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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.

FACT SHEET STATEMENT OF BASIS

GENERAL PERMIT FOR CONSTRUCTION DEWATERING AND/OR HYDROSTATIC TESTING Permit Number UTG070000

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES AND NATIONAL AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES:

The SIC codes for Construction are 1521 through 1629 and Excavation is 1794. The NAICS code for Construction is series 23 with the Site Preparation Contractors code specified as 238910.

APPROPRIATENESS OF THE GENERAL PERMIT:

Utah Administrative Code (UAC) R317-8-2.5 authorizes the issuance of General Permits for categories of point sources within the same geographical area with discharges that are from similar types of operations and wastes, and that require similar effluent limitations and monitoring.

During the last 5 years, there were over 270 Construction Dewatering/Hydrostatic Testing projects authorized to discharge in the State with coverage under the general permit. This is nearly triple the number of projects covered under the previous permit cycle. A similar number of projects are expected to occur during this permit cycle. Maintaining the Construction Dewatering/Hydrostatic Testing permitting process as a streamlined general permit saves time and fees for prospective permittees and makes better use of resources at the Division of Water Quality.

NOTICE OF INTENT FOR A GENERAL CONSTRUCTION/HYDROSTATIC TESTING PERMIT:

The application process for a general permit is less burdensome than for individual UPDES permits. *Utah Administrative Code R317-8-2.5(2)(b)1* and *R317-8-3* allows streamlining of the application process for general permits by using notice of intents (NOIs) for applications. NOIs require minimal information, no previous water quality monitoring data and can be filled out and submitted in a short period of time. The information required should be readily available to the prospective permittee if the project has been thoroughly and thoughtfully planned out.

Though the Construction Dewatering/Hydrostatic Testing General Permit is drafted to include most if not all Construction Dewatering/Hydrostatic Testing projects, it is possible that a project is complicated with conditions or risks that are not clearly addressed by the Construction

Dewatering/Hydrostatic Testing General Permit. For these cases the *Director* may revoke or terminate permit coverage (in accordance with *UAC R317-8-5.6* and *6.2*). In addition, the *Director* may require any person authorized by this general permit to apply for and obtain an individual permit.

COVERAGE UNDER THE GENERAL PERMIT:

This general permit shall apply to construction dewatering of groundwater and/or hydrostatic testing of pipelines, tanks, or other vessels located in the State of Utah. This permit may also be applied to other discharges related to construction activities, such as wheel washing at construction egress points, concrete cutting fluid (provided there are no additives to the water), drinking water pump testing or well development, etc. Discharges other than actual construction dewatering and hydrostatic testing must be identified and described in the NOI. The *Director* may deny coverage from such a discharge, thereby disallowing the discharge, or require an individual permit. Except for suspended solids and oil & grease (which are limited in the permit) a discharge under this permit must be compatible with the water quality standards of the stream they are discharging to. The *Director* may require discharge sample analysis to demonstrate that the discharge is compatible. Discharges covered by this permit shall have no sanitary waste, no contact with hazardous waste from a hazardous waste site, or contamination from leaking chemical or fuel tanks. Tested vessels must not have residual product left in the vessel before testing. This permit can address wastewater that has had exposure to mixed soils, graded soils, silts, or sands; and exposure to drips and minor leaks from well maintained machinery. **This permit cannot address toxic pollutants or other pollutants such as petroleum hydrocarbons, metals, acids, caustics, dissolved solids, sewage, nutrients, herbicides, pesticides, organics, inorganics, radiological contaminants, or other contaminants.**

BASIS FOR EFFLUENT LIMITATIONS:

The total suspended solids (TSS) weekly and monthly limits are determined by secondary treatment standards as contained in *UAC R317-1-3.2*. The maximum value of 70 mg/L for TSS is based on best professional judgment and is the same as in the previous permit.

The permit limits for TSS are difficult for some project managers to comply with due to treatment limitations or space restrictions for treatment. For these cases the permittee may elect to petition the Utah Water Quality Board to allow exceptions to the TSS monthly and weekly limitations, in accordance with *UAC R317-1-3.2 F*. The Water Quality Board may allow a variance in cases where the discharge will be of short duration and where there will be no significant detrimental affect on receiving water quality or downstream beneficial uses. An applicant wishing to be considered for the variance must contact the Division of Water Quality and arrange to make their request before the Water Quality Board. At the Board hearing the permittee must have a proposal including:

- (1) estimated costs of full compliance,
- (2) arguments justifying a variance,
- (3) details of any proposed wastewater treatment for the discharge,

- (4) estimated impacts to the receiving water body, and
- (5) where the discharge will be impacting a water body classified as 3A, 3B, or 3C, the prospective permittee must inform the Aquatic Section of Wildlife Resources (Department of Natural Resources) of the coming Board meeting in time for the agency to be represented at the meeting.

A variance must be obtained prior to submission of the NOI.

The limit for pH is 6.5 to 9.0 as determined by secondary treatment standards contained in *UAC R317-1-3.2 D*. Oil and Grease is limited to 10.0 mg/L based on best professional judgment and shall be minimized to the maximum extent practicable. When surface water is drawn for hydrostatic testing, the permittee is allowed to discharge to the original stream at the same concentration of the intake water when the intake water concentration exceeds the permit limits. The use of chlorinated water for a hydrostatic testing fluid shall not be allowed unless it can be demonstrated that the chlorine dissipates prior to discharge and/or poses no potential for toxic impacts to the receiving waters.

Water intercepted during construction dewatering in the Colorado River Basin would probably eventually reach the Colorado River system. In the Colorado River Basin, if Construction Dewatering/Hydrostatic Testing water is from a source which would not normally reach the river system it must have Director approval for compliance with the Colorado River Basin Salinity Control Forum Policy.

SELF-MONITORING REQUIREMENTS FOR CONSTRUCTION DEWATERING:

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.

SELF-MONITORING REQUIREMENTS FOR HYDROSTATIC TESTING:

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.

REPORTING REQUIREMENTS FOR DISCHARGE MONITORING REPORTS:

Discharge monitoring reports are to be completed every month and submitted to the Division of Water Quality on a monthly basis.

BIOMONITORING REQUIREMENTS:

As part of a nationwide effort to control toxic discharges, biomonitoring requirements are being included in permits for facilities where effluent toxicity is an existing or potential concern. In Utah, this is done in accordance with the *State of Utah Permitting and Enforcement Guidance Document for Whole Effluent Toxicity Control (Biomonitoring)*. Authority to require effluent biomonitoring is provided in *Permit Conditions, UAC R317-8-4.2, Permit Provisions, UAC R317-8-5.3 and Water Quality Standards, UAC R317-2-5 and R317-2-7.2*. Since the activities allowed to be covered by this permit, should not have a reasonable potential for toxicity occurring in the discharge, the permit will not have requirements to conduct any whole effluent toxicity (WET) testing (biomonitoring). If it is discovered that a project has a reasonable potential for toxicity, this permit will be revoked, and the project will be covered by a different permit. There is a reopener provision in the advent that general construction activities change to where toxicity becomes common enough occurrence that the permit needs to address toxicity.

STORM WATER AND BEST MANAGEMENT PRACTICES:

Storm water permit requirements are not covered under this permit. Coverage under the Storm Water General Permit for construction activities is required for projects which disturb one acre or greater. These sites must develop and implement a sediment and erosion control plan or Storm Water Pollution Prevention Plan utilizing Best Management Practices for the control of storm water runoff. All sites 1 acre or greater are required to submit a Notice of Intent with the State prior to any disturbance. The permit may be waived for small construction sites that disturb between 1 to 5 acres if construction will begin and commence (meaning final stabilization) between January 1 and April 30 of the same calendar year (Low Erosivity Waiver). Reasonable measures to control erosion and sediment transport must still be used in case runoff occurs during this time period. All point source discharges will be required to place velocity dissipation devices at discharge locations along the length of any outfall channel as necessary to insure non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water). A copy of the permit can be viewed and downloaded at www.waterquality.utah.gov/updes/stormwater.htm.

SUMMARY OF CHANGES FROM PREVIOUS PERMIT:

None.

PERMIT DURATION:

It is recommended that this permit be effective for a duration of five (5) years.

Drafted by Kim Shelley
Environmental Engineer
Utah Division of Water Quality
October 10, 2013

PUBLIC NOTICE

Began:

Ended:

Public Noticed in The Salt Lake Tribune and Deseret News