

Official Draft Public Notice Version **March 11, 2013**

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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Municipal Permit No. **UT0025984**

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

CITY OF EPHRAIM LAGOONS

is hereby authorized to discharge from its wastewater treatment facility to receiving waters named
SAN PITCH RIVER,

in accordance with specific limitations, outfalls, and other conditions set forth herein.

This permit shall become effective on **Month XX**, 2013

This permit expires at midnight on July 31, 2018.

Signed this day of

Walter L. Baker, P.E.
Director

Table of Contents

<u>Outline</u>	<u>Page Number</u>
I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS.....	1
A. Description of Discharge Point.....	1
B. Narrative Standard.....	1
C. Specific Limitations and Self-Monitoring Requirements.....	1
D. Reporting of Wastewater Monitoring Results.....	2
E. Land Application Requirements.....	3
II. INDUSTRIAL PRETREATMENT PROGRAM.....	6
A. Pretreatment Reporting Requirements.....	6
B. Industrial Wastes.....	6
III. BIOSOLIDS REQUIREMENTS.....	9
IV. STORM WATER REQUIREMENTS.....	10
V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS.....	11
A. Representative Sampling.....	11
B. Monitoring Procedures.....	11
C. Penalties for Tampering.....	11
D. Compliance Schedules.....	11
E. Additional Monitoring by the Permittee.....	11
F. Records Contents.....	11
G. Retention of Records.....	11
H. Twenty-four Hour Notice of Noncompliance Reporting.....	12
VI. COMPLIANCE RESPONSIBILITIES.....	14
A. Duty to Comply.....	14
B. Penalties for Violations of Permit Conditions.....	14
C. Need to Halt or Reduce Activity not a Defense.....	14
D. Duty to Mitigate.....	14
E. Proper Operation and Maintenance.....	14
F. Removed Substances.....	14
G. Bypass of Treatment Facilities.....	14
H. Upset Conditions.....	16
VII. GENERAL REQUIREMENTS.....	17
A. Planned Changes.....	17
B. Anticipated Noncompliance.....	17
C. Permit Actions.....	17
D. Duty to Reapply.....	17
E. Duty to Provide Information.....	17
F. Other Information.....	17
G. Signatory Requirements.....	17
H. Penalties for Falsification of Reports.....	18
I. Availability of Reports.....	18
J. Oil and Hazardous Substance Liability.....	18
K. Property Rights.....	18
L. Severability.....	19
M. Transfers.....	19
N. State or Federal Laws.....	19
O. Water Quality - Reopener Provision.....	19
P. Biosolids – Reopener Provision.....	19
Q. Toxicity Limitation - Reopener Provision.....	20
R. Storm Water-Reopener Provision.....	20
S. Total Maximum Daily Load-Reopener Provision.....	20
VIII. DEFINITIONS.....	21
A. Wastewater.....	21

I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

A. Description of Discharge Point.

The authorization to discharge wastewater provided under this part is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit are violations of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

Outfall Number
001

Location of Discharge Outfall
Located at 39°22'32.3" and longitude 111°37'48.2" through the lagoon overflow pipe and disinfection system to a ditch, then travels one mile to empty into the San Pitch River.to the San Pitch River

B. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum, or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by a bioassay or other tests performed in accordance with standard procedures.

C. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Effluent Limitations			
	Monthly Average	Weekly Average	Minimum	Maximum
Flow, MGD				
Dec. 1 – Feb. 28	NA	NA	NA	1.94
Mar 1 - Nov. 30	NA	NA	NA	0
BOD ₅ , mg/L	25	35	NA	NA
BOD ₅ Min. % Removal	85	NA	NA	NA
TSS, mg/L	25	35	NA	NA
TSS Min. % Removal	85	NA	NA	NA
E-coli	126	157	NA	NA
DO, mg/L	NA	NA	5.0	NA
TRC, mg/L	0.116	NA	NA	0.219
TDS, mg/L	NA	NA	NA	1200
Oil & Grease, mg/L	NA	NA	NA	10
pH, Standard Units	NA	NA	6.5	9.0

NA – Not Applicable

PART I
DISCHARGE PERMIT NO. UT0025984

Self-Monitoring and Reporting Requirements *a			
Parameter	Frequency	Sample Type	Units
Total Flow *b, *c	Continuous	Recorder	MGD
BOD ₅ , Influent Effluent	2 X Weekly	Grab	mg/L
	2 X Weekly	Grab	mg/L
TSS, Influent Effluent	2 X Weekly	Grab	mg/L
	2 X Weekly	Grab	mg/L
E-Coli, No./100mL	2 X Weekly	Grab	No./100mL
Total Dissolved Solids, mg/L	Monthly	Grab	mg/l
Dissolved Oxygen, mg/L	2 X Weekly	Grab	mg/l
Ammonia, mg/L	Monthly	Grab	mg/l
pH	2 X Weekly	Grab	SU
TRC*d	Daily	Grab	mg/L
Oil & Grease	Monthly	Grab	mg/L
Metals *e	Yearly	Grab/Composite	mg/L
Total Toxic Organics	1 st , 3 rd , and 5 th Year of the Permit Cycle	Grab	mg/l

Metals Monitoring *e			
Parameter	Sample Type	Frequency	Units
Total Arsenic	Composite	Yearly	mg/L
Total Cadmium			
Total Chromium			
Total Copper			
Total Cyanide			
Total Lead			
Total Mercury	Composite/Grab	Yearly	mg/L
Total Molybdenum	Composite		
Total Nickel			
Total Selenium			
Total Silver			
Total Zinc			

*a See Definitions, *Part VIII*, of Permit for definition of terms.

*b Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

*c If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

*d Only sample when disinfection is being used

*e Metals are sampled on a frequency that is less than a facility of this size would normally be required. Due to the seasonal nature of the discharge the frequency is reduced. If the seasonal nature is discontinued, and they are allowed to discharge year round the frequency will be adjusted to reflect the change.

D. Reporting of Wastewater Monitoring Results.

Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) or by NetDMR, post-marked or entered into NetDMR no later than the 28th day of the month following the completed reporting period. The first report is due on Month 28, 2013. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements* (see *Part VII.G*), and submitted by NetDMR, or to the Division of Water Quality at the following address:

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

E. Land Application Requirements

1. Monitoring Requirements

a. Coverage Under the General Permit

- (1) This general permit shall apply to Wastewater 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
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. UTOP003 as issued for Wastewater Systems 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 Executive Secretary.

- (3) The owner or operator of a facility excluded from coverage by 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

PART I
DISCHARGE PERMIT NO. UT0025984

UPDES permit. In addition, in accordance with Utah Administrative Code (UAC) R317-8-2.5, the Executive Secretary 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 lagoons covered by this permit.
- (a) There shall be no discharges to Waters of the State except as provided for in paragraphs 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) Monitoring Requirements

Routine Monitoring Requirements		
Parameters	Measurement Frequency	Sample Type
Flow, (GPD)	Weekly	Continuous
E-Coli	Monthly	Grab
Total Inorganic Nitrogen (NH ₄ +NH ₃ +NO ₂ +NO ₃)	Monthly	Grab
Irrigated Acreage	Monthly	Estimated

(2) Best Management Practices

- (a) 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.
- (b) The permittee shall visually inspect, at least weekly, the pond(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.

- (c) 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. INDUSTRIAL PRETREATMENT PROGRAM

A. Pretreatment Reporting Requirements.

1. Because the design capacity of this municipal wastewater treatment facility is less than 5 MGD, the permittee will not be required to develop a State-approved industrial pretreatment program at this time. However, in order to determine if development of an industrial pretreatment program is warranted, the permittee shall conduct an **industrial waste survey**, as described in *Part II.B.1*, and submit it to the Division of Water Quality within **sixty (60) calendar days** of the effective date of this permit.

B. Industrial Wastes.

1. The "Industrial Waste Survey" as required by *Part II.A.1* consists of; identifying each significant industrial user (SIU), determination of the qualitative and quantitative characteristics of each discharge, and appropriate production data. A (SIU) is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following: (1) has a process wastewater flow of 25,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) is subject to Categorical Pretreatment Standards, or (4) has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
2. The permittee must notify the Executive Secretary of any new introductions by new or existing SIUs or any substantial change in pollutants from any major industrial source. Such notice must contain the information described in 1. above and be forwarded no later than sixty (60) days following the introduction or change.
3. Pretreatment Standards (*40 CFR 403.5*) developed pursuant to *Section 307 of The Water Quality Act of 1987* require that under no circumstances shall the permittee allow introduction of the following pollutants into the waste treatment system from any source of non-domestic discharge:
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C);
 - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause interference in the POTW;
 - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C);
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

levels, the Executive Secretary will look primarily to the permittee as the responsible party.

8. If local limits are developed per R317-8-8.5(4) (b) to protect the POTW from pass-through or interference, then the POTW must submit limits to DWQ for review and public notice R317-8-8.5(4) (c).

III. BIOSOLIDS REQUIREMENTS

The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a lagoon, there is not any regular sludge production. Therefore 40 CFR 503 does not apply at this time. In the future, if the sludge needs to be removed from the lagoons and is disposed in some way, the Division of Water Quality must be contacted prior to the removal of the sludge to ensure that all applicable state and federal regulations are met.

IV. STORM WATER REQUIREMENTS

Wastewater treatment facilities, which includes treatment lagoons, are required to comply with storm water permit requirements if they meet one or both of the following criteria,

1. The facility has an approved pretreatment program as described in 40 CFR Part 403.
2. The facility has a design flow of 1.0 MGD or greater.

The Ephraim facility fits one of these criteria for exclusion from a UPDES Storm Water Permit by a No Exposure Certification. The facility only recently became required to submit a No Exposure Certification. They have submitted a No Exposure Certification for coverage during this permit cycle and have met all requirements. Therefore, no storm water permitting requirements will be required at this time.

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples of biosolids shall be collected at a location representative of the quality of biosolids immediately prior to the use-disposal practice.

B. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10 and 40CFR Part 503*, 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. Compliance Schedules.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

E. Additional Monitoring by the Permittee.

If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10 and 40 CFR 503* or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or the Biosolids Report Form. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.

F. Records Contents.

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

G. Retention of Records.

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites 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) 231-5729.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
 - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
 - 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.
4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.
5. Reports shall be submitted to the addresses in *Part I.D, Reporting of Monitoring Results.*

- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part V.H.3*
- J. Inspection and Entry
The permittee shall allow the Executive Secretary, 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, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
 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, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
 5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Executive Secretary, or authorized representative, upon the presentation of credentials and other documents as may be required by law will be permitted to enter without delay for the purposes of performing their responsibilities.

VI. 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 Executive Secretary 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 or 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 VI.G, Bypass of Treatment Facilities and Part VI.H, Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.

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. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.

G. Bypass of Treatment Facilities

1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential

maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.

2. Prohibition of Bypass.

- a. Bypass is prohibited, and the Executive Secretary may take enforcement action against a permittee for bypass, unless:
- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
 - (3) The permittee submitted notices as required under *section VI.G.3.*
- b. The executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed in *sections VI.G.2.a (1), (2) and (3).*

3. Notice.

- a. *Anticipated bypass.* Except as provided above in *section VI.G.2* and below in *section VI.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Executive Secretary:
- (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Executive Secretary in advance of any changes to the bypass schedule;
 - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
 - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
 - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
 - (6) Any additional information requested by the Executive Secretary.

- b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Executive Secretary, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Executive Secretary the information in *section VI.G.3.a.(1) through (6)* to the extent practicable.
- c. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Executive Secretary as required under *Part IV.H, Twenty Four Hour Reporting.* The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. Executive Secretary'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 V.H, Twenty-four Hour Notice of Noncompliance Reporting;* and,
 - d. The permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate.*
- 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

VII. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Executive Secretary 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 parameters discharged or pollutant sold or given away. 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 Executive Secretary of any planned changes at least 30 days prior to their implementation.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

C. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information

The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.

G. Signatory Requirements

All applications, reports or information submitted to the Executive Secretary 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 Executive Secretary 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 Executive Secretary, 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 VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *paragraph VII.G.2* must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports

The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports

Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.

K. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Executive Secretary 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 Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

N. State or Federal 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* and *Section 510* of the *Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.

O. Water Quality - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
3. Revisions to the current CWA § 208 area wide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.

P. Biosolids – Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations

for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state or federal regulations.

Q. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limitation, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

R. Storm Water-Reopener Provision

At any time during the duration (life) of this permit, this permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".

S. Total Maximum Daily Load-Reopener Provision.

This permit may be reopened and modified (following proper administrative procedures) to include Total Maximum Daily Load (TMDL) monitoring, related effluent limits, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the TMDL Process and activity in effected impaired water body.

VIII. DEFINITIONS

A. Wastewater

1. The "7-day (and weekly) average", other than for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for e-coli bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. "Act," means the *Utah Water Quality Act*.
4. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
5. "Composite Samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous sample volume, with sample collection rate proportional to flow rate.
6. "CWA," means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
7. "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.

8. "EPA," means the United States Environmental Protection Agency.
9. "Executive Secretary," means Executive Secretary of the Utah Water Quality Board.
10. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
11. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
12. "Severe Property Damage," means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
13. "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 preventative maintenance, or careless or improper operation.