

Official Draft Public Notice Version **November 21, 2013.**

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

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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Municipal Permit No. **UT0025542**  
Biosolids Permit No. **UTL0025542**

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

**FAIRVIEW CITY**

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

to dispose of biosolids,

and to discharge storm water,

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

This permit shall become effective on January 01, 2014

This permit expires at midnight on December 31, 2018.

Signed this      day of

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Walter L. Baker, P.E.  
Director

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**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

Location of Surface Water Discharge Points

001

Located at latitude 39°36'23" and longitude 111°26'50". The effluent will be discharged is through a 16-inch diameter gravity flow HDPE pipe 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	Outfall 001 Effluent Limitations *a			
	Max Monthly Average	Max Weekly Average	Minimum	Maximum
Flow, MGD	0.3	NA	NA	NA
BOD <sub>5</sub> , mg/L	25	35	NA	NA
BOD <sub>5</sub> Min. % Removal	85	NA	NA	NA
TSS, mg/L	25	35	NA	NA
TSS Min. % Removal	85	NA	NA	NA
TRC, mg/L	NA	NA	NA	0.2
E-coli, No/100mL	126	157	NA	NA
Oil & Grease, mg/L	NA	NA	NA	10
pH, Standard Units	NA	NA	6.5	9.0

NA – Not Applicable

Outfall 001 Self-Monitoring and Reporting Requirements *a			
Parameter	Frequency	Sample Type	Units
Total Flow *b *c	Continuous	Recorder	MGD
BOD <sub>5</sub> , Influent *d Effluent	2 x Monthly	Composite	mg/L
	2 x Monthly	Composite	mg/L
TSS, Influent *d Effluent	2 x Monthly	Composite	mg/L
	2 x Monthly	Composite	mg/L
E. Coli, No/100mL	2 x Monthly	Grab	No./100mL
TRC	Daily	Grab	mg/L
Oil & Grease *e	2 x Monthly	Grab	mg/L
pH	2 x Monthly	Grab	SU

- \*a See Definitions, *Part VIII*, for definition of terms.
- \*b Flow measurements of influent/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 In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this constituent at the same frequency as required for this constituent in the discharge.
- \*e Sample when a sheen is visible

**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 28<sup>th</sup> day of the month following the completed reporting period. The first report is due on March 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

## II. INDUSTRIAL PRETREATMENT PROGRAM

### A. Definitions.

For this section the following definitions shall apply:

1. Significant industrial user (SIU) is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following:
  - a. Has a process wastewater flow of 25,000 gallons or more per average work day;
  - b. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
  - c. Is subject to Categorical Pretreatment Standards, or
  - d. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
2. Local Limit is defined as a limit designed to prevent pass through and/or interference. And is developed in accordance with 40 CFR 403.5(c).

### B. Self-Monitoring and Reporting Requirements.

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.C.1*, and submit it to the Division of Water Quality within **sixty (60) calendar days** of the effective date of this permit.

### C. Industrial Wastes.

1. As required by *Part II.B.1*, the industrial waste survey consists of;
  - a. Identifying each industrial user (IU) and determining if the IU is a signification industrial user (SIU),
  - b. Determination of the qualitative and quantitative characteristics of each discharge, and
  - c. Appropriate production data.
2. The IWS must be maintained and updated with IU information as necessary, to ensure that all IUs are properly permitted and/or controlled at all times. Updates must be submitted to the Executive Secretary sixty (60) days following a change to the IWS.

3. Evaluate all significant industrial users at least once every two years to determine if they need to develop a slug prevention plan. If a slug prevention plan is required, the permittee shall notify the Executive Secretary.
4. Notify all significant industrial users of their obligation to comply with applicable requirements under *Subtitles C and D* of the *Resource Conservation and Recovery Act* (RCRA).
5. 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.

D. General and Specific Prohibitions

1. 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, wastestreams 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, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems; or,
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

- i. Any pollutant that causes pass through or interference at the POTW.
2. In addition to the general and specific limitations expressed above, more specific pretreatment limitations have been and will be promulgated for specific industrial categories under *Section 307 of the Water Quality Act of 1987 as amended (WQA)*. (See 40 CFR, Subchapter N, Parts 400 through 500, for specific information).

E. Signification Industrial Users Discharging to the POTW

The permittee shall provide adequate notice to the Executive Secretary and the Division of Water Quality Industrial Pretreatment Coordinator of;

1. Any new introduction of pollutants into the treatment works from an indirect discharger (i.e., industrial user) which would be subject to *Sections 301 or 306 of the WQA* if it were directly discharging those pollutants;
2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and
3. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into such treatment works; and,
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
4. Any SIU that must comply with applicable requirements under *Subtitles C and D of the Resource Conservation and Recovery Act (RCRA)*.

F. Change of Conditions

At such time as a specific pretreatment limitation becomes applicable to an industrial user of the permittee, the Executive Secretary may, as appropriate, do the following:

1. Amend the permittee's UPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;
2. Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the *General Pretreatment Regulations at 40 CFR 403*;

3. Require the permittee to monitor its discharge for any pollutant, which may likely be discharged from the permittee's facility, should the industrial user fail to properly pretreat its waste; and/or,
4. Require the permittee to develop an approved pretreatment program.

G. Legal Action

The Executive Secretary retains, at all times, the right to take legal action against the industrial user and/or the treatment works, in those cases where a permit violation has occurred because of the failure of an industrial user to discharge at an acceptable level. If the permittee has failed to properly delineate maximum acceptable industrial contributor levels, the Executive Secretary will look primarily to the permittee as the responsible party.

H. Local Limits

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

### III. BIOSOLIDS REQUIREMENTS

- A. Biosolids Treatment and Disposal. The authorization to dispose of biosolids provided under this permit is limited to those biosolids produced from the treatment works owned and operated by the City of Fairview. The method and sites for disposal are specifically designated below.
1. Treatment. The wastewater solids will be stabilized during the membrane bioreactor process (MBR) with an average retention time of over 60 days. The wastewater solids from the MBR process will de-watered using a belt press.
  2. Description of Biosolids Disposal Method. The non-classified solids are disposed in the County Landfill
  3. Changes in Treatment Systems and Disposal Practices. Should Fairview City change their disposal methods or the biosolids generation and handling processes of the plant, Fairview City must notify the Director at least 180 days in advance. This includes, but is not limited to, the addition or removal of any biosolids treatment units (e.g., digesters, drying beds, etc.) and/or any other change that would require a major modification of the permit.

For any biosolids that are land filled, the requirements of *40 CFR 257.28* and *Utah Administrative Code R315-301-5*, must be followed.

B. Specific Limitations and Monitoring Requirements.

1. Landfill Limitations

All biosolids land filled must pass a paint filter test

2. Vector Attraction Reduction Requirements

Fairview City will meet vector attraction reduction through daily cover at the landfill.

There are additional vector attraction reduction alternatives available in *40 CFR 503.32* and *40 CFR 503.33*. If Fairview City intends to use one of these alternatives the Director and the EPA must be informed at least thirty days prior to its use. This change may be made without additional public notice.

3. Self-Monitoring Requirements

At a minimum, upon the effective date of this permit, vector attraction reduction requirements shall be monitored according to *40 CFR 503.16*.

Minimum Frequency of Monitoring	
Amount of Solids Disposed Per Year	Monitoring Frequency
> 0 to < 290, DMT	Once per year

Fairview City shall monitor at least once per year for the parameters listed above

Sample collection, preservation and analysis shall be performed in a manner consistent with the requirements of *40 CFR Part 503* and/or other criteria specified in this permit

- C. Special Conditions on Biosolids Storage. Permanent storage of biosolids is prohibited. Biosolids shall not be temporarily stored for more than two (2) years. Written permission to store biosolids for more than two years must be obtained from the Director. Storage of biosolids for more than two years will be allowed only if it is determined that significant treatment is occurring

#### IV. STORM WATER REQUIREMENTS

The *Utah Administrative Code (UAC) R-317-8-3* requires storm water permit provisions to include the development of a storm water pollution prevention plan for waste water treatment facilities if the facility meets one or both of the following criteria.

1. waste water treatment facilities with a design flow of 1.0 MGD or greater, and/or,
2. waste water treatment facilities with an approved pretreatment program as described in *40CFR Part 403*,

Fairview City does not meet any of the above criteria; therefore this permit does not include storm water provisions. The permit does however include a storm water re-opener provision

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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 Director 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 Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.
5. Reports shall be submitted to the 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 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, 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 Director, 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 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 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 Director 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 Director may approve an anticipated bypass, after considering its adverse effects, if the Director 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 Director:
    - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
    - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
    - (3) Description of specific measures to be taken to minimize environmental and public health impacts;

- (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
  - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
  - (6) Any additional information requested by the Director.
- b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *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 Director 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. 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 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 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 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 Director of any planned changes at least 30 days prior to their implementation.

B. Anticipated Noncompliance

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

C. Permit Actions

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

D. Duty to Reapply

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

E. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

F. Other Information

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

G. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director, and,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
3. Changes to authorization. If an authorization under *paragraph 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 Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

#### H. Penalties for Falsification of Reports

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

#### I. Availability of Reports

Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public

- inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability  
Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- K. Property Rights  
The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability  
The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers  
This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new 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.
- 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 areawide 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 of 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. "Director," means Director of the Division of Water Quality
9. "EPA," means the United States Environmental Protection Agency.
10. "Director," means Director of the Utah Water Quality Board.
11. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
12. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
13. "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.
14. "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.

**B. Biosolids.**

1. "Biosolids," means any material or material derived from sewage solids that have been biologically treated.
2. "Dry Weight-Basis," means 100 percent solids (i.e. zero percent moisture).
3. "Land Application" is the spraying or spreading of biosolids onto the land surface; the injection of biosolids below the land surface; or the incorporation of biosolids into the land so that the biosolids can either condition the soil or fertilize crops or vegetation grown in the soil. Land application includes distribution and marketing (i.e. the selling or giving away of the biosolids).

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4. "Pathogen," means an organism that is capable of producing an infection or disease in a susceptible host.
5. "Pollutant" for the purposes of this permit is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organisms that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
6. "Runoff" is rainwater, leachate, or other liquid that drains over any part of a land surface and runs off the land surface.
7. "Similar Container" is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.
8. "Total Solids" are the materials in the biosolids that remain as a residue if the biosolids are dried at 103° or 105° Celsius.
9. "Treatment Works" are either Federally owned, publicly owned, or privately owned devices or systems used to treat (including recycling and reclamation) either domestic sewage or a combination of domestic sewage and industrial waste or liquid manure.
10. "Vector Attraction" is the characteristic of biosolids that attracts rodents, flies mosquito's or other organisms capable of transporting infectious agents.
11. "Animals" for the purpose of this permit are domestic livestock.
12. "Annual Whole Sludge Application Rate" is the amount of sewage sludge (dry-weight basis) that can be applied to a unit area of land during a cropping cycle.
13. "Agronomic Rate" is the whole sludge application rate (dry-weight basis) designed to: (1) provide the amount of nitrogen needed by the crop or vegetation grown on the land; and (2) minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.
14. "Annual Pollutant Loading Rate" is the maximum amount of a pollutant (dry-weight basis) that can be applied to a unit area of land during a 365-day period.
15. "Application Site or Land Application Site" means all contiguous areas of a users' property intended for sludge application.

16. "Cumulative Pollutant Loading Rate" is the maximum amount of an inorganic pollutant (dry-weight basis) that can be applied to a unit area of land.
17. "Grit and Screenings" are sand, gravel, cinders, other materials with a high specific gravity and relatively large materials such as rags generated during preliminary treatment of domestic sewage at a treatment works and shall be disposed of according to 40 CFR 258.
18. "High Potential for Public Contact Site" is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.
19. "Low Potential for Public Contact Site" is the land with a low potential for contact by the public. This includes, but is not limited to, farms, ranches, reclamation areas, and other lands which are private lands, restricted public lands, or lands which are not generally accessible to or used by the public.
20. "Monthly Average" is the arithmetic mean of all measurements taken during the month.
21. "Volatile Solids" is the amount of the total solids in sewage sludge lost when the sludge is combusted at 550 degrees Celsius for 15-20 minutes in the presence of excess air.

C. Storm Water.

1. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
3. "Co-located industrial activity" means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of *Appendix II* in the General Multi-Sector Permit for Storm Water Discharges Associated with Industrial Activity. Facilities with co-located industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section in which a co-located industrial activity is described.
4. "Commercial Treatment and Disposal Facilities" means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities treating

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and/or disposing exclusively residential hazardous wastes are not included in this definition.

5. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.
6. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
7. "Municipal separate storm sewer system" (large and/or medium) means all municipal separate storm sewers that are either:
  - a. Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (at the issuance date of this permit, Salt Lake City is the only city in Utah that falls in this category); or
  - b. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (at the issuance date of this permit Salt Lake County is the only county that falls in this category); or
  - c. Owned or operated by a municipality other than those described in paragraph *a.* or *b.* (above) and that are designated by the *Director* as part of the large or medium municipal separate storm sewer system.
8. "NOI" means "notice of intent", it is an application form that is used to obtain coverage under the General Multi-Sector Permit for Storm Water Discharges Associated with Industrial Activity.
9. "NOT" means "notice of termination", it is a form used to terminate coverage under the General Multi-Sector Permit for Storm Water Discharges Associated with Industrial Activity.
10. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
11. "Section 313 water priority chemical" means a chemical or chemical categories that:

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- a. Are listed at *40 CFR 372.65* pursuant to *Section 313* of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as *Title III of the Superfund Amendments and Reauthorization Act (SARA)* of 1986);
  - b. Are present at or above threshold levels at a facility subject to *EPCRA Section 313* reporting requirements; and
  - c. Meet at least one of the following criteria:
    - (1) Are listed in *Appendix D* of *40 CFR Part 122* on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
    - (2) Are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the *CWA* at *40 CFR 116.4*; or
    - (3) Are pollutants for which EPA has published acute or chronic water quality criteria. See *Appendix III* of this permit. This appendix was revised based on final rulemaking EPA published in the *Federal Register* November 30, 1994.
12. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
13. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311 of the Clean Water Act* (see *40 CFR 110.10* and *CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).
14. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.
15. "SWDMR" means "storm water discharge monitoring report", a report of the results of storm water monitoring required by the permit. The Division of Water Quality provides the storm water discharge monitoring report form.
16. "Storm water associated with industrial activity" (*UAC R317-8-3.8(6)(c) & (d)*) means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the *UPDES* program. For the categories of industries identified in paragraphs (a) through (j) of this

definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in *40 CFR Part 401*); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (k) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (a) to (k) of this definition) include those facilities designated under *UAC R317-8-3.8(1)(a)5*. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- a. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under *40 CFR Subchapter N* (except facilities with toxic pollutant effluent standards that are exempted under category (k) of this definition);
- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under *40 CFR 434.11(l)* because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations that have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw

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material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;

- d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- e. Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under *Subtitle D of RCRA*;
- f. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- g. Steam electric power generating facilities, including coal handling sites;
- h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (a) to (g) or (l) to (k) of this subsection are associated with industrial activity;
- i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under *40 CFR Part 403*. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with *40 CFR Part 503*;
- j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than 5 acres of total land area that are not part of a larger common plan of development or sale;
- k. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (a) to (j))

17. "Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

PEND DRAFT