

General Permit No. UTG580000
Utah Sanitary Sewer Management Program General Permit

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

AUTHORIZATION TO OPERATE A PUBLIC SANITARY SEWER
COLLECTION SYSTEM IN THE STATE OF UTAH

GENERAL PERMIT FOR OPERATION OF A PUBLIC SANITARY SEWER
COLLECTION SYSTEM IN THE STATE OF UTAH

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

(NAME OF PUBLIC SEWER COLLECTION ENTITY)

is hereby authorized to operate a public wastewater sewer collection system as identified in the *Notice of Intent* (NOI), issued coverage number **UTG580000**, under this general permit in accordance with planning, design, operation, maintenance and monitoring requirements and other conditions set forth herein.

This permit shall become effective on October 1, 2012.

This permit and the authorization to discharge shall expire at midnight September 30, 2017.

Signed this **XX**th day of August, 2012.

Walter L. Baker, P.E.
Director
Utah Division of Water Quality

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APPENDIX

I. COVERAGE, OPERATING AND MONITORING REQUIREMENTS.

A. Coverage under the General Permit

1. Coverage under this permit is required for any sewer collection system owner or operator ("entity") who owns or operates a "sewer collection system" (as defined in Part V) and is required to submit a Notice of Intent (NOI) in accordance with Part I.A. With coverage under the general permit the "entity" is referred to as a "permittee" (as defined in Part V).
2. The permittee is authorized to operate a sewer collection system under the terms and conditions of this permit after September 30, 2012 in accordance with R317-801.
3. Submission of a completed NOI. For coverage under the Sewer System General Permit (SSGP) beginning October 1, 2012 the permittee must submit a completed NOI on or before that date. The permittee is expected to obtain a copy of the permit, and conform with all the requirements of the permit beginning October 1, 2012. Under this submission coverage under the SSGP will continue through the five year cycle of the general permit, ending September 30, 2017.

Prior to September 30, 2017 the permit will be reissued for another five-year term ending September 30, 2022. For continued coverage from the previous permit to the reissued permit, the permittee must submit an updated NOI on or before September 30, 2017. Beyond that time the SSGP will be similarly renewed and NOI submissions will be required for continued coverage on repeating five-year cycles.

An NOI form may be found on the Water Quality website at: www.waterquality.utah.gov and in the Appendix of this permit. It should be mailed, with an original authorizing signature, to:

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

Physical Address:
Department of Environmental Quality
Division of Water Quality
195 North 1950 West
Salt Lake City, Utah 84116

General permit coverage will be in effect when the Notice of Intent has been submitted, approved and declared complete by the Division Director.

B. Requiring an Individual Permit

1. It is anticipated that coverage under the SSGP will be appropriate and adequate for all sewer collection system entities. In the rare situation, due to an unusual situation or

conditions, this may not be the case, the Division Director may require any permittee authorized by this permit to apply for an individual sewer system permit only if the permittee has been notified in writing that an individual 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 permittee to file the application, and a statement that on the effective date of the individual permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate.

Entities which own non-public or privately held sewer collection systems may be required to obtain either individual or general permit coverage if unusual conditions warrant, as determined by the Director.

Applications for an individual permit shall be submitted to the address of the Division of Water Quality (DWQ) shown above.

2. The Division Director may grant additional time to submit the application upon receipt of a written request of the applicant. If an entity fails to submit in a timely manner an individual permit application, as required by the Division Director, then the applicability of this permit to the individual permittee is automatically terminated at the end of the day specified for application submittal.
3. Any permittee 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 a request for an individual permit with reasons supporting the request, to the Division Director at the address for the Division of Water Quality in the NOI. The request may be granted by issuance of any individual permit or an alternate general permit if the reasons cited by the permittee are adequate to support the request.
4. When an individual permit is issued to an entity otherwise subject to this permit, or the entity is authorized for coverage under an alternate general permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternate general permit, whichever the case may be. When an individual permit is denied to an entity otherwise subject to this permit, or the entity is denied for coverage under an alternate general permit, the applicability of this permit to the individual permittee is automatically terminated on the date of such denial, unless otherwise specified by the Division Director.

C. Limitations on coverage.

1. Based on a review of your NOI or other information, DWQ may delay your authorization for further review, or may determine that additional requirements are necessary, or may deny coverage under this permit and require submission of an application for an individual permit, as detailed in Part I.B.
2. Continuation of this Permit. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. If you were authorized to operate under this permit prior to the expiration date, any

operations authorized under this permit will automatically remain covered by this permit until the earliest of:

- a. Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to operate under the new permit and compliance with the requirements of the NOI;
- b. The submittal and processing of your Notice of Termination consistent with I.C.3;
- c. The issuance or denial of an individual permit for operation that would otherwise be covered under this permit;
- d. A formal permit decision by DWQ not to reissue this general permit, at which time DWQ will identify a reasonable time period for covered entities to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. DWQ has informed you that you are no longer covered under this permit.

3. Terminating Coverage

- a. Submitting a Notice of Termination (NOT). To terminate permit coverage, a permittee who is required to submit an NOI as identified in Part I.A.3., must submit a complete and accurate NOT. Information required to be included in a Notice of Termination (also found on our website at <http://www.waterquality.utah.gov/>) is provided in the NOT. Permittees required to submit a Notice of Termination should submit that information on an NOT form and send it to the DWQ. The authorization to operate under this permit terminates at midnight ten days after the postmarked date that the NOT is mailed to the DWQ. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part I.C., then your Notice of Termination is not valid. You are responsible for complying with the terms of this permit until your authorization is terminated.
- b. When to Submit a Notice of Termination. An operator who is required to submit an NOI as identified in Part I.A. must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:
 - 1) A new owner has taken over responsibility of your sewer collection activities covered under an existing NOI;
 - 2) You have ceased all operations of the collection system for which you obtained permit coverage and you do not expect to operate the system during the remainder of the permit term; or
 - 3) You have obtained coverage under an individual permit or an alternative general permit for all sewer collection system operations, unless you obtained coverage consistent with Part I.A., in which case coverage under this permit will terminate automatically.

D. General Permit Provisions.

1. Prohibitions.

- a. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the State is prohibited.
- b. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a health hazard, nuisance, or is a threat to the environment is prohibited.

2. General SSO Requirements.

- a. The permittee shall take all feasible steps to eliminate SSOs to include:
 - 1) properly managing, operating, and maintaining all parts of the sewer collection system;
 - 2) training system operators;
 - 3) allocating adequate resources for the operation, maintenance, and repair of its sewer collection system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures in accordance with generally acceptable accounting practices; and,
 - 4) providing adequate capacity to convey base flows and peak flows, including flows related to normal wet weather events. Capacity shall meet or exceed the design criteria of R317-3.
- b. SSOs shall be reported in accordance with the requirements of Part I.D.3.
- c. When an SSO occurs, the permittee shall take all feasible steps to:
 - 1) control, contain, or limit the volume of untreated or partially treated wastewater discharged;
 - 2) terminate the discharge;
 - 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water; and,
 - 4) mitigate the impacts of the SSO.

3. General Permit SSO Reporting Requirements.

- a. SSO Reporting. SSOs shall be reported as follows:
 - 1) A Class 1 SSO shall be reported orally within 24 hrs and with a written

report submitted to the DWQ within five calendar days. Class 1 SSO's shall be included in the annual USMP report.

- 2) Class 2 SSOs shall be reported on an annual basis in the USMP annual report.
4. Annual Report.
- a. A permittee shall submit to DWQ a USMP annual operating report covering information for the previous calendar year by April 15 of the following year. The report may be submitted as a part of the annual Municipal Wastewater Planning Process.

E. Sewer System Management Plan (SSMP) Requirements.

1. SSMP. The permittee shall have and implement a written SSMP and shall make it available to DWQ upon request. A copy of the SSMP shall be publicly available at the permittee's office and/or available on the Internet. The SSMP must be publicly noticed by the permittee and approved by the permittee's governing body at a public meeting. The main purpose of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sewer collection system to reduce and prevent SSOs, as well as minimize impacts of any SSOs that occur.
2. Contents of SSMP. The SSMP shall include:
 - a. Organization Information to include:
 - 1) The name or position of the responsible or authorized representative;
 - 2) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and,
 - 3) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to DWQ, the public (if needed) and other agencies if applicable (such as County Health Department).
 - b. Sewer collection system use ordinances, service agreements, or other legally binding methods, that:
 - 1) Prohibit unauthorized discharges into its sewer collection system i.e. I/I, stormwater, chemical dumping, unauthorized debris and cut roots;
 - 2) Require that sewers and connections be properly designed and constructed;
 - 3) Ensure access for maintenance, inspection, or repairs for portions of the laterals owned or maintained by the permittee;

- 4) Limit the discharge of FOG and other debris that may cause blockages;
 - 5) Require compliance with pretreatment requirements;
 - 6) Provide authority to inspect industrial users; and,
 - 7) Provide for enforcement for violations of the requirements.
- c. An Operations and Maintenance Plan which includes:
- 1) An up-to-date map of the sewer collection system, showing all gravity line segments, manholes, pumping facilities, pressure pipes, gates and all other applicable conveyance facilities;
 - 2) A description of routine preventative operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sewer collection system with more frequent cleaning and maintenance targeted at known problem areas. The plan should include regular visual and TV inspection of manholes and sewer pipes and a system of ranking the condition of sewer pipe and manholes. The plan should have an appropriate system to document scheduled and all other types of work activities, such as a maintenance, management, system, or paper work orders;
 - 3) A Rehabilitation, Replacement and Improvement Plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each class of deficiencies. Rehabilitation and replacement should focus on sewer pipes that are at risk of failure or prone to more frequent blockages due to pipe defects. The rehabilitation and replacement plan shall include a CIP, if required, that addresses proper management and protection of the infrastructure assets;
 - 4) Schedule for training on a regular basis for staff and contractors in operations and maintenance consistent with DWQ continuing education requirements for certified operators; and,
 - 5) Providing for equipment and replacement part inventories, including identification of critical replacement parts. (This may include a list of vendors that the equipment and/or part can be purchased from, or local agreements).
- d. Design and performance provisions which include:
- 1) Design, construction standards and specifications that meet or exceed R-317-3 for the installation of new sewer collection systems, pump stations and other appurtenances and for the rehabilitation and repair of existing sewer collection systems; and,
 - 2) Procedures and standards for inspecting, testing and documenting the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

- e. A SORP which has the following measures to protect public health and the environment:
 - 1) A program to respond to overflows which addresses:
 - a) Receipt and documentation of information regarding a sewer overflow;
 - b) Dispatch of appropriate crews to the site of the sewer overflow;
 - c) Overflow correction, containment, and cleanup including procedures to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the State and to minimize or correct any adverse impact on the environment resulting from the sewer overflow;
 - d) Preparation of an overflow report by responding personnel; and,
 - e) Follow up with affected persons,
 - 2) Procedures for prompt notification to the public.
 - 3) Procedures to notify appropriate regulatory agencies and other potentially affected entities to include:
 - a) DWQ to comply with SSO reporting requirements;
 - b) County Health Department, local water supply agencies as appropriate, and other affected agencies should the SSO potentially affect the public health or reach the waters of the State;
 - c) Utah Division of Emergency Response and Remediation, if hazardous materials are or may be involved; and,
 - d) Any other required UPDES, State, or Federal reporting requirements.
 - 4) Procedures to ensure that appropriate staff personnel are aware of and follow the SORP and are appropriately trained.
- f. For permittees with 2000 or more connections, and at the option of permittees with less than 2000 connections, a FOG control plan consistent with the potential for FOG discharge from commercial and industrial dischargers. Where required, the FOG control plan shall include some or all of the following:
 - 1) An implementation plan and schedule for a residential and commercial public education outreach for the FOG control plan that promotes proper disposal of FOG;
 - 2) A plan for the disposal of FOG generated within the permittee's service area.

This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG;

- 3) Sewer collection system use ordinances, service agreements, or other legally binding methods, that prohibit FOG discharges to the system;
 - 4) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
 - 5) A FOG inspection, monitoring and evaluation plan;
 - 6) Identification of resources to do inspections and enforce the FOG control plan; and,
 - 7) A maintenance schedule for lines affected by FOG blockages.
- g. For permittees with 2000 or more connections, and at the option of permittees with less than 2000 connections, a SECAP. Where required, the SECAP shall include the following:
- 1) an evaluation of the wastewater collection system's existing hydraulic capacity using historical information such as flow, system records, current zoning, local development options, and maintenance records;
 - 2) identification of system deficiencies; and,
 - 3) a CIP that includes an appropriate model for the system that can be used to evaluate the hydraulic conditions in the system and identify existing and forecast future deficiencies to provide hydraulic capacity such as for future dry weather peak flow conditions, as well as the appropriate design for storm or wet weather events. The CIP shall establish a short and long term schedule to address the deficiencies and conditions identified, including a priority list, alternative analysis, and schedule for recommended upgrades. The CIP shall include increases in pipe size, I/I reduction plans, increases in pumping capacities and/or redundancies, storage capacity increases and recommended trunk line cleaning schedules or other monitoring activities. The CIP shall identify the sources of funding. The schedule shall be reviewed and adjusted yearly.

F. Certification, Submission and Implementation Requirements.

1. Timeline for Notice, SSMP, and Certification. The permittee shall certify to DWQ that a SSMP is in place that is in compliance with the USMP by submitting a notice to DWQ within the time frames identified in the following time schedule:

Table 1. Timeframe for Implementation.

| Task | Completion Dates by Population | | | |
|--|--|-----------------------------------|--------------------------------|-------------------------|
| | >50,000 50,000 population | 15,001 to 15,000 population | 3,501 to Less population | 3,500 and population |
| Notice of Intent to be covered by General Permit | 2 weeks after submission of NOI to DWQ | | | |
| Completion of SSMP (excluding SECAP) | Sept 30, 2014 | Mar 31, 2014 | Sept 30, 2015 | Mar 31, 2016 |
| Completion of SECAP when required | Sept 30, 2015 | Mar 31, 2016 | Sept 30, 2016 | Sept 30, 2017 |

2. Significant Modifications. Significant modification of the SSMP must be public noticed by the permittee and approved by the permittee's governing body at a public meeting. A new notice certifying the revised SSMP is in place shall be sent to DWQ.
3. Incomplete Reports. If a permittee becomes aware that it failed to submit required information in any notice or report, the permittee shall promptly amend the notice or report.
4. Certification of Notices and Reports. All notices and reports submitted to DWQ shall be signed and certified as required in R317-8-3.4.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Monitoring, Measurement and SSMP Modifications.

1. The permittee shall maintain relevant information that can be used to establish and prioritize appropriate SSO prevention activities and shall document all monitoring activities (i.e. daily cleaning activities, CCTV video records, manhole inspections, and hot spot activities).
2. The permittee shall regularly review the effectiveness of each element of the SSMP and shall monitor the SECAP implementation (when required).
3. The permittee shall annually assess the success of the operation and maintenance plan (i.e. line cleaning, CCTV inspections and manhole inspections, and SSO events) and adjust the operation and maintenance plan as needed based on system performance.
4. The permittee shall update SSMP elements, as appropriate, based on monitoring or performance evaluations.
5. The permittee shall regularly identify and illustrate SSO trends, including frequency, location, and volume.
6. The permittee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every five years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the permittee's compliance with the SSMP, including identification of any deficiencies in the SSMP and steps to correct them.
7. The permittee is encouraged to communicate with the public, as needed, on the development, implementation, and performance of the SSMP. The permittee may establish a public outreach/communication plan which shall provide the public with the opportunity to provide input to the permittee as the SSMP is developed and implemented.
8. The SSMP shall be prepared by, or under the direction of, a Utah certified professional engineer or another qualified professional.
9. The SSMP must be completed by the deadlines listed in the Timeframe for Implementation in Part I.F.

B. Record Keeping and Reporting

1. You must keep written records as required in this permit. These records must be accurate and complete and sufficient to demonstrate your compliance with the conditions of this permit. You can rely on records and documents developed for other obligations, such as other planning or funding requirements, provided all requirements of this permit are satisfied.
2. All operators must keep the following records:

- a. A copy of this permit
 - b. A copy of any SSO and Annual Reports (See Part I. D.)
 - c. Your rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Part I. D.
 - d. A copy of any corrective action or enforcement documentation (See Part III.H.)
 - e. A copy of the NOI submitted to DWQ, any correspondence exchanged between you and DWQ specific to coverage under this permit;
 - f. A copy of your SSMP, including any modifications made to the SSMP during the term of this permit.
3. All required records must be documented as soon as possible but no later than 14 days following completion of such activity. You must retain any records required under this permit for at least five years from the date that your coverage under this permit expires or is terminated. You must make available to DWQ, including an authorized representative of DWQ, all records kept under this permit upon request and provide copies of such records, upon request.
 4. Keep records of any information exchanged related to twenty-four hour and five day adverse incident or non-compliance reporting.

C. Inspection and Entry.

You must allow DWQ or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon your premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - a. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - b. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

D. Monitoring and Records.

1. You must retain records of all reports required by this permit, and records of all data used to complete the Notice of Intent for this permit, for a period of at least five years from the date the permit expires or the date the operator's authorization is terminated.

This period may be extended by request of DWQ at any time.

2. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
3. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least five years from the date the permit expires or the date the operator's authorization is terminated. This period may be extended by request of DWQ at any time.
4. Records of monitoring information must include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
5. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.
6. 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, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

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 Division 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.F, Adverse Incident Documentation and Reporting, Part III.K, 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. Corrective Action.

If any of the following situations occur, you must review and, as necessary, revise the evaluation and selection of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

1. An unauthorized release or discharge associated with the operation of a sewer collection system (e.g., spill, leak, or discharge not authorized by this or another permit) occurs;
2. You become aware, or DWQ concludes, that your control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;

E. Effect of Corrective Action.

The occurrence of a situation identified in Part III.D may constitute a violation of the permit. Correcting the situation according to Part III.A does not absolve you of liability for any original violation. However, failure to comply with Part III.D constitutes an additional permit violation. DWQ will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations. DWQ or a court may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part III.D. if such requirements conflict.

F. Adverse Incident or Non-Compliance Documentation and Reporting

PART III
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1. Twenty-Four (24) Hour Adverse Incident on Non-Compliance Notification

If you observe or are otherwise made aware of an adverse incident, that may have resulted from a discharge from your collection system, you must immediately notify the DWQ Incident Reporting line at (801) 536-4300, or 24-hour answering service (801) 536-4123. This notification must be made by telephone within 24 hours of you becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
 - b. Operator/Owner name and mailing address;
 - c. If covered under an NOI, the NOI NPDES tracking number;
 - d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
 - e. How and when you became aware of the adverse incident on non-compliance;
 - f. Description of the location of the adverse incident;
 - g. Description of the adverse incident identified; and
 - h. Description of any steps you have taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects.
2. If you are unable to notify DWQ within 24 hours, you must do so as soon as possible and also provide your rationale for why you were unable to provide such notification within 24 hours.
3. Reporting of adverse incidents is not required under this permit in the following situations:
- a. You are aware of facts that clearly establish that the adverse incident was not related to any administrative function or operation of your sewer collection system.
 - b. You have been notified in writing by DWQ that the reporting requirement has been waived for this incident or category of incidents.
 - c. You receive information notifying you of an adverse incident but that information is clearly erroneous.
4. Five (5) Day Adverse Incident or Non-Compliance Written Report. Within five (5) days of a reportable adverse incident pursuant to Part III.G.1, you must provide a written report of the adverse incident to the DWQ. Your adverse incident report must include at least the following information:
- a. Information required to be provided in Part III.G.1;
 - b. Date and time you contacted DWQ notifying the Agency of the adverse incident and who you spoke with at DWQ and any instructions you received from DWQ;
 - c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
 - d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
 - e. Magnitude and scope of the effected area (e.g. square area or total stream distance affected);
 - f. If laboratory tests were performed, indicate what test(s) were performed, and when, and provide a summary of the test results within 5 days after they become

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- available;
- g. If applicable, explain why you believe the adverse incident could not have been caused by exposure to the pesticide;
- h. Actions to be taken to prevent recurrence of adverse incidents; and
- i. Signed and dated in accordance with Part IV.F.

5. Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if you become aware of an adverse incident to a federally-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from a discharge from your collection system, you must immediately notify the U.S. Fish and Wildlife Service (FWS) at 801-975-3330, Contaminants Division. This notification must be made by telephone immediately upon your becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. The name of the affected species;
- d. How and when you became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident, and
- g. Description of any steps you have taken or will take to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from FWS (www.fws.gov) for terrestrial or freshwater species.

G. Reportable Spills and Leaks

- 1. The permittee shall (orally) report any noncompliance, including transportation accidents, and spills which may seriously endanger public health or the 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.

H. Other Corrective Action Documentation.

For situations identified in III.F., other than for adverse incidents (addressed in Part III.F.1, or reportable spills or leaks (addressed in Part III.G.), you must document the situation triggering corrective action and your planned corrective action within five (5) days you become aware of that situation and retain a copy of this documentation. This documentation must include the following information:

- 1. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
- 2. Brief description of the situation;

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3. Date the problem was identified.
 4. Brief description of how the problem was identified and how the operator learned of the situation and date the operator learned of the situation;
 5. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
 6. Any measures to prevent reoccurrence of such an incident.
- I. **Duty to Mitigate.**
You must 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.
- J. **Proper Operation and Maintenance.**
You must at all times properly operate and maintain all facilities and systems of collection, treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.
- K. **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. Division Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
 2. **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under *Part III.F, Twenty-four Hour Notice of Noncompliance Reporting*; and,
 - d. The permittee complied with any remedial measures required under *Part III.I, 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.
- L. **Removed Substances.**
Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment or system operations or maintenance work shall be properly disposed of in such a manner so

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as to prevent any pollutant from entering any waters of the State or creating a health hazard. Filter backwash shall not directly enter either the final effluent or Waters of the State by any other direct route.

M. 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 allow the Publically Owned Treatment Works (POTW) owner accepting the wastewaters to enforce compliance 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 POTW accepting the wastewaters on all dischargers to the permittee's system.

In addition, the permittee must notify the POTW if he becomes aware that any illegal or toxic discharge to his sewer collection system has been made.

IV. GENERAL REQUIREMENTS

- A. Permit Actions.
This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- B. Duty to Reapply.
If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once DWQ issues it.
- C. Duty to Provide Information.
You must furnish to DWQ within a reasonable time, any information which DWQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to DWQ or an authorized representative upon request, copies of records required to be kept by this permit.
- D. Other information.
Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Division Director, you must promptly submit such facts or information.
- E. Signatory Requirements.
All applications, reports or information submitted to the Division Director shall be signed and certified.
4. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 5. All reports required by the permit and other information requested by the Division Director shall be signed and dated 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 Division 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.)
 6. Changes to authorization. If an authorization under paragraph *IV.F.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.F.2* must be submitted to the Division Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

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."

8. The CWA 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 non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

F. Reporting Requirements.

1. Anticipated noncompliance. You must give advance notice to the DWQ of any planned changes in the permitted activity which may result in noncompliance with permit requirements.
2. Transfers. This permit is not transferable to any person except after notice to DWQ. Where an operator wants to transfer coverage under the permit to a new operator, the original permittee (the first operator) must submit a Notice of Termination pursuant to Part I.D.3. The new operator must submit a Notice of Intent in accordance with Part I.A.
3. 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 must be submitted no later than 14 days following each schedule date.

G. Property Rights.

This permit does not convey any property rights of any sort, or any exclusive privileges.

H. Severability.

Invalidation of a portion of this permit does not render the whole permit invalid. DWQ's intent is that the permit will remain in effect to the extent possible; in the event that any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless DWQ issues a written statement otherwise.

I. Transfers.

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This permit is not transferable to any person except after notice to DWQ. Where an operator wants to transfer coverage under the permit to a new operator, the original permittee (the first operator) must submit a Notice of Termination pursuant to Part I.C. The new operator must submit a Notice of Intent in accordance with Part I.A.

- J. Anticipated Noncompliance
The permittee shall give advance notice to the Division Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- K. Permit Reopener Provision.
This permit may be reopened and modified (following proper administrative procedures) to include appropriate entities and system restrictions and requirements as conditions may change.

V. DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

A. Definitions

1. "Act" means the "*Utah Water Quality Act*".
2. "Adverse Incident" – means an incident that you have observed upon inspection or of which you otherwise become aware, in which may cause a violation of the Utah Water Quality Act.
3. "Best Management Practices" (BMPs) – are examples of control measures that may be implemented to meet effluent limitations. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to minimize the discharge of pollutants to waters of the State BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage. [40 CFR 122.2]
4. "BMP" - means "best management practice".
5. "CCTV" - means "closed circuit television".
6. "CIP" - means a "Capital Improvement Plan".
7. "CWA" means The *Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
8. "Discharge" – when used without qualification, means the "discharge of a pollutant." [40 CFR 122.2]
9. "Discharge" of a pollutant – any addition of any “pollutant” or combination of pollutants to “waters of State” from any “point source,” or any addition of any pollutant or combination of pollutants to the water of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into waters of the U.S. from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [excerpted from 40 CFR 122.2]
10. “Division Director”- means the Director of the Utah Division of Water Quality.
11. "DWQ" - means "the Utah Division of Water Quality".
12. "DWQ" Approved or Established Total Maximum Daily Loads (TMDLs) – “DWQ Approved TMDLs” are those that are developed by a State and approved

by DWQ. "DWQ Established TMDLs" are those that are issued by DWQ.

13. "EPA" - means the United States Environmental Protection Agency.
14. "Establishment" – generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).
15. "Facility or Activity" – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR 122.2]
16. "Federal Facility" – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.
17. "FOG" - means "fats, oils and grease".
18. "I/I" - means "infiltration and inflow".
19. "Impaired Water" (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – A water is impaired for purposes of this permit if it has been identified by DWQ pursuant to Section 303(d) of the Clean Water Act as not meeting State water quality standards (these waters are called “water quality limited segments” under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.
20. "North American Industry Classification System (NAICS)" – developed under the direction and guidance of the U.S. Office of Management and Budget (OMB) as the standard for use by Federal statistical agencies in classifying business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. NAICS is scheduled to be reviewed every 5 years for potential revisions with the most recent version being completed in 2007. Under NAICS, an establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office). An enterprise, on the other hand, may consist of more than one location performing the same or different types of economic activities. Each establishment of that enterprise is assigned a NAICS code based on its own primary business activity. Ideally, the primary business activity of an establishment is determined by relative share of production costs and/or capital investment. In practice, other variables, such as revenue, value of shipments, or

employment, are used as proxies. For this permit, the U.S. Environmental Protection Agency uses revenue or value of shipments to determine an establishment's primary business activity. Details of NAICS are available on the Internet at <http://www.census.gov/eos/www/naics/index.html>.

21. "Optimize" – to make as effective, perfect, or useful as possible, to make the best use of.
22. "Person" – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.
23. "Permittee" - means the federal and state agency, municipality, county, district, and other political subdivision of the state that owns or operates a sewer collection system or who is in direct responsible charge for operation and maintenance of the sewer collection system. When two separate federal and state agency, municipality, county, district, and other political subdivisions of the state are interconnected, each shall be considered a separate Permittee.
24. "SECAP" - means "System Evaluation and Capacity Assurance Plan".
25. "Sewer Collection System" - means a system for the collection and conveyance of wastewaters or sewage from domestic, industrial and commercial sources. The Sewer Collection System does not include sewer laterals under the ownership and control of an owner of real property, private sewer systems owned and operated by an owner of real property, and systems that collect and convey stormwater exclusively.
26. "SSGP" – means the "Sewer System General Permit".
27. "SORP" - means "Sewer Overflow Response Plan"
28. "SSMP" - means "Sewer System Management Plan".
29. "SSO" - means "sanitary sewer overflow", the escape of wastewater or pollutants from, or beyond the intended or designed containment of a sewer collection system.
30. "Class 1 SSO" (Significant SSO) - means a SSO or backup that is not caused by a private lateral obstruction or problem that:
 - a. effects more than five private structures;
 - b. affects one or more public, commercial or industrial structure(s);
 - c. may result in a public health risk to the general public;
 - d. has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
 - e. discharges to waters of the State.

31. "Class 2 SSO" (Non Significant SSO) - means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.
32. "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.
33. "USMP" - means the "Utah Sewer Management Program".
34. "Water Quality Impaired" – See 'Impaired Water'.
35. "Water Quality Standards" – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an anti-degradation policy and implementation procedures. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994). States, Territories, Tribes and DWQ adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Where necessary, DWQ has the authority to promulgate federal water quality standards.
36. "Wetlands" - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]
37. "You" and "Your" – as used in this permit are intended to refer to the permittee as the context indicates and that party's activities or responsibilities.
38. Abbreviations and Acronyms
 - BAT – Best Available Technology Economically Achievable
 - BMP – Best Management Practice
 - BPJ – Best Professional Judgment
 - BPT – Best Practicable Control Technology Currently Available
 - CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
 - CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
 - eNOI – electronic NOI system

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| DWQ – | U. S. Environmental Protection Agency |
| ESA – | Endangered Species Act |
| FWS – | U. S. Fish and Wildlife Service |
| NAICS – | North American Industry Classification System |
| NDWQ – | National Environmental Policy Act |
| NHPA – | National Historic Preservation Act |
| NMFS – | U. S. National Marine Fisheries Service |
| NOI – | Notice of Intent |
| NOT – | Notice of Termination |
| NPDES – | National Pollutant Discharge Elimination System |
| NRC – | National Response Center |
| NRHP – | National Register of Historic Places |
| ONRW – | Outstanding National Resource Water |
| SARA – | Superfund Amendments and Reauthorization Act |
| SHPO – | State Historic Preservation Officer |
| THPO – | Tribal Historic Preservation Officer |
| TMDL – | Total Maximum Daily Load |
| WQS – | Water Quality Standard |

APPENDIX

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. I further certify that the applicant has sufficient title, right or interest in the property where the proposed activity occurs.

Signature:

Date:

Printed Signatory Name: (Person Responsible for, or Supervising operation of the subject Collection System)

Title:

Email Address:

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