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The findings, determinations and assertions contained in the document are not final and subject to change following the public comment period.

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 CONSTRUCTION DEWATERING AND HYDROSTATIC
TESTING

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

FACILITY

is hereby authorized to discharge from the construction dewatering/hydrostatic testing sites identified in the *Notice of Intent* (NOI), issued coverage number **UTG0(COVERAGE)**, under this general permit to receiving waters named:

WATERS OF THE STATE

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

This permit shall become effective on January 1, 2014,

This permit and the authorization to discharge shall expire at midnight December 31, 2018.

Signed this day of Month, 2013.

Walter L. Baker, P.E.
Director

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I. COVERAGE, EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Coverage Under the General Permit.

1. This general UPDES permit shall apply to construction dewatering of uncontaminated groundwater or surface water sources used in construction activities, hydrostatic testing of pipelines or other fluids vessels, water used in disinfection of drinking water vessels (provided the disinfectant is no longer viable), and other similar discharges in the *State of Utah* that have no discharge of process wastewater other than those described in this paragraph.
2. This permit does not authorize discharges from dewatering activities at hazardous waste sites, leaking chemical tanks, the discharge of toxic materials, or discharge of sanitary or industrial wastes (other than what is normally encountered at excavation and construction sites) at any location. This permit does not constitute authorization under 33 U.S.C. 1344 (*Section 404 of the Clean Water Act*) of any stream dredging or filling operations.
3. The permittee is authorized to discharge under the terms and conditions of this permit after submission of a completed NOI and **after signature of the Director** authorizing coverage between an effective date and an expiration date. A completed *Notice of Intent (NOI)* consists of either a letter containing the information listed below, completion of the online application process found at www.waterquality.utah.gov or using or the NOI form in the Appendix 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

The *NOI* requires the following information:

- a. Name, address, telephone number, site location, map and descriptive location of the facility, amount of acreage to be disturbed, and location of discharge point(s) (latitude, longitude);
- b. Name of individual in charge of operation of the facility;
- c. Name of potential receiving water(s);
- d. Detail design of any wastewater treatment system and recycle/reuse utilized such as inlet, length, width, depth, volume, detention time, and outlet;
- e. Brief description of the type of activity resulting in the discharge. This shall include the anticipated volume and/or rate of discharge, and the source of water to be discharged;
- f. Start date and end date when construction dewatering and/or hydrostatic testing will be (is planned to be) accomplished.

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- g. For hydrostatic testing only:
- (1) The type of vessel being tested (e.g. pipe, tank etc.).
 - (2) The material from which the vessel was constructed (e.g. steel pipe, etc.).
 - (3) Whether the vessel is new or used material.
 - (4) A list of any pollutants that could reasonably be expected in the discharge other than minor amounts of silt/sand/sediment or oil & grease. Used product must be cleaned from the vessel before testing, any oil & grease coating new steel used in vessel construction must be cleaned before testing.
 - (5) A description of the fluid material that will be contained and/or transported through the vessel.
 - (6) In the Colorado River Basin where water sources other than shallow wells or the receiving stream are to be used, information demonstrating conformance with the *Colorado River Basin Salinity Control Forum*, February 28, 1977 policy requirements and revisions thereof.
- h. Signature of owner, operator, or authorized agent (see *Part IV.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."

4. The owner or operator of a facility excluded from coverage by this general permit solely because that facility already has an individual UPDES permit may request that the individual permit be revoked and that the facility be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to that facility.
5. Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual UPDES permit. In addition, in accordance with *Utah Administrative Code (UAC) R317-8-2.5*, the *Director* may require any owner or operator covered under this permit to apply for and obtain an individual UPDES permit for reasons that include the following:
 - a. The discharge(s) is a significant contributor of pollution. There is significant potential for pollutants other than uncontaminated sediment from excavation, or minor amounts of oil & grease from machinery (e.g. contaminated groundwater, chemicals released during specialized construction, etc.).
 - b. The discharger is not in compliance with the conditions of this general permit; or
 - c. Conditions or standards have changed so that the discharger no longer qualifies for a general permit.
 - d. When an individual UPDES permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator is automatically terminated upon the effective date of the individual UPDES permit.

B. 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 II.D* 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 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 II.D* 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*.
- 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 bioassay or other tests performed in accordance with standard procedures.

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D. Specific Limitations and Self-monitoring Requirements of Construction Dewatering.

1. 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	Discharge Limitations a/e/				Monitoring Requirements	
	Average		Daily Min.	Daily Max.	Measurement Frequency	Sample Type
	30-day	7-day				
Flow, GPD	NA	NA	NA	NA	Weekly	Instant
Oil & Grease, visible b/	NA	NA	NA	NA	Daily	Visual Observation
Oil & Grease, mg/L c/	NA	NA	NA	10	Weekly	Grab
Total Suspended Solids, mg/L d/	25	35	NA	70	Weekly	Grab or Composite
pH, Standard Units	NA	NA	6.5	9.0	Weekly	Grab

NA - Not Applicable

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

b/ Observe effluent daily for visible Oil & Grease sheen.

c/ Sample for Oil & Grease only when a sheen is observed or other reasons to suspect the presence of oil.

d/ The Utah Water Quality Board may allow exceptions to the total suspended solids monthly and weekly limitations on a case-by-case basis where the discharge will not exceed 45 days and the treatment system is designed, built, and operated to meet the maximum concentration limitation and there will be no significant detrimental affect on receiving water quality or downstream beneficial uses.

e/ The permittee must comply with all conditions of this permit. Any permit noncompliance which includes but is not limited to: violations of any effluent limit detailed in *Part I. D* of this permit or violations of the Narrative Standard as stipulated in *Part I.C* of this permit constitutes a violation of the Act and is grounds for enforcement action. *Part III* of this permit further details the compliance responsibilities of the permittee.

2. The Director may require additional one time or regular sampling other than that specified above.
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge point(s) identified in the NOI.
4. **All point source discharges will be required to place velocity dissipation devices at discharge locations and along the length of any outfall channel as necessary to insure non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no deleterious effects or significant changes in the hydrological regime in the receiving water).**
5. The concentration of Oil & Grease shall be minimized to the maximum extent practicable.

6. Best management practices for the control of surface runoff shall be developed, implemented and maintained for the control of storm water runoff.

E. Specific Limitations and Self-monitoring Requirements of Hydrostatic Testing.

1. 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	Discharge Limitations a/f/				Monitoring Requirements	
	Average		Daily Min.	Daily Max.	Measurement Frequency	Sample Type
	30-day	7-day				
Flow, GPD	NA	NA	NA	NA	Weekly	Instant
Oil & Grease, visible b/	NA	NA	NA	NA	Daily	Visual Observation
Oil & Grease, mg/L c/	NA	NA	NA	10	Weekly	Grab
Total Suspended Solids, mg/L d/	25	35	NA	70	Weekly	Grab/Composite
Total Residual Chlorine, mg/L e/	NA	NA	NA	NA	Daily	Grab
pH, Standard Units	NA	NA	6.5	9.0	Weekly	Grab

NA - Not Applicable.

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

b/ Observe effluent daily for visible Oil & Grease sheen.

c/ Sample for Oil & Grease only when a sheen is observed or there is reason to suspect the presence of oil.

d/ The Utah Water Quality Board may allow exceptions to the total suspended solids monthly and weekly limitations on a case-by-case basis where the discharge will not exceed 45 days and the treatment system is designed, built, and operated to meet the maximum concentration limitation and there will be no significant detrimental affect on receiving water quality or downstream beneficial uses.

e/ The use of chlorinated water for a hydrostatic testing fluid shall not be allowed unless it can be demonstrated that the chlorine essentially dissipates prior to discharge and/or poses no potential for toxic impacts to the receiving waters. Chlorine sampling will be required when chlorinated water is used and discharged to a stream with a chlorine standard.

f/ The permittee must comply with all conditions of this permit. Any permit noncompliance which includes but is not limited to: violations of any effluent limit detailed in *Part I. D* of this permit or violations of the Narrative Standard as stipulated in *Part I.C* of this permit constitutes a violation of the Act and is grounds for enforcement action. *Part III* of this permit further details the compliance responsibilities of the permittee.

2. The Director may require additional one time or regular sampling other than that specified above.
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge point(s) identified in the NOI.
4. **All point source discharges will be required to place velocity dissipation devices at discharge locations and along the length of any outfall channel as necessary to insure non-erosive flow velocity from the structure to a water course so that the natural**

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physical and biological characteristics and functions are maintained and protected (e.g. no deleterious effects or significant changes in the hydrological regime in the receiving water).

5. The concentration of Oil & Grease shall be minimized to the maximum extent practicable.
6. In the Colorado River Basin, all water used for hydrostatic testing from a source that would not normally reach the Colorado River System must comply with the Colorado River Salinity Control Forum Policy of February, 1977.
7. Best management practices for the control of surface runoff shall be developed, implemented and maintained for the control of storm water runoff.

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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
- 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 and reported 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, "no discharge" shall be reported. Legible copies of these, and all other 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 at the following address:

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

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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 address 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.
 2. 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 human 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.
3. Notice.
- a. Anticipated bypass. Except as provided above in paragraph 2 (Prohibition of bypass) and below in paragraph 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;
 - (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 paragraph 3.a(1) through (6) (above) to the extent practicable.
 - c. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass to the Director as required under Part II.I., Twenty Four Hour Notice of Noncompliance Reporting. The permittee shall also immediately notify the Director of the Department of

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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 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)*.

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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 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 pollutants discharged. 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 30 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. 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.

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- 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.

V. DEFINITIONS

1. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. 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 the Saturday.
2. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. 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. "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 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "*CWA*" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
7. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the composite sample 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,
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
8. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.

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9. "EPA" means the United States Environmental Protection Agency.
10. "Director" means Director of the Utah Water Quality Board.
11. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
12. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
13. "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.
14. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
15. "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.
16. "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.
17. "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.
18. "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*).
19. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

20. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
21. "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.
22. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

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