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General Permit No. UTG790000

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

GENERAL PERMIT FOR TREATED GROUND WATER

In compliance with provisions of the Utah *Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended* (the "Act"),

FACILITY NAME LOCATED ON THE SIGNED NOI

is hereby authorized to discharge from its wastewater treatment facility identified in the *Notice of Intent* (NOI), issued coverage number **ASSIGNED BY DIVISION OF WATER QUALITY ON THE SIGNED NOI** under this general permit to receiving waters named:

RECEIVING WATER AS SPECIFIED ON THE SIGNED NOI

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on _____ 2016

This permit expires at midnight on _____

Signed this _____ day of _____, 2016

Walter L. Baker, P.E.
Director

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PND DRAFT

I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

A. Coverage Under the General Permit. This general UPDES permit shall apply to discharges of treated ground water that has been contaminated by operations located in the State of Utah.

1. The permittee is authorized to discharge under the terms and conditions of this permit after submission of a completed Notice of Intent (NOI) and Division of Water Quality (DWQ) authorization of coverage between an effective date and an expiration date. A completed NOI consists of either a letter containing the information listed in Part I.F. or using the NOI form appended to the Fact Sheet/Statement of Basis with all relevant spaces filled out. The NOI should be submitted to the following address:

Department of Environmental Quality
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, UT 84114-4870

B. Description of Discharge Point(s). The authorization to discharge wastewater provided under this part is limited to those outfalls specifically designated within the approved NOI. Discharges at any location not authorized under a UPDES permit are violations of the Utah Water Quality Act (*Act*) and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*. No discharges to Category 1 or 2 (as defined by *Utah Administrative Code (UAC) Section R317-2-3*) waters will be authorized under this permit.

C. Narrative Standard. It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum, or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by a bioassay or other tests performed in accordance with standard procedures.

D. Specific Limitations and Self-Monitoring Requirements for Discharges to Category 3 Waters with Designated Class 1C Drinking Waters Use

1. **Coverage:** Authorization for discharges under this Part is to Category 3 receiving waters **with** classification of designated use Class 1C drinking water as specified by R317-2-13.
2. **Alternative Methods of Disposal** As part of the notice of intent the permittee must demonstrate that surface water disposal is the least degrading disposal alternative or the only feasible disposal alternative. The suggested method of demonstration is a letter to DWQ detailing what if any alternative methods of disposal are available and a brief economic analysis.
3. **Antidegradation:** Coverage under this *Part* is being granted based on a temporary and limited nature of the discharge. Thus coverage will not be granted for greater than 12 months without the permittee conducting and getting approved a Level II Antidegradation review.
4. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from all Outfalls. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics ^{b. c.}	Effluent Limitations ^{a.}			
	Daily Minimum	Daily Maximum	Average Weekly ^{d.}	Average Monthly ^{d.}
Flow, gpm		100		
pH, SU	6.5	9.0		
Total Suspended Solids, mg/L		70	35	25
Total Dissolved Solids, mg/L		2,000 ^{e.}		
Total Lead, mg/L		0.038		
Oil & Grease, mg/L		10		
Benzene, mg/L		0.005		
BTEX, mg/L ^{f.}		0.1		
MTBE, mg/L		0.2		
Naphthalene, mg/L		0.7		
Total Toxic Organics		2.0		
Individual Toxic Organics		^{g.}		

- a. See Definitions, *Part VI.A* for definition of terms.
- b. There shall be no visible sheen or floating solids or visible foam other than in trace amounts.
- c. There shall be no discharge of sanitary wastes or process water other than the treated ground water.
- d. Average Weekly and Average Monthly Effluent Limitations will not apply if discharge occurs only once during project coverage as a continuous discharge not lasting more than 48 hours.
- e. In addition to the TDS concentration limitation, facilities discharging into watersheds within the Colorado River Basin shall not discharge more than 1.0 ton per day of TDS as a sum from all discharge points. It is the responsibility of the

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permittee to maintain annual TDS loading information and submit it to the Director.

- f. BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes
- g. Those toxic organics that were detected at concentrations greater than 0.01 mg/L or greater than the drinking water maximum contaminate level (MCL) in the initial influent screening are required to be analyzed for during discharge. Organic chemicals detected in concentrations greater than 0.01 mg/L or the MCL shall have discharge limitations established on a case-by-case basis. These additional effluent limitations will be specified in the DWQ section of the NOI.

Influent Characteristics	Monitoring Requirements^a	
	Measurement Frequency	Sample Type
Total Toxic Organics (TTOs)	Prior to submission of the NOI ^h	Grab
	Quarterly	

Effluent Characteristics^{b, c}	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow, gpm	2/month	Measured
pH, SU	2/month	Measured
Total Suspended Solids, mg/L	Monthly	Grab
Total Dissolved Solids, mg/L	Monthly	Grab
Total Lead, mg/L	Monthly	Grab
Oil & Grease, mg/L	Monthly	Grab
Benzene, mg/L	2/month	Grab
BTEX, mg/L ^f	2/month	Grab
MTBE, mg/L	2/month	Grab
Naphthalene, mg/L	Monthly	Grab
Total Toxic Organics	Monthly	Grab
Individual Toxic Organics ^l	Monthly	Grab

- h. A source sample analyzed for TTOs must be included with the notice of intent.
- i. If a new toxic organic is detected at concentrations greater than 0.01 mg/L or greater than the drinking water MCL not previously detected. The permittee shall notify the Division of Water Quality immediately within having knowledge of the detection. A new effluent limitation or monitoring requirements maybe added at that time by DWQ.

- 5. Additional monitoring shall be required for facilities that discharge into watersheds on the Utah state 303(d) list of impaired waters. These facilities shall be required to monitor for the pollutant(s) that contribute to the impairment for these waters. For projects temporary and limited in nature DWQ will incorporate for monitoring purposes only, any additional sampling data for parameters of concern. Longer term projects will be assigned monitoring and maybe assigned an effluent limitation on a case-by-case basis.

E. Specific Limitations and Self-Monitoring Requirements for Discharges to all other Category 3 Waters .

1. **Coverage:** Authorization for discharges under this Part is to Category 3 receiving waters **without** classification of designated use Class 1C drinking water as specified by R317-2-13.
2. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from all Outfalls. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics ^{b, c.}	Effluent Limitations ^{a.}			
	Daily Minimum	Daily Maximum	Average Weekly ^{d.}	Average Monthly ^{d.}
Flow, gpm		100		
pH, SU	6.5	9.0		
Total Suspended Solids, mg/L		70	35	25
Total Dissolved Solids, mg/L		2,000 ^{f.}		
Total Lead, mg/L,		0.36		
Oil & Grease, mg/L		10		
Benzene, mg/L ^{f.}		0.005		
BTEX, mg/L ^{f.}		0.1		
MTBE, mg/L		0.2		
Naphthalene, mg/L		0.7		
Total Toxic Organics		2.0 ^{h.}		
Individual Toxic Organics		g. h.		
TPH-GRO, mg/L ^{h.}		1.0		
TPH-DRO, mg/L ^{h.}		1.0		

- a. See Definitions, *Part I.A* for definition of terms.
- b. There shall be no visible sheen or floating solids or visible foam other than in trace amounts.
- c. There shall be no discharge of sanitary wastes or process water other than the treated ground water.
- d. Average Weekly and Average Monthly Effluent Limitations will not apply if discharge occurs only once during project coverage as a continuous discharge not lasting more than 48 hours.
- e. BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes.
- f. In addition to the TDS concentration limitation, facilities discharging into watersheds within the Colorado River Basin shall not discharge more than 1.0 ton per day of TDS as a sum from all discharge points. It is the responsibility of the permittee to maintain annual TDS loading information and submit it to the Director.
- g. Only those toxic organics that were present in concentrations greater than 0.01 mg/L in the initial influent screening are required to be analyzed for in the TTOs sample of the effluent. Organic chemicals detected in concentrations greater than 0.01 mg/L shall have discharge limitations established on a case-by-case basis.

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These additional effluent limitations will be specified in the DWQ section of the NOI.

- h. Total Petroleum Hydrocarbon (TPH-GRO and TPH-DRO) analyses may be substituted for the TTO analyses upon approval from DWQ. Maximum Daily Effluent limitations of 1.0 mg/L TPH-GRO and TPH-DRO will be substituted for the TTO effluent limitation. It is the permittee's responsibility to petition the Director. Ongoing treatment systems will be required to conduct at least one TTO analysis per permit cycle. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.

Effluent Characteristics ^{c. d.}	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow, gpm	2/month	Measured
pH, SU	2/month	Measured
Total Suspended Solids, mg/L	Monthly	Grab
Total Dissolved Solids, mg/L	Monthly	Grab
Total Lead, mg/L,	Monthly	Grab
Oil & Grease, mg/L	Monthly	Grab
Benzene, mg/L	2/month	Grab
BTEX, mg/L ^{i.}	2/month	Grab
MTBE, mg/L	2/month	Grab
Naphthalene, mg/L	Monthly	Grab
Total Toxic Organics ^{h.}	Monthly	Grab
Individual Toxic Organics ^{h.}	Monthly	Grab
TPH-GRO, mg/L ^{h.}	Monthly	Grab
TPH-DRO, mg/L ^{h.}	Monthly	Grab

3. Additional monitoring shall be required for facilities that discharge into waters on the Utah state 303(d) list of impaired water bodies. These facilities shall be required to monitor for the pollutant(s) that contribute to the impairment for these waters. For projects temporary and limited in nature DWQ will incorporate, for monitoring purposes only, any additional sampling data for parameters of concern. Longer term projects will be assigned monitoring and maybe assigned an effluent limitation on a case-by-case basis.

F. NOI Requirements

The NOI requires the following information:

1. Permittee Contact Information – Name, address, telephone number, email. Used for all permit correspondence.
2. Owner Contact Information – Name, address, telephone number, email
3. Project Site Location and Contact Information – Project site location and name and telephone number of individual in charge of operation of the facility.
4. Description of cleanup site, source contamination, and brief description of the type of activity resulting in the discharge.
5. Map of site; extending to at least 1 mile beyond the property boundaries including all surface water bodies and discharge locations.

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6. Start date and end date of when discharge of treated ground water will occur.
7. Identify the discharge points by GPS. Identify what conveyance systems will be involved such as storm drains. Note: Discharges to storm drains must be approved by the storm drain authority/owner.
8. Name of receiving water(s) being discharged to and if they are located within the Colorado River Basin.
9. Identify the receiving water designated uses. Contact DWQ staff if assistance is needed identifying receiving waters and uses.
10. List of actual or estimated, per *Part I.D* or *I.E*, concentrations of pollutants in the influent and effluent of the treatment system. Any additional information required by *Part I.D* or *I.E* of this permit based on the receiving water's designated uses
11. Detail design of any wastewater treatment system. This shall include the anticipated rate of discharge and a flow diagram.
12. Signature of owner, operator, or authorized agent (see Part V.G, Signatory Requirements) and the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G. Requiring an Individual Permit or an Alternative General Permit.

1. The *Director* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. The *Director* may require any owner or operator authorized to discharge under this permit to apply for an individual *UPDES* permit only if the owner or operator has been notified in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address of the *Division of Water Quality* shown in *Part I.H* of this permit. The *Director* may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual *UPDES* permit application as required by the *Director*, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.
2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the

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requirements of *Utah Administrative Code ("UAC") R317-8-3.8(2)(b)2* with reasons supporting the request, to the *Director* at the address for the *Division of Water Quality* in *Part I.H* of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

3. When an individual *UPDES* permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual *UPDES* permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Director*.
- H. Reporting of Wastewater Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) or by NetDMR, post-marked or entered into NetDMR no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part V.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

Department of Environmental Quality
Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870

II. STORM WATER REQUIREMENTS.

A. The *Utah Administrative Code (UAC) R-317-8-3.9* requires storm water permit provisions to include the development of a storm water pollution prevention plan for waste water treatment facilities if the facility meets one or both of the following criteria.

1. waste water treatment facilities with a design flow of 1.0 MGD or greater, and/or,
2. waste water treatment facilities with an approved pretreatment program as described in 40CFR Part 403,

The Facility specified in the NOI does not meet one of the above criteria. However, the permit does include a storm water re-opener provision and specific requirements below.

B. Best Management Practices: For on-going treatment facilities, the permittee shall develop and submit, upon request by the Director, a Best Management Practices (BMP) plan within one month of permit coverage. The plan shall be implemented within two months of permit coverage. Its purpose is to prevent the spread of contamination through runoff, infiltration and spillage during collection, transfer, or storage of waste water. Technologies designed to reduce runoff and infiltration includes dikes, diversion channels, flood walls, terraces, grading, capping and revegetation. Seepage basins and ditches can be used to discharge uncontaminated or treated water down and away from the site. Sedimentation basins can be used to control suspended solid particles in surface water discharges. The BMP plan should address the specific requirements described in the June 1981, *NPDES BMP Guidance Document* with emphasis on Risk Identification and Assessment.

III. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10 and 40CFR Part 503*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- E. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10 and 40 CFR 503* or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or the Biosolids Report Form. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance including transportation accidents, and spills which may seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part IV.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part IV.H, Upset Conditions.*);
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
 - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.

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5. Reports shall be submitted to the addresses in *Part I.H, Reporting of Monitoring Results*.
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part III.H.3*
- J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 1. 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 the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
 5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

IV. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at Part IV.G, *Bypass of Treatment Facilities* and Part IV.H, *Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.

G. Bypass of Treatment Facilities.

1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.

2. Prohibition of Bypass.

a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
- (3) The permittee submitted notices as required under *Part IV.G.3.*

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *Part IV.G.2.a (1), (2) and (3).*

3. Notice.

a. *Anticipated bypass.* Except as provided above in *Part IV.G.2* and below in *Part IV.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:

- (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
- (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
- (3) Description of specific measures to be taken to minimize environmental and public health impacts;

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- (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
 - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
 - (6) Any additional information requested by the Director.
- b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *Part IV.G.3.a.(1) through (6)* to the extent practicable.
- c. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Director as required under *Part III.H, Twenty Four Hour Reporting.* The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under *Part III.H, Twenty-four Hour Notice of Noncompliance Reporting;* and,
 - d. The permittee complied with any remedial measures required under *Part IV.D, Duty to Mitigate.*
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

V. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of parameters discharged or pollutant sold or given away. This notification applies to pollutants, which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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- a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
3. Changes to authorization. If an authorization under *Part V.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Part V.G.2* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. Penalties for Falsification of Reports. The *Act* provides that 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 shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
 - I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
 - J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any

responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.

- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.
- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
 2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.

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3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.

- P. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include, whole effluent toxicity (WET) limitations, a compliance date, a compliance schedule, a change in the whole effluent toxicity (biomonitoring) protocol, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

- Q. Storm Water-Reopener Provision. At any time during the duration (life) of this permit, this permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".

VI. DEFINITIONS

A. Wastewater.

1. The "7-day (and weekly) average", other than for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for e-coli bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. "Act," means the *Utah Water Quality Act*.
4. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
5. "Composite Samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

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- d. Continuous sample volume, with sample collection rate proportional to flow rate.
6. "CWA," means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
7. "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
8. "EPA," means the United States Environmental Protection Agency.
9. "Director," means Director of the Division of the Utah Division of Water Quality.
10. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
11. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a *UPDES* permit (other than the *UPDES* permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated ground water (including dewatering ground water infiltration), foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown where there are no chemical or abrasive additives, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate.
12. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
13. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
14. "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 which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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15. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
16. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311* of the *Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).
17. "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 operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

B. Storm Water.

1. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.