

Official Draft Public Notice Version November 2015
The Findings, determinations, and assertions contained in this document are not final
and subject to change following the public comment period.

PART I
Draft General Permit No. UTOP001##

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH
AUTHORIZATION TO OPERATE UNDER THE AUTHORITY OF THE
UTAH WATER QUALITY ACT

GENERAL PERMIT FOR NON-DISCHARGING WASTEWATER LAGOONS
WITH AN ANNUAL FLOW AVERAGE OVER 15,000 GALLONS PER DAY

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

Facility Name

is hereby directed to have no discharge to Waters of the State except as allowed in accordance with the provisions of this permit.

This permit shall become effective on January 1, 2016.

This general permit shall expire at midnight, December 31, 2021.

Signed this ____th day of _____ 2015.

Walter L. Baker, P.E.
DIRECTOR

TABLE OF CONTENTS

Section	Page No.
I. PERMIT REQUIREMENTS	
A. Coverage under the General Permit.	3
B. Specific Requirements	4
C. Best Management Practices.	5
II. MONITORING, RECORDING AND REPORTING REQUIREMENTS	
A. Monitoring Requirements.	6
B. Monitoring Procedures.	6
C. Penalties for Tampering.	6
D. Reporting Requirements.	6
E. Records Contents.	6
F. Retention of Records.	6
G. Inspection and Entry.	7
H. Twenty-four Hour Notice of Noncompliance Reporting.	7
III. COMPLIANCE RESPONSIBILITIES	
A. Duty to Comply.	9
B. Penalties for Violations of Permit Conditions.	9
C. Need to Halt or Reduce Activity not a Defense.	9
D. Duty to Mitigate.	9
E. Proper Operation and Maintenance.	9
F. Removed Substances.	9
G. Bypass of Treatment Facilities.	10
H. Industrial Pretreatment.	12
IV. GENERAL REQUIREMENTS	
A. Planned Changes.	13
B. Anticipated Noncompliance.	13
C. Permit Actions.	13
D. Duty to Provide Information.	13
E. Other Information.	13
F. Signatory Requirements.	13
G. Penalties for Falsification of Reports.	13
H. Availability of Reports.	14
I. Oil and Hazardous Substance Liability.	14
J. Property Rights.	14
K. Severability.	15
L. Transfers.	15
M. State Laws.	15

I. PERMIT REQUIREMENTS

A. Coverage Under the General Permit

1. This general permit shall apply to Wastewater Treatment Systems located in the State of Utah that do not discharge to surface waters under normal operating conditions.
2. In order to be considered eligible for coverage under the terms and conditions of this permit, the owner, operator, or authorized agent of a facility must submit a completed Notice of Intent (NOI) by facsimile or mail to the following address:

Utah Department of Environmental Quality
Utah Division of Water Quality
195 North 1950 West
P. O. Box 144780
Salt Lake City, Utah 84114-4870
Fax 801-536-4301

The NOI application form is available from the Division of Water Quality Website (www.waterquality.utah.gov). It requires the following information:

- a. Name, address, telephone number, and location of the facility;
- b. Name of individual in charge of operation of the facility;
- c. Signature of owner, operator, or authorized agent (see Part IV.G. Signatory Requirements) and the following certification statement:

"I certify that, to the best of my knowledge and belief, the information contained in this application is accurate and complete. I further certify that I have reviewed and hereby adopt the general operating permit no. UTOP001## as issued for Non-Discharging Wastewater Lagoons located in the State of Utah.

The permit issuing authority has sixty (60) days after receipt of a completed NOI to deny coverage, request additional information, or authorize the permit by sending a certified letter of approval from the DIRECTOR.

3. The owner or operator of a facility excluded from coverage under this general permit solely because that facility already has an individual Groundwater or 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.
4. Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual Groundwater or 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 Groundwater or UPDES permit for reasons that include the following:
 - a. The discharger is not in compliance with the conditions of this general permit; or
 - b. Conditions or standards have changed so that the discharger no longer qualifies for a general permit.
5. When an individual Groundwater or 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 Groundwater or UPDES permit.

B. Specific Requirements

1. During the term of this permit, the following requirements apply to all of the Wastewater Treatment Systems covered by this permit.
 - a. There shall be no discharges to Surface Waters of the State except as provided for in section b;
 - b. The discharge of water from emergency overflow systems shall occur only as a result of equipment failure and the need to protect the plant from flooding and/or to prevent severe property damage and will be allowed only if the facility has been properly operated and maintained. If such a discharge occurs, whenever possible the permittee shall dispose of the overflow on land to avoid any potential impacts on receiving waters.

C. Best Management Practices

1. The permittee shall take such precautions as are necessary to maintain and operate the facility in a manner that will minimize upsets and ensure stable operating conditions.
2. The permittee shall visually inspect, at least weekly, the lagoon(s) to determine if there is adequate freeboard to minimize the likelihood of an accidental discharge occurring. If it is determined that a discharge is occurring and/or there is not adequate freeboard, the appropriate corrective measures shall be taken immediately.
3. The permittee shall take precautions and have erosion control measures in place that, in the event of a bypass of treatment, the discharge will not cause any erosion into the Waters of the State.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Monitoring Requirements. The permittee shall monitor and report the following parameters:

Parameter	Reporting Units	Frequency	Sample Type
Influent Flow	Gallons per Day	Weekly	Continuous
Lagoon Depth	Feet	Monthly	Estimated

- 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 Requirements. All monitoring shall be recorded and reported monthly using the spreadsheet provided by the Division of Water Quality. All reports shall be submitted electronically to:

MOR@utah.gov

- E. Records Contents. Records of monitoring information shall include:
1. The date of sampling or measurements:
 2. The method of such analyses.
- F. Retention of Records. All records and information resulting from the monitoring activities required by this permit shall be maintained for a minimum of five years. This period may be extended by the request of the DIRECTOR at any time.
- G. 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.

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any overflows or spills, which may seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;

- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
3. 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.
 4. Reports shall be submitted to the address in *Part I.A, Coverage Under the General Permit*.

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. 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, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any Waters of the State or creating a health hazard

G. Bypass of Treatment Facilities.

1. Prohibition of bypass of treatment.

- a. Bypass of treatment is prohibited and the DIRECTOR may take enforcement action against a permittee for a bypass of treatment, unless:
- (1) The bypass of treatment was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass of treatment, 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 of treatment which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The permittee submitted notices as required under this section.
- b. The DIRECTOR may approve an anticipated bypass of treatment, after considering its adverse effects, if the DIRECTOR determines that it will meet the three conditions listed above in paragraph 1.a of this section.

2. Notice.

- a. Anticipated bypass of treatment. If the permittee knows in advance of the need for a bypass of treatment, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass of treatment. The prior notice shall include the following unless otherwise waived by the DIRECTOR:
- (1) Evaluation of alternative to bypass of treatment, including cost-benefit analysis containing an assessment of anticipated resource damages:

- (2) A specific bypass of treatment 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 of treatment 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 of treatment;
 - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass of treatment to enable evaluation of public health risks and environmental impacts; and,
 - (6) Any additional information requested by the DIRECTOR.
- b. Emergency Bypass of Treatment. Where ten (10) days advance notice is not possible, the permittee must notify the DIRECTOR, the Local Health Department and any effected downstream party as soon as it becomes aware of the need to bypass and provide to the DIRECTOR the information to the extent practicable.
- c. Unanticipated bypass of treatment. The permittee shall submit notice of an unanticipated bypass to the DIRECTOR as required under Part II.G. (Twenty-Four Hour Notice). The permittee shall also immediately notify the Local Health Department, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

- H. 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 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.
- E. 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.
- F. 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.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 DIRECTOR prior to or together with any reports, information, or applications to be signed by an authorized representative.
- G. 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.
- H. 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.
- I. 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*.

- J. 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.
- K. 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.
- L. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the DIRECTOR at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The DIRECTOR does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- M. 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.

(DWQ-2015-011667)