (not attached, but made available

to Jurisdiction)

Exhibit D-Work Order Contract

Exhibit E - Implementation Model

All attached and referenced exhibits are hereby incorporated by reference.

**28. MERGER CLAUSE.** This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind all parties unless in writing and signed by both parties and all necessary State approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of BCD to enforce any provision of this Agreement shall not constitute a waiver by BCD of that or any other provision.

**JURISDICTION, BY EXECUTION OF THIS AGREEMENT, HEREBY  
ACKNOWLEDGES THAT JURISDICTION HAS READ THIS CONTRACT,  
UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND  
CONDITIONS.**

A. Jurisdiction

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**B. State of Oregon, Acting by and through its Department of Consumer and  
Business Services, Building Codes Division**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**C. State of Oregon, acting by and through its Department of Consumer and Business  
Services, Building Codes Division**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name:

Title: \_\_\_\_\_

## **Exhibit A**

### **Jurisdiction Obligations**

#### **Jurisdiction Software**

As part of the state hosted system, any software being used by Jurisdiction to support either the building permitting system or any supplemental products being purchased from Accela, must be compatible with the Accela product.

#### **Product Features**

Jurisdiction agrees to sell permits online through the ePermitting Portal. Jurisdiction agrees to offer online and IVR inspection scheduling for permits in an appropriate status. Jurisdiction agrees to offer online submittal of plan documents at appropriate point(s) in the application process as dictated by the Jurisdiction's workflow associated with each record type.

#### **Permit Numbering Scheme.**

As a full service participant, Jurisdiction agrees to include the pre-assigned three digit prefix to all permits covered by and processed through ePermitting system. Permits for any supplemental products purchased through Accela, hosted in the State of Oregon environment and being serviced through the State of Oregon ePortal must also use the three-digit prefix in the permit number. Permits for supplemental products purchased through Accela that will not be hosted or maintained on the Oregon platform and that are not serviced through the State of Oregon ePortal are not required to use the three-digit prefix.

#### **Status and Result Codes.**

All status and result codes such as inspections, plan review, permit issuance status will be pursuant to a statewide uniform system. Jurisdiction shall only use the uniform status and result codes.

#### **Inspection Codes.**

Inspection types for code required inspections must be consistent throughout the state. Unique inspection types must be requested through and assigned by the ePermitting staff.

#### **Supplemental Products Purchased by Jurisdiction through Accela.**

Any supplemental product such as, but not limited to, Land Use, Enforcement, Licensing or other services, are licensed directly to Jurisdiction by Accela. Support services for the supplemental products fall outside of the scope of this Intergovernmental Agreement and are therefore provided through direct agreement with Accela or other service provider. Installation of supplemental products onto the State hosted servers cannot occur before the State ePermitting team begins active development of the building permitting module.

#### **Version (Product) updates.**

Migration from one product version of Accela Automation to another product version will be regulated and coordinated through BCD. Supplemental products will be required to migrate to the same version of the product at the same time as the product version for the building product module. After implementation, Jurisdiction is required to test the configuration against new versions of the product in the timeframe specified by BCD.



**Exhibit B**  
**Software License Agreement**

**Note: DCBS through the ePermit Contract has the right to permit Jurisdictions to use the ePermit System software as set forth in Exhibit G, License Agreement, of the ePermit Contract. While the entire software license agreement between the State and Accela, Inc., including the added language in Amendment 7, has been provided here for continuity and ease of use, a participating city or county is only bound by Sections 3.1, 3.2, and 4 as specified in this Agreement.**

1. Parties ACCELA	CUSTOMER
Accela, Inc.	State of Oregon
	Department of Consumer & Business
2633 Camino Ramon, Suite	Services P.O. Box 14470
120 Bishop Ranch 3	Salem, OR 97309
San Ramon, California	Attention: Building Codes
94583 Attention: Contracts	Division T: (503)378-4100 F:
Administration T: 925.659.3200	(503)378-3989
F: 925.407.2722	e-Mail: <a href="mailto:chris.s.huntington@state.or.us">chris.s.huntington@state.or.us</a>
e-Mail: <a href="mailto:contractsadrnin@accela.com">contractsadrnin@accela.com</a>	

This License Agreement (“LA”) is intended for the exclusive benefit of the Parties; except as expressly stated herein, nothing will be construed to create any benefits, rights, or responsibilities in any other parties.

2. Term and Termination

- 2.1 Term Provided that Customer signs and returns this LA to Accela **no later than August 8, 2008**, this LA is effective as of the date of Customers signature ("Effective Date") and will continue until terminated as provided herein.
- 2.2 Termination Either party may terminate if the other party materially breaches this LA and, after receiving a written notice describing the circumstances of the default, fails to correct the breach within thirty (30) calendar days. Upon any termination or expiration of this LA, all rights granted to Customer are cancelled and revert to Accela.

3 Intellectual Property

- 3.1 License The software products (“Software”) listed in Exhibit A are protected under the laws of the United States and the individual states and by international treaty provisions. Accela retains full ownership in the Software and grants to Customer a perpetual, limited, nonexclusive, nontransferable license to use the Software, subject to the following terms and conditions:

- 3.1.1 The Software is provided for use only by Customer employees. For the purposes of subsections 3.1, 3.2 and Sections 4 of this LA, Customer means: i) the

individual Jurisdiction with respect to its use of the Software, provided that the licensing fee has been paid for such Jurisdiction, and ii) the State of Oregon acting by and through its Department of Consumer and Business Services with respect to its use of the Software.

- 3.1.2 The Software may be installed on one or more computers but may not be used by more than the number of users for which the Customer has named user licenses. For the purposes of this License Agreement, the Customer has unlimited use, per department, of any license covered by this agreement. The Software is deemed to be in use when it is loaded into memory in a computer, regardless of whether a user is actively working with the Software. Accela may audit Customer's use of the Software to ensure that Customer has paid for an appropriate number of licenses. Should the results of any such audit indicate that Customer's use of the Software exceeds its licensed allowance, Customer agrees to pay all costs of its overuse as determined using Accela's then-current pricing; any such assessed costs will be due and payable by Customer upon assessment. Customer agrees that Accela's assessment of overuse costs pursuant to this Subsection is not a waiver by Accela of any other remedies available to Accela in law and equity for Customer's unlicensed use of the Software.
- 3.1.3 Customer may make backup copies of the Software only to protect against destruction of the Software. With exception of the Entity Relationship Diagram and any other documentation reasonably-designated and specifically-marked by Accela as trade secret information not for distribution, Customer may copy Accela's documentation for use by those persons described in section 3.1.1, supra, provided that such use is for business purposes not inconsistent with the terms and conditions of this Licensing Agreement. "Trade Secret" has the meaning set forth in ORS 192.501(2)
- 3.1.4 Customer may not make any form of derivative work from the Software, although Customer is permitted to develop additional or alternative functionality for the Software using tools and/or techniques licensed to Customer by Accela.
- 3.1.5 Customer may not obscure, alter, or remove any confidentiality or proprietary rights notices.
- 3.1.6 Subject to the limitations of Article XI, § 7 of the Oregon Constitution and the Oregon Tort Claims Act (**ORS 30.260 through 30.300**), Customer is liable to Accela for any direct damages incurred as the result of unauthorized reproduction or distribution of the Software which occur while the Software is in Customer's possession or control.
- 3.1.7 Customer may use the Software only to process transactions relating to properties within both its own geographical and political boundaries and in counties contiguous to Oregon with populations below 100,000. Customer may not sell, rent, assign, sublicense, lend, or share any of its rights under this LA.

3.1.8 Customer is entitled to receive the Software compiled (object) code and is licensed to use any data code produced through implementation and/or normal operation of the Software; Customer is not entitled to receive source code for the Software except pursuant to an Intellectual Property Escrow Agreement, which may be executed separately by the Parties. Accela and Customer will execute an Intellectual Property Escrow Agreement within 30 days of Contract execution.

3.1.9 All rights not expressly granted to Customer are retained by Accela.

3.1.10 Customers are allowed unlimited use, per department, of software products listed in Exhibit A, for in-scope record type categories defined in Attachment 1 to this LA. In addition, each customer is allowed five (5) additional record types for activities that fall outside of the in-scope record type categories defined in Attachment 1 to this L.A., are delivered under the Building Department and are submitted to and approved by DCBS.

### 3.2 License Warranties

3.2.1 Accela warrants that it has full power and authority to grant this license and that, as of the effective date of this LA, the Software does not infringe on any existing intellectual property rights of any third party. If a third party claims that the Software does infringe, Accela may, at its sole option, secure for Customer the right to continue using the Software or modify the Software so that it does not infringe. Accela expressly agrees to defend, indemnify, and hold Customer harmless from any and all claims, suits, actions, losses, liabilities, costs, expenses, including attorneys fees, and damages arising out of or related to any claims that the Software, or the Customers use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work, utility design, or other proprietary right of any third party; provided, that Customer shall provide Accela with prompt written notice of any infringement claim. Accela will have the sole right to conduct the defense of any legal action and all negotiations for its settlement or compromise; provided, however, Accela shall not settle any claim against the Customer with the consent of Customer.

3.2.2 Accela has no obligation for any claim based upon a modified version of the Software or the combination or operation of the Software with any product, data, or apparatus not provided by Accela, with the exception of those products identified in Exhibit J. Accela provides no warranty whatsoever for any third-party hardware or software products.

3.2.3 Except as expressly set forth herein, Accela disclaims any and all express and implied warranties, including but not necessarily limited to warranties of merchantability and fitness for a particular purpose.

### 3.3 Compensation

3.3.1 License Fees In exchange for the Software described hereinabove, Customer will pay to Accela the amounts indicated in Exhibit A3.

3.3.2 Payment Terms Amounts are quoted in United States dollars and do not include applicable taxes, if any. The payment terms of all invoices are net forty-five (45) calendar days from the dates of the invoices. Any payment not paid to Accela within said period will incur a late payment in an amount equal to two-thirds of one percent (.66%) per month (eight percent (8% per annum), on the outstanding balance from the billing date. Accela may, at its sole discretion, suspend its obligations hereunder without penalty until payments for all past-due billings have been paid in full by Customer. All payments to Contractor are subject to ORS 293.462

#### 4. Confidentiality

4.1 Confidentiality and Nondisclosure. Each party acknowledges that it and its employees or agents may, in the course of performing its responsibilities under this LA, be exposed to or acquire information that is confidential to the other party or the other party's clients. Any and all information clearly marked confidential, or identified as confidential in a separate writing as confidential provided by one party or its employees or agents in the performance of this LA shall be deemed to be confidential information of the other party ("Confidential Information"). Any reports or other documents or items (including software) which result from the use of the Confidential Information by the recipient of such information shall be treated with respect to confidentiality in the same manner as the Confidential Information. Confidential Information shall be deemed not to include information that (a) is or becomes (other than by disclosure by the party acquiring such information) publicly known or is contained in a publicly available document; (b) is furnished by the party disclosing such information to others without restrictions similar to those imposed by this LA; (c) is rightfully in the receiving party's possession without the obligation of nondisclosure prior to the time of its disclosure under this LA; (d) is obtained from a source other than the discloser without the obligation of confidentiality, (e) is disclosed with the written consent of the disclosing party, or; (f) is independently developed by employees or agents of the receiving party who can be shown to have had no access to the Confidential Information.

4.2 The recipient of Confidential Information agrees to hold Confidential Information in strict confidence, using at least the same degree of care that it uses in maintaining the confidentiality of its own Confidential Information, and not to copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give or disclose Confidential Information to third parties or use Confidential Information for any purposes whatsoever other than as contemplated by this LA or reasonably related thereto, including without limitation the use by Customer of Accela who need to access or use the System for any valid business purpose, and to advise each of its employees and Accela of their obligations to keep Confidential Information confidential.

- 4.3 Each party shall use commercially reasonable efforts to assist the other in identifying and preventing any unauthorized use or disclosure of any Confidential Information. Without limitation of the foregoing, each party shall advise the other immediately in the event it learns or has reason to believe that any person who has had access to Confidential Information has violated or intends to violate the terms of this LA and each party will at its expense cooperate with the other in seeking injunctive or other equitable relief in the name of the other against any such person.
- 4.4 Each party agrees that, except as provided in this LA or directed by the other, it will not at any time during or after the term of this LA disclose, directly or indirectly, any Confidential Information to any person, and that upon termination of this LA each party will turn over to the other all documents, papers and other matter in its possession which embody Confidential Information.
- 4.5 Each party acknowledges that breach of this Article VIII, including disclosure of any Confidential Information will give rise to irreparable injury which is inadequately compensable in damages. Accordingly, each party may seek and obtain injunctive relief against the breach or threatened breach of the foregoing undertakings, in addition to any other legal remedies that may be available. Each party acknowledges and agrees that the covenants contained herein are necessary for the protection of the legitimate business interests of the other and are reasonable in scope and content.
- 4.6 Customers obligations under this Article VIII shall be subject to the Oregon Public Records Laws, ORS 192.410 through ORS 192.505.

**Exhibit C**  
**ePermitting Contract**

The epermitting contract is available, upon request, for the Jurisdiction to review.

**Exhibit D**  
**Work Order Contract**

Under the terms and conditions of the ePermit System Agreement, DCBS has the ability to enter into a Work Order Contract for implementation services. Should implementation services be used for the implementation of a specific participating city or county, the provisions of that agreement will be provided here.

A Work Order Contract is not being used to implement this jurisdiction.

**EXHIBIT E**

**IMPLEMENTATION**

**OREGON STANDARD MODEL**

**Oregon Standard Model (OSM) includes:**

- Standard Model Permits (records):
  - Commercial Agricultural Equine
  - Commercial Alarm Suppression Systems
  - Commercial & Residential Deferred Submittal
  - Commercial & Residential Demolition
  - Commercial & Residential Electrical
  - Commercial & Residential Investigation
  - Commercial & Residential Mechanical
  - Commercial & Residential Phased
  - Commercial & Residential Plumbing
  - Commercial RV Park or Manufactured Home Park
  - Commercial & Residential Structural
  - Commercial & Residential Research
  - Master Electrical Permits
  - Inquiry
  - Post Disaster
  - Residential 1 & 2 Family Dwelling
  - Residential Manufactured Dwelling
- Standard Model Reports include:
  - Application About to Expire (List and Letters to Applicant and Owner)
  - Permit About to Expire ((List and Letters to Applicant and Owner)
  - Usage
  - Configuration Reports
  - Fee by Account (Summary & Detail)
  - Invoice
  - Out of Balance
  - Payments Applied
  - Payments Not Applied
  - Refunds Issued
  - Payments Received
  - Payments Summary
  - School Construction Excise Tax
  - Inspection Correction Notice
  - Inspection Summary
  - Inspections Assigned
  - Recent Inspection Activity
  - Monthly Permit Summary
  - Monthly Permits Issued
  - Monthly Permits Issued Valuation Report



- State Surcharge
- State Surcharge Details
- Balance Due
- Building Application
- Building Permit
- Certificate of Occupancy
- Fee Estimate
- Fee by Record
- Phased Authorization to Begin Work
- Plan Review Checklist
- Temporary Certificate of Occupancy
- Work Authorization
- Receipt

Use of “Consistent Form and Fee Methodology”

Use of Elavon “Converge” payment processor with US Bank for internet credit card processing in Accela Citizen Access (ACA); jurisdiction opens and maintains its own account.

Optional use of Onsite, Planning Tracking, including Code Enforcement or Public Works module.

#### **Oregon Standard Model Implementation includes:**

- Importing jurisdiction’s fee schedule into Accela
- Data conversion from jurisdiction’s database
  - ePermitting will provide documentation about how the data is to be formatted for loading
  - ePermitting will work with jurisdiction to map the data from existing permitting system to Accela
  - Jurisdiction is responsible for extracting data from existing system
- Address, Parcel, Owner Database Load
  - ePermitting will provide documentation about how data is to be formatted
  - Jurisdiction will provide files containing Address, Parcel, Owner reference data for loading into ePermitting database
- Interfaces to Jurisdiction Systems (optional)
  - Financial
    - ePermitting will provide files with specified fields for interfaces to jurisdiction’s on site systems
    - Jurisdiction will upload the files into their on site system
  - GIS
    - ESRI ArcGIS Server 10 or ESRI ArcGIS Server 10 sp 1
    - Future versions of Accela Software may require upgrades to ESRI software to maintain interface operability
- Training
  - ePermitting provides online weekly training through Go To Meeting.
  - Jurisdiction’s “super users” will train other jurisdictional employees.
  - ePermitting will attend jurisdictions Go Live in person.

- Coordination with Accela
  - If Jurisdiction purchases other modules, such as Planning or Code Enforcement, directly from Accela and has them implemented by Accela, an independent contractor or by Jurisdiction staff, Jurisdiction must coordinate that implementation with ePermitting.
    - Coordination with ePermitting means including ePermitting staff in project management meetings with Jurisdiction and the party implementing the other modules.
  
- Third Party Jurisdictions
  - If Jurisdiction uses a third party building official and/or inspection agency, Jurisdiction shall run the third party report provided with OSM and submit it with their program assumption Plans. ORS 455.148 (4).

## IMPLEMENTATION OVERVIEW

The following list is a distilled version of the major tasks associated with an implementation of ePermitting. The tasks run concurrently and can take varying amounts of time, however, this is a look at the things that you will need to do as we proceed. Of this list, testing is the major responsibility that will take some time to complete. The more thoroughly you test the system before Go Live, the smoother the transition will be when you do start up with ePermitting.

### Start Up

- Sign IGA
- Send “Contact Information” document and Logo
- Scan and send copies of permit applications
- Provide “Roles and Responsibilities” Document

### Training

- Have “super users” complete all of the online training
- Assign targeted online training to specific staff

### Finances

- Fill in the three financial documents:
  - General Accounting Practices
  - Settling & Balancing Procedures
  - Refunds
  
- Provide Project Manager with your fee information
- Test your fees that have been configured in the database
- If you are going to have a financial interface, you will need to identify which data you want to have uploaded to your financial database. 
  - You will need an ftp site to which the financial data will be uploaded

- You will need to test and approve the transfer of data through the ftp site and into your financial system
- Set up a Converge account 1-2 weeks before your Go Live date.

### Addresses

- Work with APO specialist to determine the requirements for the address/parcel file that will be loaded into your ePermitting database
- Provide the address file to APO specialist
- Test the addresses that are loaded into your database
- Approve the addresses in your database

### Configuration

- Provide User spreadsheet and Inspector profiles
- Test applications
- Test workflow
- Test inspections

### Data Conversion

- Talk with Project Manager about data conversion
- Determine which permits are open
- Map data
- Fill in conversion tables
- Test the converted data
- Approve the converted data

### GIS/Other System Interfaces (if desired)

- Provide Project Manager documentation on GIS/other system
- Work with Project Manager on setting up interface
- Test interface
- Approve interface

### Reports

- Examine the existing reports
- If there are additional reports that you desire, discuss them with your Project Manager
- If additional reports are built, test and approve them

### IVR

- Fill out Set Up document and return to Project Manager
- Test and approve IVR

## Training Overview

- Home Screen and Records Portlet
  - Orientation to Portlets – User, Quick Links, Alerts or My Tasks, Record List/Detail, My Navigation, and Reports
  - Alerts portlet – incoming ACA
  - Searching, sorting, CSV export, Quick Queries
  - My Navigation vs Go To dropdown menu
  
- Applications
  - Starting new records from the Back Office
  - Four A's: APPO address/parcel/owner, ASI application specific information, Applicant, Automation of fees
  - Printing an application
  
- Fees
  - Adding and Invoicing fees – NEW fees DELETE vs. INVOICED fees VOID
  - Invoiced fees and ACA
  - Making payment and CASH payment types – best practice (payor, recording actual payment amount/change)
  - Partial payment (applying monies) and Pay More function
  - Printing/Emailing receipts – generating Invoice – reprinting from Documents
  
- Workflow – Permit Lifecycle
  - Workflow statuses – advancing workflow, TSI task specific info, record status relationship
  - Withdrawn vs Void
  - Parallel tasks at Ready for Plan Review
  - Automated emails notification from Workflow
  - Supervisor function
  - Auto-close of EMP at Final Inspection sign-off (optional)
  - Workflow history – show where it's at, what's included
  
- Special Record Types
  - Revision vs Additional Info Requested
  - Deferred submittals
  - Phased permitting
  - Temp C of O
  - C of O
  - CSC Certificate of Satisfactory Completion
  - Required elements for C of O – how to correct and rerun report
  
- Data Management
  - Cloning vs Copying
  - Related records – at Intake, thru Cloning, after the fact
  - Sets – 3 ways to create – Sets portlet, Record List, Related Records

- Conditions
- Reference Data
  - Reference vs Transactional – importance of making corrections and where, Synch to Reference option
  - People reference
  - APO reference – Inspection Districts, Parcel Attributes that should stop issuance
- “Day in the Life” walk-through
  - Alerts for Permit Techs and My Tasks for Inspectors/Plans Examiners
- Inspections
  - Daily load and printing Inspection Slips
  - Assigning, reassigning, canceling, deleting if unnecessary for Final
  - Resulting – introduce options for resulting (back office, Inspector App, IVR)
- Reports
  - Demonstrate what reports are available – Financial, Stats, State Surcharge
  - Quick Queries – information only, not training (as time allows)
  - Ad-hoc – information only, not training (as time allows)
- Advanced Money
  - Change in valuation
  - Making fee changes – Voiding fees to Credit – adding/voiding fee items that impact State Surcharge – show Assess Fee History and Payment History
  - Exceptional payment types
  - Financial batch file –reconciling exceptional payment types and transfers - account codes/GL and Agency financial process
  - Cash Balancing
- SCHEDULE** - Contractor Training (in the field) – Coordinated and provided by Jerod Broadfoot at the Agency location
- SCHEDULE** - EDR (in the field) – Only if they elect to do electronic plan review – coordinated and provided by Jerod Broadfoot at the Agency location



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Northwest Region  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
(503) 229-5263  
FAX (503) 229-6945  
TTY 711

December 31, 2020

Kurt Fritsch  
City of Warrenton  
P.O. Box 250  
Warrenton, OR 97146-0250

**RE: Issuance of NPDES Permit # 100874**

File # 93769

EPA # OR0020877

Facility: Warrenton STP, Skipanon Dr./5<sup>th</sup> St./Columbia River Estuary, Warrenton  
Clatsop County

Your National Pollutant Disposal Elimination System Permit has been renewed and is enclosed. This permit is DEQ's final action on permit renewal application #954148. Your permit is effective on February 1, 2021.

DEQ received comments from City of Warrenton during the public notice period. These are addressed in the response to comments attached to this letter. DEQ made the following changes to the proposed permit:

1. In response to comment, *E. coli* monitoring is removed from Schedule B and the *E. coli* limits in Schedule A are removed from the permit.
2. In response to comment, the wastewater solids annual report replaces the sludge depth survey and biosolids annual report requirements in Schedule D.
3. In response to comment, the monitoring requirements for temperature and thermal load monitoring are set at 3 times a week. The *E. coli* monitoring requirement is removed.
4. In response to comment, UV transmittance monitoring is removed from Schedule B of the permit.
5. In response to comment, the flow monitoring requirement was removed from Schedule B of the permit.

Please read your permit carefully. Compliance with your permit is required at all times.

If you are dissatisfied with the conditions of this permit, you have 20 days to request a hearing before the Environmental Quality Commission or its authorized representative. A request for a hearing must be made in writing and state the grounds for the request. Any hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340, division 011. If a hearing is requested, the existing permit continues in effect until a final order is issued.

Please note that your required operator certification levels are no longer listed on the face page of your permit. Pursuant to OAR chapter 340, division 049 your systems are classified as follows:

Collection System: Class II  
Treatment System: Class III

If changes are made to your systems or if you have additional questions about operator certification requirements, please contact the DEQ Operator Certification program at [opcert@deq.state.or.us](mailto:opcert@deq.state.or.us) or 503-229-5349. Current classifications for all systems requiring certified operators may be found at <https://www.oregon.gov/deq/wq/wqpermits/Pages/Wastewater-Operator-Certification.aspx>.

If you are interested in upgrading your wastewater treatment infrastructure or need assistance with treatment system design, DEQ's Clean Water State Revolving Fund offers below-market rate loans for qualified applicants to finance the planning, design and construction of water quality improvement projects. DEQ updates interest rates are updated quarterly and rates vary by loan term, type of loan and community economic conditions. DEQ works with borrowers to ensure access to the best rates available at the time of loan signature. To learn more about eligible water quality projects and application process, please visit the [Clean Water State Revolving Fund website at https://www.oregon.gov/deq/wq/cwsrf/Pages/default.aspx](https://www.oregon.gov/deq/wq/cwsrf/Pages/default.aspx) or call 503-229-LOAN.

If you have any questions about your permit requirements, please contact Mike Pinney at 503-229-5310 or [pinney.mike@deq.state.or.us](mailto:pinney.mike@deq.state.or.us).

Sincerely,

**Geoff  
Rabinowitz**

Digitally signed by Geoff  
Rabinowitz  
Date: 2020.12.31 12:41:25  
-08'00'

Geoff Rabinowitz  
Water Quality Permitting and Program Manager  
Northwest Region

GR:jmt

Enclosure: Permit, Permit Fact Sheet, and Response to Comments

cc: WQ Permit Coordinator Files, Salem DEQ  
Regional File, Portland DEQ  
ec: Mike Pinney, Portland DEQ  
WQ Data Crew, DEQ w/permit  
EPA, Seattle /permit  
ORMS  
DEQ Wastewater Operator Certification Program





## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

Oregon Department of Environmental Quality  
Northwest Region – Portland Office  
700 NE Multnomah St., Suite 600  
Portland, OR 97232  
Telephone: 503-229-5263

Issued pursuant to ORS 468B.050 and the federal Clean Water Act (the Clean Water Act)

### ISSUED TO:

City of Warrenton  
P.O. Box 250  
Warrenton, OR 97146

### SOURCES COVERED BY THIS PERMIT:

Type of Waste	Outfall Number	Outfall Location
Treated Domestic Wastewater	001	46.191136, -123.915860

### FACILITY LOCATION:

City of Warrenton Sewage Treatment Plant  
105 NE 5<sup>th</sup> Street  
Warrenton, OR 97146  
County: Clatsop

EPA Permit Type: Minor

### RECEIVING STREAM INFORMATION:

WRD Basin: North Coast Lower Columbia  
USGS Sub-Basin: Lower Columbia – Youngs Bay

Receiving Stream name: Columbia River  
NHD Reach Code: 17080006001142 – 49.21%  
LLID: 1240483462464-8.2

Issued in response to Application No. 954148 received July 5, 2017. This permit is issued based on the land use findings in the permit record.

Geoff Rabinowitz Digitally signed by Geoff Rabinowitz  
Date: 2020.12.31 12:39:55 -08'00'

Geoff Rabinowitz  
Water Quality Manager, HQ

December 31, 2020  
Issuance Date

February 1, 2021  
Effective Date

### PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to: 1) operate a wastewater collection, treatment, control and disposal system; and 2) discharge treated wastewater to waters of the state only from the authorized discharge point or points in Schedule A in conformance with the requirements, limits, and conditions set forth in this permit.

Unless specifically authorized by this permit, by another NPDES or Water Pollution Control Facility permit, or by Oregon statute or administrative rule, any other direct or indirect discharge of pollutants to waters of the state is prohibited.



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\*Schedule C: Compliance Schedule and Schedule E: Pretreatment Activities are not part of this permit.

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## SCHEDULE A: WASTE DISCHARGE LIMITS

### 1. Outfall 001 – Permit Limits

During the term of this permit, the permittee must comply with the limits in the following table:

**Table A1: Permit Limits**

Parameter	Units	Average Monthly	Average Weekly	Daily Maximum
BOD <sub>5</sub> (May 1–October 31)	mg/L	20	30	–
	lb/day	167	250	334
	% removal	85	–	–
TSS (May 1–October 31)	mg/L	20	30	–
	lb/day	167	250	334
	% removal	85	–	–
BOD <sub>5</sub> (November 1–April 30)	mg/L	30	45	–
	lb/day	375	563	750
	% removal	85	–	–
TSS (November 1–April 30)	mg/L	30	45	–
	lb/day	375	563	750
	% removal	85	–	–
pH	SU	Instantaneous limit between a daily minimum of 6.0 and a daily maximum of 9.0		
Fecal Coliform Bacteria	#/100 mL	Must not exceed a monthly median of 14, not more than 10% of the samples may exceed 43		
Enterococci Bacteria	#/100 mL	Must not exceed a monthly geometric mean of 35, not more than 10% of the samples may exceed 130		
Thermal Load (July 1–September 30) See note a.	million kcal/day	91.5 as a monthly average		
Notes:				
a. The monthly average Thermal Load discharged is to be calculated as directed in Note d of Table B3.				

## 2. Regulatory Mixing Zone

Pursuant to OAR 340-041-0053, the permittee is granted a regulatory mixing zone as described below:

The allowable mixing zone is that portion of the Columbia River extending from a point 100 feet upstream of the outfall to a point 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 10 feet of the point of discharge.

## 3. Biosolids

The permittee may land apply biosolids or provide biosolids for sale or distribution, subject to the following conditions:

- a. The permittee must manage biosolids in accordance with its DEQ-approved Biosolids Management Plan and Land Application Plan.
- b. The permittee must apply biosolids at or below the agronomic rates approved by DEQ in order to minimize potential groundwater degradation.
- c. The permittee must obtain written site authorization from DEQ for each land application site prior to land application (see Schedule D) and follow the site-specific management conditions in the DEQ-issued site authorization letter.
- d. Prior to application, the permittee must ensure that biosolids meet one of the pathogen reduction standards under 40 CFR 503.32 and one of the vector attraction reduction standards under 40 CFR 503.33.
- e. The permittee must not apply biosolids containing pollutants in excess of the ceiling concentrations shown in the table below. The permittee may apply biosolids containing pollutants in excess of the pollutant concentrations, but below the ceiling concentrations, however, the total quantity of biosolids applied cannot exceed the cumulative pollutant loading rates in the table below.

**Table A2: Biosolids Limits**

Pollutant See note a.	Ceiling concentrations (mg/kg)	Pollutant concentrations (mg/kg)	Cumulative pollutant loading rates (kg/ha)
Arsenic	75	41	41
Cadmium	85	39	39
Copper	4300	1500	1500
Lead	840	300	300
Mercury	57	17	17
Molybdenum	75	–	–
Nickel	420	420	420
Selenium	100	100	100
Zinc	7500	2800	2800
Note:			
a. Biosolids pollutant limits are described in 40 CFR 503.13, which uses the terms <i>ceiling concentrations</i> , <i>pollutant concentrations</i> , and <i>cumulative pollutant loading rates</i> .			

**4. Chlorine Usage**

The permittee is prohibited from using chlorine or chlorine compounds for effluent disinfection purposes. Chlorine residual in effluent resulting from chlorine or chlorine-containing chemicals used for maintenance or other purposes is also prohibited.

## SCHEDULE B: MINIMUM MONITORING AND REPORTING REQUIREMENTS

### 1. Reporting Requirements

The permittee must submit to DEQ monitoring results and reports as listed below.

**Table B1: Reporting Requirements and Due Dates**

<b>Reporting Requirement</b>	<b>Frequency</b>	<b>Due Date (See Note a.)</b>	<b>Report Form (See Note b.)</b>	<b>Submit To:</b>
Tables B2, B3, and B4 Influent Monitoring, Effluent Monitoring, and Receiving Stream Monitoring	Monthly	By the 15th of the following month	Specified in Schedule B. Section 2 of this permit	Electronic reporting as directed by DEQ
Tables B5 – B10: Effluent Toxics Characterization	Quarterly for each of the first 4 quarters on the third year after permit effective date	By the 15 <sup>th</sup> of the month following each quarter	Electronic copy in a DEQ- approved format	Attached via electronic reporting as directed by DEQ
Engineering Flow Design Report (see Schedule D)	One Time	Submit by 1 year after the permit effective date	Electronic copy in a DEQ- approved format	Attached via electronic reporting as directed by DEQ
Inflow and infiltration report (see Schedule D)	Annually	February 15	Electronic copy in a DEQ- approved format	Attached via electronic reporting as directed by DEQ
Wastewater Solids Annual Report (See Schedule D)	Annually	February 19	EPA NeT CDX web based reporting tool	Via electronic reporting as directed by DEQ
Hauled Waste Control Plan (see Schedule D)	One time	Submit by 10/15/2022	Electronic copy in a DEQ- approved format	Attached via electronic reporting as directed by DEQ
Hauled Waste Annual Report (see Schedule D)	Annually	January 15	Electronic copy in the DEQ- approved format	Attached via electronic reporting as directed by DEQ
Industrial User Survey (see Schedule D)	Every 5 years	Submit by no later than 24 months after permit effective date	1 electronic copy and 1 hard copy in a DEQ approved format	<ul style="list-style-type: none"> <li>• 1 Hard copy to DEQ Pretreatment Coordinator</li> <li>• 1 Electronic copy to Compliance Officer</li> </ul>



<b>Reporting Requirement</b>	<b>Frequency</b>	<b>Due Date</b> (See Note a.)	<b>Report Form</b> (See Note b.)	<b>Submit To:</b>
Outfall Inspection Report (see Schedule D)	Once per permit cycle	Submit by 10/15/2023	Electronic copy in a DEQ-approved format	Attached via electronic reporting as directed by DEQ
Notes: a. For submittals that are provided to DEQ by mail, the postmarked date must not be later than the due date. b. All reporting requirements are to be submitted in a DEQ-approved format, unless otherwise specified in writing.				

## 2. Monitoring and Reporting Protocols

### a. Electronic Submissions

The permittee must submit to DEQ the results of monitoring indicated in Schedule B in an electronic format as specified below.

- i. The permittee must submit monitoring results required by this permit via DEQ-approved web-based Discharge Monitoring Report (DMR) forms to DEQ via electronic reporting. Any data used to calculate summary statistics must be submitted as a separate attachment approved by DEQ via electronic reporting.
- ii. The reporting period is the calendar month.
- iii. The permittee must submit monitoring data and other information required by this permit for all compliance points by the 15th day of the month following the reporting period unless specified otherwise in this permit or as specified in writing by DEQ.

### b. Test Methods

The permittee must conduct monitoring according to test procedures in 40 CFR part 136 and 40 CFR part 503 for biosolids or other approved procedures as per Schedule F.

### c. Detection and Quantitation Limits

- i. **Detection Level (DL)** – The DL is defined as the minimum measured concentration of a substance that can be distinguished from method blank results with 99% confidence. The DL is derived using the procedure in 40 CFR part 136 Appendix B and evaluated for reasonableness relative to method blank concentrations to ensure results reported above the DL are not a result of routine background contamination. The DL is also known as the Method Detection Limit (MDL) or Limit of Detection (LOD).
- ii. **Quantitation Limits (QLs)** – The QL is the minimum level, concentration or quantity of a target analyte that can be reported with a specified degree of confidence. It is the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration for the analyte. It is normally equivalent to the concentration of the lowest calibration standard adjusted for sample weights, volumes, preparation and cleanup procedures employed. The QL as reported by a laboratory is also sometimes referred to as the Method Reporting Limit (MRL) or Limit of Quantitation (LOQ).

### d. Sufficient Sensitivity of Quantitation Limits

The Laboratory QLs (adjusted for any dilutions) for analyses performed to demonstrate compliance with permit limits or as part of effluent characterization, meet at least one of the requirements below:

- i. The QL is at or below the level of the water quality criterion for the measured parameter
  - ii. The QL is above the water quality criterion but the amount of the pollutant in a facility's discharge is high enough that the method detects and quantifies the level of the parameter in the discharge
  - iii. The QL has the lowest sensitivity of the analytical methods procedure specified in 40 CFR 136
  - iv. The QL is at or below those defined in Oregon DEQ list of quantitation limits posted online at [the DEQ permitting website](#).
  - v. Matrix effects are present that prevent the attainment of QLs and these matrix effects are demonstrated according to procedures described in EPA's "Solutions to Analytical Chemistry Problems with Clean Water Act Methods", March 2007. If using alternative methods and taking appropriate steps to eliminate matrix effects does not eliminate the matrix problems, DEQ may authorize in writing re-sampling or allow a higher QL to be reported. In the case of effluent characterization monitoring, DEQ may allow the re-sampling to be done as part of Tier 2 monitoring. Sections B.4 and B.5 contain more information on Tier 1 and Tier 2 monitoring.
- e. **Quality Assurance and Quality Control**
- i. Quality Assurance Plan – The permittee must develop and implement a written Quality Assurance Plan that details the facility sampling procedures, equipment calibration and maintenance, analytical methods, quality control activities and laboratory data handling and reporting. The QA/QC program must conform to the requirements of 40 CFR 136.7.
  - ii. If QA/QC requirements are not met for any analysis, the permittee must re-analyze the sample. If the sample cannot be re-analyzed, the permittee must re-sample and analyze at the earliest opportunity. If the permittee is unable to collect a sample that meets QA/QC requirements, then the permittee must include the result in the discharge monitoring report (DMR) along with a notation (data qualifier). In addition, the permittee must explain how the sample does not meet QA/QC requirements. The permittee may not use the result that failed the QA/QC requirements in any calculation required by the permit unless authorized in writing by DEQ.
  - iii. Flow measurement, field measurement, and continuous monitoring devices - The permittee must:
    - (A) Establish verification and calibration frequency for each device or instrument in the quality assurance plan that conforms to the frequencies recommended by the manufacturer.
    - (B) Verify at least once per year that flow-monitoring devices are functioning properly according to manufacturer's recommendation. Calibrate as needed according to manufacturer's recommendations.
    - (C) Verify at least weekly that the continuous monitoring instruments are functioning properly according to manufacturer's recommendation unless the permittee demonstrates a longer period is sufficient and such longer period is approved by DEQ in writing.
  - iv. The permittee must develop an receiving water sampling and analysis plan that incorporates QA/QC prior to sampling. This plan must be kept at the facility and made available to DEQ upon request.

f. **Reporting Sample Results**

- i. The permittee must report the laboratory DL and QL as defined above for each analyte, with the following exceptions: pH, temperature, BOD, CBOD, TSS, Oil & Grease, hardness, alkalinity, bacteriological analytes and nitrate-nitrite. For temperature and pH, neither the QL nor the DL need to be reported. For the other parameters listed above, the permittee is only required to report the QL and only when the result is ND.
- ii. The permittee must report the same number of significant digits as the permit limit for a given parameter.
- iii. Chemical Abstracts Service (CAS) Numbers. CAS numbers (where available) must be reported along with monitoring results.
- iv. (For Discharge Monitoring Reports) If a sample result is above the DL but below the QL, the permittee must report the result as the DL preceded by DEQ's data code "e". For example, if the DL is 1.0 µg/l, the QL is 3.0 µg/L and the result is estimated to be between the DL and QL, the permittee must report "e1.0 µg/L" on the DMR. This requirement does not apply in the case of parameters for which the DL does not have to be reported.
- v. (For Discharge Monitoring Reports) If the sample result is below the DL, the permittee must report the result as less than the specified DL. For example, if the DL is 1.0 µg/L and the result is ND, report "<1.0" on the discharge monitoring report (DMR). This requirement does not apply in the case of parameters for which the DL does not have to be reported.

g. **Calculating and Reporting Mass Loads**

The permittee must calculate mass loads on each day the parameter is monitored using the following equation:

$$\text{Flow (in MGD)} \times \text{Concentration (in mg/L)} \times 8.34 = \text{Pounds per day}$$

- i. Mass load limits all have two significant figures unless otherwise noted.
- ii. When concentration data are below the DL: To calculate the mass load from this result, use the DL. Report the mass load as less than the calculated mass load. For example, if flow is 2 MGD and the reported sample result is <1.0 µg/L, report "<0.02 lbs/day" for mass load on the DMR (1.0 µg/L x 2 MGD x conversion factor = 0.017 lbs/day, round off to 0.02 lbs/day).
- iii. When concentration data are above the DL, but below the QL: To calculate the mass load from this result, use the detection level. Report the mass load as the calculated mass load preceded by "e". For example, if flow is 2 MGD and the reported sample result is e1.0 µg/L, report "e0.02 lbs/day" for mass load on the DMR (1.0 µg/L x 2 MGD x conversion factor = 0.017 lbs/day, round off to 0.02 lbs/day).

**3. Monitoring and Reporting Requirements**

- a. The permittee must monitor influent at the headworks and report results in accordance with the following table.

**Table B2: Influent Monitoring Requirements**

<b>Item or Parameter</b>	<b>Units</b>	<b>Time Period</b>	<b>Minimum Frequency</b>	<b>Sample Type / Required Action</b> See note a.	<b>Report Statistic</b> See note b.
Flow (50050)	MGD	Year-round	Daily	Metered	Monthly Average Daily Maximum
BOD <sub>5</sub> (00310)	mg/L	Year-round	2/week	24-hour composite	Monthly Average
TSS (00530)	mg/L	Year-round	2/week	24-hour composite	Monthly Average
pH (00400)	SU	Year-round	3/week	Grab	Monthly Maximum Monthly Minimum
Notes: a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must perform grab measurements b. When submitting DMRs electronically, the permittee must submit all data used to determine summary statistics in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.					

- b. The permittee must monitor effluent at Outfall 001 at the end of the UV disinfection chamber and report results in accordance with Table B1 and the table below:

**Table B3: Effluent Monitoring Requirements**

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action See note a.	Report Statistic See note b.
Flow (50050)	MGD	Year-round	Daily	Metered	Monthly Average Daily Average Daily Maximum
BOD <sub>5</sub> (00310)	mg/L	Year-round	2/week	24-hour composite	Monthly Average Weekly Average
BOD <sub>5</sub> (00310)	lb/day	Year-round	2/week	Calculation	Daily Maximum Monthly Average Weekly Average
BOD <sub>5</sub> Percent Removal (81010) See note c.	%	Year-round	1/month	Calculation based on monthly average BOD <sub>5</sub> concentration values	Monthly Average
TSS (00530)	mg/L	Year-round	2/week	24-hour composite	Monthly Average Weekly Average
TSS (00530)	lb/day	Year-round	2/week	Calculation	Daily Maximum Monthly Average Weekly Average
TSS Percent Removal (81011) See note c.	%	Year-round	1/month	Calculation based on monthly average TSS concentration values	Monthly Average
pH (00400)	SU	Year-round	3/week	Grab	Daily Maximum Daily Minimum
Temperature (00010)	°C	Year-round	3/week (see note e.)	Grab	Daily Maximum Daily Average Monthly Average
Thermal Discharge (00015)	million kcal/day	July 1– September 30	3/week	Calculation (see note d.)	Daily Maximum Monthly Average
Fecal Coliform (74055)	#/100 mL	Year-round	2/week	Grab	Daily Maximum Monthly Median
Fecal Coliform (30500)	%	Year-round	1/month	Calculation	Monthly percent of samples over 43
Enterococci (61211)	#/100 mL	Year-round	2/week	Grab	Daily Maximum Monthly Geometric Mean



Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action See note a.	Report Statistic See note b.
Enterococci (51937)	%	Year-round	1/month	Calculation	Monthly percent of samples over 130
Total Ammonia (as N) (00610)	mg/L	Year-round	1/month	24-hour composite	Monthly Maximum
Hardness (00900)	mg/L	Year-round	1/month	24-hour composite	Monthly Maximum
UV Intensity (49607)	mW/cm <sup>2</sup>	Year-round	Daily	Continuous	Daily Minimum
UV Dose (61938)	mJ/cm <sup>2</sup>	Year-round	Daily	Calculation	Daily Minimum
Dissolved Oxygen (00300)	mg/L	Third year of permit cycle (2024)	Quarterly	Grab	Quarterly Minimum
Total Kjeldahl Nitrogen (TKN) (00625)	mg/L	Third year of permit cycle (2024)	Quarterly	Grab	Quarterly Maximum
Nitrate (NO <sub>3</sub> ) Plus Nitrite (NO <sub>2</sub> ) Nitrogen (00630)	mg/L	Third year of permit cycle (2024)	Quarterly	Grab	Quarterly Maximum
Oil and Grease (00556)	mg/L	Third year of permit cycle (2024)	Quarterly	Grab	Quarterly Maximum
Total Phosphorus (00665)	mg/L	Third year of permit cycle (2024)	Quarterly	Grab	Quarterly Maximum
Total Dissolved Solids (70295)	mg/L	Third year of permit cycle (2024)	Quarterly	Grab	Quarterly Maximum

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action See note a.	Report Statistic See note b.
<p>Notes:</p> <p>a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must perform grab measurements.</p> <p>b. When submitting DMRs electronically, all data used to determine summary statistics must be submitted in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.</p> <p>c. Percent Removal must be calculated on a monthly basis using the following formula:  <math display="block">\text{Percent Removal} = \frac{[\text{Influent Concentration}] - [\text{Effluent Concentration}]}{[\text{Influent Concentration}]} \times 100</math>           Where:            Influent Concentration = Corresponding monthly average influent concentration based on the analytical results of the reporting period.            Effluent Concentration = Corresponding monthly average effluent concentration based on the analytical results of the reporting period.</p> <p>d. The daily thermal load (TL) discharged must be calculated using the daily average effluent temperature and the corresponding daily average effluent flow using the formula below.            The monthly average is then calculated from the daily TLs.            The daily TL is calculated as follows:  <math display="block">\text{TL} = 3.78 * Q_e * T_e</math>           Where:            TL = Daily Thermal Load (million kcal/day)            Q<sub>e</sub> = Daily Average Effluent Flow (MGD)            T<sub>e</sub> = Daily Average Effluent Temperature (°C)</p> <p>e. The permittee must monitor temperature between 2 PM and 4 PM (unless otherwise approved in writing by DEQ).</p>					

- c. The permittee must monitor the Columbia River and report the results in accordance with Table B1 and the table below. The permittee must collect samples such that the effluent does not impact the samples (e.g., upstream for riverine discharges).

**Table B4: Receiving Stream Monitoring (Columbia River)**

<b>Item or Parameter</b>	<b>Units</b>	<b>Time Period</b>	<b>Minimum Frequency</b>	<b>Sample Type / Required Action</b>	<b>Report Statistic</b> See note a.
pH (00400)	SU	Year-round	1/month	Grab	Monthly Value
Temperature (00010)	°C	Year-round	1/month	Grab	Monthly Value
Alkalinity as CaCO <sub>3</sub> (00410)	mg/L	Year-round	1/month	Grab	Monthly Value
Note: a. When submitting DMRs electronically, all data used to determine summary statistics must be submitted in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.					

#### 4. Effluent Toxics Characterization Monitoring (Tier 1 Monitoring)

The permittee must collect and analyze effluent samples for the parameters listed in the tables below. The permittee must collect effluent samples at specify location such as at the end of the active chlorine contact channel on the dates in Table B1.

Samples must be 24 hour composites, except as noted in the tables below for total cyanide, free cyanide and volatile organic compounds. Sample results must be submitted to DEQ using approved electronic format.

**Table B5: Metals, Cyanide, and Hardness**  
 (µg/L unless otherwise specified)

Pollutant See note a.	CAS See note b.	Pollutant See note a.	CAS See note b.
Antimony (total)	7440360	Mercury (total)	7439976
Arsenic (total)	7440382	Nickel (total and dissolved)	7440020
Arsenic (Total Inorganic)	7440382	Selenium (total and dissolved)	7782492
Arsenic (Total Inorganic Dissolved)	7440382	Silver (total and dissolved)	7440224
Beryllium (total)	7440417	Thallium (total)	7440280
Cadmium (total and dissolved)	7440439	Zinc (total and dissolved)	7440666
Chromium (total)	7440473	Cyanide (Free) See note c. & d.	57125
Chromium III (total and dissolved)	16065831	Cyanide (Total) See note d.	57125
Chromium VI (total and dissolved)	18540299	Hardness (Total as CaCO <sub>3</sub> )	
Lead (total and dissolved)	7439921	Iron (Total)	7439896

Notes:

- a. The term “total” used in reference to metals is intended to cover all EPA-accepted standard digestion methods and is considered to be equivalent to the term “total recoverable”.
- b. Chemical Abstract Service
- c. There are multiple approved methods for testing for free cyanide. For more information, refer to DEQ’s analytical memo on the subject of cyanide monitoring at <https://www.oregon.gov/deq/FilterDocs/sToxiccyanide.pdf>
- d. When sampling for Cyanide (free and total), the permittee must collect at least six discrete grab samples over the operating day with samples collected no less than one hour apart. The aliquot must be at least 100 mL and collected and composited into a larger container that has been preserved with sodium hydroxide to insure sample integrity. If the result for Total Cyanide exceeds 5.0 µg/L, the permittee must monitor for Free Cyanide as part of the Tier 2 monitoring.

**Table B6: Volatile Organic Compounds**  
 (µg/L unless otherwise specified)

Pollutant See note a.	CAS	Pollutant See note a.	CAS
Acrolein See note k.	107028	1,2-trans-dichloroethylene See note d.	156605
Acrylonitrile See note k.	107131	1,1-dichloroethylene See note e.	75354
Benzene	71432	1,2-dichloropropane	78875
Bromoform	75252	1,3-dichloropropylene See note f.	542756
Carbon Tetrachloride	56235	Ethylbenzene	100414
Chlorobenzene	108907	Methyl Bromide See note g.	74839
Chlorodibromomethane See note b.	124481	Methyl Chloride See note h.	74873
Chloroethane	75003	Methylene Chloride	75092
2-Chloroethylvinyl Ether See note k.	110758	1,1,2,2-tetrachloroethane	79345
Chloroform	67663	Tetrachloroethylene See note i.	127184
Dichlorobromomethane See note c.	75274	Toluene	108883
1,2-Dichlorobenzene (o)	95501	1,1,1-trichloroethane	71556
1,3-Dichlorobenzene (m)	541731	1,1,2-trichloroethane	79005
1,4-Dichlorobenzene (p)	106467	Trichloroethylene See note j.	79016
1,1-dichloroethane	75343	Vinyl Chloride	75014
1,2-dichloroethane	107062		

Notes:

- a. The permittee must collect six discrete samples (not less than 40 mL each) over the operating day at intervals of at least one hour. The samples may be analyzed separately or composited. If analyzed separately, the analytical results for all samples must be averaged for reporting purposes. If composited, they must be composited in the laboratory at the time of analysis in a manner that maintains the integrity of the samples and prevents the loss of volatile analytes. The quantitation limits listed above remain in effect for composite samples.
- b. Chlorodibromomethane is identified as Dibromochloromethane in 40 CFR 136.3, Table 1C.
- c. Dichlorobromomethane is identified as Bromodichloromethane in 40 CFR 136.3, Table 1C.
- d. 1,2-Trans-dichloroethylene is identified as Trans-1,2-dichloroethene in 40 CFR 136.3, Table 1C.
- e. 1,1-Dichloroethylene is identified as 1,1-Dichloroethene in 40 CFR 136.3, Table 1C.
- f. 1,3-Dichloropropylene consists of both cis-1,3-Dichloropropene and Trans-1,3-dichloropropene. Both should be reported individually.
- g. Methyl bromide is identified as Bromomethane in 40 CFR 136.3, Table 1C.
- h. Methyl chloride is identified as Chloromethane in 40 CFR 136.3, Table 1C.
- i. Tetrachloroethylene is identified as Tetrachloroethene in 40 CFR 136.3, Table 1C.
- j. Trichloroethylene is identified as Trichloroethene in 40 CFR 136.3, Table 1C.
- k. Acrolein, Acrylonitrile, and 2-Chloroethylvinyl ether must be tested from an unacidified sample.

**Table B7: Acid-Extractable Compounds**  
 (µg/L unless otherwise specified)

<b>Pollutant</b>	<b>CAS</b>	<b>Pollutant</b>	<b>CAS</b>
p-chloro-m-cresol See note a.	59507	2-nitrophenol	88755
2-chlorophenol	95578	4-nitrophenol	100027
2,4-dichlorophenol	120832	Pentachlorophenol	87865
2,4-dimethylphenol	105679	Phenol	108952
4,6-dinitro-o-cresol See note b.	534521	2,4,5-trichlorophenol See note c.	95954
2,4-dinitrophenol	51285	2,4,6-trichlorophenol	88062
Notes:			
a. p-chloro-m-cresol is identified as 4-Chloro-3-methylphenol in 40 CFR 136.3, Table 1C.			
b. 4,6-dinitro-o-cresol is identified as 2-Methyl-4,6-dinitrophenol in 40 CFR 136.3, Table 1C.			
c. To monitor for 2,4,5-trichlorophenol, use EPA Method 625.1.			



**Table B8: Base-Neutral Compounds**  
 (µg/L unless otherwise specified)

Pollutant	CAS	Pollutant	CAS
Acenaphthene	83329	Dimethyl phthalate	131113
Acenaphthylene	208968	2,4-dinitrotoluene	121142
Anthracene	120127	2,6-dinitrotoluene	606202
Benzidine	92875	1,2-diphenylhydrazine See note c.	122667
Benzo(a)anthracene	56553	Fluoranthene	206440
Benzo(a)pyrene	50328	Fluorene	86737
3,4-benzofluoranthene See note a.	205992	Hexachlorobenzene	118741
Benzo(ghi)perylene	191242	Hexachlorobutadiene	87683
Benzo(k)fluoranthene	207089	Hexachlorocyclopentadiene	77474
Bis(2-chloroethoxy)methane	111911	Hexachloroethane	67721
Bis(2-chloroethyl)ether	111444	Indeno(1,2,3-cd)pyrene	193395
Bis(2-chloroisopropyl)ether See note b.	108601	Isophorone	78591
Bis (2-ethylhexyl)phthalate	117817	Naphthalene	91203
4-bromophenyl phenyl ether	101553	Nitrobenzene	98953
Butylbenzyl phthalate	85687	N-nitrosodi-n-propylamine	621647
2-chloronaphthalene	91587	N-nitrosodimethylamine	62759
4-chlorophenyl phenyl ether	7005723	N-nitrosodiphenylamine	86306
Chrysene	218019	Pentachlorobenzene See note e.	608935
Di-n-butyl phthalate	84742	Phenanthrene	85018
Di-n-octyl phthalate	117840	Pyrene	129000
Dibenzo(a,h)anthracene	53703	1,2,4-trichlorobenzene	120821
3,3-Dichlorobenzidine	91941	Tetrachlorobenzene,1,2,4,5 See note d.	95943
Diethyl phthalate	84662		

Notes:

- a. 3,4-benzofluoranthene is listed as Benzo(b)fluoranthene in 40 CFR part 136.
- b. Bis(2-chloroisopropyl)ether is listed as 2,2'-oxybis(2-chloro-propane) in 40 CFR part 136.
- c. 1,2-diphenylhydrazine is difficult to analyze given its rapid decomposition rate in water. Azobenzene (a decomposition product of 1,2-diphenylhydrazine), should be analyzed as an estimate of this chemical.
- d. To analyze for Pentachlorobenzene and Tetrachlorobenzene 1,2,4,5, use EPA 625.1.

**Table B9: Other Parameters with State Water Quality Criteria**  
 (µg/L unless otherwise specified)

Pollutant	CAS	Pollutant	CAS
Barium, Total See note a.	7440393		
Manganese, Total (include for discharge to marine waters only)	7439960	N-Nitrosodibutylamine	924163
Sulfide-Hydrogen Sulfide See note b.	7783064	N-Nitrosodiethylamine	55185
2,4,5-TP [2-(2,4,5-Trichloro- phenoxy) propanoic acid] See note c.	93721	N-Nitrosopyrrolidine	930552
2,4-D (2,4-Dichlorophenoxyacetic acid) See note d.	94757	Total Phosphorus as P	7723140
Notes:			
a. Barium, Total is identified as Barium-Total in 40 CFR 136.3, Table 1B.			
b. Report Sulfide-Hydrogen Sulfide as Dissolved Sulfide as S.			
c. This chemical is listed as Chlorophenoxy Herbicide (2,4,5-TP) in Table 40.			
d. This chemical is listed as Chlorophenoxy Herbicide (2,4-D) in Table 40			

**5. Additional Receiving Stream and Effluent Characterization Monitoring (Tier 2 Monitoring)**

When DEQ evaluates the results of monitoring required under Schedule B condition Effluent Toxics Characterization Monitoring (also referred to as Tier 1 monitoring) to determine whether the permittee will be required to conduct additional ambient water quality and/or effluent monitoring (also referred to as Tier 2 monitoring). DEQ will notify the permittee of its determination through a written “Monitoring Action Letter.”

## 6. Biosolids Monitoring Requirements

The permittee must monitor biosolids land applied or produced for sale or distribution as listed below. The samples must be representative of the quality and quantity of biosolids generated and undergo the same treatment process used to prepare the biosolids. Results must be reported as required in the biosolids management plan described in Schedule D.

**Table B10: Biosolids Monitoring**

Item or Parameter	Minimum Frequency	Sample Type
Nutrient and conventional parameters (% dry weight unless otherwise specified): Total Kjeldahl Nitrogen (TKN) Nitrate-Nitrogen (NO <sub>3</sub> -N) Total Ammoniacal Nitrogen (NH-N) Total Phosphorus (P) Potassium (K) pH (S.U.) Total Solids Volatile Solids	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B11.	As described in the DEQ-approved Biosolids Management Plan
Pollutants: As, Cd, Cu, Hg, Pb, Mo, Ni, Se, Zn, mg/kg dry weight	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B11	As described in the DEQ-approved Biosolids Management Plan
Pathogen reduction	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B11.	As described in the DEQ-approved Biosolids Management Plan
Vector attraction reduction	As described in the DEQ-approved Biosolids Management Plan, but not less than the frequency in Table B11.	As described in the DEQ-approved Biosolids Management Plan
Record of biosolids land application: date, quantity, location.	Each event	Record the date, quantity, and location of biosolids land applied on site location map or equivalent electronic system, such as GIS.

**Table B11: Biosolids Minimum Monitoring Frequency**

Quantity of biosolids land applied or produced for sale or distribution per calendar year		Minimum Sampling Frequency
(dry metric tons)	(dry U.S. tons)	
Less than 290	Less than 320	Once per year
290 to 1,500	320 to 1,653	Once per quarter (4x/year)
1500 to 15,000	1,653 to 16,535	Once per 60 days (6x/year)
15,000 or more	16,535 or more	Once per month (12x/year)

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## **SCHEDULE C: COMPLIANCE SCHEDULE**

There is no compliance schedule included in this permit.

## SCHEDULE D: SPECIAL CONDITIONS

### 1. Inflow and Infiltration

The permittee must submit to DEQ an annual inflow and infiltration report on a DEQ approved form as directed in Table B1. The report must include the following:

- a. An assessment of the facility's I/I issues based on a comparison of summer and winter flows to the plant.
- b. Details of activities performed in the previous year to identify and reduce inflow and infiltration.
- c. Details of activities planned for the following year to identify and reduce inflow and infiltration.
- d. A summary of sanitary sewer overflows that occurred during the previous year. This should include the following: date of the SSO, location, estimated volume, cause, follow-up actions and if performed, the results of receiving stream monitoring.

### 2. Emergency Response and Public Notification Plan

The permittee must develop an Emergency Response and Public Notification Plan ("plan"), or ensure the facility's existing plan is current and accurate, per Schedule F, Section B, and Condition 8 within 6 months of permit effective date. The permittee must update the plan annually to ensure all information contained in the plan, including telephone and email contact information for applicable public agencies, is current and accurate. An updated copy of the plan must be kept on file at the facility for DEQ review. The latest plan revision date must be listed on the plan cover along with the reviewer's initials or signature.

### 3. Exempt Wastewater Reuse at the Treatment System

Recycled water used for landscape irrigation within the property boundary or in-plant processes at the wastewater treatment system is exempt from the requirements of OAR 340-055 if all of the following conditions are met:

- a. The recycled water is an oxidized and disinfected wastewater.
- b. The recycled water is used at the wastewater treatment system site where it is generated or at an auxiliary wastewater or sludge treatment facility that is subject to the same NPDES or WPCF permit as the wastewater treatment system. Land that is contiguous to the property upon which the treatment system is located is considered to be part of the wastewater treatment system site if under the same ownership.
- c. Spray and/or drift from the use does not migrate off the site.
- d. Public access to the site is restricted.

### 4. Wastewater Solids Annual Report

The permittee must submit a Wastewater Solids Annual Report by February 19 each year documenting removal of wastewater solids from the facility during the previous calendar year. The permittee must use the DEQ-approved wastewater solids annual report form. This report must include the volume of material removed and the name of the permitted facility that received the solids.

### 5. Wastewater Solids Transfers

- a. *Within state.* The permittee may transfer wastewater solids including Class A and Class B biosolids, to another facility permitted to process or dispose of wastewater solids, including but not limited to: another wastewater treatment facility, landfill, or incinerator. The permittee must satisfy the requirements of the receiving facility. The permittee must report the name of the

receiving facility and the quantity of material transferred in the wastewater solids annual report identified in Schedule B.

- b. *Out of state.* If wastewater solids, including Class A and Class B biosolids, are transferred out of state for use or disposal, the permittee must obtain written authorization from DEQ, meet Oregon requirements for the use or disposal of wastewater solids, notify in writing the receiving state of the proposed use or disposal of wastewater solids, and satisfy the requirements of the receiving state.

## 6. Hauled Waste Control Plan

The permittee may accept hauled wastes at discharge points designated by the POTW. The permittee must submit a written Hauled Waste Control Plan by the date listed in Table B1. Within 60 days of receiving DEQ comments, the permittee must submit hauled waste control plan revised to be consistent with DEQ's comments. Hauled wastes may include wastewater solids from another wastewater treatment facility, septage, grease trap wastes, portable and chemical toilet wastes, landfill leachate, groundwater remediation wastewaters and commercial/industrial wastewaters. The permittee must keep the plan updated and submit substantial modifications to an existing plan to DEQ for approval at least 60 days prior to making the proposed changes. Plan modifications are effective upon receipt of written DEQ approval. A Hauled Waste Control Plan is not required in the event biological seed must be added to the process at the POTW to facilitate effective wastewater treatment.

## 7. Hauled Waste Annual Report

By the date listed in Table B1, the permittee must submit a report of hauled waste received by the POTW. This report must include the date, time, type, and amount received each time the POTW accepts hauled waste. Hauled waste is described in the permittee's Hauled Waste Control Plan.

## 8. Engineering Design Flow Report

By the date listed in Table B1, the permittee must submit a report of engineering design flows for the POTW: Average Dry Weather Flow, Maximum Month Dry Weather Flow, Average Wet Weather Flow, Maximum Month Wet Weather Flow, Peak Day Flow. This report must include, but not be limited to, the average dry and wet weather design flows for the POTW.

## 9. Operator Certification

- a. Definitions
  - i. "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.
  - ii. "Supervisor" or "designated operator", means the operator delegated authority by the permittee for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.
  - iii. "Shift Supervisor" means the operator delegated authority by the permittee for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.
  - iv. "System" includes both the collection system and the treatment systems.
- b. The permittee must comply with OAR Chapter 340, Division 49, "Regulations Pertaining to Certification of Wastewater System Operator Personnel" and designate a supervisor whose certification corresponds with the classification of the collection and/or treatment system as specified in the DEQ Supervisory Wastewater Operator Status Report. DEQ may revise the



permittee's classification in writing at any time to reflect changes in the collection or treatment system. This reclassification is not considered a permit modification and may be made after the permit expiration date provided the permit has been administratively extended by DEQ. If a facility is re-classified, a certified letter will be mailed to the system owner from the DEQ Operator Certification Program. Current system classifications are publicized on the DEQ Supervisory Wastewater Operator Status Report found on the **DEQ Wastewater Operator Certification Homepage**.

- c. The permittee must have its system supervised on a part-time or full-time basis by one or more operators who hold a valid certificate for the type of wastewater treatment or wastewater collection system the operator is supervising and at a grade equal to or greater than the wastewater system's classification.
- d. The permittee's wastewater system may be without the designated supervisor for up to 30 consecutive days if another person supervises the system, who is certified at no more than one grade lower than the classification of the wastewater system. The permittee must delegate authority to this operator to supervise the operation of the system.
- e. If the wastewater system has more than one daily shift, the permittee must have another properly certified operator available to supervise operation of the system. Each shift supervisor must be certified at no more than one grade lower than the system classification.
- f. The permittee is not required to have a supervisor on site at all times; however, the supervisor must be available to the permittee and operator at all times.
- g. The permittee must notify DEQ in writing of the name of the system supervisor by completing and submitting the Supervisory Wastewater System Operator Designation Form. The most recent version of this form may be found on the [DEQ Wastewater Operator Certification homepage](#) \*NOTE: This form is different from the Delegated Authority form. The permittee may replace or re-designate the system supervisor with another properly certified operator at any time and must notify DEQ in writing within 30 days of replacement or re-designation of the operator in charge. As of this writing, the notice of replacement or re-designation must be sent to Water Quality Division, Operator Certification Program, 700 NE Multnomah St, Suite 600, Portland, OR 97232-4100. This address may be updated in writing by DEQ during the term of this permit.
- h. When compliance with item (d) of this section is not possible or practicable because the system supervisor is not available or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, the Director may grant a time extension for compliance with the requirements in response to a written request from the system owner. The Director will not grant an extension longer than 120 days unless the system owner documents the existence of extraordinary circumstances.

## 10. Industrial User Survey

### Industrial User Survey

- a. By the date listed in Table B1, the permittee must conduct an industrial user survey as described in 40CFR 403.8(f)(2)(i-iii) to determine the presence of any industrial users discharging wastewaters subject to pretreatment and submit a report on the findings to DEQ. The purpose of the survey is to identify whether there are any industrial users discharging to the POTW, and ensure regulatory oversight of these discharges to state waters.
- b. Should the DEQ determine that a pretreatment program is required, the permit must be reopened and modified in accordance with 40 CFR 403.8(e)(1) to incorporate a compliance schedule for development of a pretreatment program. The compliance schedule must be

developed in accordance with the provisions of 40 CFR 403.12(k), and must not exceed twelve (12) months.

## **11. Outfall Inspection**

By the date in table B1, the permittee must inspect Outfall 001 including the submerged portion of the outfall line and diffuser to document its integrity and to determine whether it is functioning as designed. The inspection must determine whether diffuser ports are intact, clear and fully functional. The inspection must verify the latitude and longitude of the diffuser. The permittee must submit a written report to DEQ regarding the results of the outfall inspection by the date in Table B1. The report must include a description of the outfall as originally constructed, the condition of the current outfall and identify any repairs needed to return the outfall to satisfactory condition.

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## **SCHEDULE E: PRETREATMENT ACTIVITIES**

There are no pretreatment requirements included in this permit.

## SCHEDULE F: NPDES GENERAL CONDITIONS

### NPDES GENERAL CONDITIONS – DOMESTIC FACILITIES

October 1, 2015 Version

#### SECTION A. STANDARD CONDITIONS

##### A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

##### A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to \$250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation.

The Clean Water Act provides that any person who negligently violates any condition, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both.

In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

Any person who knowingly violates section any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.

In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both.

An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000.

Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

A3. Duty to Mitigate

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

A4. Duty to Reapply

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

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

A5. Permit Actions

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

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.
- k. For communities with combined sewer overflows (CSOs):
  - (1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.

- (2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
- (3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

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

**A6. Toxic Pollutants**

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 307(a) of the federal Clean Water Act for toxic pollutants, and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, 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.

**A7. Property Rights and Other Legal Requirements**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

**A8. Permit References**

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

**A9. Permit Fees**

The permittee must pay the fees required by OAR.

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

**B1. Proper Operation and Maintenance**

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

**B2. Need to Halt or Reduce Activity Not a Defense**

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.



B3. Bypass of Treatment Facilities

- a. Definitions
  - (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Prohibition of bypass.
  - (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
    - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
    - iii. The permittee submitted notices and requests as required under General Condition B3.c.
  - (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.b.(1).
- c. Notice and request for bypass.
  - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.
  - (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. 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 B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
  - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**B5. Treatment of Single Operational Upset**

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

**B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations**

- a. Definition. "Overflow" means any spill, release or diversion of sewage including:
  - (1) An overflow that results in a discharge to waters of the United States; and
  - (2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the United States.
- b. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

**B7. Public Notification of Effluent Violation or Overflow**

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8. 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.

**B8. Emergency Response and Public Notification Plan**

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from overflows, bypasses, or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
- b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
- c. Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
- d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
- e. Provide emergency operations; and
- f. Ensure that DEQ is notified of the public notification steps taken.

**B9. Removed Substances**

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

## SECTION C. MONITORING AND RECORDS

### C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

### C2. Flow Measurements

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

### C3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

### C4. Penalties for Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

### C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

### C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

### C7. Averaging of Measurements

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

**C8. Retention of Records**

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained 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 DEQ at any time.

**C9. Records Contents**

Records of monitoring information must include:

- a. The date, exact place, time, and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

**C10. Inspection and Entry**

The permittee must allow DEQ or EPA 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.

**C11. Confidentiality of Information**

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

**SECTION D. REPORTING REQUIREMENTS**

**D1. Planned Changes**

The permittee must comply with OAR 340-052, "Review of Plans and Specifications" and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

**D2. Anticipated Noncompliance**

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. 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 EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.

(1) Oral Reporting within 24 hours.

- i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.
  - (a) The location of the overflow;
  - (b) The receiving water (if there is one);
  - (c) An estimate of the volume of the overflow;
  - (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
  - (e) The estimated date and time when the overflow began and stopped or will be stopped.
- ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:
  - (a) The OERS incident number (if applicable); and
  - (b) A brief description of the event.

(2) Written reporting postmarked within 5 days.

- i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:
  - (a) The OERS incident number (if applicable);
  - (b) The cause or suspected cause of the overflow;
  - (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
  - (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
  - (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

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

b. Other instances of noncompliance.

(1) The following instances of noncompliance must be reported:

- i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
- ii. Any upset that exceeds any effluent limitation in this permit;

- iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
  - iv. Any noncompliance that may endanger human health or the environment.
- (2) During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).
- (3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:
- i. A description of the noncompliance and its cause;
  - ii. The period of noncompliance, including exact dates and times;
  - iii. The estimated time noncompliance is expected to continue if it has not been corrected;
  - iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
  - v. Public notification steps taken, pursuant to General Condition B7.
- (4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5 at the time monitoring reports are submitted. The reports must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

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

D8. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ 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 federal 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 must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**SECTION E. DEFINITIONS**

- E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *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 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m<sup>3</sup>/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.
- E21. *POTW* means a publicly-owned treatment works.





## Permit Fact Sheet

Oregon Department of Environmental Quality  
Northwest Region Office  
700 NE Multnomah Street, Suite 600  
Portland OR 97232

Contact: David Feldman

<b>Permittee:</b>	City of Warrenton P.O. Box 250 Warrenton, OR 97146
<b>Existing Permit Information:</b>	File Number: 93769 Permit Number: 100874 Expiration Date: Dec 31, 2017 EPA Reference Number: OR0020877
<b>Source Contact:</b>	Kyle Sharpsteen Public Works Operations Manager
<b>Facility Location:</b>	City of Warrenton Sewage Treatment Plant 105 NE 5 <sup>th</sup> Street Warrenton, OR 97146 Clatsop
<b>NHD:</b>	17080006001142 – 49.21%
<b>LLID:</b>	240483462464 – 7.62
<b>Receiving Stream/Basin:</b>	Columbia River North Coast Lower Columbia Lower Columbia – Youngs Bay
<b>Proposed Action:</b>	Renew Permit Application Number: 954148 Date Received: July 5, 2017
<b>Source Category:</b>	NPDES Minor– Domestic
<b>Sources Covered:</b>	Treated Domestic Wastewater
<b>Permit Type:</b>	NPDES-DOM-Db
<b>Permit Writer:</b>	David Feldman Senior Permit Writer December 30, 2020

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# 1.0 Introduction

The Department of Environmental Quality (DEQ) proposes to renew the National Pollutant Discharge Elimination System (NPDES) wastewater permit for City of Warrenton Sewage Treatment Plant located at 105 NE 5<sup>th</sup> Street, Warrenton, OR 97146. This permit allows and regulates the discharge of treated domestic wastewater to the Columbia River. The purpose of this permit fact sheet is to explain and provide justification for the permit.

The Federal Water Pollution Control Act of 1972 (also known as the Clean Water Act) and its subsequent amendments, as well as Oregon Revised Statutes (ORS 468B.050), require a NPDES permit for the discharge of wastewater to surface waters. This proposed permit action by DEQ complies with both federal and state requirements.

## 2.0 Permit History

### 2.1 Issuance, Renewal and Modifications

The current NPDES Permit expired on Dec. 31, 2017. DEQ received renewal application number 954148 from the City of Warrenton Sewage Treatment Plant on Jul. 5, 2017. Because the permittee submitted a renewal application to DEQ in a timely manner, the current permit will not expire until DEQ takes final action on the renewal application as per OAR 340-045-0040.

### 2.2 Compliance History

There were two compliance issues identified for the City of Warrenton Sewage Treatment Plant. The city received warning letter on May 24, 2017 for a violation of the pH limit in the current permit. The second was a warning letter dated Jan, 14, 2020 for not sampling the effluent.

## 3.0 Proposed Revisions to Permit

The proposed permit contains the following substantive changes from the 2013 permit:

- Schedule A – An updated Thermal Load limit based upon the Columbia River Temperature TMDL
- Schedule B – Updated monitoring requirements with electronic reporting requirements, also added monitoring for toxic pollutants as per 40 CFR part 136.
- Schedule C – N/A
- Schedule D – Updated requirements for Recycled Water, and Industrial User Survey
- Schedule E – N/A
- Schedule F – Updated to the July 2015 version

## 4.0 Facility Description

### 4.1 Wastewater Facilities Description

The City of Warrenton owns and operates a wastewater treatment facility that processes sewage from municipal population of 8000 Equivalent Dwelling Unit (EDU), including Fort Stevens State Park, several RV parks and commercial properties.

The City of Warrenton's wastewater facility operated with a facultative lagoon system since the late 1960s. Even though improvements and modification were made to the treatment system, the lagoons remained overloaded. The City of Warrenton received several Notices of Noncompliance due to failure to meet effluent permit limits. At that time, the City of Warrenton and DEQ recognized the facility would continue to have difficulty meeting permit limits due to the overload. As a result a Mutual Agreement and Order (MAO) was entered into with DEQ. Under the MAO, the City of Warrenton completed their facility planning which takes into account the existing and projected 20-year population of service area. The Facility plan for the City of Warrenton included an increase in capacity and an upgrade to the existing treatment system, and was approved on December 3, 2002, The City of Warrenton's newly upgraded Treatment Plant became operational under the new Sequence Batch Reactor (SBR) system on June 2006.

### **Sequencing Batch Reactor (SBR)**

The influent structure consists of fine screening and grit removal followed by flow measurement with an ultrasonic transducer in the partial flume. From the influent structure, the flow enters a valve vault with motorized automatic valves. The valves divert the flow to one of the three SBR aeration basins by gravity flow. For this facility, the average design dry weather flow is 0.99 million gallons/day (MGD). The current actual maximum average annual flow for the past two years, is 0.91 MGD in 2015 and 1.03 MGD in 2017. The treatment process is Activated Sludge - Sequencing Batch Reactor (SBR). The SBR plant was constructed on top of an existing facultative sewer lagoon site. In the SBR, the aeration, sedimentation and clarification are carried out in the same tank. The SBR system has five steps that are carried out in sequence. 1) Fill, 2) react (aeration), 3) settle (sedimentation / clarification), 4) draw (decant) and 5) idle.

Each basin has a diffused-air system, two high speed down-force surface mixers, effluent decanters with variable discharge rates, and waste sludge pumps. Five blowers on a single manifold provide aeration for all three SBRs; and are controlled by in-line dissolved-oxygen meters. The SBRs remove biochemical oxygen demand and nitrogen in the same basin utilizing alternating aeration and mixing regimens. The SBR batch process is 5 cycles per day per basin during summer months when loadings are high and flow is low. In the winter months when flow is higher, basins will operate at 6 cycles per day per basin to process more water on normal cycles. When flow is above the peak wet weather day flow, the process will switch to 8 cycles per day per basin and provide continuous discharge over 24 hours.

### **Disinfection**

Treated effluent flows by gravity to UV disinfection channel, prior to discharge. This structure is equipped with three module UV disinfection system, effluent flow measurement, and effluent composite sampler. Disinfection is achieved with low pressure high intensity UV disinfection system. Following disinfection, the treated effluent is pumped through the outfall pipe to the shipping channel into the Columbia River.

Sludge wasting from the SBR usually occurs during decant or idle sequence. Wasted sludge will be stored in one of two sludge holding lagoons.

Warrenton's WWTP is currently designated a minor domestic wastewater discharger under NPDES rules. Although the average dry weather design flow is above 1 MGD the plant remains a minor domestic discharger. However, DEQ will require that this classification be reevaluated during the next permit cycle. Therefore, the city will be required to perform all of the monitoring requirements for a major discharger. Designation of major and minor discharger is based on design and average dry weather flows, with 1 MGD average dry weather flow (ADWF) being the delineation. In this case, Warrenton WWTP's wet weather design flow and ADWF are 1.5 MGD and 1.0 MGD respectively to calculate the TBELs and the facility is still considered a minor for this permit cycle.



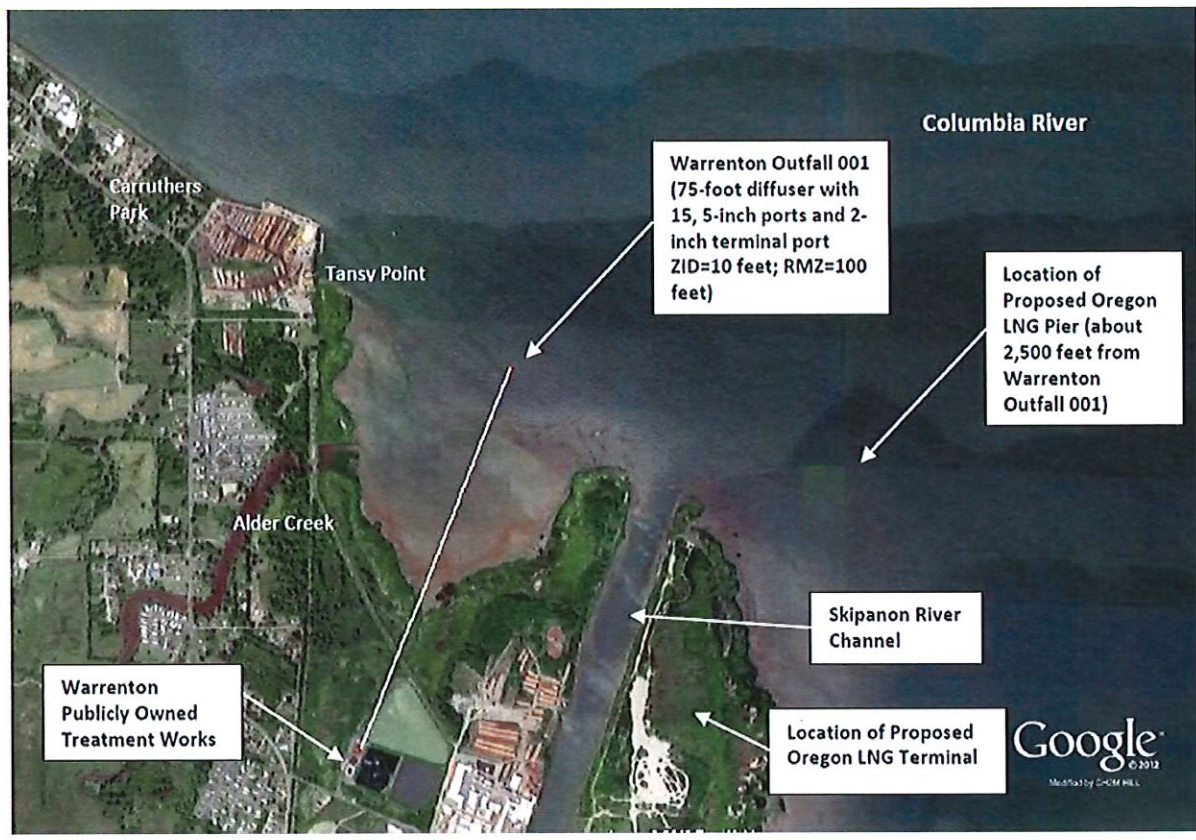


Figure 1: Facility Location

## 4.2 Outfalls

Treated wastewater is discharged to Columbia River. The outfall consists of an 18-inch diameter pipeline extending 4400 feet to the river. The pipeline lies beneath the tide flats of Alder Cove, terminating with 75 feet long and 15-port diffuser. The end of the pipe is located in the deep channel of the Columbia River Estuary at the depth of approximately 30 feet NGVD (National Geodetic Vertical Datum). This is located approximately at 46.191136, -123.915860. Treated effluent is pumped through the outfall pipe after UV treatment is complete. The City of Warrenton outfall is shared with Pacific Coast Seafood combining wastewater flows in to a joint outfall in the Columbia River.

## 4.3 Sewage Collection System

The facility's collection system feeds from thirty-one pump stations to the plant influent through four force mains. This includes 5 additional pump stations for the Shoreline Sanitary District. The city also collects and treats wastewater from Fort Stevens State Park, The Port of Astoria regional airport (including the Coast Guard), and the Shoreline Sanitary Sewer District.

As collection systems age, the pipes develop cracks, allowing the infiltration of groundwater. Stormwater may also enter the system. Though no longer allowed under current plumbing codes, in the past it was common to connect stormwater drains directly to sewers. The entry of groundwater and stormwater into the collection system is known as infiltration and inflow, or I/I for short.

When a collections system experiences excessive I/I, most of the flow that makes it to the treatment plant may in fact be stormwater or groundwater that by itself does not require treatment. This can result in the following:

- Overflows from the sanitary sewer system when it rains. These are referred to as SSOs (sanitary sewer overflows).
- The release of untreated or partially treated sewage from all or a portion of the treatment plant. Such a release is termed a bypass. Bypasses may be necessary to avoid damaging the plant.
- Increased operation and maintenance costs.

The ratio of wet weather to dry weather flows measured at the treatment plant is an indication of how much I/I is occurring in the collection system. This information is summarized below.

**Table 1: Flow Statistics for City of Warrenton Sewage Treatment Plant**

<b>Dilution Summary - Dry Weather</b>						
<b>Water Quality Standard</b>	<b>Velocity</b>		<b>Effluent Flow (mgd)</b>		<b>Dilution</b>	<b>Location</b>
	<b>Statistic</b>	<b>ft/s</b>	<b>Statistic</b>	<b>Flow</b>		
Aquatic Life, Acute (1Q10)	10 <sup>th</sup> %	0.26	<input type="checkbox"/> ADWDF x PF <input checked="" type="checkbox"/> Max Daily Avg <input type="checkbox"/> Other	2.5	10	ZID
Aquatic Life, Chronic (7Q10, 30Q5)	50 <sup>th</sup> %	0.45	<input type="checkbox"/> ADWDF x PF <input checked="" type="checkbox"/> Max Daily Avg <input type="checkbox"/> Other	1.8	47	MZ
<i>ADWDF = Average dry weather design flow</i>						
<i>PF = Peaking factor</i>						
<b>Comments:</b> Warrenton flow data from 2019: Dry weather monthly max = 1.3 mgd, monthly avg = 0.8 mg. Assumed monthly max of 1.2 mgd and monthly average of 1.0 mgd for Pacific Seafood.						

DEQ recognizes that it is not practical to attempt to build and operate treatment plants and collection systems so as to eliminate any and all bypasses or overflows, and that at some point, attempts to do so represent a poor investment of public funds. Therefore, DEQ is interested in encouraging communities to reduce the rate at which SSOs and bypasses occur. To this end, the permit requires the following:

- The municipality must develop a program to reduce I/I and submit a progress report on an annual basis (see Schedule D, Condition 1).
- The municipality must develop and maintain an emergency response and public notification plan to cover bypass and SSO events (Schedule F, sections B.7 and B.8) .

The municipality must report all SSOs and bypasses (Schedule F, sections B.6, B.7 and B.8).

## 4.4 Recycled Water

The permit holder does not currently operate a recycled water program and does not intend to do so during the term of this permit.



## **4.5 Wastewater Solids**

The purpose of this section is to describe and document how wastewater solids are handled in the treatment plant. The term wastewater solid includes sewage sludge and biosolids. Sewage sludge refers to solids from primary, secondary, or advanced treatment of domestic wastewater that have not been treated or determined to be suitable for land application as fertilizer or soil amendment. The term biosolids refers to domestic wastewater treatment facility solids that have undergone adequate treatment and are suitable for application to the land as a fertilizer or soil amendment.

More detail on how the permittee has chosen to handle wastewater solids is provided in the sections below.

### **4.5.1 Storage of Sewage Sludge**

The permit holder stores sewage sludge in a wastewater lagoon and does not anticipate removal during the current permit cycle.

### **4.5.2 Land Application**

The permit holder does not currently land apply biosolids or produce biosolids for sale or distribution, and does not intend to do so during the term of this permit.

### **4.5.3 Other Beneficial Reuse**

The permit holder does not currently practice other types of beneficial reuse, such as energy recovery.

## **4.6 Stormwater**

Stormwater is not addressed in this permit. General NPDES permits for stormwater are not required for facilities with a design flow of less than 1 MGD.

## **4.7 Industrial Pretreatment**

Municipalities that receive wastewater from certain categories of industries must have in place approved pretreatment programs. These programs are designed to reduce the discharge of pollutants from identified industries that the treatment plant is not able to treat. These pollutants can interfere with treatment plant operation, reduce the value of wastewater and biosolids for reuse, cause worker health or safety concerns, and pose a risk to the public or the environment.

The permittee does not have a DEQ-approved industrial pretreatment program. Based on current information, no industrial pretreatment program is needed.

## **5.0 Receiving Water**

### **5.1 Flows**

The flow gage nearest to the City of Warrenton Sewage Treatment Plant outfall is summarized in Table 2.

The effect of a discharge on the receiving stream is evaluated with respect the flows likely to occur during the critical period. To standardize this analysis, DEQ makes use of four different flow statistics. Each is designed to work with a different type of water quality effect and associated water quality criteria. These flow statistics and their application for Outfall 001 are summarized below:

Table 2: Summary of Outfall 001

Outfall Description			
Latitude	46.185565° N		
Longitude	123.914401° W		
River Mile	8.0 (using DEQ mapping tool)8.0 (using DEQ mapping tool)8.0 (using DEQ mapping tool)		
Outfall type	Multiport		
Single pipe diameter	diameter inches	<input checked="" type="checkbox"/> NA	
Diffuser Length	75 feet	<input type="checkbox"/> NA	
Port Spacing	5 feet	<input type="checkbox"/> NA	
# Ports (multiport diffuser)	15	<input type="checkbox"/> NA	
Port diameter	5 inches	<input type="checkbox"/> NA	
Duckbill valve(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Distance from bank	1,200 feet at mean sea level		
Height above bottom	1 feet		
Comments: Click or tap here to enter text.			
Receiving Stream Information			
Summer			
Statistic	Velocity (ft/s)	Depth (ft)	Width (ft)
1Q10 (10 <sup>th</sup> % for tidal)	0.26	30	NA
7Q10	0.45	30	NA
30Q5	0.45	30	NA
Comments: 30Q5 conditions are assumed to be the same as 7Q10 conditions.			

## 5.2 Designated Uses

Under the Clean Water Act, DEQ is required to identify the beneficial uses of every waterbody in Oregon. The intent of this requirement is to insure that the water quality standards DEQ develops are consistent with how the waterbody is used. Permits issued by DEQ must in turn reflect the water quality standards that apply to the basin in which permits are issued.

The City of Warrenton Sewage Treatment Plant discharges to the Columbia River. The following beneficial uses have been identified for the Columbia River.

- public and private domestic water supply,
- industrial water supply,
- irrigation and livestock watering,
- fish and aquatic life (including salmonid rearing, migration and spawning),
- wildlife and hunting,
- fishing,
- boating,
- water contact recreation,
- aesthetic quality, and
- commercial navigation and transportation

The water quality standards for the Columbia River Basin developed to protect these beneficial uses can be found in Oregon Administrative Rules 340-041-101.

### 5.3 Receiving Stream Water Quality

The Columbia River exceeds water quality standards at Warrenton for some parameters and is deemed water quality-limited for those parameters. The parameters are listed in Table 3 below. The following is a list of beneficial uses impaired in this assessment unit: Fish and Aquatic Life; Fishing; Water Contact Recreation; Private Domestic Water Supply; Public Domestic Water Supply.

**Table 3: Water Quality Limited Parameters**

Waterbody Name	Assessment Unit	Parameter	Season
Columbia River	OR_LK_1708000605_04_100323	Methyl Mercury	Year-round
Columbia River	OR_LK_1708000605_04_100323	Dissolved Oxygen	Year-round
Columbia River	OR_LK_1708000605_04_100323	PCBs	Year-round
Columbia River	OR_LK_1708000605_04_100323	Arsenic, Inorganic	Year-round
Columbia River	OR_LK_1708000605_04_100323	Temperature	Year-round
Columbia River	OR_LK_1708000605_04_100323	DDE 4,4'	Year-round

DEQ has developed Total Maximum Daily Loads (TMDL) for temperature, total dissolved gas and Dioxin in the Lower Columbia basin. A TMDL can be thought of as an estimate of the total amount of pollution a waterbody can assimilate without exceeding water quality standards. The remaining impairment determinations have not been addressed by a TMDL yet.

### 5.4 Mixing Zone Analysis

Permits issued by DEQ sometimes specify mixing zones. Also known as “allocated impact zones” or “regulatory mixing zones”, mixing zones are allowed under both state and federal regulation. They are areas in the vicinity of outfalls in which all or some of Oregon’s water quality standards can be suspended. DEQ allows mixing zones when the overall impact, evaluated with respect to Oregon’s Mixing Zone Rule (OAR 340-041-0053) appears to be negligible.

Two mixing zones can be developed for each discharge: 1) The acute mixing zone, also known as the “zone of initial dilution” (ZID), and 2) the chronic mixing zone, usually referred to as “the mixing zone.” The ZID is a small area where acute criteria can be exceeded as long as it does not cause acute toxicity to organisms drifting through it. The mixing zone is an area where acute criteria must be met but chronic criteria can be exceeded. It must be designed to protect the integrity of the entire water body.

The existing mixing zone is described as follows – no changes are being proposed:

*The allowable mixing zone is that portion of the Columbia River extending from a point 100 feet upstream of the outfall to a point 100 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of the allowable mixing zone that is within 10 feet of the point of discharge*

Several mixing zone studies were conducted in the past regarding the city’s outfall diffuser. None of them represent existing effluent flow conditions, however valuable ambient data collected during the studies is still relevant. DEQ performed updated mixing zone modeling using the ambient data from these studies and current effluent flows. The table below shows the predicted dilutions at the ZID and mixing zone. A more detailed analysis is written in an April 9, 2020 internal mixing zone memo. The draft permit requires the city to update the mixing zone study and submit with their next permit renewal application.

<b>Dilution Summary - Dry Weather</b>						
<b>Water Quality Standard</b>	<b>Velocity</b>		<b>Effluent Flow (mgd)</b>		<b>Dilution</b>	<b>Location</b>
	<b>Statistic</b>	<b>ft/s</b>	<b>Statistic</b>	<b>Flow</b>		
Aquatic Life, Acute (1Q10)	10 <sup>th</sup> %	0.26	<input type="checkbox"/> ADWDF x PF <input checked="" type="checkbox"/> Max Daily Avg <input type="checkbox"/> Other	2.5	10	ZID
Aquatic Life, Chronic (7Q10, 30Q5)	50 <sup>th</sup> %	0.45	<input type="checkbox"/> ADWDF <input checked="" type="checkbox"/> Max Monthly Avg <input type="checkbox"/> Other	1.8	47	MZ
<i>ADWDF = Average dry weather design flow</i> <i>PF = Peaking factor</i>						
<b>Comments:</b> Warrenton flow data from 2019: Dry weather monthly max = 1.3 mgd, monthly avg = 0.8 mg. Assumed monthly max of 1.2 mgd and monthly average of 1.0 mgd for Pacific Seafood.						

## 6.0 Overview of Permit Development

### 6.1 Types of Permit Limits

Effluent limitations serve as the primary mechanism in NPDES permits for controlling discharges of pollutants to receiving waters. Effluent limitations can be based on either the technology available to control the pollutants or limits that are protective of the water quality standards for the receiving water. These two types of permit limits are referred to as technology-based effluent limitations (TBELs) and water quality-based effluent limits (WQBELs) respectively. When a TBEL is not restrictive enough to protect the receiving stream, a WQBEL must be placed in the permit. More explanation of each is provided below.

- TBELs:
  - The intent of TBELs is to require a minimum level of treatment of pollutants based on available treatment technologies, while allowing the discharger to use any available control technique to meet the limits.
  - TBELs for municipal treatment plants, also known as federal secondary treatment standards have been developed for the following parameters: biochemical oxygen demand measured over 5 days (BOD5), total suspended solids (TSS) and pH. These are found in the Code of Federal of Federal Regulations (CFR) and are known as secondary treatment standards. The CFR also allows special considerations and exceptions to these standards for certain circumstances and types of treatment facilities such as lagoons.

- **WQBELs:**
  - The intent of WQBELs is to ensure the water quality standards of a receiving stream are met. The water quality standards are developed to protect the beneficial uses of the receiving stream such as swimming and fishing. In many cases TBELs are not restrictive enough to ensure the receiving stream meets water quality standards. In these cases, WQBELs need to be established to protect the receiving stream.
  - Oregon is unique in that it has minimum design criteria for BOD and TSS that are only applicable to sewage treatment plants. These design criteria vary by watershed basin and were developed to protect water quality in their respective basins. These are often times more stringent than the federal secondary treatment standards. When this is the case, the basin standards supersede the federal standards.

TBELs are likely to be the most stringent if the receiving stream is large relative to the discharge, and WQBELs are likely to be the most stringent when the receiving stream is small or does not meet water quality standards.

In some cases, both a TBEL and a WQBEL will be developed for a particular parameter. Permit writers must include the more stringent of the two in the permit.

Permit limits for bacteria are WQBELs when they are derived from the water quality standards found in OAR 340-041-0009 for freshwater, marine, and estuarine waters or 40 CFR § 131.41 for coastal recreation waters. Bacteria limits are designed to protect human health when swimming or eating shellfish. Note: When enforcing permit limits, the department categorizes bacteria exceedances in OAR 340-012 as technology-based effluent limitation violations because bacteria violations are typically due to the failure of disinfection equipment.

Each time a permit is renewed, the permit writer evaluates the existing limits to see if they need to be modified as a result of changes to technology based standards or water quality standards that may have occurred during the permit term. Anti-backsliding provisions (described in CFR 122.44(l)) generally do not allow relaxation of effluent limits in renewed/reissued permits. The more stringent of the existing or new limits must be included in the renewal permit.

## 6.2 Existing Permit Limits

The existing permit limits are as follows:

### Treated Effluent Outfall 001

The permittee must comply with the effluent limits as indicated in the following tables.

- a. BOD<sub>5</sub> and TSS
  - i. May 1 – October 31: During this time period the permittee must comply with the limits in the following table

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	20 mg/L	30 mg/L	167	250	334
TSS	20 mg/L	30 mg/L	167	250	334

\*Table A1 loads are based on average dry weather design flow of 1.0 MGD

- ii. November 1 – April 30: During this time period the permittee must comply with the limits in the following table:

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	30 mg/L	45 mg/L	375	563	750
TSS	30 mg/L	45 mg/L	375	563	750

\*Table A2 loads are based on average day wet weather design flow of 1.5 MGD.

b. Additional Parameters

Year-round (except as noted)	Limits
<i>Fecal Coliform</i> Bacteria	Median concentration of 14 organisms per 100 ml. No more than 10% of the samples may exceed 43 organisms per 100 ml.
<i>Enterococcus</i> Bacteria	Monthly log mean may not exceed 35 organisms per 100 ml.
pH	Must be within the range of 6.0-9.0 S.U.
BOD <sub>5</sub> and TSS Removal Efficiency	May not be less than 85% monthly average for BOD <sub>5</sub> and TSS

May 1 to October 31	Limits
Excess Thermal Load	Shall not exceed a monthly average of 58,380,000 BTU/day  Shall not exceed a 7-day moving average of 70,056,000 BTU/day

As part of this renewal, some of these permit limits are being modified. The Excess Thermal Load limit in the current permit will be replaced by a TMDL temperature WLA. The basis for developing the new limits is described in detail in Section 7.2.

### 6.3 Overview of Whole Effluent Toxicity (WET) Analysis

Once the permit writer has determined the appropriate TBEL or WQBEL permit limits (described in the previous section) for the facility, the permit writer must determine whether there is reasonable potential for the discharge to cause toxicity due to combinations of chemicals that may be present in the effluent. This is done via Whole Effluent Toxicity (WET) testing. WET testing involves controlled laboratory experiments in which aquatic organisms are exposed to samples of effluent at different dilutions. EPA recommends running WET tests using an invertebrate, vertebrate, and a plant test organism, and has developed WET test protocols using freshwater, marine, and estuarine test species that measure both acute and chronic effects. Depending on the test, the measured effect may be fertilization, growth, reproduction, or survival.

For facilities that have mixing zones, an acute WET test is considered to show toxicity if significant mortality occurs at effluent concentrations less than that which is found at the edge of the zone of immediate dilution (ZID). A chronic WET test is considered to show toxicity if significant adverse effects occur at effluent concentration less than that which is known to occur at the edge of the mixing zone. If the facility does not have a mixing zone, the tests are conducted using 100% effluent.

The permit holder must submit the results of WET tests as part of the permit application process. If the permit writer determines, based on the results of these tests that there is a potential for the effluent to cause toxicity in the receiving stream, the permit writer will include WET test requirements in the Special Conditions section of the permit. These conditions in the permit will describe follow up requirements in the event that the WET tests indicate toxicity.

At this time, DEQ generally uses this Special Conditions approach rather than numeric limits; however, if the permit writer elects to include WET requirements in the permit as numeric limits, the permit writer should consult EPA's Technical Support Document for TSD for possible approaches. Since this is a minor facility, no WET testing requirements are included in the proposed permit.

## 6.4 Biosolids

Biosolids may be used as a soil amendment and fertilizer on agricultural land. For this beneficial use to be allowed, wastewater solids must meet federal criteria for pathogen reduction (Class A or Class B biosolids), vector attraction reduction for sludge stability, nutrients and pollutant concentrations (40 CFR Part 503).

### 6.4.1 Biosolids Production

Historically, the treatment facility has stored their solids in a lagoon and remove these solids once the lagoon reaches capacity. The last removal activity occurred in 2001. The facility does not anticipate needing to remove any solids during this permit cycle but biosolids language has been placed in the permit in case the facility encounters any situation that may require removal.

OAR 340-050-0031 requires facilities that reuse biosolids through land application to maintain a biosolids management plan and land application plan. The biosolids management plan describes how the facility will generate biosolids that are suitable for beneficial use as a fertilizer or soil amendment via land application. The land application plan identifies and describes the management of current and potential biosolids land application sites. Conditions in the biosolids management plan and land application plan are enforceable permit conditions. The permit holder's biosolids management plan and land application plan were last updated Jan 2002. Any removal activities will require the facility to update this biosolids management plan.

### 6.4.2 Pollutant Limits

Pollutant concentrations from the facility's most recent year of biosolids production are given in the following table. No metals data were collected when the STP produced biosolids in 2001.

Table 4: Biosolids Pollutant Concentrations in mg/kg Dry Weight

	As	Cd	Cu	Pb	Hg	Mo	Ni	Se	Zn
<b>Pollutant limit</b>	41	39	1500	300	17	N/A	420	100	2800
<b>Ceiling concentration</b>	75	85	4300	840	57	75	420	100	7500

### 6.4.3 Agronomic Limits

Biosolids must be land applied at or below the agronomic loading rate needed for maximum crop production, based on the nitrogen requirement of the crop being grown. Nutrient concentrations from the facility's most recent year of biosolids production are given in the following table.



**Table 5: Biosolids Nutrient Conventional Parameters in % Dry Solids (pH in S.U.)**

Year	TKN	NO <sub>3</sub> -N	NH <sub>4</sub> -N	K	P	Total Solids	Volatile Solids	pH
2001	0.15	0.015	0.15	No Data	No Data	9.3	No Data	No Data

### 6.4.4 Pathogen Reduction

The permit holder meets the pathogen reduction requirements of 40 CFR Part 503.15(a) and OAR 340-050-0026(2)(b) using the alternative(s) identified below.

**Table 6: Class B Pathogen Requirements**

<input checked="" type="checkbox"/>	Alternative 1: The geometric mean of the density of fecal coliform of seven representative samples shall be less than either 2 million Most Probable Number (MPN) or 2 million Colony Forming Units (CFU) per gram of total solids (dry weight basis).
<input checked="" type="checkbox"/>	Alternative 2: Biosolids shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in the table below.
<input type="checkbox"/>	Alternative 3: Biosolids shall be treated in a process that is equivalent to a PSRP, as determined by the permitting authority.

**Table 7: Processes to Significantly Reduce Pathogens (PSRP) Listed in Appendix B of 40 CFR Part 503**

<input checked="" type="checkbox"/>	Anaerobic Digestion	Sewage sludge is treated in the absence of air for a specific mean cell residence time (i.e., solids retention time) at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35°C to 55°C (131°F) and 60 days at 20°C (68°F).
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### 6.4.5 Vector Attraction Reduction

The permit holder satisfies the vector attraction reduction (VAR) requirements of 40 CFR Part 503.15(c) and OAR 340-050-0026(2)(c) using the option(s) identified in the following table.

**Table 8: Vector Attraction Reduction Options**

40 CFR Part 503 Requirement		What is Required?	Most Appropriate For
☒	Option 6 503.33(b)(6)	Addition of sufficient alkali to raise the pH to at least 12 at 25°C (77°F) and maintain a pH ≥ 12 for 2 hours and a pH ≥ 11.5 for 22 more hours	Alkali-treated sewage sludge (alkaline materials include lime, fly ash, kiln dust, and wood ash)
☒	Option 9 503.33(b)(9)	Sewage sludge is injected into soil so that no significant amount of sewage sludge is present on the land surface 1 hour after injection, except Class A sewage sludge which must be injected within 8 hours after the pathogen reduction process	Sewage sludge applied to the land or placed on a surface disposal site. Domestic septage applied to agricultural land, a forest, or a reclamation site, or placed on a surface disposal site
☒	Option 10 503.33(b)(10)	Sewage sludge is incorporated into the soil within 6 hours after application to land or placement on a surface disposal site, except Class A sewage sludge which must be applied to or placed on the land surface within 8 hours after the pathogen reduction process	Sewage sludge applied to the land or placed on a surface disposal site. Domestic septage applied to agricultural land, forest, or a reclamation site, or placed on a surface disposal site

### 6.4.6 Management Practices

All biosolids used for beneficial reuse by application to land must meet the management practices described under 40 CFR §503.14. Class B biosolids must be land applied following the site restrictions described under 40 CFR §503.32(b)(5). In addition, biosolids land applied in bulk must follow the best management practices for site selection and the use and application of biosolids described under OAR 340-050-0060, -0065, -0070, and -0080. The specific site management practices followed by the facility are described in their Biosolids Management Plan, Land Application Plan and site authorization letters. All site management practices followed by the permit holder must meet or exceed the referenced standards.

### 6.4.7 Current DEQ-Authorized Land Application Sites

The permit holder proposes to not use any sites for biosolids land application in this permit cycle. Should any removal activity be required, the facility will develop a new biosolids management plan detailing the proposed land application sites. This plan will be open for public comment prior to DEQ’s approval or rejection.

The permit holder may add new biosolids land application sites during the term of the permit after they develop a DEQ approved biosolids management/land application plan. New sites must meet the site selection criteria described in the land application plan. The permit holder will notify the public of newly added sites as describes in the land application plan.

## 6.5 Antidegradation

As part of renewing a permit, DEQ must demonstrate that the discharge does not lower water quality from the existing condition. DEQ is required to make this demonstration is required under Oregon's Antidegradation Policy for Surface Waters found in OAR 340-041-0004.

DEQ has performed an antidegradation review for this discharge. The proposed permit contains the same discharge loadings as the existing permit, with the exception of the temperature (thermal load) limits as discussed in Section 7.2.2.3, below. Under Oregon's Antidegradation Rule, discharges with insignificant temperature increases are not considered degradation (OAR 340-041-0004(3)(c)). Specifically, the rule states that insignificant temperature increases authorized under OAR 340-041-0028(11) and (12) are not considered a reduction in water quality. Section 7.2.2.3 of this report provides an analysis of the temperature impacts of this discharge and determines appropriate effluent limits to ensure the discharge will result in temperature increases at or below those authorized under OAR 340-041-0028(11) and (12). Based on OAR 340-041-0004 and the Section 7.2.2.3 of this report, the discharge from the facility does not have the potential to reduce water quality as it pertains to temperature.

Permit renewals with the same discharge loadings as the previous permit are not considered to lower water quality from the existing condition. DEQ is not aware of any information that existing limits are not protective of the designated beneficial uses listed in Section 5.2. These uses are very broad and include:

- public and private domestic water supply,
- industrial water supply,
- irrigation and livestock watering,
- fish and aquatic life (including salmonid rearing, migration and spawning),
- wildlife and hunting,
- fishing,
- boating,
- water contact recreation,
- aesthetic quality, and commercial navigation and transportation.

DEQ is also not aware of any existing uses present within the waterbody that are not currently protected by standards developed to protect the designated uses. Therefore, DEQ has determined that the proposed discharge complies with DEQ's antidegradation policy (see Antidegradation Review Worksheet in Appendix C).

## 7.0 Permit Draft Discussion

### 7.1 Face Page

The face page provides information about the permittee, description of the wastewater, outfall locations, receiving stream information, permit approval authority, and a description of permitted activities. The permit allows discharge to Columbia River within limits set by Schedule A and the following schedules. It prohibits all other discharges.

In accordance with state and federal law, NPDES permits will be effective for a fixed term not to exceed 5 years. Upon issuance, this permit will be effective for no more than 5 years.

DEQ evaluated the classifications for the treatment and collection systems (see Appendix D). The treatment system is considered a Class II system and the collection system is considered a Class III system. DEQ is not proposing any changes to the system classifications

## 7.2 Permit Limit Derivation

### 7.2.1 Technology-Based Effluent Limits (TBELs)

TBELs must be met at the outfall. The applicable TBELs for this facility are the most stringent of the federal secondary treatment standards and the Oregon basin standards, adjusted as necessary for the type of treatment system.

The table below shows a comparison of the federal secondary treatment standards and Oregon basin standards and also lists bacteria standards. Basin standards and bacteria standards are not strictly speaking TBELs; however they function as such when they have to be met at the end of the pipe.

**Table 9: Comparison of Federal Secondary Treatment and Basin Standards**

Parameter	Federal Secondary Treatment Standards		Applicable Columbia River Basin Standards (OAR 340-041-0104)
	30-Day Average	7-Day Average	30-Day Average
5-Day BOD	30 mg/L	45 mg/L	From May 1 – Oct 31: the monthly average effluent concentrations not to exceed 20 mg/l of BOD and 20 mg/l of SS or equivalent control.  From Nov 1 – April 30: minimum of secondary treatment or equivalent control and unless otherwise specifically authorized by the Department, operation of all waste treatment and control facilities at maximum practicable efficiency and effectiveness so as to minimize waste discharges to public waters.
TSS	30 mg/L	45 mg/L	
pH	6.0 – 9.0. (instantaneous)		7.0 – 8.5 (instantaneous) Note: Basin standards for pH do not have to be met at the outfall and can instead be met at the edge of the mixing zone.
% Removal	85% BOD <sub>5</sub> and TSS		Not specified

To summarize, the TBELs and applicable basin standards for City of Warrenton Sewage Treatment Plant are as follows:

The limits for BOD<sub>5</sub> and TSS shown in this table are concentration-based limits.

The following equation is used to develop the monthly average mass load:

$$\text{Monthly Avg. Mass Load} = \text{POTW design flow} \times \text{Conc.-based limit} \times \text{Conversion factor}$$

The weekly average and maximum daily mass loads are developed from the monthly average by multiplying by 1.5 and 2 respectively.

City of Warrenton STP's summer mass load limits for BOD<sub>5</sub> and TSS are based on the flow of 1.0 MGD and a concentration of 20 mg/L. The summer calculations are:

Monthly Average:  $1.0 \text{ MGD} \times 20 \text{ mg/L} \times 8.34 = 166.8 \text{ lbs/day}$  rounded off to 170 lbs/day

Weekly Average:  $167 \text{ lbs/day monthly average} \times 1.5 = 250.5 \text{ lbs/day}$  rounded off to 250 lbs/day

Daily Maximum:  $167 \text{ lbs/day monthly} \times 2 = 334 \text{ lbs/day}$

The facility's winter mass limits (monthly and weekly average and daily maximum) for BOD<sub>5</sub> and TSS are based on the flow of 1.5 MGD and a concentration of 30 mg/L. The winter calculations are:

Monthly Average:  $1.5 \text{ MGD} \times 30 \text{ mg/L} \times 8.34 = 375.3 \text{ lbs/day}$  rounded off to 380 lbs/day

Weekly Average:  $380 \text{ lbs/day} \times 1.5 = 570 \text{ lbs/day}$  rounded off to 650 lbs/day

Daily Maximum:  $380 \text{ lbs/day monthly} \times 2 = 760 \text{ lbs/day}$

All mass load limitations are again rounded to two significant figures, consistent with the number of significant figures associated with flow measurements with this facility, and with the accuracy of BOD measurements of 10 or greater. Because the current permit had lower mass load values, the current values will remain in place to avoid backsliding in the proposed permit.

### **7.2.2 Water Quality-Based Effluent Limits**

Once TBELs and applicable basin standards have been established for the treatment facility, WQBELs must be developed. DEQ has developed several tools for calculating WQBELs. The following table provides a summary of these tools.

**Table 10: Summary of Tools to Calculate WQBELs**

Parameter	Link to Analytical Tool/Description	Application
BOD	Streeter-Phelps D.O. Spreadsheet  Use to perform a Streeter-Phelps analysis to see if discharge will result in a DO sag and/or violation of DO standard.	<ul style="list-style-type: none"> <li>• For new dischargers.</li> <li>• For dischargers seeking a mass load increase.</li> </ul>
pH	pH RPA Spreadsheet  Use to perform a Reasonable Potential Analysis to see if the discharge has a reasonable potential to cause or contribute to violations of basin standards of pH.	<ul style="list-style-type: none"> <li>• For facilities that have a mixing zone, to see if basin standards will be met at the edge of the mixing zone.</li> </ul>
Temperature	Temperature RPA Spreadsheet XLSX  Use to perform a Reasonable Potential Analysis to see if the discharge has a reasonable potential to cause or contribute to water quality standards violations for temperature.	<ul style="list-style-type: none"> <li>• Use when facility does not already have a WLA for temperature.</li> </ul>
Ammonia	For ammonia, chlorine and other toxics listed in tables 20, 33A, 33B and 40:  Reasonable Potential Analysis Calculation Workbook, Domestic; Revision 3.1 (January 2013)	Ammonia: <ul style="list-style-type: none"> <li>• Use for facilities that discharge over 0.1 mgd, to insure no toxicity.</li> <li>• Use for facilities that have an ammonia limit when conditions have changed.</li> </ul>
Chlorine	Use to perform a Reasonable Potential Analysis to see if the discharge has a reasonable potential to cause or contribute to water quality standards violations for toxics.	Chlorine: <ul style="list-style-type: none"> <li>• Use for new facilities that do not have a limit for chlorine.</li> <li>• If a facility already has a limit, and conditions have changed, use limits tab of spreadsheet to re-calculate.</li> </ul>
Other toxics listed in Tables 20, 33A, 33B and 40 of OAR 340-041		Other toxics: <ul style="list-style-type: none"> <li>• Use for facilities that discharge over 1 mgd</li> <li>• Use for facilities where pollutant is known to be present.</li> </ul>

As can be seen from the above table, WQBELs are generally developed as a result of a Reasonable Potential Analysis (described in more detail later in subsequent sections). An exception to this is when DEQ has developed a TMDL for the receiving stream. When there is a TMDL, the permit limit(s) must be developed based on the waste load allocation (WLA) developed for the facility as part of the TMDL.

### 7.2.2.1 General Discussion of Reasonable Potential Analysis

EPA has developed a methodology called Reasonable Potential Analysis (RPA) for determining if there is a reasonable potential for a discharge to cause or contribute to violations of water quality standards for a particular parameter. It takes into account effluent variability, available dilution (if applicable), receiving stream water quality and water quality standards for the protection of aquatic life and human health. If the RPA results indicate that there is a potential for the discharge to cause or contribute to exceedances of water quality standards, the methodology is then used to establish permit limits that will not cause or contribute to violations of water quality standards.

DEQ has adopted EPA’s methodology for RPA, and has developed spreadsheets that incorporate this analysis.

The parameters for which a RPA must be performed will vary with the size and type of discharge. They are listed in the NPDES Permit Testing Requirements for Publicly Owned Treatment Works contained in Appendix J of 40 CFR Part 122. The relevant sections are reproduced below.

**Table 11: Testing Requirements for Publicly-Owned Treatment Works**

Pollutant List	Parameters for which RPA Needed
Table 1A – Effluent Parameters for All POTWs	pH, Temperature
Table 1 – Effluent Parameters for All POTWs w. Flow ≥ 0.1 MGD	Ammonia, Chlorine
Table 2 – Effluent Parameters for Selected POTWs Metals Volatile Organic Compounds Acid-extractable Compounds Base-neutral Compounds	All Parameters Listed
Table 3 - Pesticides, PCBs and Other Parameters w. Water Quality Criteria Organochlorine Pesticides PCBS Other Parameters with State Water Quality Criteria	All Parameters Listed

The parameters for which a RPA must be performed will vary with the size and type of discharge. They are listed in the NPDES Permit Application Testing Requirements contained in Appendix D of 40 CFR Part 122, and are reproduced in Sections 2.2.4 and 2.2.5 of DEQ’s Internal Management Directive (IMD) entitled “Reasonable Potential Analysis Process for Toxic Pollutants” (RPA IMD). This document may be found at: <https://www.oregon.gov/deq/filtered%20library/rpaimd.pdf>

Each of the parameters for which a RPA was performed is discussed in the sections below.

### 7.2.2.2 Reasonable Potential Analysis for pH

The pH of water is a measure of how acidic or basic a solution is. At a pH of 7.0, the solution is considered neutral. Most aquatic organisms can tolerate a fairly narrow range around 7.0.

As indicated in the last section (7.2.1), the applicable basin standard for City of Warrenton STP’s discharge to Columbia River for freshwater is 7.0 to 8.5. The federal secondary treatment standards allow City of Warrenton Sewage Treatment Plant to discharge effluent with pH between 6.0 and 9.0. Dilution within the mixing zone will ensure that the standard is met at the edge of the mixing zone (see Appendix B).



### 7.2.2.3 Reasonable Potential Analysis for Temperature

Water temperatures affect the life cycles of aquatic species and are a critical factor in maintaining and restoring healthy salmonid populations. The purpose of the temperature criteria in OAR 340-041-0028 is to protect designated, temperature-sensitive beneficial uses (including salmonid life cycle stages) from adverse warming caused by human activities.

#### Applicable Temperature Criteria

As with all pollutants in the permittee's discharge, the effluent temperature must be low enough to ensure compliance with applicable water quality criteria. The water quality criteria pertaining to temperature in Oregon are primarily based on the most sensitive aquatic species and life stages present in the water body. The most sensitive species are usually salmonids, though pacific eulachon (smelt), which are also present in this section of the Columbia River, have different critical life-stage periods and temperature needs. A temperature discussion related to eulachon follows the salmonid discussion below.

The City of Warrenton discharges to a segment of the Columbia River which serves as a migration corridor for salmonids (OAR 340-041-0101, Table 101B). OAR 340-041-0028(4)(d) states that the 7-day average maximum temperature of a stream identified as a salmonid migration corridor may not exceed 20°C (68°F).<sup>1</sup> As noted in Section 5.3, this segment of the Columbia River is listed as being water quality limited for temperature (year-round). A temperature TMDL for the Columbia River, which addresses this listing, was completed by the EPA on May 18, 2020. EPA has indicated that this TMDL is being modified to include a wasteload allocation, applicable from July through September, in the form of a thermal load to the treatment plant. This thermal load is 91.5 million kcal/day as a monthly average. The allocation applies from July through September, with no limitation required under the TMDL for the remainder of the year.

#### Eulachon Analysis

Pacific eulachon, a species listed as threatened under the Endangered Species Act, are known to migrate and spawn in the Columbia River and its tributaries. While there are no specific temperature criteria within Oregon's water quality rules for the protection of eulachon, DEQ must ensure that thermal mixing zones are as small as feasible and adverse effects to eulachon are minimized.

DEQ has previously performed detailed analyses related to eulachon for two other NPDES facilities on the Columbia River: GP Wauna Paper Mill and the City of Portland's Columbia Blvd. wastewater treatment plant. The results of these studies indicated that the discharges were unlikely to have any detrimental impact on eulachon (see the permit fact sheets for each of these facilities for detailed information). Since this facility has a relatively new outfall<sup>2</sup>, and with the receiving stream characteristics and effluent temperatures similar to the Columbia Blvd. facility's (but with much lower effluent flow than that facility), DEQ has concluded that the Warrenton discharge will be very unlikely to have any detrimental impact on eulachon due to the thermal nature of its discharge.

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<sup>1</sup> According to Oregon Department of Fish and Wildlife's online fish habitat distribution maps, existing uses of the stream include salmonid rearing in the channel areas near Outfall 001. The salmonid migration corridor use includes consideration that some downstream juvenile salmonid rearing occurs along with the migration use and the associated criterion (20°C) is considered protective of this use.

<sup>2</sup> The outfall has a multi-port diffuser and the mixing zone has been sized to be as small as feasible.

## Thermal Plumes Limitations

In addition to the temperature standard discussed above, DEQ's water quality standards also include "temperature thermal plume limitations" in OAR 340-041-0053(2)(d). This rule contains criteria designed to prevent potential adverse impacts that may result from thermal plumes. The criteria as they apply to the combined effluent from City of Warrenton's discharge to the Columbia River are discussed below:

1. OAR 340-041-0053(2)(d)(A): Impairment of an active salmonid spawning area where spawning redds are located or likely to be located. This adverse effect is prevented or minimized by limiting potential fish exposure to temperatures of 13 degrees Celsius (55.4 Fahrenheit) or more for salmon and steelhead, and 9 degrees Celsius (48 degrees Fahrenheit) or more for bull trout.

*City of Warrenton:* As noted above, the fish use for this segment of the Columbia River is listed in Oregon Administrative Rules as year-round salmonid migration. Salmon spawning is not a listed use and there is no known spawning habitat in the vicinity of the discharges from Outfall 001. Therefore, the discharge does not have the potential to adversely affect this criterion or use.

2. OAR 340-041-0053(2)(d)(B): Acute impairment or instantaneous lethality is prevented or minimized by limiting potential fish exposure to temperatures of 32°C or more to less than 2 seconds.

*City of Warrenton:* The daily maximum-recorded temperature of the discharge for the 2015 to 2019 period was 26.6°C, well below the 32°C criterion. Therefore, the discharge does not have the potential to cause acute impairment or instantaneous lethality due to the thermal plume. Since there is no reasonable potential associated with this criterion, no temperature limit is necessary in the permit.

3. OAR 340-041-0053(2)(d)(C): Thermal shock caused by a sudden increase in water temperature is prevented or minimized by limiting potential fish exposure to temperatures of 25°C or more to less than 5% of the cross-section of 100% of the 7Q10 low flow of the waterbody.

*City of Warrenton:* As noted above, the maximum daily temperature of the discharge for the 2015 to 2019 period was 19.8°C, below the 25°C thermal shock criterion. However, after mixing with less than 5% of the 7Q10 low flow, the temperature is just 20°C. As such, the effluent discharge does not have the potential to result in thermal shock potential within the Columbia River.

4. OAR 340-041-0053(2)(d)(D): Unless ambient temperature is 21°C or greater, migration blockage is prevented or minimized by limiting potential fish exposure to temperatures of 21°C or more to less than 25% of the cross-section of 100% of the 7Q10 low flow of the waterbody.

*City of Warrenton:* The migration blockage portion of the rule is based primarily on the USEPA guidance document, *EPA Region 10 Guidance for Pacific Northwest State and Tribal Temperature Water Quality Standards* (April 2003). Section V.3 of the document gives guidance on protecting salmonids from thermal plume impacts and provides this discussion on migration blockage:

*Adult migration blockage conditions can occur at 21°C. Therefore, EPA suggests that the cross-sectional area of a river at or above 21°C be limited to less than 25% or, if upstream temperature exceeds 21°C, the thermal plume be limited such that 75% of the cross-sectional area of the river has less than a de minimis (e.g., 0.25°C) temperature increase.*

The maximum-recorded receiving water temperature upstream of the discharge location is 23°C (from the 2015 to 2019 period). An analysis related to migration blockage, similar to the analysis for the migration criterion described above, was performed for the outfall. The analysis for Outfall 001 indicates that when the receiving water temperature is 21.0°C and the effluent temperature is at the maximum-recorded value (26.6°C), the effluent plume when it reaches 25% of the receiving stream's

cross-sectional area will be a maximum of 21.0°C (with less than a 0.1°C increase). An increase over the upstream temperature this small is considered a de minimis increase, which prevents or minimizes migration blockage.

Thus, the analysis indicates that the discharge from the Warrenton facility meets the temperature thermal plume limits in OAR 340-041-0053(2)(d).

#### **7.2.2.4 Temperature Conclusions**

Based upon the analysis presented above, the proposed permit will not require a limit for temperature to meet the requirements of OAR 340-041-0053 (thermal plumes). However, with the issuance of the EPA TMDL and pending revisions to the TMDL, a wasteload allocation for the facility applies to the discharge. This allocation is addressed in the proposed permit by including an effluent limit of 91.5 million kcal/day (monthly average) for the July – October period. The thermal limits in the current permit are a monthly average of 58,380,000 BTU/day and a 7-day moving average of 70,056,000 BTU/day, both based on the daily maximum effluent temperatures. These convert to 14.7 and 17.7 million kcal/day, respectively – values that are lower than the limit in the proposed permit. Although antibacksliding provisions generally do not allow relaxation of effluent limits in renewal permits, section 303(d)(4)(A) of the Clean Water Act allows relaxation when the receiving water is not in attainment for the limiting or related pollutant, the effluent limit is based on a TMDL wasteload allocation, and it can be shown that relaxation is consistent with antidegradation requirements. As noted above, the receiving water is water quality limited and the new limit is based on a TMDL WLA. It also complies with the antidegradation requirement since TMDL wasteload allocation ensures the temperature increase is an insignificant increase according to the Antidegradation Rule, OAR 340-041-0004(3)(c). Therefore, the new thermal load limit based on the TMDL wasteload allocation is allowed and is included in the proposed permit.

To demonstrate compliance with the thermal load limit, the daily thermal load discharged is calculated by multiplying the daily effluent flow by the average daily effluent temperature and a standard conversion factor. The daily thermal loads are averaged for the month and must be equal to or less than 91.5 million kcal/day.

The follow formula is to be used to calculate the thermal loading of the effluent:

$$TL_e = T_e \times Q_e \times c$$

Where,

$TL_e$  = Daily Thermal Load (million kcal/day)

$T_e$  = Daily average effluent temperature (°C).

$Q_e$  = Effluent Flow (million gallon per day (MGD))

$c$  = Conversion factor = 3.78

The daily thermal load values are then averaged over the month to give the monthly thermal load discharged.

#### **7.2.2.5 Reasonable Potential Analysis for Ammonia**

Water quality criteria for ammonia vary with pH and temperature, and with the presence of salmonids. The RPA for ammonia was performed assuming that the combined flows were 2.5 MGD, The maximum ammonia value adjusted for the combined amounts of ammonia from both the City of Warrenton STP and Pacific Seafoods Warrenton was 2.5 mg/L.

The results of the RPA for ammonia indicate that there is no reasonable potential for the discharge to cause or contribute to exceedances of the water quality criteria for ammonia. Based on these results, the proposed permit will not contain a permit limit for ammonia.

RPA results are included in Appendix B.

DEQ conducted a statewide analysis showing that limits for total dissolved solids are not warranted for any domestic wastewater treatment plants because TDS concentrations that are typically found in domestic effluent do not have the reasonable potential to negatively impact beneficial uses.

### 7.3 Schedule A. Waste Discharge Limits

The proposed permit limits for City of Warrenton Sewage Treatment Plant are included in Schedule A of the permit. The numeric limits in Schedule A are reproduced below. These limits are the result of the analyses described in Section 7.2. Schedule A of the permit also contains conditions relating to the mixing zone.

The proposed effluent limits for Outfall 001 are as follows:

Outfall 001 - Treated Effluent

- a. BOD<sub>5</sub>, and TSS
  - i. May 1 – October 31: During this time period the permittee must comply with the limits in the following table:

Table 12: BOD<sub>5</sub> and TSS Limits

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum lbs
	Monthly	Weekly			
BOD <sub>5</sub>	20	30	167	250	334
TSS	20	30	167	250	334

- ii. November 1 – April 30: During this time period the permittee must comply with the limits in the following table:

Table 13: BOD<sub>5</sub> and TSS Limits

Parameter	Average Effluent Concentrations, mg/L		Monthly Average lbs/day	Weekly Average lbs/day	Daily Maximum Lbs
	Monthly	Weekly			
BOD <sub>5</sub>	30	45	375	563	750
TSS	30	45	375	563	750

- b. Additional Parameters. Permittee must comply with the limits in the following table (year round except as noted):

**Table 14: Limits for Additional Parameters**

Year-round (except as noted)	Limits
BOD <sub>5</sub> and TSS Removal Efficiency	May not be less than 85% monthly average for BOD <sub>5</sub> and TSS
Excess Thermal Load (July 1 – Sept. 30)	Monthly average ETL may not exceed 91.5 million kcal/day
Fecal coliform Bacteria	Must not exceed a monthly median of 14 organisms per 100 ml, not more than 10% of the samples may exceed 43 organisms per 100 ml
Enterococci Bacteria	Must not exceed a monthly geometric mean of 35 organisms per 100 ml, not more than 10% of the samples may exceed 130 organisms per 100 ml
pH	May not be outside the range of 6.0 to 9.0 S.U.

### 7.3.1 Discussion of Permit Limits

The limits in Tables A1 are discussed in detail below, in the following order:

**a. BOD<sub>5</sub> and TSS Concentration, Mass Load and Percent Removal Limits**

BOD<sub>5</sub> and TSS can be thought of as indicators of the “strength” of the effluent. The development of concentration and mass limits for BOD<sub>5</sub> and TSS was described in Section 7.2.1. As explained, these are TBELs adjusted for the fact that City of Warrenton Sewage Treatment Plant has a sequencing batch reactor system (see Section 4.1)

The removal efficiency required by the permit is 85%.

The derivation of this removal efficiency was described in Section 7.2.1; and is consistent with:

- The Code of Federal Regulations (40 CFR part 133) for any type of activated sludge system.

The limits described above for BOD<sub>5</sub> and TSS are all TBELs.

**b. Thermal Load (TL)**

A permit limit for thermal load is 91.5 Mkal/day as a monthly average is included in this permit. Further discussion is in Sections 7.2.2.3 – 7.2.2.6.

**c. Bacteria**

Limits for bacteria are considered to be WQBEL and must be met at end of pipe. Since the permittee discharges to an estuarine section of the Columbia River the permit includes effluent limits based on the coastal contact recreation criteria from OAR 340-041-009(6)(b). Therefore, the numeric criteria limits for bacteria in the proposed permit are:

**Enterococci**

**Coastal contact recreation**

OAR 340-041-0009(6)(a) requires discharges of bacteria into coastal waters meet a monthly geometric mean of 35 enterococcus organisms per 100 mL, with no more than 10 percent of samples exceeding 130 enterococcus organisms per 100 mL.

## **Fecal Coliform**

### **Coastal contact recreation and Shellfish Harvesting**

The proposed limits are based on the fecal coliform standard contained in OAR 340-041-0009(1)(b). The proposed limits are a monthly median concentration of 14 organisms per 100 milliliters, with not more than ten percent of the samples exceeding 43 organisms per 100 ml.

On December 16, 2004, the US EPA promulgated the Beach Act in Oregon, which established an additional standard for coastal recreation waters (40 CFR 131.41). The applicable standard to protect this use is a monthly geometric mean of not more than 35 organisms per 100 ml for enterococcus bacteria.

#### **d. pH**

The derivation of pH limits is described in Section 7.2.2.2.

- These limits were set as Technology Based Effluent Limits in this permit..

#### **e. Ammonia**

Ammonia is a substance normally found in wastewater. The wastewater treatment processes, particularly aeration and biological treatment, can convert a large portion to nitrate and nitrite, but the treated effluent still contains some ammonia. After discharge, the continued process of oxidizing the ammonia removes dissolved oxygen from the receiving stream.

Unionized ammonia is also a toxic agent and may have to be limited to prevent toxicity. The water outside the boundary of the mixing zone must be free of materials in concentrations that will cause chronic (sublethal) toxicity while the water outside the ZID must be free of pollutants that will cause acute toxicity.

Finally, nitrogen compounds (including ammonia) are nutrients that can contribute to excessive biological growth that cause violations of water quality standards. The problems could manifest as visual or aesthetic impairment or could be the cause of excessive dissolved oxygen or pH fluctuations.

If ammonia is discharged at a level which will cause, has the reasonable potential to cause, or contribute to an excursion above any state water quality standard (either as a nutrient or to prevent dissolved oxygen depletion or toxicity), ammonia must be limited by the permit.

The permit does not contain mass load limits for ammonia. The primary purpose for mass limits is to prevent water quality violations from cumulative effects of conservative pollutants. Mass-based limits are particularly important for control of bioaccumulative pollutants. Ammonia, however, is neither a conservative nor a bioaccumulative pollutant since microbes in the receiving stream rapidly oxidize ammonia into nitrate. Therefore, cumulative effects outside of the regulatory mixing zone are not a concern. Also, the City of Warrenton STP's mixing zone does not overlap any other mixing zones. Additionally, effluent limits calculations are based on critical low flow conditions without any allowance for degradation in the mixing zone. Under these conditions, mass-based limits in addition to concentration-based limits are unnecessary for protection on water quality."

## **7.3.2 Discussion of Other Schedule A Requirements**

In addition to permit limits for specific parameters, Schedule A also contains requirements pertaining to These are discussed in more detail below, in the following order:

**a. Mixing Zone**

The current permit provides for a mixing zone defined as: The allowable mixing zone is that portion of the Columbia River extending from a point 100 feet upstream of the outfall to a point 100 feet downstream from the outfall. The Zone of Immediate Dilution (ZID) is defined as that portion of the allowable mixing zone that is within 10 feet of the point of discharge.

**b. Recycled Water**

The permit describes the treatment criteria and management practices the permit holder must satisfy to distribute water for reuse. The requirements in Schedule A of the permit are derived from OAR 340-055.

**c. Biosolids**

The permit describes what discharge limits and management practices the facility must satisfy to beneficially reuse biosolids as a soil amendment or fertilizer. The requirements in Schedule A of the permit contain limits for biosolids and are derived from OAR 340-050.

**d. Chlorine Usage**

Because the City of Warrenton Sewage Treatment Plant uses UV disinfection, the permit prohibits the use of chlorine or chlorine compounds for disinfection.

## **7.4 Schedule B – Minimum Monitoring and Reporting Requirements**

Section 2 of Schedule B describes monitoring and reporting protocols for the permit and includes the following:

- a. Electronic Submissions
- b. Test Methods
- c. Detection and Quantitation Limits
- d. Quality Assurance and Quality Control (QA/QC)
- e. Re-analysis and Re-sampling if QA/QC Requirements Not Met
- f. Reporting Procedures
- g. Calculating and Reporting Mass Loads

Schedule B also describes the minimum monitoring and reporting necessary to demonstrate compliance with the conditions of this permit. The authority to require periodic reporting by permittees is included in ORS 468.065(5). Self-monitoring requirements are the primary means of ensuring that permit limits are being met. Other parameters may also need to be monitored when insufficient data exist to establish a limit, but where there is a potential for a water quality concern.

DEQ has developed monitoring and reporting matrices that establish monitoring and reporting frequencies based on the size and complexity of the facility. These matrices were used to establish the monitoring and reporting requirements for the proposed permit.

**Table B1: Reporting Requirements and Due Dates**

This table summarizes, for the convenience of the permit holder, the information contained in the previously-listed tables.

**Tables B2 and B3: Influent and Effluent Monitoring**

These tables specify the parameters to be monitored on a regular basis in the influent and effluent, along with associated monitoring frequencies, sample types and related reporting requirements.

**Table B4: Ambient Monitoring**

This table specifies the frequency, type and location of sampling conducted upstream of Outfall 001.



### **Tables B5 through B9: Monitoring for Toxics Monitoring and Other Parameters**

Because the City of Warrenton STP discharges more than 1 mgd, the permit contains additional monitoring requirements for toxic pollutants. These parameters are listed in Tables B6 through B11 in Schedule B. The permit holder must collect a minimum of four samples for each of these parameters during the permit cycle. DEQ will then evaluate these results to determine if additional sampling will be needed.

If DEQ's analysis indicates that the permit holder's effluent may cause or contribute to exceedances of water quality standards at the point of discharge with no dilution present, the permit holder will first be required to submit a sample and analysis plan for DEQ approval. The requirements for the sampling plan are listed in Schedule B, condition 6. The purpose of this follow up monitoring will be to determine if the discharge has a reasonable potential to cause or contribute to exceedances of water quality for the toxics in question in Columbia River.

### **Tables B10 and B11: Biosolids Monitoring Requirements and Monitoring Frequency**

This table lists the monitoring requirements that pertain to biosolids, consistent with OAR 340-050-0035.

In addition to biosolids monitoring at the treatment facility, the facility is required to maintain records on the land application of biosolids. Records must be sufficient to demonstrate that biosolids were applied within agronomic loading rates and following required site management practices. The permit requires the permittee to record the date, quantity, and location of biosolids applied to the land on a site map or electronic GIS system.

## **7.5 Schedule C- Compliance Schedules and Conditions**

There is no compliance schedule included in the proposed permit.

## **7.6 Schedule D - Special Conditions**

### **7.6.1 Inflow and Infiltration**

As described in Section 4.3 on the sewage collection system, it is important for the permit holder to assess and take steps to reduce the rate of infiltration and inflow of stormwater and groundwater into the sewer system. Consistent with this, Schedule D of the permit requires the permit holder to undertake activities to track and reduce I/I in the sewer system.

### **7.6.2 Emergency Response and Public Notification Plan**

Municipal wastewater treatment facilities are required, under General Condition B.8. in Schedule F, to have an Emergency Response and Public Notification Plan.

### **7.6.3 Recycled Water Use Plan**

Conditions requiring the permit holder to develop and maintain a recycled water use plan are provided in Schedule D. The recycled water use plan must meet the requirements in OAR 340-055-0025 and include location-specific information describing where and how recycled water is managed to protect public health and the environment. Since the City of Warrenton does not produce recycled water, there are no recycled water use plan requirements included in the proposed permit.

## **7.6.4 Exempt Wastewater Reuse at the Treatment System**

Schedule D exempts the permit holder from the recycled water requirements in OAR 340-055, when recycled water is used for landscape irrigation at the treatment facility or for in-plant processes, such as in plant maintenance activities. Landscape irrigation includes water applied to small-scale irrigation such as supplying supplemental irrigation to turf grass, shrubs, and ornamental trees. Landscape irrigation may include the irrigation of native vegetation along dikes, banks, and earthen impounds around wastewater lagoons—especially as needed to reduce erosion and maintain structural integrity. Landscape irrigation does not include large-scale of pasture, hayfields, or native vegetation adjacent to wastewater treatment facility (i.e., these activities are subject to OAR 340-055 and require development of a recycled water use plan). All of the conditions listed in (6)(i) through (6)(iv), Schedule D of the permit must be satisfied for an exempt use to be valid.

## **7.6.5 Wastewater Solids Transfers**

The permit allows the facility to transfer treated or untreated wastewater solids to other in-state or out-of-state facilities that are permitted to accept the wastewater solids. The permittee is required to monitor, report, and dispose of solids as required by the permit of the receiving facility. Wastewater solids that are transferred out-of-state must meet all requirements for the use of disposal or wastewater solids as required by both Oregon and the receiving state.

## **7.6.6 Engineering Design Specifications**

As discussed previously, the permit holder is operating a facility that is approaching enough capacity to be considered a major discharger. Since the current specifications do not include the design statistic for engineering design flows, the city will be required to submit an updated engineering design plan that includes all of the design flows including the average dry weather design flow.

## **7.6.7 Operator Certification**

The permit holder is required to have a certified operator consistent with the size and type of treatment plant covered by the permit. The language in this section of the permit describes the requirements relating to operator certification. An updated copy of the wastewater classification worksheet for City of Warrenton Sewage Treatment Plant is attached as Appendix D.

## **7.6.8 Industrial User Survey**

The permit holder is required to conduct an industrial user survey every five years. The purpose of the survey is to identify whether there are any categorical industrial users discharging to the POTW, and ensure regulatory oversight of these discharges to state waters.

## **7.6.9 Outfall Inspection**

The permit holder is required to inspect Outfall 001 to determine if the outfall is intact, clear and fully functional. The permittee must complete the inspection and submit a report documenting the findings of the inspection to DEQ.

## **7.7 Schedule E - Pretreatment**

The permittee does not have a DEQ-approved industrial pretreatment program. Based on current information, no industrial pretreatment program is needed.

## 7.8 Schedule F – NPDES General Conditions

These conditions are standard to all domestic NPDES permits and include language regarding operation and maintenance of facilities, monitoring and record keeping, and reporting requirements. The General Conditions for all individual permits issued by DEQ were substantially revised in August 2009. Minor modifications have been made since then. A summary of the changes is as follows:

- There are additional citations to the federal Clean Water Act and CFR, including references to standards for sewage sludge use or disposal.
- There is additional language regarding federal penalties.
- Bypass language has been made consistent with the Code of Federal Regulations and with other EPA Region 10 states.
- Reporting requirements regarding overflows have been made more explicit.
- Requirements regarding emergency response and public notification plans have been made more explicit.
- Language pertaining to duty to provide information has been made more explicit.
- Confidentiality of information is addressed.



# Appendix B: Reasonable Potential Analysis

## AMMONIA (Freshwater)

Ammonia RPA Calculation (2013 Criteria) Revision 1.7																		
RPA Run Information				Please complete the following General Facility Information														
Facility Name:	Warrenton STP			1. Enter Facility Design Flow (MGD)	0.99	4. If answered "Yes" to Question 2, then fill in dilution factors from mixing zone study												
DEQ File Number:	93769			2. Do I have dilution values from a mixing zone study? (Yes/No)	Yes	Dilution @ ZID (from study)	10											
Permit Writer Name:	Feldman			3. If answered "No" to Question 2, then fill in the following table:		Dilution @ MZ 7Q10 (from study)	47											
Outfall Number:	1			Stream Flow: 7Q10	CFS	na	Dilution @ MZ 30Q5 (from study)	47										
Date of RPA Run:	6/10/2020			Stream Flow: 30Q5	CFS	na	Dilution @ MZ 30Q5 (from study)	47										
RPA Run Notes:				Stream Flow: 1Q10	CFS	na	7. Are Salmonid present? (Yes/No) (Mussels presumed present)	Yes										
KEY:	-- Intermediate calc.s			% dilution at ZID	%	10%	8. Please enter statistical Confidence and Probability values (note: defaults already entered)											
* Enter data here	-- Calculated results			% dilution at MZ	%	25%	Confidence Level	%ile			99%							
				Calculated Dilution Factors				Probability Basis	%ile			95%						
				Dilution @ ZID	10													
				Dilution @ MZ (7Q10)	47													
				Dilution @ MZ (30Q5)	47													
Dilution Calculations																		
Inputs				Outputs														
				Upstream			Effluent			Mixing Zone								
				ZID	MZ (7Q10)	MZ (30Q5)	ZID	MZ (7Q10)	MZ (30Q5)	ZID	MZ (7Q10)	MZ (30Q5)	ZID	MZ (7Q10)	MZ (30Q5)			
Dilution Factors				10.0	47.0	47.0	pKa	6.4	6.4	6.4	20.3	19.4	19.4					
Upstream Characterization				Acute	Chronic	Total Inorganic Carb. mg/L CaCO <sub>3</sub>			76.0	67.9	67.9	71.3	66.6	66.6				
Temperature	deg. C	20.595	19.502778	pKa			6.4	6.4	6.4	Alkalinity mg/L CaCO <sub>3</sub>			74	65.5				
pH		7.955	7.825	Ionization Fraction			0.8	0.7	0.7	Total Inorganic Carb. mg/L CaCO <sub>3</sub>			74.0	70.2	70.2			
Alkalinity	mg/L CaCO <sub>3</sub>	74	65.5	Total Inorganic Carb. mg/L CaCO <sub>3</sub>			56.1	176.0	176.0	pKa			6.4	6.4	6.4			
Effluent Characterization				Acute	Chronic	pKa			6.4	6.4	6.4	pH			7.1	6.7128224		
Temperature	deg. C	17.72639	14.959757	Ionization Fraction			0.8	0.7	0.7	Alkalinity mg/L CaCO <sub>3</sub>			46.8	116.55102				
pH		7.1	6.7128224	Total Inorganic Carb. mg/L CaCO <sub>3</sub>			56.1	176.0	176.0	Salinity			ppt	--	--			
Alkalinity	mg/L CaCO <sub>3</sub>	46.8	116.55102	Total Inorganic Carb. mg/L CaCO <sub>3</sub>			74.0	70.2	70.2									
*Calculation of pH of a mixture of two flows based on the procedure in EPA's DESCON program (EPA, 1988. Technical Guidance on Supplementary Stream Design Conditions for Steady State Modelling. USEPA Office of Water,																		
** Selection of acute alkalinity %ile is based on pH of effluent vs ambient. For the chronic criteria, average alkalinity values are used.																		
Reasonable Potential Analysis																		
Pollutant Parameter	Identify Pollutants of Concern					Determine In-Stream Conc.				WQ CRITERIA								
	# of Samples	Highest Effluent Conc.	Coefficient of Variation	Est. Maximum Effluent Conc.	RP at end of pipe?	Ambient Conc.	Max Total Conc. at ZID	Max Total Conc. at RMZ (7Q10)	Max Total Conc. at RMZ (30Q5)	Acute CMC	Chronic Calc. (4-day avg.)	Chronic Calc. (7Q10)	Chronic Calc. (30 day avg.)					
Ammonia (Freshwater Salmonids)	32	2.4955536	0.72734	3.5	Yes	0.0583333	0.40	0.13	0.13	5.47	3.12	--	1.2					
Ammonia (Freshwater, Salmonids absent)	--	--	--	--	--	--	--	--	--	--	--	--	--					
Ammonia (Salt Water)	--	--	--	--	--	--	--	--	--	--	--	--	--					
Pollutant Parameter	Det. Reasonable Potential																	
	Is there Reasonable Potential to Exceed? (Yes/No)																	
Ammonia (Freshwater Salmonids)	NO	NO	NO	NO														
Ammonia (Freshwater, Salmonids absent)	--	--	--	--														
Ammonia (Salt Water)	--	--	--	--														
Effluent Limits																		
Pollutant Parameter	# of Req's Sample	Waste Load Allocations				Long Term Average				Effluent Limits								
		Acute WLA	Chronic WLA (4 day avg.)	Chronic WLA (7Q10)	Chronic WLA (30Q5)	Acute LTA	Chronic LTA (4 day avg.)	Chronic LTA (7Q10)	Chronic LTA (30Q5)	Min. LTA	Max Daily (MDL)	Monthly (AML)						
Ammonia (Freshwater Salmonids)	--	na	na	na	na	na	na	na	na	na	99%	95%						
Ammonia (Freshwater, Salmonids absent)	--	--	--	--	--	--	--	--	--	--	na	na						
Ammonia (Salt Water)	--	--	--	--	--	--	--	--	--	--	--	--						



(Saltwater)

Ammonia RPA Calculation (2013 Criteria) Revision 1.7

RPA Run Information		Please complete the following General Facility Information					
Facility Name:	Warrenton STP	1. Enter Facility Design Flow (MGD)	0.99	4. If answered "Yes" to Question 2, then fill in dilution factors from mixing zone study			
DEQ File Number:	93769	2. If answered "Yes" to Question 2, then fill in the following table	Yes	Dilution @ ZID (from study)	10		
Permit Writer Name:	Feldman	Stream Flow: 7Q10	CFS	na	Dilution @ MZ 7Q10 (from study)	47	
Outfall Number:	1	Stream Flow: 30Q5	CFS	na	Dilution @ MZ 30Q5 (from study)	47	
Date of RPA Run:	6/9/2020	Stream Flow: 1Q10	CFS	na	5. If the receiving waterbody fresh or salt water (fresh/saltwater) then enter salinity (ppt)	Salt	
RPA Run Notes:		% dilution at ZID	%	10%	Ambient Salinity	ppt	5.96
KEY:	-- Intermediate calc.s	% dilution at MZ	%	25%	Effluent Salinity	ppt	0.1
* Enter data here	-- Calculated results	Calculated Dilution Factors			7. Are Salmonid present? (Yes/No) (Mussels presumed present)		Yes
		Dilution @ ZID		10	8. Please enter statistical Confidence and Probability values (note: defaults already entered)		
		Dilution @ MZ (7Q10)		47	Confidence Level	%/Ile	99%
		Dilution @ MZ (30Q5)		47	Probability Basis	%/Ile	95%

Dilution Calculations				
Inputs		Outputs		
	ZID	MZ (7Q10)	MZ (30Q5)	
Dilution Factors	10.0	47.0	47.0	
<b>Upstream Characterization</b>		<b>Acute</b>	<b>Chronic</b>	
Temperature	deg. C	20.595	19.502778	
pH		7.955	7.825	
Alkalinity	mg/L CaCO <sub>3</sub>	74	65.5	
<b>Effluent Characterization</b>				
Temperature	deg. C	17.72639	14.959757	
pH		7.1	6.7128224	
Alkalinity	mg/L CaCO <sub>3</sub>	46.8	116.55102	
<b>Upstream</b>				
pKa		6.4	6.4	6.4
Ionization Fraction		1.0	1.0	1.0
Total Inorganic Carbc	mg/L CaCO <sub>3</sub>	76.0	67.9	67.9
<b>Effluent</b>				
pKa		6.4	6.4	6.4
Ionization Fraction		0.8	0.7	0.7
Total Inorganic Carbc	mg/L CaCO <sub>3</sub>	56.1	176.0	176.0
<b>Mixing Zone</b>				
Temperature	deg. C	20.3	19.4	19.4
Alkalinity	mg/L CaCO <sub>3</sub>	71.3	66.6	66.6
Total Inorganic Carbc	mg/L CaCO <sub>3</sub>	74.0	70.2	70.2
pKa		6.4	6.4	6.4
pH		7.8	7.7	7.7
Salinity	ppt	5.4	5.8	

\*Calculation of pH of a mixture of two flows based on the procedure in EPA's DESCON program (EPA, 1988. Technical Guidance on Supplementary Stream Design Conditions for Steady State Modeling. USEPA Office of Water,

\*\* Selection of acute alkalinity %Ile is based on pH of effluent vs ambient. For the chronic criteria, average alkalinity values are used.

Reasonable Potential Analysis													
Pollutant Parameter	Identify Pollutants of Concern					Determine In-Stream Conc.				WQ CRITERIA			
	# of Samples	Highest Effluent Conc.	Coefficient of Variation	Est. Maximum Effluent Conc.	RP at end of pipe?	Ambient Conc.	Max Total Conc. at ZID	Max Total Conc. at RMZ (7Q10)	Max Total Conc. at RMZ (30Q5)	Acute CMC	Chronic Calc. (4-day avg.)	Chronic Calc. (7Q10)	Chronic Calc. (30 day avg.)
Ammonia (Freshwater Salmonids)	--	--	--	--	--	--	--	--	--	--	--	--	--
Ammonia (Freshwater, Salmonids absent)	--	--	--	--	--	--	--	--	--	--	--	--	--
Ammonia (Salt Water)	32	2.4955536	0.72734	3.5	Yes	0.0583333	0.4	0.1	--	7.9	--	1.79	--
Pollutant Parameter	Det. Reasonable Potential				Is there Reasonable Potential to Exceed? (Yes/No)								
	Acute	Chronic (4 day avg.)	Chronic (7Q10)	Chronic (30 day avg.)									
Ammonia (Freshwater Salmonids)	--	--	--	--									
Ammonia (Freshwater, Salmonids absent)	--	--	--	--									
Ammonia (Salt Water)	NO	--	NO	--									

Effluent Limits												
Pollutant Parameter	# of Req's Samples	Waste Load Allocations				Long Term Average				Effluent Limits		
		Acute WLA	Chronic WLA (4 day avg.)	Chronic WLA (7Q10)	Chronic WLA (30Q5)	Acute LTA	Chronic LTA (4 day avg.)	Chronic LTA (7Q10)	Chronic LTA (30Q5)	Min. LTA	Max Daily (MDL)	Monthly (AML)
		mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	99%	95%
Ammonia (Freshwater Salmonids)	--	--	--	--	--	--	--	--	--	--	--	--
Ammonia (Freshwater, Salmonids absent)	--	--	--	--	--	--	--	--	--	--	--	--
Ammonia (Salt Water)	--	na	na	na	na	na	na	na	na	na	na	na

pH RPA (Freshwater)

**pH RPA Analysis (v1.1)**

Facility Name: City of Warrenton STP	<b>Instructions:</b> 1. Enter information into 2. Enter ambient and effluent 3. Enter mixing zone dilution 4. Enter data source information 5. If there is reasonable potential 6. Copy and paste "pH Analysis"
Permit Writer: Feldman	
Run Date: 6/17/20	
Run Notes:	

pH Analysis		
INPUT	Lower pH	Upper pH
	Criteria	Criteria
1. DILUTION AT MZ BOUNDARY	47	47
2. UPSTREAM CHARACTERISTICS		
Temperature (deg C):	12.5	19.5
pH:	7.6	7.9
Alkalinity (mg CaCO3/L):	59.0	74.0
3. EFFLUENT CHARACTERISTICS		
Temperature (deg C):	12.1	17.7
pH (S.U.):	6.0	9.0
Alkalinity (mg CaCO3/L):	46.8	239.0
4. APPLICABLE PH CRITERIA	6.0	9.0
<b>pH at Mixing Zone Boundary:</b>	<b>7.4</b>	<b>7.9</b>
<b>Is there Reasonable Potential?</b>	<b>No</b>	<b>No</b>
<b>Proposed Effluent Limits</b>	<b>6.0</b>	<b>9.0</b>
<u>Effluent Data Source:</u> AWQMS and Pacific Seafood DMRs		
<u>Ambient Data Source:</u> AWQMS		



pH (Saltwater)

**Calculation of pH of a mixture of two flows in Marine Waters.**

Based on the CO2SYS program (Lewis and Wallace, 1998),  
<https://www.nodc.noaa.gov/ocads/oceans/CO2SYS/co2rprt.html>  
 Adapted from Wa. Department of Ecology 3/2019

Facility Name: City of Warrenton STP  
 Outfall Name: 001  
 Modeller Name: Feldman  
 Run Date: 7/9/20

Discharge Area Characteristics	Characterization Values	
Dilution at Mixing Zone boundary	47	47
Depth of Discharge (m)	100	100

**Background Area Characteristics (@critical condition)**

Temperature (deg C):	16.2	16.2
pH:	7.8	7.8
Salinity (psu)	5.0	5.0
Total Alkalinity (meq/L):	1.3	1.3
Total Alkalinity (mg/l)	65.5	65.5

**Effluent Characteristics**

Temperature (deg C):	15.0	15.0
pH:	6.0	9.0
Salinity (psu)	6.0	6.0
Total Alkalinity (meq/L):	2.8	2.8
Total Alkalinity (mg/l)	140.0	140.0

**Conditions at the Mixing Zone Boundary**

Temperature (deg C)	16.1	16.1
Salinity (psu)	5.0	5.0
Density (kg/m^3)	1003.3	1003.3
Alkalinity (mmol/kg-SW)	1.3	1.3
Total Inorganic Carbon (mmol/kg-SW)	1.4	1.3
pH	7.3	7.9

Calculate Calculate

	Lower pH	Upper pH
Water Quality Criterion (Basin Standards or TBELs)	6.0	9.0
Is there Reasonable Potential?	No	No

# Appendix C: Antidegradation Review Sheet

*All questions are needed to provide complete documentation and avoid unnecessary comments during the public comment period.*

Applicant:

1. What is the name of the surface water that receives the discharge? Columbia River

Briefly describe the proposed activity: Municipal wastewater treatment

This review is for a:  Renewal  New

[Go to Step 2.](#)

2. Are there any existing uses associated with the water body that are not included in the list of designated uses? Example: DEQ's Fish Use Designation Maps identify the waterbody as supporting salmonid migration; however ODFW has determined that it also supports salmonid spawning.

Yes. Identify additional use(s), the basis for conclusion, and the applicable criteria: . Go to [Step 3.](#)

No. Go to [Step 3.](#)

3. Was the analysis of the impact of the proposed activity performed relative to criteria applicable to the most sensitive beneficial use?

Yes. Go to [Step 4.](#)

No. Re-do analysis to develop permit limits using correct criteria, and modify permit as necessary. Go to [Step 4.](#)

4. Is this surface water an **Outstanding Resource Water** or **upstream** from an **Outstanding Resource Water**? Note: OAR 340-041-0004(8)(a) contains criteria for designating such waters. Example: North Fork Smith River

Yes. [Go to Step 7.](#)  No. [Go to Step 5.](#)

5. Is this surface water a **High Quality Water**? A High Quality Water is one for which none of the pollutants are Water Quality Limited. To determine, go to the database at <http://www.deq.state.or.us/wq/assessment/rpt2010/search.asp> and under Listing Status, select "Water Quality Limited – All (Categories 4 and 5)".

Yes. [Go to Step 10.](#)  No. [Go to Step 6.](#)

6. Is this surface water a **Water Quality Limited Water**? To determine, use the same database query as Step 5.

Yes. [Go to Step 16.](#)  No. [Go to Step 4.](#) (you must answer "yes" to either question 4, 5, or 6)

Note: The surface water must fall into one of 3 categories: Outstanding Resource Water ([Step 4](#)), High Quality Water ([Step 5](#)), or Water Quality Limited Water ([Step 6](#)).



7. Will the proposed activity result in a permanent new or expanded source of pollutants directly to or affecting the **Outstanding Resource Water**? [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see “Is an Activity Likely to Lower Water Quality?” in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications*.]
- Yes, Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23](#).
- No. Please provide basis for conclusion: [Go to Step 8](#).
8. Will the proposed activity result in a lowering of water quality in the **Outstanding Resource Water**? [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see “Is an Activity Likely to Lower Water Quality?” in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications*.]
- Yes. Provide basis for conclusion: [Go to Step 9](#).
- No. Provide basis for conclusion: [Go to Step 20](#).
9. If the proposed activity results in a non-permanent new or expanded source of pollutants directly to or affecting an **Outstanding Resource Water**, will the lowering of water quality in the **Outstanding Resource Water** be on a short-term basis in response to an emergency or to protect human health and welfare?
- Yes. Proceed with Application Process to Interagency Coordination and Public Comment. [Go to Step 23](#).
- No. Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 20](#).
10. Will the proposed activity result in a Lowering of Water Quality in the **High Quality Water** [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see “Is an Activity Likely to Lower Water Quality?” in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications*.]
- Yes. [Go to Step 11](#).
- No. Proceed with Permit Application. Applicant should provide basis for conclusion: [Go to Step 23](#).
11. OAR 340-041-0004(6)(c) of the *High Quality Waters Policy* requires that the Department evaluate the application to determine that all water quality standards will be met and beneficial uses protected after allowing discharge to **High Quality Waters**. Will all water quality standards be met and beneficial uses protected?
- Yes. Provide basis for conclusion: Proceed with Application Process to Interagency Coordination and Public Comment. [Go to Step 12](#).
- No. Provide basis for conclusion. Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23](#).

12. OAR 340-041-0004(6)(a) of the High Quality Waters Policy requires that the Department evaluate the application to determine if no other reasonable alternatives exist except to discharge to High Quality Waters. At a minimum, the following list must be considered:

- Improved operation and maintenance of existing treatment system
- Recycling or reuse with no discharge
- Discharge to on-site system
- Seasonal or controlled discharges to avoid critical water quality periods
- Discharge to sanitary sewer
- Land application

Were any of the alternatives feasible?

Yes. Provide basis for conclusion (see below for information requirements):  
Recommend Preliminary Decision that applicant use alternative. [Go to Step 10.](#)

No. Provide basis for conclusion (see below for information requirements): [Go to Step 13.](#)

In a separate statement to this application, please explain the **technical feasibility** of the alternative, explain the **economic feasibility** of the alternative, and provide an **estimated cost** of NPDES permit alternative for a five-year period from start-up.

13. OAR 340-041-0004(6)(b) of the *High Quality Waters Policy* requires that the Department evaluate the application to determine if there are social and economic benefits that outweigh the environmental costs of allowing discharge to High Quality Waters. Do the social and economic benefits outweigh the environmental costs of lowering the water quality?

Yes. Provide basis for conclusion (see below for information requirements): [Go to Step 14.](#)

No. Provide basis for conclusion (see below for information requirements): [Go to Step 23.](#)

The basis for conclusion should include a discussion of whether the lowering of water quality is necessary and important. “Necessary” means that the same social and economic benefits cannot be achieved with some other approach. “Important” means that the value of the social and economic benefits due to lowering water quality is greater than the environmental costs of lowering water quality.

Benefits can be created from measures such as:

- Creating or expanding employment (provide current/expected number of employees, type & relative amount of each type)
- Increasing median family income
- Increasing community tax base (provide current/expected annual sales, tax info)
- Providing necessary social services
- Enhancing environmental attributes

Environmental costs can include:

- Losing assimilative capacity otherwise used for other industries/development
- Impacting fishing, recreation, and tourism industries negatively
- Impacting health protection negatively
- Impacting societal value for environmental quality negatively



14. OAR 340-041-0004(6)(d) of the *High Quality Waters Policy* requires that DEQ prevent federal threatened and endangered aquatic species from being adversely affected. Will lowering the water quality likely result in adverse effects on federal threatened and endangered aquatic species?
- Yes, please provide basis for conclusion (see below for information requirements): [Go to Step 23.](#)
- No, please provide basis for conclusion (see below for information requirements): [Go to Step 15.](#)
15. Will lowering water quality in the **High Quality Water** be on a short-term basis in response to an emergency or to protect human health and welfare?
- Yes, [go to Step 20.](#)
- No, recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)
16. Will the proposed activity result in a lowering water quality in the **Water Quality Limited Water**? [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from anti-degradation review; otherwise see “Is an Activity Likely to Lower Water Quality?” in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications.*]
- Yes, [go to Step 17.](#)
- No, proceed with Permit Application. Permit writer should provide basis for determination in permit evaluation report: [Go to Step 23.](#)
17. OAR 340-041-0004(9)(a)(A) of the *Water Quality Limited Waters Policy* requires that the Department evaluate the application to determine that all water quality standards will be met. Will all water quality standards be met?
- Yes, please provide basis for conclusion: [Go to Step 18.](#)
- No, please provide basis for conclusion. Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)
18. OAR 340-041-0004(9)(a)(C) of the *Water Quality Limited Waters Policy* requires that the Department evaluate the application to determine that all recognized beneficial uses will be met and that threatened or endangered species will not be adversely affected. Will all beneficial uses be met and will threatened or endangered species be protected from adverse effects?
- Yes, please provide basis for conclusion: [Go to Step 19.](#)
- No, please provide basis for conclusion: Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)
19. OAR 340-041-0004(9)(a)(D)(i-iv) of the *Water Quality Limited Waters Policy* requires that the Department evaluate the application for **one of the following**:
- 19A. Will the discharge be associated (directly or indirectly) with the pollution parameter(s) causing the waterbody to be designated a Water Quality Limited Water?
- Yes, please provide basis for conclusion: . Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)
- No, please provide basis for conclusion: [Go to Step 20.](#)

19B. Have TMDLs, WLAs, LAs, and reserve capacity been established, compliance plans been established, and is there sufficient reserve capacity to assimilate the increased load under the established TMDL?

Yes, please provide basis for conclusion: [Go to Step 20.](#)

No, please provide basis for conclusion: Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)

19C. Will the proposed activity meet the requirements, as specified under OAR 340-041-0004(9)(a)(D)(iii), for dissolved oxygen?

Yes, please provide basis for conclusion: [Go to Step 20.](#)

No, please provide basis for conclusion: Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)

19D. Will the activity solve an existing, immediate, and critical environmental problem?

Yes, please provide basis for conclusion: [Go to Step 20.](#)

No, please provide basis for conclusion: Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)

20. Is the proposed activity consistent with local land use plans?

Yes, [go to Step 21.](#)

No, please provide basis for conclusion: Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)

21. OAR 340-041-0004(9)(c)(A) requires the Department to consider alternatives to lowering water quality. At a minimum, the following list must be considered:

- Improved operation and maintenance of existing treatment system
- Recycling or reuse with no discharge
- Discharge to on-site system
- Seasonal or controlled discharges to avoid critical water quality periods
- Discharge to sanitary sewer
- Land application

Were any of the alternatives feasible?

Yes, please provide basis for conclusion (see below for information requirements): Recommend Preliminary Decision that applicant **use alternative**. [Go to Step 16.](#)

No, please provide basis for conclusion (see below for information requirements): Go to Step 22.

In a separate statement to this application, please explain the **technical feasibility** of the alternative, explain the **economic feasibility** of the alternative, and provide an **estimated cost** of NPDES permit alternative for a five-year period from start-up.

22. OAR 340-041-0004(9)(c)(B) of the *Water Quality Limited Waters Policy* requires the Department to consider the economic effects of the proposed activity, which in this context consists of determining if the social and economic



benefits of the activity outweigh the environmental costs of allowing a lowering of water quality.  
Do the social and economic benefits outweigh the environmental costs of lowering the water quality?

Yes. Provide basis for conclusion: Proceed with Application Process to Interagency Coordination and Public Comment. [Go to Step 23.](#)

No. Provide basis for conclusion: Recommend Preliminary Decision to **deny** proposed activity (subject to Interagency Coordination and Public Comment). [Go to Step 23.](#)

The basis for conclusion should include a discussion of whether the lowering of water quality is necessary and important. "Necessary" means that the same social and economic benefits cannot be achieved with some other approach. "Important" means that the value of the social and economic benefits due to lowering water quality is greater than the environmental costs of lowering water quality.

Benefits can be created from measures such as:

- Creating or expanding employment (provide current/expected number of employees, type & relative amount of each type)
- Increasing median family income
- Increasing community tax base (provide current/expected annual sales, tax info)
- Providing necessary social services
- Enhancing environmental attributes

Environmental Costs can include:

- Losing assimilative capacity otherwise used for other industries/development
- Impacting fishing, recreation, and tourism industries negatively
- Impacting health protection negatively
- Impacting societal value for environmental quality negatively

23. On the basis of the Antidegradation Review, the following is recommended:

Proceed with Application to Interagency Coordination and Public Comment Phase.

Deny Application; return to applicant and provide public notice.

ACTION APPROVED

Review prepared by:  DEQ, [go to DEQ info.](#)

**DEQ info**


Name: David Feldman

Phone: 503-229-6850

Date Prepared: 6/9/20



# Appendix D: Operator Certification Checklist

 Oregon Department of Environmental Quality <b>Wastewater System Classification Worksheet</b> for Operator Certification			
Classified By:	Feldman/Sharpsteen	Date:	6/9/20
DEQ Subject Matter Expert:	Mike Pinney	Date:	6/10/2020
Op Cert Reviewer:		Date:	
Wastewater System Common Name:	Warrenton STP		
Facility Address:	105 NE 5th Street		
City:	Warrenton	Permit Type:	NPDES
County:	Clatsop	Is this a <u>NEW</u> system?:	No
Region:	Northwest	WQ File #:	93769
Design ADWF (influent MGD):	0.99	WQ Permit #:	100874
Design Population:	12,000	& Flow (gals/person/day):	83.00
OR			
Population Equivalent:		& BOD (lb/person/day):	
WW Treatment System Classification:	Class III		
WW Collection System Classification:	Class II		
Explanatory Comments:	(Classification or other changes, etc.)		
<b>Part 1: Criteria for Classifying Wastewater Treatment Systems (OAR 340-049-0025)</b>			
<b>1. Design Population or Population Equivalent Points</b>		<b>12000</b>	<b>Points:</b>
Less than 750 Design Population or Population Equivalent		0.5	
751 to 2,000 Design Population or Population Equivalent		1.0	
2,001 to 5,000 Design Population or Population Equivalent		1.5	
5,001 to 10,000 Design Population or Population Equivalent		2.0	
Greater than 10,000 Design Population or Population Equivalent (3 points + 1 point per each additional 10 K)		3.0	3.0
<b>2. Average Dry Weather Flow (Design Capacity) Points</b>		<b>0.99</b>	
Less than 0.075 MGD		0.5	
Greater than 0.075 MGD to 0.1 MGD		1.0	
Greater than 0.1 to 0.5 MGD		1.5	
Greater than 0.5 to 1.0 MGD		2.0	2.0
Greater than 1.0 MGD (3 points + 1 point for each additional 1.0 MGD)		3.0	
<b>3. Unit Process Points</b>			
<b>Preliminary Treatment and Plant Hydraulics</b>		<b>Possible Points:</b>	<b>Points:</b>
<input type="checkbox"/>	Comminution (cutter, shredder, grinder, barminutor, etc.)	1.0	
<input type="checkbox"/>	Grit Removal (gravity)	1.0	
<input checked="" type="checkbox"/>	Grit Removal (mechanical)	2.0	2.0
<input checked="" type="checkbox"/>	Screen(s) (in-situ or mechanical, coarse solids only)	1.0	1.0
<input checked="" type="checkbox"/>	Pump/Lift Station(s) (pumping of main flow)	2.0	2.0
<input checked="" type="checkbox"/>	Flow Equalization (any type)	1.0	1.0
<b>Primary Treatment</b>			
<input type="checkbox"/>	Community Septic Tank(s) (STEP, STEG, etc.)	2.0	
<input type="checkbox"/>	Clarifier(s)	5.0	
<input type="checkbox"/>	Flotation Clarifier(s)	7.0	
<input type="checkbox"/>	Chemical Addition System	2.0	
<input type="checkbox"/>	Imhoff Tanks (large septic tank or similar sedimentation & digestion)	3.0	

<b>Secondary, Advanced, and Tertiary Treatment</b>			
<input type="checkbox"/>	Low Rate Trickling Filter(s) (no recirculation)	7.0	
<input type="checkbox"/>	High Rate Trickling Filter(s) (recirculating)	10.0	
<input type="checkbox"/>	Trickling Filter - Solids Contact System	12.0	
<input checked="" type="checkbox"/>	Activated Sludge (includes SBR & basic MBR process)	15.0	15.0
<input type="checkbox"/>	Pure Oxygen Activated Sludge	20.0	
<input type="checkbox"/>	Activated Bio Filter Tower (less than 0.1 MGD)	6.0	
<input type="checkbox"/>	Activated Bio Filter Tower (greater than 0.1 MGD)	12.0	
<input type="checkbox"/>	Rotating Biological Contactors (1 to 4 shafts)	7.0	
<input type="checkbox"/>	Rotating Biological Contactors (5 or more shafts)	12.0	
<input type="checkbox"/>	Stabilization Lagoons (1 to 3 cells without aeration)	5.0	
<input type="checkbox"/>	Stabilization Lagoons (1 or more cells with primary aeration)	7.0	
<input type="checkbox"/>	Stabilization Lagoons (2 or more cells with full aeration)	9.0	
<input type="checkbox"/>	Recirculating Gravel Filter (or recirculating textile filters)	7.0	
<input type="checkbox"/>	Chemical Precipitation Unit(s)	3.0	
<input type="checkbox"/>	Gravity Filtration Unit(s)	2.0	
<input type="checkbox"/>	Pressure Filtration Unit(s)	4.0	
<input type="checkbox"/>	Nitrogen Removal (Biological (BNR) or Chemical/Biological System)	4.0	
<input checked="" type="checkbox"/>	Nitrogen Removal (Design Extended Aeration Only - Nitrification)	2.0	2.0
<input type="checkbox"/>	Phosphorous Removal Unit(s)	4.0	
<input type="checkbox"/>	Effluent Microscreen(s)	2.0	
<input type="checkbox"/>	Chemical Flocculation Unit(s)	3.0	
<input type="checkbox"/>	Ultra Filtration Membrane(s)	15.0	
<input type="checkbox"/>	Chemical Addition System	2.0	
<b>Description:</b>			
<b>Solids Handling (excludes long-term storage in treatment lagoons above)</b>			
<input type="checkbox"/>	Anaerobic Primary Sludge Digester(s) w/o Mixing and Heating	5.0	
<input type="checkbox"/>	Anaerobic Primary Sludge Digester(s) with Mixing and Heating	7.0	
<input type="checkbox"/>	Anaerobic Primary and Secondary Sludge Digesters	10.0	
<input type="checkbox"/>	Sludge Digester Gas Reuse	3.0	
<input type="checkbox"/>	Aerobic Sludge Digester(s)	8.0	
<input type="checkbox"/>	Sludge Storage Lagoon(s) (List Basin(s) or Tank(s) in Part 2)	2.0	
<input checked="" type="checkbox"/>	Sludge Lagoon(s) with Aeration	3.0	3.0
<input type="checkbox"/>	Sludge Drying Bed(s)	1.0	
<input type="checkbox"/>	Sludge Air or Gravity Thickening	3.0	
<input type="checkbox"/>	Sludge Composting (in Vessel)	12.0	
<input type="checkbox"/>	Sludge Belt(s) or Vacuum Press/Dewatering	5.0	
<input type="checkbox"/>	Sludge Centrifuge(s)	5.0	
<input type="checkbox"/>	Sludge Incineration	12.0	
<input type="checkbox"/>	Sludge Chemical Addition Unit(s) (alum, polymer, alkaline stab, etc.)	2.0	



<input type="checkbox"/>	Non-Beneficial Sludge Disposal (landfill or burial)	1.0	
<input type="checkbox"/>	Beneficial Sludge Utilization (see also Part 2)	3.0	
<input type="checkbox"/>	Solids Reduction Processing	4.0	
<b>Disinfection</b>			
<input type="checkbox"/>	Liquid Chlorine Disinfection	2.0	
<input type="checkbox"/>	Gas Chlorine Disinfection	5.0	
<input type="checkbox"/>	Dechlorination System	4.0	
<input checked="" type="checkbox"/>	Other Disinfection System including Ultraviolet and Ozonation	5.0	5.0
<input type="checkbox"/>	On-Site Chlorine Generation of Disinfectants	5.0	
<b>4. Effluent Permit Requirements Points</b>			
<input checked="" type="checkbox"/>	Minimum of Secondary Effluent Limitation for BOD and/or TSS	2.0	0.0
<input type="checkbox"/>	Minimum of 20 mg/L BOD and/or Total Suspended Solids	3.0	
<input type="checkbox"/>	Minimum of 10 mg/L and/or Total Suspended Solids	4.0	
<input type="checkbox"/>	Minimum of 5 mg/L BOD and/or Total Suspended Solids	5.0	
<input type="checkbox"/>	Effluent Limitations for Effluent Oxygen	1.0	
<input checked="" type="checkbox"/>	Are there additional effluent limits?	Part 2: Complexity Review	Part 2 Needed
<b>5. Variation in Raw Waste Points</b>			
<i>Points in this category will be awarded only when conditions are extreme to the extent that operation and handling procedure changes are needed to adequately treat waste due to variation of raw waste (strength or flow).</i>			
<input type="checkbox"/>	Recurring deviations or excessive variations (100 - 200 %)	2.0	
<input type="checkbox"/>	Recurring deviations or excessive variations of more than 200 % or conveyance and treatment of industrial wastes covered by the pretreatment program.	4.0	
<input checked="" type="checkbox"/>	Septage or truck-hauled waste	2.0	2.0
<b>6. Sampling and Laboratory Testing Points</b>			
<input type="checkbox"/>	Sample for BOD, Total Suspended Solids (performed by outside lab)	2.0	
<input checked="" type="checkbox"/>	BOD or Total Suspended Solids analysis (performed at treatment plant)	4.0	4.0
<input type="checkbox"/>	Bacteriological analysis (performed by outside lab)	1.0	
<input checked="" type="checkbox"/>	Bacteriological analysis (performed at wastewater treatment plant lab)	2.0	2.0
<input checked="" type="checkbox"/>	Nutrient, Heavy Metals, or Organic analysis (performed by outside lab, ≤ 1 per month = 1 pt )	1.00 or 3.00	3.0
<input type="checkbox"/>	Nutrient, Heavy Metals or Organic analysis (performed at WWTP)	5.0	
<b>Part 1 Sub Total:</b>			<b>47.0</b>
<b>Treatment Classification based on 340-049-0025:</b>			<b>Part 2 Needed</b>

**Part 2: Complexity Reflected in (OAR 340-049 0020(4))**

*Note: Include additional points from Step 2 only if the complexity of the wastewater treatment system is not reflected in the points from Step 1. Be sure to justify any additional points from Step 2 in the permit Fact Sheet. Points shown below are given as guidance.*

<input checked="" type="checkbox"/>	Fine Screen Preliminary Treatment (includes washing & compaction)	2.0	2.0
<input checked="" type="checkbox"/>	SCADA or similar instrumentation providing data/w process op.	2.0 - 4.0	2.0
<input type="checkbox"/>	Post-aeration (includes mechanical and diffused aeration - not cascade)	1.0	
<input type="checkbox"/>	Class A recycled water (storage, distribution & monitoring)	6.0	
<input type="checkbox"/>	Class B, C, D and Non-disinfected Recycle (surface & subsurface)	3.0	
<input type="checkbox"/>	Sludge dewatering using bag or tube system	1.0	
<input type="checkbox"/>	Solids Composting (ASP or windrow)	6.0	
<input type="checkbox"/>	Land application of biosolids by system operator	5.0	
<input type="checkbox"/>	Odor or corrosion control (separate or combined)	2.0	
<input type="checkbox"/>	Chemical/physical advanced waste treatment	10.0 -15.0	
<input type="checkbox"/>	Reverse Osmosis, Electro-dialysis, Membrane Filtration	15.0	
<input checked="" type="checkbox"/>	Standby power	1.0 - 3.0	2.0
<input type="checkbox"/>	Digester Gas Recovery Systems	1.0 - 3.0	
<input checked="" type="checkbox"/>	Other Effluent Limitations <b>Description:</b> estuarian zone		3.0
		<b>Part 2 Sub Total:</b>	<b>9.0</b>
		<b>Total Points:</b>	<b>56.0</b>
		<b>Treatment Classification based on 340-049-0025:</b>	<b>Class III</b>

**Part 3: System Classification Summary**

<b>Small Wastewater Systems (SWWS)</b>		
Less than 500 design population or < 150 connections AND 30 total points or less	Facility does NOT meet SWWS criteria	
<b>Wastewater Treatment Systems (WWTS)</b>		
Class I: 30 total points or less Class II: 31-55 total points Class III: 56-75 total points Class IV: 76 or more points	Class III	
<b>Wastewater Collection Systems (WWCS)</b>		
Class I: 1,500 or less design population Class II: 1,501 15,000 design population Class III: 15,001 to 50,000 design population Class IV: 50,001 or more design population	Class II	





State of Oregon Department of Environmental Quality

# Response to Comments for the Draft City of Warrenton Wastewater Treatment Facility Permit Number 100874

Contact: David Feldman

700 NE Multnomah Avenue, Suite 600, Portland, OR 97232-4100

## Overview

DEQ accepted public comment on the proposed permit number 100874 from November 20, 2020 through December 28, 2020. The current version of this permit originally expired on August 31, 1995, and was administratively continued. This document provides a summary of each comment and a response from DEQ.

## Comments (Submitted by the City of Warrenton):

1. Upon reviewing the permit templates for the major and minor NPDES permits, it is apparent that the major template was used instead of the minor. This template has many requirements such as effluent toxicity that are not required of a minor facility. The draft permit should be rewritten with the minor template and remove all the requirements required of a major facility. All requirements for major facilities should be removed from our permit.

**DEQ Response:** The following criteria are used by DEQ to determine whether or not a POTW is considered as a major: The Oregon Administrative Rules (OARs) use the terms Tier 1 and Tier 2, while the EPA uses the terms Minor or Major, when referring to a POTW's classification. These designations are similar. Under OAR 340-045-0075(3)(b) and (c), the regulations define a Tier 1 domestic facility in two parts:

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 million gallons per day (MGD) or greater;

or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: does not meet Tier 1 qualifying factors.

In the Code of Federal Regulations, a major facility is defined under 40 CFR Part 122.2 as, "any NPDES facility or activity classified as such by the Regional Administrator, or in the case of approved state programs, the Regional Administrator in conjunction with the [s]tate Director." While a major POTW is not specifically defined in federal regulations, the EPA, through policy and memoranda, has established working definitions for POTWs and non-municipal major facilities. The EPA considers a major POTW as that facility

which has a design flow of one (1) MGD or greater, or serves a population of 10,000 or more, or causes significant water quality impacts. The EPA considers all other facilities Minor facilities.

Given that previous versions of this permit have indicated that the Warrenton STP had classified this facility as both a major and then minor permittee, and likely improvements to the facility will increase the design flows, DEQ will maintain this permit as a minor permit with a provision where the city will be responsible for providing updated engineering design statistics that will properly identify the status of this facility as a minor or major system in the future. The monitoring for toxic parameters will remain in case the STP is classified as a major after the updated engineering design criteria are submitted to DEQ. No changes were made to the permit based on this comment.

2. The cover page does not show the class of the treatment or collection system. The treatment class of III and collections class of II should be shown on the cover page.

**DEQ Response:** There have been many updates to permits issued by DEQ. One of these changes removed the classification for the treatment and collection systems from the face page of the permit. DEQ made this change because many facilities change classifications via upgrades and updates to their respective facilities. This edit allows these updates to occur without a permit modification. Classifications for all systems requiring certified operators will be updated upon permit renewal and can be found at <https://www.oregon.gov/deq/wq/wqpermits/Pages/Wastewater-Operator-Certification.aspx>. The monitoring matrix is posted in the Oregon DEQ webpage here: <https://www.oregon.gov/deq/FilterPermitsDocs/MonMatrix.pdf>. No changes were made to the permit based on this comment.

3. Table A1 adds permit limits for *E. coli* which is a parameter used in a freshwater zone. We are in a marine-coastal-estuarine zone and are required to report in fecal and enterococci. Having a requirement for *E. coli* is not appropriate. Additionally, the limit for *E. coli* is 126 geometric mean and no sample over 406. We have a fecal limit of 14 median and no more than 10% over 43. *E. coli* is just one type of fecal coliform. It makes no sense to monitor a subgroup on another parameter that we already have a more stringent limit for. Performing this additional monitoring is not a responsible use of public funds. *E. coli* monitoring should be removed from the permit.

**DEQ Response:** Based upon this comment, *E. coli* monitoring is removed from Schedule B and the *E. coli* limits in Schedule A are removed from the permit.

4. Remove Effluent Toxics characterization, detection limits, quantitation limits, and QA/QC requirements from the proposed permit.

**DEQ Response:** The same template is used by DEQ for both major and minor permittees. Since this facility is planning upgrades that could change its status from minor to major, DEQ is leaving the toxics characterization, and QA/QC requirements in



the proposed permit. These data will be used to inform DEQ when this permit is renewed in the next cycle.

5. Sludge Depth survey for the lagoon solids. This survey requirement should be removed. This is a requirement for a lagoon treatment system. The lagoon at the Warrenton Treatment facility is a sludge digester and not a treatment lagoon. This requirement is not appropriate for our system as there is no treatment lagoon to report sludge depth on rather an activated sludge digester. There is no comparison to be made between design sludge depth and actual sludge depth as the digester is meant to be storage not treatment. The requirement for lagoon solid survey is improper as the lagoon at the treatment facility is a digester that stores biosolids rather than a lagoon treatment system. This survey should be removed. This is a requirement for a lagoon treatment system. The lagoon at the Warrenton Treatment facility is a sludge digester and not a treatment lagoon. There is no comparison to be made between design sludge depth and actual sludge depth as the digester is meant to be storage not treatment.

**DEQ response:** Based upon this comment, the sludge depth survey and the biosolids annual report requirements will be replaced with the wastewater solids annual report in Schedule D of the permit.

6. Monitoring requirements should be decreased in the permit for temperature, fecal coliforms, and enterococci.

**DEQ response:** Based on this comment, temperature and thermal load monitoring are now set at 3 times per week.

Based on this comment, DEQ will remove the *E. coli* monitoring requirement from the proposed permit.

The monitoring requirements for fecal coliforms and enterococci are set for any sewage treatment plant with engineering design flows between 0.51 and 1.01 million gallons per day. Facilities that meet that flow requirement are required to monitor for those parameters twice per week. You can see the DEQ monitoring matrix here: <https://www.oregon.gov/deq/FilterPermitsDocs/MonMatrix.pdf>. Since the engineering design flow is currently set at 0.99 million gallons per day, no changes will be made to the permit based on this comment.

7. The monitoring for hardness should be removed from the permit.

**DEQ response:** Given that the facility will be required to monitor hardness-based metals and the lack of up-to-date data for the effluent, the hardness monitoring will be maintained in the proposed permit.

8. The increased monitoring for dissolved oxygen, total kjeldahl nitrogen, nitrate, nitrite, oil & grease, total phosphorus, and total dissolved solids should be removed from the proposed permit.

**DEQ response:** Each of the parameters on the list indicate the performance of a sewage treatment plant. These parameters are required to be reported in the EPA NPDES Application Form 2C. DEQ included them in the permit in order to make certain that there are data available for Warrenton in order for the facility to submit a complete renewal application. No changes were made to the permit based on this comment.

9. UV Transmittance. Our UV system does not have the capability to monitor UV transmittance. We should only be required to report the existing UV dose as the system was designed.

**DEQ response:** Based on this comment, UV transmittance monitoring was removed from Schedule B of the permit.

10. Receiving stream flow on the Columbia River. The river here is massive and tidally influenced. It is beyond the capabilities of the City of Warrenton and is unreasonable to expect the City of Warrenton to provide this value. This information should already be available from other State agencies. This receiving water monitoring should be removed from the permit as it is unreasonable for us to collect any kind of accurate value.

**DEQ Response:** Based upon this comment, the flow monitoring requirement was removed from Schedule B of the permit.

11. pH, temp and alkalinity, this information should already be well documented for this receiving water by other agencies and as such is not an appropriate use of public funds to obtain this information. Our discharge is deep-water out in the shipping channel of the Columbia River and not reasonable for the City to collect samples of this. This receiving water monitoring should be removed from the permit as redundant.

**DEQ Response:** These data are measured to ensure that the conditions of the river are accurately characterized when the permit is renewed. There were very little up-to-date data for these parameters when DEQ was renewing the permit this cycle, and included monitoring for those parameters in the permit. No changes were made to the permit based upon this comment.



12.28.2020

Jennifer Maglinte-Timbrook, Water Quality Permit Coordinator  
DEQ Western Region  
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Salem, OR 97302  
[maglinte-timbrook.jennifer@deq.state.or.us](mailto:maglinte-timbrook.jennifer@deq.state.or.us)

RE : City of Warrenton Public Comment review for NPDES permit #100804:

Dear Mrs. Maglinte-Timbrook

The City of Warrenton has reviewed the draft renewal permit and fact sheet for our NPDES permit #100804 issued out to public comment on 11.20.2020. Upon reviewing this draft permit the City has prepared the following comments.

The City is beginning the process of evaluating our facility including a new facility plan. It would be premature to require us to “perform the monitoring as if we were a Major” at this time. We should be allowed the opportunity to complete the facility planning process and then evaluating our classification once complete.

The City is remaining a Minor domestic facility. There is additional monitoring required in the assumption that the City will become a Major soon. The City is still a Minor facility and may remain a Minor for years to come. Additional monitoring being added to the permit should be removed now to prevent any anti backsliding issues in the future.

#### **NPDES permit template**

Upon reviewing the permit templates for the Major and Minor NPDES permits, it is apparent that the Major template was used instead of the Minor. This template has many requirements such as effluent toxicity that are not required of a Minor facility. The draft permit should be rewritten with the Minor template and remove all the requirements required of a Major facility. All requirements for Major facilities should be removed from our permit.

<https://www.oregon.gov/deq/FilterPermitsDocs/NPDES-PERTMajor.docx>

<https://www.oregon.gov/deq/FilterPermitsDocs/NPDES-PERTMinor.docx>

The cover page does not show the class of the treatment or collection system. The treatment class of III and collections class of II should be shown on the cover page.

#### **Schedule A**

- Table A1 adds permit limits for E. coli which is a parameter used in a freshwater zone. We are in a

marine-coastal-estuarine zone and are required to report in fecal and enterococci. Having a requirement for E. coli is not appropriate. Additionally, the limit for E. coli is 126 geometric mean and no sample over 406. We have a fecal limit of 14 median and no more than 10% over 43. E. coli is just one type of fecal coliform. It makes no sense to monitor a subgroup on another parameter that we already have a more stringent limit for. Performing this additional monitoring is not a responsible use of public funds. E. coli monitoring should be removed from the permit.

## **Schedule B**

### **Table B1**

- B6 - B11 Effluent Toxics Characterization. These are only required of a Major facility. Adding these requirements now could additionally cause no backsliding issues in the future. The City should not be required to do this monitoring as a Minor facility.
- Sludge Depth survey for the lagoon solids. This survey requirement should be removed. This is a requirement for a lagoon treatment system. The lagoon at the Warrenton Treatment facility is a sludge digester and not a treatment lagoon. This requirement is not appropriate for our system as there is no treatment lagoon to report sludge depth on rather an activated sludge digester. There is no comparison to be made between design sludge depth and actual sludge depth as the digester is meant to be storage not treatment.
- Sections 2(c) Detection and Quantitation Limits and section 2(d) sufficient Sensitivity of Quantitation Limits and, section 2(e) Implementation, are from the Major permit template and should be removed from our permit as we are a Minor.
- Section 2(f) Quality Assurance and Quality Control: there are requirements to develop and implement a Quality Assurance Plan. Additionally, it says we must develop a Receiving Water Sampling Plan. Neither of these sections indicate a deadline or format for developing these plans. How can the City meet compliance without knowing what the State wants to have submitted and by when? Please provide information on assistance in completing these tasks.
- Section 2(g) Reporting sample results. The language for this section is for the Major permit and should be replaced with the language for the Minor permit, *"The permittee must report the same number of significant digits as the permit limit for a given parameter."*
- Section 2 (h) section (ii) and (iii) are from the Major permit template and should be removed.

### **Table B3**

- Please provide the monitoring matrix used to prepare the proposed sampling frequencies. There is an increase in many parameters as well as additional parameters required, and we are wondering why these changes were made.
  - Temperature changes from monitoring 3 times per week to a daily continuous requirement. The City does not have the equipment in place to perform this as currently configured. The temperature requirements should stay the same as it was. We have a batch discharge and for most of the day, the temperature gauge would be reading ambient air temp or water that is sitting in the channel or pump station between batches. Effluent temp requirements should remain at 3.week with pH test frequency.

- *E. coli* testing is added at twice per week. *E. coli* should be removed all together as noted above in comments from A1. We are in a marine-coastal-estuarine zone and are required to report in fecal and enterococci. Having a requirement for *E. coli* is not appropriate. Additionally, the limit for *E. coli* is 126 geometric mean and no sample over 406. We have a fecal limit of 14 median and no more than 10% over 43. *E. coli* is just one type of fecal coliform. It makes no sense to monitor a subgroup on another parameter that we already have a more stringent limit for. Performing this additional monitoring is not a responsible use of public funds. *E. coli* monitoring should be removed from the permit.
- Fecal coliform testing frequency is increased to 2/week from is 1/week. The City is still a Minor so the frequency should not be increased. We should keep it at 1/week, what is the reason for the proposed increase in frequency.
- Enterococci testing frequency is increased to 2/week from is 1/week. The City is still a Minor so the frequency should not be increased. We should keep it at 1/week, what is the reason for the proposed increase in frequency.
- Hardness. This parameter is only included if hardness dependent metals monitoring is required. Hardness dependent metals are cadmium, copper, lead, nickel, silver and zinc. These metal tests are not required of minor facilities like ours and such hardness testing should be removed from our permit.
- UV Transmittance. Our UV system does not have the capability to monitor UV transmittance. We should only be required to report the existing UV dose as the system was designed.
- Increased quarterly monitoring for third year of the permit. DO, TKN, NO<sub>3</sub>, NO<sub>2</sub>, N, oils and grease, total phosphorus, total dissolved solids. The City already has significant compliance monitoring requirements. The state has strict no backsliding rules. The City requests that this additional monitoring be removed from our permit. There are no limits associated with these parameters and such are not an appropriate use of public funds on a City with limited resources. Providing this monitoring is onerous and excessive. These requirements should be removed from the permit.

#### **Table B4**

- Receiving stream flow on the Columbia river. The river here is massive and tidally influenced. It is beyond the capabilities of the City of Warrenton and is unreasonable to expect the City of Warrenton to provide this value. This information should already be available from other State agencies. This receiving water monitoring should be removed from the permit as it is unreasonable for us to collect any kind of accurate value.
- PH, temp and alkalinity, this information should already be well documented for this receiving water by other agencies and as such is not an appropriate use of public funds to obtain this information. Our discharge is deep-water out in the shipping channel of the Columbia River and not reasonable for the City to collect samples of this. This receiving water monitoring should be removed from the permit as redundant.

#### **Schedule B section 4**

- Effluent toxics characterization monitoring (tier 1 monitoring): These are requirements of a major facility and the City should not be required to do this as we are a minor facility. These requirements

should be struck from the permit

#### Schedule D

- Lagoon solids as indicated above. The requirement for lagoon solid survey is improper as the lagoon at the treatment facility is a digester that stores biosolids rather than a lagoon treatment system. This survey should be removed. This is a requirement for a lagoon treatment system. The lagoon at the Warrenton Treatment facility is a sludge digester and not a treatment lagoon. There is no comparison to be made between design sludge depth and actual sludge depth as the digester is meant to be storage not treatment.

In general with all the new requirements that we will accept such as the hauled waste plan, emergency response and public notifications plan, updated QAQC plan and industrial survey, adding the additional requirements required of a Major facility are a hardship for the citizens of Warrenton and will require additional resources that are already limited and strained and now further impacted by the funding short falls associated with COVID-19. Additional anti-backsliding rules mean that we will be stuck with these additional requirements regardless if we become a Major or continue to be a Minor facility in the future.

Thank you for accepting our review comments for this draft permit. For all the reasons listed in this letter, we feel that the permit should remove all the requirements for monitoring as if we were a Major facility.

Further, the City is expending great time, effort and cash on identifying and reducing inflow and infiltration, which we expect will help us hold our flows near that level over the following permit cycle.



Kyle Sharpsteen

Public Works Operations Manger





11.10.2020

Jennifer Maglinte-Timbrook, Water Quality Permit Coordinator  
DEQ Western Region  
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RE : City of Warrenton applicant review for NPDES permit #100804:

Dear Mrs. Maglinte-Timbrook

The City of Warrenton has received and reviewed the draft renewal permit and fact sheet for our NPDES permit #100804. Upon reviewing this permit the City has prepared the following comments.

It is indicated that ODEQ will evaluate us to determine if we will be a major facility next permit cycle meaning that we would have to perform all the monitoring requirements as if we were a major facility. The City does not believe that this is appropriate. Our average dry weather flows are still well under the 1MGD requirement to bump up to a major facility.

ADWF over the prior permit cycle

2014=.67MGD  
2015=.66MGD  
2016=.84MGD  
2017=.78MGD  
2018=.74MGD

It is not appropriate to force us into monitoring like a major facility at this point. We are still a minor facility and should only be held to the requirements of a minor facility. ODEQ's assumption that we will become a major facility is not justification for the increase in costs and manpower to operate our system. The City has many new requirements added to us in this permit that will be costly and taxing on our existing manpower. Additionally, Covid 19 has caused significant lost revenues and new challenges.

The City is beginning the process of evaluating our facility including a new facility plan. It would be premature to require us to perform the monitoring as if we were a major at this time. We should be allowed the opportunity to complete the facility planning process and then evaluating our classification once complete.

- NPDES permit template.

Upon reviewing the permit templates for the major and minor NPDES permits, it is apparent that the major template was used instead of the minor. This template has many requirements such as effluent toxicity and WET testing that are not required of a minor facility. The draft permit should be rewritten with the minor template and remove all the requirements required

of a major facility. All requirements for major facilities should be removed from our permit.

- The cover page does not show the class of the treatment or collection system. The treatment class of III and collections class of II should be shown on the cover page.
- Table of Contents shows Table B5 Error! Bookmark not defined.
- Table A1 adds permit limits for *E. coli* which is a parameter used in a freshwater zone. We are in a marine-coastal-estuarine zone and are required to report in fecal and enterococci. Having a requirement for *E. coli* is not appropriate. Additionally, the limit for *E. coli* is 126 geometric mean and no sample over 406. We have a fecal limit of 14 median and no more than 10% over 43. *E. coli* is just one type of fecal coliform. It makes no sense to monitor a subgroup on another parameter that we already have a more stringent limit for. Performing this additional monitoring is not a responsible use of public funds. *E. coli* monitoring should be removed from the permit.

### Schedule B

- B6 - B11 Effluent Toxics Characterization. These are only required of a major facility. The citizens of Warrenton should not be expected to perform the testing of a major facility when the system is still a minor facility. Adding these requirements now could additionally cause no backsliding issues in the future. These requirements should be struck from the permit. This should be addressed in using the minor template vs the major template.
- B12 WET test monitoring. These are only required of a major facility. The citizens of Warrenton should not be expected to fund the testing of a major facility when the system is still a minor facility. Adding these requirements now could additionally cause no backsliding issues in the future and should be struck from the permit. This should be addressed in using the minor template vs the major template.
- Biosolids annual report. The City does not anticipate biosolids removal during the next permit cycle. What is required of an annual report for facilities that do not remove or prepare biosolids during the previous year?
- Sludge Depth survey for the lagoon solids. This survey requirement should be removed. This is a requirement for a lagoon treatment system. The lagoon at the Warrenton Treatment facility is a sludge digester and not a treatment lagoon. This requirement is not appropriate for our system as there is no treatment lagoon to report sludge depth on rather an activated sludge digester. There is no comparison to be made between design sludge depth and actual sludge depth as the digester is meant to be storage not treatment.
- Regulatory mixing zone study is referred to in the fact sheet, but we do not see the requirement in the actual permit. Looking at the permit templates, the requirement would be in schedule B, and schedule D, but it is not there. We understand that Pacific Coast Seafood recently conducted a mixing zone study on our combined outfall, therefore should not be required again so soon. The statements about performing the mixing zone study should be removed from the fact sheet.
- On page 7 under monitoring and reporting protocols, sections 2(c) Detection and Quantitation Limits and section 2(d) Implementation, are both from the major permit template and should be removed from our permit as we are a minor.
- Page 8 Quality Assurance and Quality Control: there are requirements to develop and implement a

Quality Assurance Plan. Additionally, it says we must develop a Receiving Water Sampling Plan. Neither of these sections indicate a deadline or format for developing these plans. How can the City meet compliance without knowing what the State wants to have submitted and by when? Please provide information on assistance in completing these tasks.

- Page 9 (f) reporting sample results. The language for this section is for the major permit and should be replaced with the language for the minor permit, *"The permittee must report the same number of significant digits as the permit limit for a given parameter."*
- Page 9 (g) section (ii) and (iii) are from the major permit template and should be removed.

### Table B3

- Please provide the monitoring matrix used to prepare the proposed sampling frequencies. There is an increase in many parameters as well as additional parameters required, and we are wondering why these changes were made.
  - Temperature changes from monitoring 3 times per week to a daily continuous requirement. The City does not have the equipment in place to perform this as currently configured. Why is the City being required to increase this monitoring? The temperature requirements should stay the same as it was. How would DEQ expect us to do the continuous monitoring? We have a batch discharge and for most of the day, the temperature gauge would be reading ambient air temp or water that is sitting in the channel or pump station between batches. Why not leave it as it was? What is the proposed due date for the city to install this equipment? The City has limited resources and many new requirements from this permit and will need to know how the State expects to be able to conduct all these additional requirements at permit issuance.
  - *E. coli* testing is added at twice per week. *E. coli* should be removed all together as noted above in comments from A1. We are in a marine-coastal-estuarine zone and are required to report in fecal and enterococci. Having a requirement for *E. coli* is not appropriate. Additionally, the limit for *E. coli* is 126 geometric mean and no sample over 406. We have a fecal limit of 14 median and no more than 10% over 43. *E. coli* is just one type of fecal coliform. It makes no sense to monitor a subgroup on another parameter that we already have a more stringent limit for. Performing this additional monitoring is not a responsible use of public funds. *E. coli* monitoring should be removed from the permit.
  - Fecal coliform testing frequency is increased to 2/week. Prior permit is 1/week. What is the requirement to increase this frequency, is it because that is what the major facilities do? We should keep it at 1/week. This will avoid anti-backsliding issues in the future. This is an expensive test and is a significant cost increase to conduct this new frequency and is a hardship on the citizens of Warrenton and not an appropriate use of public funds. The frequency should remain 1/week.
  - Enterococci testing frequency is increased to 2/week. Prior permit is 1/week. What is the requirement to increase this frequency, is it because that is what the major facilities do? We should keep it at 1/week. This will avoid anti-backsliding issues in the future. This is an expensive test and a significant cost increase to conduct this new frequency and is a hardship on the citizens of Warrenton and not an appropriate use of public funds. The frequency should remain 1/week.

- **Hardness.** This parameter is only included if hardness dependent metals monitoring is required. Hardness dependent metals are cadmium, copper, lead, nickel, silver and zinc. These metal tests are not required of minor facilities like ours and such hardness testing should be removed from our permit.
- **UV Transmittance.** Our UV system does not have the capability to monitor UV transmittance. What is the deadline for the City to install this equipment if required? The City has limited resources and many new requirements from this permit and will need to know how the State expects to be able to conduct all these additional requirements at permit issuance. We should only be required to report the existing UV dose as the system was designed.
- **Increased quarterly monitoring for third year of the permit.** DO, TKN, NO3, NO2, N, oils and grease, total phosphorus, total dissolved solids. The City already has significant compliance monitoring requirements. The state has strict no backsliding rules. The City requests that this additional monitoring be removed from our permit. There are no limits associated with these parameters and such are not an appropriate use of public funds on a City with limited resources. Providing this monitoring is onerous and excessive. What is the justification of adding these new parameters? That was not explained anywhere. These requirements should be removed from the permit.

#### **Table B4**

- **Receiving stream flow on the Columbia river.** The river here is massive and tidally influenced. It is beyond the capabilities of the City of Warrenton and is unreasonable to expect the City of Warrenton to provide this value. This information should already be available from other State agencies. This receiving water monitoring should be removed from the permit as it is unreasonable for us to collect any kind of accurate value.
- **PH, temp and alkalinity,** this information should already be well documented for this receiving water by other agencies and as such is not an appropriate use of public funds to obtain this information. Our discharge is deep-water out in the shipping channel of the Columbia River and not reasonable for the City to collect samples of this. Where would the state expect us to collect a sample from that is reasonable? This receiving water monitoring should be removed from the permit as redundant.
- **Page 15 effluent toxics characterization monitoring (tier 1 monitoring):** These are requirements of a major facility and the City should not be required to do this as we are a minor facility. Please explain tier 1 and tier 2 monitoring. Permit writer instruction notes appear to be left at the end of section 5 additional receiving stream and effluent characterization monitoring tier 2, *“for help in drafting this letter, see sample permit development page of SharePoint under the monitoring and reporting heading”*. These requirements should be struck from the permit
- **Page 21 whole effluent toxicity requirements.** These are requirements of a major facility and the City should not be required to do this as we are a minor facility. These requirements should be struck from the permit
- **Page 22 Biosolids Monitoring Requirements.** There doesn't need to be any biosolids requirements in our permit. The City has been storing biosolids in the west sludge lagoon since it started up in 2006. There is an identical east sludge lagoon that has not received any sludge yet since being dredged at the startup of the facility in 2006. The City will not be removing any biosolids during the permit cycle as we have more than 5 years capacity in the east sludge lagoon once we eventually switch over to it. The City would need to go through the process of creating a Biosolids Management Plan and

application site development, all subject to ODEQ review, before removing any solids and that will take several years to produce still.

#### **Schedule D**

- No requirement for mixing zone study as indicated in the fact sheet. As noted above, Pacific Seafoods recently conducted a mixing zone study on our shared outfall and such, there should not be a requirement for the mixing zone study. The comment leading to the requirement in the fact sheet should be removed.
- Lagoon solids as indicated above. The requirement for lagoon solid survey is improper as the lagoon at the treatment facility is a digester that stores biosolids rather than a lagoon treatment system. This survey should be removed. This is a requirement for a lagoon treatment system. The lagoon at the Warrenton Treatment facility is a sludge digester and not a treatment lagoon. There is no comparison to be made between design sludge depth and actual sludge depth as the digester is meant to be storage not treatment.
- Whole effluent toxic testing for freshwater. This requirement should be stricken as not required for a minor facility. Additionally, we are not in a freshwater zone, we are in a marine-coastal zone. Further, subsection (d)(iv) refers to conditions in 14b.v and 14c.v. this should refer to 9b.v and 9 c.v. this same error occurs in subsections (f)i and (f)ii.
- Operator certification subsection (b) has a typo with an extra period.

In general with all the new requirements that we will accept such as the hauled waste plan, emergency response and public notifications plan, updated QAQC plan and industrial survey, adding the additional requirements required of a major facility are a hardship for the citizens of Warrenton and will require additional resources that are already limited and strained and now further impacted by the funding short falls associated with COVID-19. Additional anti-backsliding rules mean that we will be stuck with these additional requirements regardless if we become a major or continue to be a minor facility in the future.

Review of the fact sheet found several errors or omissions that should be corrected as well.

#### **4.1 Wastewater Facilities.**

It should be noted that the city collects wastewater from two other government agencies in addition to Fort Stevens State Park. The Port of Astoria regional airport(including the Coast Guard) and the Shoreline Sanitary Sewer District.

The disinfection system is listed as a low-pressure low intensity system. Our system is low pressure, high intensity.

It is indicated that ODEQ will evaluate us to determine if we will be a major facility next permit cycle meaning that we would have perform all the monitoring requirements as if we were a major facility. The City does not believe that this is appropriate. Our average dry weather flows are still well under the 1MGD requirement to bump up to a Major facility.

#### **4.3 Sewage collection system**

The fact sheet claims we have 27 pump stations. The city has 31 pump stations and operates and maintains 5 additional pump stations for the Shoreline Sanitary District. The Cities operated total of 36 publicly operated pump stations in all. Additionally, the fourth force main was commissioned in an ODEQ funded project, bringing all the conveyed wastewater from the east interceptor, directly to the treatment plant. This force

main became operational early 2017.

### Section 5.3 Receiving stream water quality

This section shows methyl mercury, dissolved oxygen, PCBs, Arsenic(inorganic), Temperature and DDE(4,4). Only a TMDL is established for temperature. What is possibility of TMDL's being established for the other parameters in the near future and will that require additional monitoring from the City?

### 5.4 Mixing zone analysis

states the there is an internal mixing zone memo dated April 9,2020. We would like to review this memo. Additionally, it says that the draft permit requires the City to update the mixing zone study and submit with their next permit renewal application. This requirement was not present in the actual draft permit. Pacific Seafoods recently conducted a mixing zone study on our shared outfall and such, there should not be a requirement for the mixing zone study. The comment about requiring the study should be removed from the fact sheet.

### 6.3 Overview of whole effluent toxicity analysis

This should not be required of us as we do not believe that we should be required to perform the monitoring as if we are a major

#### 6.3.1 Whole effluent toxicity analysis for the City of Warrenton STP

This should not be required of us as we do not believe that we should be required to perform the monitoring as if we are a major

#### 6.4.1 Biosolids production

No biosolids will be removed in this cycle and it is not necessary to add any language "in case the facility encounters situations that may require removal. There doesn't need to be any biosolids requirements in our permit. The City has been storing biosolids in the west sludge lagoon since it started up in 2006. There is an identical east sludge lagoon that has not received any sludge yet since being dredged at the startup of the facility in 2006. The City will not be removing any biosolids during the permit cycle as we have more than 5 years capacity in the east sludge lagoon once we eventually switch over to it. The City would need to go through the process of creating a Biosolids Management Plan and application site development, all subject to ODEQ review, before removing any solids and that will take several years to produce still.

In general, we are apprehensive to have any unnecessary language added into our permit to avoid any future anti backsliding issues.

#### 6.4.3 Pathogen Reduction (Table7) process to significantly reduce pathogens, listed in appendix B of 40 CFR Part 503.

The box in this table is marked anaerobic digestion. Our treatment plant uses an aerobic digester. We have not evaluated the process we will use to address pathogen reduction when we eventually need to remove biosolids. We have established a capital reserve fund to finance future biosolids removal.

7.2.1 The formulas used in this section to establish our lbs./day limits have errors and do not match the permit limits. The formulas should be recalculated and then corrected in the permit regardless of any backsliding issues.

#### 7.3 table 14

This table shows new limits for an E.coli parameter. Our facility should not be testing for E.coli and this should be removed from the table. We are in a marine-coastal-estuarine zone and are required to report in fecal and



enterococci. Having a requirement for E. coli is not appropriate. Additionally, the limit for E. coli is 126 geometric mean and no sample over 406. We have a fecal limit of 14 median and no more than 10% over 43. E. coli is just one type of fecal coliform. It makes no sense to monitor a subgroup on another parameter that we already have a more stringent limit for. Performing this additional monitoring is not a responsible use of public funds. E. coli monitoring should be removed from the permit

### 7.3.2 (c) Bacteria

Says limits must be met at end of pipe. We have a joint deep-water outfall and cannot be held responsible for discharges from Pacific Seafoods. Section states we discharge to a freshwater creek and have effluent limits based on the freshwater contact criteria form OAR 340-041-009(6)(b). However, per OAR340-041-0101 figure 101A, we are in fact in a coastal contact recreation location and not a freshwater location. We cannot be in a marine-estuarine and a freshwater contact point at the same time. Further the Columbia river should not be considered a freshwater creek at our discharge point. It is more appropriate to call it a bay than a creek. As such we should not be required to monitor E.coli as previously stated.

### 7.4 Tables B6 through B11

This section states that Warrenton discharges more than 1 MGD/day. Over the last permit cycle as noted on the 2a application. The average daily discharge for the permit cycle was 0.9 MGD the average dry weather flows for over the last permit cycle was 0.738MGD as shown in the table above. The statement that we are over 1MGD requires us to perform additional monitoring for toxic pollutants is incorrect.

The City has also made it a priority to identify and reduce inflow and infiltration. We have conducted smoke testing surveys over most of our system. We have secured assurance from the Port of Astoria and Coast Guard to reduce their Inflow and infiltration by replacing their world war 2 era gravity system with a new low-pressure sewer system. The Shoreline Sanitary Sewer District cleaned, CCTV and Smoke tested their entire system. We had our entire east end interceptor cleaned and CCTV inspected and have invested in training and materials to perform chemical grout repairs on our system. We anticipate significant reduction and our wet weather flows and some reduction in our dry weather flow.

### 7.4 Table B12

The same note about 1MGD/day flow is what is driving the WET testing requirement. For the same reasons listed for table B6 through B11 it is incorrect to require this monitoring.

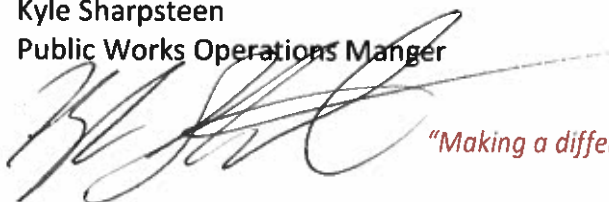
### 7.6.6 Whole effluent toxicity (WET) testing.

This section talks again about the requirement for WET testing. Again, this section should be revised to say that this testing is not required as we have flows well under 1MGD ADFW.

Thank you for giving us the opportunity to review this draft permit. For all the reasons listed in this letter, we feel that the permit should be re-drafted, removing all the requirements for monitoring as if we were a major facility. The statement that we have flow over 1MDG are incorrect and as shown in table ADFW over the last permit cycle. Further, the City is expending great time, effort and cash on identifying and reducing inflow and infiltration, which we expect will help us hold our flows near that level over the following permit cycle.

We look forward to your responses and answers to the various questions and comments in this letter.

Kyle Sharpsteen  
Public Works Operations Manger



*"Making a difference through excellence of service"*