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Permit No. UTG130000
General Industrial

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

AUTHORIZATION TO DISCHARGE UNDER THE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)

GENERAL PERMIT FOR
CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITIES (CAAPF)

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

_____ is authorized to discharge from the site identified in the Notice of Intent, application number UTG1300____ to _____ waters of the State in accordance with discharge point(s), effluent limitations monitoring requirements and other conditions as set forth herein.

Coverage under this general permit shall become effective on _____.

This permit and the authorization to discharge shall expire at midnight, February 28, 2020.

Signed this XXnd day of February, 2015

_____
Walter L. Baker, P.E.
Director

DRAFT

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.

2. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

3. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

4. "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 preventive maintenance, or careless or improper operation.

5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

6. "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.

7. "Director" means Director of the Utah Division of Water Quality.

8. "EPA" means the United States Environmental Protection Agency.

9. "Act" means the "*Utah Water Quality Act*".

10. "*CWA*" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.

B. Criteria for Inclusion in the General Permit for Concentrated Aquatic Animal Production Facilities.

This general permit shall apply only to the discharge of wastewater from Concentrated Aquatic Animal Production facilities as defined in *Utah Administrative Code (UAC) R317-8-3.6*. A concentrated aquatic animal production facility means a hatchery, fish farm, or other facility which meets the following criteria:

1. For cold water aquatic animals which include but are not limited to the Salmonidae family of fish; e.g. trout and salmon; the facility must discharge at least 30 days per year but does not include: 1) facilities which produce less than 9,090 harvest weight kilograms (approximately

20,000 lbs) of aquatic animals per year; and 2) facilities which feed less than 2,272 kilograms (approximately 5000 lbs) of food during the calendar month of maximum feeding; 3) designation by the Director as outlined in *UAC R317-8-3.6(3)(a)*.

2. For warm water aquatic animals which include but are not limited to the Ictaluridae, Centrachidae and Cyprinidae families of fish; e.g. respectively, catfish, sunfish and minnows; the facility must discharge at least 30 days per year, but does not include: 1) closed ponds which discharge only during periods of excess runoff; 2) facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 lbs) of aquatic animals per year; 3) designation by the Director as outlined in UAC R317-8-3.6(3)(a).

C. Notice of Intent for a General Permit for Concentrated Aquatic Animal Production Facilities.

1. Any facility which desires a general permit for concentrated aquatic animal production and meets the requirements of B above can be issued a general permit by following the procedures listed below:

   Submit a Notice of Intent (NOI) to obtain a general permit for aquatic animal production. The NOI shall include responses to the following items:

   a. Applicant
      1. Name:
      2. Address:
      3. Location: _____ Latitude: _____ Longitude:
      4. Phone Number: _____
      5. Fax Number:
      6. Responsible On-Site Official _____, Phone #

   b. Is this NOI for a new facility or renewal of an existing permitted facility?
      _____ New _____ Renewal
      - If new, proceed to Item c.
      - If renewal, has there been any change in structures, operation procedures, etc., that may in any way change the discharge water quality? _____ Yes _____ No
      - If yes, please define the changes then proceed to Item h.

c. Water Sources: please complete one column of the following table for each source.

Parameter	Source #	Source #	Source #
Source Name			
Latitude			
Longitude			
Flow Rate Max:			
Flow Rate Min:			
Intermittent or Continuous Flow			
Quality - BOD_5			
TSS			
pH			
TDS			
Treatment (if any)			

d. Are any of the discharge points located on Indian lands or within National Forest Service boundaries? _____ Yes _____ No

If yes, please describe those which are.

e. Are any of the discharge points within the Colorado River Basin Drainage?

_____ Yes _____ No

f. **Location of Discharge Points.**
Point 001: _____ Latitude: _____ Longitude:
Point 002: _____ Latitude: _____ Longitude:

Name of Receiving Waters, Canals, Ditches, Etc.
Point 001:
Point 002:

g. The number of Ponds _____, Raceways _____, Other facilities (please describe)

h. The anticipated total yearly harvestable weight of each species:

Species 1 _____, Annual Harvestable Weight
Species 2 _____, Annual Harvestable Weight

i. Estimated time of year, indicated by month, during which the fish population is greatest. _____.

j. Please attach all existing discharge water quality data on BOD_5, TSS, pH, and TDS that has not been previously reported.

k. The NOI must be signed by a responsible official of the company with the following format:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the NOI application, I believe the information is true, accurate and correct. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

_____	_____	_____
Name of Official (Signature)	Title	Date

NOTES:

1. Additional information or clarification of information submitted in the NOI may be requested by the Director.

2. The NOI to obtain a General Permit for concentrated aquatic animal production shall be submitted 180 days before expiration of the general permit or an individual permit, for all facilities desiring to continue or obtain a general permit; with the exception of those facilities that have submitted a NOI within one year of the expiration date of the general permit need not resubmit another NOI.

3. New facilities must submit a NOI at least 180 days before the beginning date of discharge.

4. The Director will respond to the submission of the NOI by; reviewing the NOI for completeness within 30 days for a UPDES new source or discharger and 60 days for an existing source and notifying the permittee whether more information is needed; or if the NOI is complete, by issuing "authorization to discharge" as per UTG130000, that will include the "coverage effective date" and designated permit identification number.

D. Description of Discharge Point(s).

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit is a violation of the *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*.

Outfall Number	**Location of Discharge Point(s)**
	(Put in a narrative description of the outfalls - plus the longitude and latitude of each outfall.)

E. 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 conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or 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 bioassay or other tests performed in accordance with standard procedures.

F. Specific Limitations and Self-monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall(s). Such discharges shall be limited and monitored by the permittee as specified below:

	Discharge Limitations a/	**Monitoring Requirements**	
Effluent Characteristics	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow, MGD	N/A	Instantaneous	Measured
pH	*	Monthly	Measured
Total Suspended Solids, mg/L	25	Monthly	Grab
Total Dissolved Solids (TDS)	b/	Yearly	b/

*The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample and shall be monitored monthly by a grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes or process water from fish processing operations. Only commercially processed fish feed shall be used (no unprocessed offal or other animal by-products).

Rearing of fish within settling ponds and/or waste treatment ponds is not permitted.

At least one regular sampling per year shall be taken during raceway cleaning. It shall be noted at the bottom of the discharge monitoring report in the comments section which sample was taken during raceway cleaning.

a/ See Definitions, *Part I.A* for definition of terms.

b/ Total Dissolved Solids (TDS) limitations will only be applicable to those discharges from fish hatcheries within the Colorado River Basin. For these hatcheries TDS shall be monitored in the water source as well as the effluent by grab sample. The yearly sample shall be taken at the time of year during which the fish population is greatest, as indicated in the NOI. If any of the hatcheries exceed a 100 mg/L net increase the permittee shall immediately resample. If the second sample shows a net increase greater than 100 mg/L, the permittee may submit a request for a waiver of the TDS requirements, to the Director. If this waiver is denied the permittee will be requested to obtain an individual permit. The general permit will remain in effect until an individual permit is issued. If the resample indicates a net increase of TDS less than 100 mg/L, the permittee shall continue to monitor TDS on a yearly basis during the time of greatest fish population.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At a point which is representative of each discharge identified in the Notice of Intent, and included in coverage under this general permit.

3. Additional monitoring shall be required for facilities that discharge into waters or watersheds on the 303d list of impaired waters. These facilities shall be required to monitor for the pollutant(s) that cause the impairment for these waters. The exception to this will be bacteriological pollutants such as *E. coil*, fecal and total coliforms, since hatcheries do not contribute these pollutants to the water body. The Division of Water Quality will incorporate for monitoring purposes only, any additional sampling data for parameters of concern.

4. Best Management Practices. Facilities that produce more than 45,454 harvest weight kilograms (approximately 100,000 lbs) will be required to develop and certify a Best Management Plan that includes and describes how the facility will meet the following requirements;

    a. Prevention of the discharge of drugs and pesticides that have been spilled and minimize discharges of excess feed.
    b. Minimizing the discharge of solids such as uneaten feed, settled solids and animal carcasses.
    c. Maintenance of production and wastewater treatment systems.
    d. Keep records on numbers and weights of animals, amounts of feed, and frequency of cleaning, inspections, maintenance, and repairs.
    e. Staff training to prevent and respond to spills and to properly operate and maintain production and wastewater treatment systems.
    f. Reporting the use of experimental animal drugs or drugs that are not used in accordance with label requirements.
    g. Reporting failure of or damage to a containment system.

II. MONITORING, RECORDING AND 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. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.

B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, 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. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported monthly on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked 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 including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality:

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

E. 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.

F. 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* or as otherwise specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.

G. 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.

H. 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 three 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.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance 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) 536-4123 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 III.G, Bypass of Treatment Facilities.)*;

   c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions*.); or,

   d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.

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; and,

   d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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.

5. Reports shall be submitted to the addresses in *Part II.D*, *Reporting of Monitoring Results*.

J. 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 II.D* are submitted. The reports shall contain the information listed in *Part II.I.3*.

K. 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; and,

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.

III 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 of 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 III.G, Bypass of Treatment Facilities* and *Part III.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.

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, sludges, or other pollutants removed in the course of treatment shall be buried or 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 the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in *Part III.F*, to the discharge stream shall not be considered a bypass under the provisions of this paragraph.

2. Notice:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part II.I, Twenty-four Hour Reporting*.

3. Prohibition of bypass.

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

      (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage ;

      (2) 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

      (3) The permittee submitted notices as required under paragraph 2 of this section.

   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 above in paragraph 3.a of this section.

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 II.I, Twenty-four Hour Notice of Noncompliance Reporting*; and,

d. The permittee complied with any remedial measures required under *Part III.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.

I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. One hundred micrograms per liter (100 ug/L);

b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,

d. The level established by the Director in accordance with *UAC R317-8-4.2(6)*.

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 ug/L);

b. One milligram per liter (1 mg/L) for antimony:

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,

d. The level established by the Director in accordance with *UAC R317-8-4.2(6)*.

K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

IV GENERAL REQUIREMENTS

A. Planned Changes. The permittee shall give notice to the Director within 30 days of any planned physical alterations or additions to the production infrastructure of the permitted facility. This notification will consist of resubmitting the Notice of Intent located on page 4 of the General Permit For Concentrated Aquatic Animal Production Facilities (UTG130000). This notification also 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:

   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 paragraph *IV.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 paragraph *IV.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.

4.7 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 permittees 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 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*.

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.
3. A revision to the current Water Quality Management Plan is approved and adopted 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) testing, a WET limitation, a compliance schedule, a compliance date, 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".