

Permit No. UT0024988  
Storm Water Individual

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

AUTHORIZATION TO DISCHARGE UNDER THE  
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(UPDES)

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

**SALT LAKE CITY INTERNATIONAL AIRPORT**

is hereby authorized to discharge from its facility located at, **776 North Terminal Drive, Salt Lake City, Utah**, with the outfall(s) located at:

- #001 Latitude: 40 47' 27.61", Longitude: 111 57' 34.38".
- #002 Latitude: 40 46' 20.44", Longitude: 111 58' 43.18".
- #003 Latitude: 40 47' 27.40", Longitude: 112 00' 04.14".
- #004 Latitude: 40 46' 07.16", Longitude: 111 58' 13.79".
- #005 Latitude: 40 46' 22.30", Longitude: 111 59' 21.64".

to receiving waters named **City Drain** (outfall #001, #004), **Surplus Canal** (outfalls #002, #003, #004 (during high flow), and #005) in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on \_\_\_\_\_, 2014

This permit and the authorization to discharge shall expire at midnight, \_\_\_\_\_, 2019

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Walter L. Baker, P.E.  
Director

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## I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### A. Definitions.

1. "Act" means the "*Utah Water Quality Act*".
2. "ARFF" means Aircraft Rescue and Fire Fighting; it is a training center at SLCIA to train fire fighters.
3. "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 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
5. "*CWA*" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
6. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
7. "EPA" means the United States Environmental Protection Agency.
8. "Director" means Director of the Utah Division of Water Quality.
9. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
10. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a *UPDES* permit (other than the *UPDES* permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities, fire hydrant flushing, potable water sources including waterline flushing, uncontaminated ground water (including dewatering ground water infiltration), foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building wash down where there are no chemical or abrasive additives, pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate.
11. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
12. "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.
13. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

14. "Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:
  - a. located in an incorporated place with a population of 100,000 or more as determined by the latest *Decennial Census* by the *Bureau of Census*; 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; or
  - c. owned or operated by a municipality other than those described in paragraph (a) or (ii) and that are designated by the *Director* as part of the large or medium municipal separate storm sewer system.
15. "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 agriculture storm water runoff.
16. "Runoff coefficient" means the fraction of total rainfall that will appear at a conveyance as runoff.
17. "SLCDA" means Salt Lake City Department of Airports.
18. "SLCIA" means Salt Lake City International Airport.
19. "SWP3" means Storm Water Pollution Prevention Plan.
20. "Section 313 water priority chemical" means a chemical or chemical categories which:
  - a. are listed at 40 CFR 372.65 pursuant to Section 313 of Title III 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 122 on either *Table II (Organic Priority Pollutants)*, *Table III (Certain Metals, Cyanides, and Phenols)* or *Table IV (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 toxicity criteria.
21. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that 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.

22. "Significant deicing/anti-icing activities" is caused by a storm event or cold weather conditions that compel (for safety liability or regulatory reasons) commercial airline companies to apply deicing or anti-icing fluids to airplanes scheduled for regular commercial flights. A significant deicing activity is where the number of airplanes deiced or prepared for anti-icing, or the quantity of deicing/anti-icing fluid applied to the airplane(s) is enough to activate the deicing/anti-icing recovery system, the diversion system, or to cause a measurable impact to the storm water discharge. Activating the recovery system or diversion system is where pumps are started, valves are turned, treatment is initiated, ponds receive flow, etc.
23. "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.
24. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities as referenced in *Section 311* of the *Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).
25. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.
26. "Storm water discharge associated with industrial activity" means the discharge from any conveyance, which is used for collecting and conveying storm water, and which 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 under *UAC R317-8*. For the categories of industries identified in subparagraphs (a) through (j) of this subsection, 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 at *40 CFR 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 subparagraph (k), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) 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 or municipally owned or operated that meet the description of the facilities listed in *Part I.A.26.(a)-(k)* of this permit) include those facilities designated under the provisions of *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 N* (except facilities with toxic pollutant effluent standards which are exempted under paragraph (k) of this subsection) and *40 CFR Part 449* technology-based effluent guidelines to control discharges of pollutants from airport deicing operations Federal Register May 16, 2012;
- b. Facilities classified as *Standard Industrial Classifications (SIC)* 24 (except 2434), 26 (except 265 and 267), 28, 29, 311, 32, 33, 3441, 373;
- c. Facilities classified as *SIC* 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 which 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 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 which 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 scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as *SIC* 5015 and 5093;
- g. Steam electric power generating facilities, including coal handling sites;
- h. Transportation facilities classified as *SIC* 40, 41, 42, 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 which are otherwise identified under paragraphs (a)-(g) or (i)-(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 403*. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with *40 CFR 503*;

- j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;
  - k. Facilities under *SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31* (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (a)-(j)).
27. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
28. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
29. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period, or calendar week, whichever is applicable. 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 that 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 the Saturday.
30. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *NOAA Atlas 2*, 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
31. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period, or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
- B. Description of Discharge Points. . The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under an UPDES permit are a violation 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*.

| <u>Outfall Number</u> | <u>Location of Discharge Point(s)</u>  |
|-----------------------|--|
| 001                   | Discharge outfall #001 drains east to the City Drain Canal and is located at the discharge from the pump station on the east side of the airport.. The drainage comes from north, south and west of the discharge point. The drainage area includes Runways 17/35 and 14/32, general aviation, midfield, and Utah Air National Guard (UANG).<br><br>The receiving water is City Drain. Latitude: 40° 47' 27.61", Longitude: 111° 57' 34.38". |
| 002                   | The discharge point is on the south boundary of the airport. The receiving water is the Surplus Canal. Latitude: 40° 46' 20.44", Longitude: 111° 58' 43.18".   |
| 003                   | This outfall is on the west side of the airport. The receiving water is the Surplus Canal. Latitude: 40° 47' 27.40", Longitude: 112° 00' 04.14".   |
| 004                   | The discharge point is on the eastern side of the south boundary of airport property. The discharge includes stormwater from the midfield detention basin and Runway 16R/34L during storm events. The Surplus Canal is the receiving water. Latitude: 40° 46' 07.16", Longitude: 111° 58' 13.79".  |
| 005                   | The discharge point is located on the western side of the south boundary of airport property. The drainage comes from the employee and passenger parking lots.. The receiving water is Surplus Canal. Latitude: 40° 46' 22.30", Longitude: 111° 59' 21.64".  |

- C. 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 bioassay or other tests performed in accordance with standard procedures.
- D. Specific Limitations and Self-Monitoring Requirements.
1. Effective immediately and lasting the duration of this permit, storm water discharges from Outfalls #001, #002, #003, #004 and #005 are limited and shall be monitored as specified below:

Storm Water Effluent Limitations

| <u>Parameter</u>            | <u>30-day Average</u> | <u>7-day Average</u> | <u>Daily Min</u> | <u>Daily Max</u> |
|-----------------------------|-----------------------|----------------------|------------------|------------------|
| Flow MGD b/                 | N.A.                  | N.A.                 | N.A.             | 2 (verification) |
| Bio. Oxygen Demand mg/L     | a/                    | a/                   | N.A.             | N.A.             |
| Total Suspended Solids mg/L | a/                    | a/                   | N.A.             | N.A.             |
| Oil and Grease, mg/L b/     | N.A.                  | N.A.                 | N.A.             | 10               |
| pH, standard units b/       | N.A.                  | N.A.                 | 6.5              | 9.0              |
| Total Dissolved Solids mg/L | N.A.                  | N.A.                 | N.A.             | c/               |

There shall be no visible sheen or floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes.

Outfall 001 shall have no discernable odor of hydrogen sulfide and there shall be no public complaints for color.

a/ The BOD and TSS shall be limited to 25 mg/L as a thirty day average and 35 mg/L as a seven day average unless the permittee chooses to complete a study on discharges 002 through 005 and the receiving water to determine a more appropriate limit for the thirty day and seven day BOD average limits. If the permittee decides to complete a study, the effluent limits listed above (25/35) shall be held in abeyance until the study is completed, at which time the appropriate numbers for thirty day and seven day average BOD can be included in the permit. A study plan and time frame shall be submitted to the Director within 120 days of the effective date of this permit for approval. If the study plan is not completed as approved and in the time frame approved or at its conclusion does not present scientifically based results, the limits held in abeyance for BOD (25/35) shall become effective. COD may be used in place of BOD if an acceptable ratio can be determined by the permittee and submitted to the Director for approval.

b/ These are the only limits applicable to Outfall 001. (flow rate to be verified during water quality assessment)

c/ TDS is limited to a daily maximum of 1200 mg/L unless the permittee chooses to complete a use attainability analysis study to determine the actual use of the water in the Surplus Canal between the Airport and Great Salt Lake. If the permittee chooses to complete this study the effluent limit of 1200 mg/L will be held in abeyance until the study is completed at which time the 1200 mg/L limit will be retained in the permit or dropped from the permit. A study plan and time frame must be submitted to the Director within 120 days of the effective date of this permit, for approval.

2. Authorized Non-storm Water Discharges. This permit may authorize the following non-storm water discharges provided the non-storm water component of the discharge is in compliance with *Part I.F.3.c. (9) (Non-storm Water Discharges)*: discharges from fire fighting activities (not fire fighting training exercise); fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering; routine external building wash down which does not use detergents or other compounds; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs, and; uncontaminated ground water. Non-storm water from practice drills in the ARFF training center is not authorized as a direct discharge but may be authorized under this permit with a treatment and/or management plan approved by the *Director*.

3. Prohibition of Unauthorized Non-storm Water Discharges. Except for discharges authorized in *Part I.*, all non-storm water discharges including aircraft, ground vehicle, runway, and equipment wash waters; and deicing/anti-icing chemicals or solutions are not authorized and prohibited by this permit. Operators of other non-storm water discharges must obtain coverage under a separate UPDES permit if discharged to waters of the State or through the SLCIA storm drain system.

E. Releases in Excess of Reportable Quantities.

1. Hazardous Substances or Oil. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of *40 CFR Part 117*, *40 CFR Part 110*, and *40 CFR Part 302*. Except as provided in *Part I.E.2. (Multiple Anticipated Discharges)* of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, occurs during a 24-hour period:
  - a. The discharger is required to notify the National Response Center (NRC) (800-424-8802; in the Washington, DC metropolitan area 202-426-2675) in accordance with the requirements of *40 CFR Part 117*, *40 CFR 110*, and *40 CFR Part 302* and the *Division of Water Quality (DWQ)* (801-538-6146; or the 24 hour *DWQ* answering service at 801-536-4123) as soon as he or she has knowledge of the discharge; and
  - b. The storm water pollution prevention plan required under *Part I.F. (Storm Water Pollution Prevention Plans)* of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate; and
  - c. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with *Part I.E.1.b. (above)* of this permit to the *DWQ* at the address provided in *Part II.D. (Reporting of Monitoring results)* of this permit.
2. Multiple Anticipated Discharges. Facilities that have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, that occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall:
  - a. Submit notifications in accordance with *Part I.E.1.b.* of this permit for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI); and
  - b. Shall provide in the storm water pollution prevention plan required under *Part I.F. (Storm Water Pollution Prevention Plans)* a written description of the dates on which all such releases occurred, the type and estimate of the amount of material

released, and the circumstances leading to the releases. In addition, the plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate.

3. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill.
- F. Storm Water Pollution Prevention Plan Requirements. A storm water pollution prevention plan shall be developed and implemented for the Salt Lake City International Airport (SLCIA). The Salt Lake City Department of Airports (SLCDA) shall ensure that storm water pollution prevention plans (SWP3s) are developed and implemented throughout the airport and require tenants with activities (that are regulated under storm water permitting obligations, see *Part I.A.26.*) to operate their activities by BMPs and procedures developed in their own SWP3s. For leased areas or other areas of the airport occupied by airport tenants, SLCDA shall ensure that these tenants that are engaged in industrial activity and who conduct operations which result in "storm water discharges associated with industrial activity" (*Part I.A.26.*) develop and implement storm water pollution prevention plans. SLCDA shall maintain a file with copies of all storm water pollution prevention plans for the affected airport tenants. For the purpose of this permit, tenants engaged in industrial activity at the SLCIA includes airline companies, fixed base operators and other parties which have contracts with the SLCDA to conduct business operations on airport property which result in storm water discharges associated with industrial activity as described in *Part I.A.26.* Plans developed for areas occupied by these tenants shall include the requirements specified in this section, and shall be integrated or congruent with the storm water pollution prevention plan for the entire airport. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. Plans shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the airport. The SLCDA must implement the provisions of the storm water pollution prevention plan required under this part and impose the same on the affected tenants, as a condition of this permit.
1. Signature and Plan Review.
    - a. Within 90 days of the effective date of this permit, the permittee shall complete an overall comprehensive review and revision (in addition to *Part I.F.2.*) of the current SWP3 for SLCIA and require all SLCIA tenants to update their SWP3s as appropriate and warranted to meet permit requirements and for protection of storm water quality. SLCDA shall also review the full current list of tenants to ensure all tenants that have industrial activity exposed to storm water have effective and operational SWP3s appropriate for their activities.
    - b. The plan shall be signed in accordance with *Part IV.G. (Signatory Requirements)*, and be retained on site in accordance with *Part II.H. (Retention of Records)* of this permit.
    - c. The permittee shall make plans available upon request to the *Director*, or to the Salt Lake City Department of Public Utilities, Drainage Engineer.
    - d. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this *Part*. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this *Part*. Within 30 days of such notification from the *Director*, (or

as otherwise provided by the *Director*) the permittee shall make the required changes to the plan and shall submit to the *Director* a written certification that the requested changes have been made.

2. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under *Part I.F.3.b. (Description of Potential Pollutant Sources)* of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the *Director* in the same manner as *Part I.F.1.c.* of this permit.
3. Contents of Plan. The plan shall include, at a minimum, the following items:
  - a. Pollution Prevention Team. Plans shall identify a specific individual or individuals from each entity required to develop a plan as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
  - b. Description of Potential Pollutant Sources. The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials that may potentially be significant pollutant sources. The plan shall include, at a minimum:
    - 1) Drainage.
      - a) A site map indicating an outline of the drainage area of each storm water outfall within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks have occurred, and the locations of the following activities where such activities are exposed to precipitation: aircraft and runway deicing/anti-icing operations; fueling stations; aircraft, ground vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.
      - b) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemicals; quantity of

chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

- c) The site map developed for the entire airport shall indicate the location of each tenant of the facility that conducts industrial activities as described in *Part I.A.26*. and incorporate information from the tenants site map (including a description of industrial activities, significant materials exposed, and existing management practices).
- 2) Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the issuance of this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
- 3) Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
- 4) Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
- 5) Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; deicing or anti-icing activities; aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing/anti-icing operations (including apron and centralized aircraft deicing stations, runways taxiways and ramps); outdoor storage activities; loading and unloading operations; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the facility and for each potential source; any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.

Facilities that conduct deicing operations shall maintain a record of the types (including the Material Safety Data Sheets (MSDS), monthly quantities, and concentration mixes for application of deicing/anti-icing chemicals. SLCDA shall require all tenants and fixed base operators who conduct deicing/anti-icing operations to provide the above information to SLCDA for inclusion in the SWP3 for the whole facility.

- c. Measures and Controls. The SLCDA and affected tenants shall develop a description of storm water management controls appropriate for the facility and implement such controls. The priority in selecting controls shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
- 1) Good Housekeeping. Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner.
    - a) Aircraft, Ground Vehicle and Equipment Maintenance Areas. The permittees should ensure the maintenance of equipment is conducted in designated areas only and clearly identify these areas on the ground and delineate them on the site map. The plan must describe measures that prevent or minimize the contamination of the storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangars). Management practices such as performing maintenance activities indoors, maintaining an organized inventory of materials used in the maintenance areas, draining all parts of fluids prior to disposal, preventing the practice of hosing down the apron or hangar floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling should be considered.
    - b) Aircraft, Ground Vehicle and Equipment Cleaning Areas. The permittee shall ensure that cleaning of equipment is conducted in designated areas only and clearly identify these areas on ground and delineate them on the site map. The plan must describe measures that prevent or minimize the contamination of the storm water runoff from all areas used for aircraft, ground vehicle and equipment cleaning. Management practices such as performing cleaning operations indoors, and/or collecting the storm water runoff from the cleaning area and providing treatment or recycling shall be considered.
    - c) Aircraft, Ground Vehicle and Equipment Storage Areas. The storage of aircraft, ground vehicles and equipment awaiting maintenance must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize the contamination of the storm water runoff from these areas. Management practices such as indoor storage of aircraft and ground vehicles, the use of drip pans for the collection of fluid leaks, and perimeter drains, dikes or berms surrounding storage areas should be considered.
    - d) Material Storage Areas. Storage units of all materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) must be maintained in good condition, so as to prevent or minimize contamination of storm water, and plainly labeled (e.g. "used oil," "Contaminated Jet A," etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from

storage areas. Management practices such as indoor storage of materials, centralized storage areas for waste materials, and/or installation of berming and diking around storage areas should be considered for implementation.

- 2) Airport Fuel System and Fueling Areas. The plan must describe measures that prevent or minimize the discharge of fuels to the storm sewer resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Where the discharge of fuels into the storm sewer cannot be prevented, the plan shall indicate measures that will be employed to prevent or minimize the discharge of the contaminated runoff into receiving surface waters. Management practices such as implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft in the event of a spill), using dry cleanup methods, and/or collecting the storm water runoff should be considered.
- 3) Preventive Maintenance. A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, removing debris from catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- 4) Spill Prevention and Response Procedures. Areas where potential spills that can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. The plan shall describe material handling procedures, storage requirements, and use of equipment such as diversion valves. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
- 5) Source Reduction. Facilities (SLCDA, tenants, or general aviation) that conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations shall evaluate present operating procedures to consider alternatives practices to reduce the overall amount of deicing/anti-icing chemicals used and/or lessen the environmental impact of the pollutant source.
  - a) With regard to runway deicing/anti-icing operations, facilities, at a minimum, shall evaluate; present application rates to ensure against excessive over application; metered application of deicing/anti-icing chemical; pre-wetting dry chemical constituents prior to application; installation of runway ice detection systems; implementing anti-icing operations as a preventative measure against ice buildup; and the use of substitute deicing compounds such as potassium acetate in lieu of ethylene glycol and/or urea.
  - b) In considering source reduction management practice for aircraft deicing operations, operators should evaluate current application rates and practices to ensure against excessive over application, and consider pre-treating aircraft with hot water prior to the application of a deicing

chemical, thus reducing the overall amount of chemical used per operation.

Source reduction measures that the operator(s) determines to be reasonable and appropriate shall be implemented and maintained. The plan shall provide a narrative explanation of the options considered and the reasoning for whether or not to implement them.

- 6) Management of Runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which prevent or reduce source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see *Part I.F.3.b. Description of Potential Pollutant Sources*) shall be considered. Appropriate measures may include: storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices. Measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained.
  - a) Operators that conduct aircraft and/or runway deicing/anti-icing operations shall also provide a narrative consideration of management practices to control or manage contaminated runoff from areas where deicing/anti-icing operations occur to reduce the amount of pollutants being discharged from the site. Structural controls such as establishing a centralized aircraft deicing facility, and/or collection of contaminated runoff for treatment or recycling shall be implemented. Collection and treatment alternatives include, but are not limited to, retention basins, detention basins with metered controlled release, Underground Storage Tanks (USTs) and/or disposal to Publicly Owned Treatment Works (POTWs) by way of sanitary sewer or hauling tankers. Runoff management controls that the facility determines to be reasonable and appropriate shall be implemented and maintained. The plan shall consider the recovery of deicing/anti-icing materials when these materials are applied during non-precipitation events. The plan shall provide a narrative explanation of the controls considered and the reasoning for whether or not to implement them.
- 7) Inspections. In addition to or as part of the comprehensive site evaluation required under *Part I.F.3.d*, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. The inspection frequency shall be specified in the plan, but shall at a minimum be conducted once per week during deicing/anti-icing application periods for areas where deicing/anti-icing operations are being conducted. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained. The use of a checklist developed by the pollution prevention team is encouraged.
- 8) Pollution Prevention Training. Pollution prevention training programs shall be

developed to inform airport management and tenant personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping, aircraft and runway deicing/anti-icing procedures, and material management practices. The pollution prevention plan shall identify periodic dates for such training and show records indicating topics covered with an outline along with an attendance list.

- 9) Recordkeeping and Internal Reporting Procedures. A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan. Inspections and maintenance activities shall be documented and records shall be incorporated into the plan.
  - 10) Non-Storm Water Discharges.
    - a) Illicit Discharges. SLCDA shall review and insure that all illicit discharges into the storm drain system have been eliminated by SLCDA (or airport tenants) shall test or evaluate all discharges into the SLCIA storm water system for the presence of non-storm water discharges (unless a discharge has already been tested or evaluated). Such testing and evaluations may not be feasible if the facility operating the storm water discharge does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge, however every reasonable effort should be made to fulfill this requirement. Testing or evaluations may consist of dye testing, smoke testing, flow monitoring, as built plan examinations, televising lines with a video camera, or other means. Non-storm water discharges to waters of the State that are not authorized by a *UPDES* permit are unlawful, and must be terminated. SLCDA is required to re-certify their storm water discharge outfalls by 60 days.
    - b) Exceptions. Except for flows from fire fighting activities, other sources of non-storm water listed in *Part I.D.4. (Authorized Non-storm Water Discharges)* of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
  - 11) Sediment and Erosion Control. The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to limit erosion.
- d. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations during periods of deicing/anti-icing operations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:
- 1) Areas contributing to a storm water discharge associated with industrial

activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

- 2) Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with *Part I.F.3.b. (Description of Potential Pollutant Sources)* of this permit and pollution prevention measures and controls identified in the plan in accordance with *Part I.F.3.c. (Measures and Controls)* of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.
  - 3) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with *Part I.F.3.d.(2) (above)* of the permit shall be made and retained as part of the storm water pollution prevention plan for at least one year after coverage under this permit terminates. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part IV.G* (signatory requirements) of this permit.
  - 4) Where compliance evaluation schedules overlap with inspections required under *Part I.F.3.c(6)*, the compliance evaluation may be conducted in place of one such inspection.
- e. Additional requirements pertaining to storm water discharges into the City Drain (including the discharge from the East Side Pump Station and other undesignated outfalls from General Aviation).
- 1) In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in Salt Lake City's storm water management programs developed under the *UPDES* permit issued for the discharge of the Salt Lake City's storm sewer system that receives the facility's discharge.
  - 2) The SLCDA shall make plans and pertinent storm water data available to the Salt Lake City Public Utilities drainage engineer upon request.
- f. Consistency with Other Plans. The storm water pollution prevention plan may reference requirements for *Spill Prevention Control and Countermeasure ("SPCC")* plans developed for the facility under *Section 311* of the *CWA* as long as such referenced requirements are incorporated into, and implemented with the storm

water pollution prevention plan.

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II. MONITORING, RECORDING AND 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.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported by netDMR or on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality at the following addresses:
- Original to: Department of Environmental Quality  
Division of Water Quality  
195 North 1950 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870
- E. 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.
- F. 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* 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. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- G. 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.
- H. 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.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance that 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) 538-6146, or 24 hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4123 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 that exceeds any effluent limitation in the permit (See *Part III.F, Bypass of Treatment Facilities.*);
  - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.G, Upset Conditions.*); or,
  - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
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; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - 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 Division of Water Quality, (801) 538-6146, has received the telephone report within 24 hours.
5. Reports shall be submitted to the addresses in *Part II.D, Reporting of Monitoring Results.*

- J. 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 II.D* are submitted. The reports shall contain the information listed in *Part III.3.*

- K. 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 (under escort as required by the FAA), or where records must be kept under the conditions of the permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the *Director* of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part III.F, Bypass of Treatment Facilities* and *Part III.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 that has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. 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 the provisions of paragraphs 2 and 3 of this section.
  2. Notice:
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
    - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part II.I., Twenty-four Hour Notice of Noncompliance Reporting.*
  3. Prohibition of bypass.

- a. Bypass is prohibited and the *Director* may take enforcement action against a permittee for a bypass, unless:
  - 1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) There were no feasible alternatives to the 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 back-up 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 paragraph 2 of this section.
- 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 above in paragraph 3.a of this section.

G. 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 II.I, Twenty-four Hour Notice of Noncompliance Reporting*; and,
  - d. The permittee complied with any remedial measures required under *Part III.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.

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the *Director* as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of parameters discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit. 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 that 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 *Part IV.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 *IV.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 R317-8-3.3*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the *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 provision 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 permittees 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 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*.
  
- 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 waste load allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.
  
- P. 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.

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