

**STATE OF UTAH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY  
SALT LAKE CITY, UTAH 84114-4870**

**Authorization Under the  
Utah Pollutant Discharge Elimination System**

**General Permit for  
Concentrated Animal Feeding Operations**

In compliance with the provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended (the *Act*), owners and operators of concentrated animal feeding operations (CAFOs), shall have no discharge from their manure management facilities except in the event of a 25 year 24 hour storm event. In the event of such a storm, discharges are allowed from certain manure management facilities provided that the producer is meeting the provisions and conditions of this permit.

A copy of this permit must be kept by the permittee at the site of the permitted activity.

This permit will become effective October 1, 2000.

This permit and the authorization to discharge shall expire at midnight September 30, 2005.

Signed this 7<sup>th</sup> day of September, 2000.

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Authorized Permitting Official  
Executive Secretary  
Utah Water Quality Board

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**I. EFFLUENT LIMITATIONS**

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A. Definitions

1. “Act” means the *Utah Water Quality Act*.
2. A “25-year, 24-hour rainfall event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service
3. “Animal feeding operation” is a facility that stables, confines, and feeds or maintains livestock in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.
4. “Animal unit” means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (*UAC*) *R317-8-3.5* and used to determine if an operation meets the definition of a concentrated animal feeding operation.
5. “Chronic rainfall” is a series of wet weather conditions that preclude dewatering of properly maintained waste retention structures.
6. “CWA” means Federal Water Pollution Control Act as amended, also known as the Clean Water Act as amended, found at 33 USC 1251 et seq.
7. A “Concentrated Animal Feeding Operation” (CAFO) is an animal feeding operation that is subject to the terms and conditions of this permit. As per the regulations in *UAC R317-8-3.5* an animal feeding operation is subject to this permit if one or more of the following criteria are met:

The operation stables or confines and feeds or maintains more than 1,000 animal units.

The operation stables or confines and feeds or maintains more than 300 animal units and discharges pollutants into waters of the State either through a man-made ditch, flushing system, or other similar man-made device or directly into waters of the State which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the confined animals.

The Executive Secretary (see definition below) designates the animal feeding operation as a CAFO by one or more of the following factors:

The size of the animal feeding operation and the amount of manure

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or process wastewater reaching waters of the State;

The location of the animal feeding operation in relation to waters of the State;

The means of conveyance of manure and process wastewater into waters of the State; and

The slope, vegetation, rainfall and other factors which affect the likelihood of discharges of manure and process wastewater to waters of the State;

Other relevant factors.

8. “Executive Secretary” means *Executive Secretary* of the *Utah Water Quality Board*.
9. “Land application” means the application of wastewater and/or manure onto or incorporated into the soil.
10. “Notice of Intent” (NOI) is a form submitted by the CAFO owner/operator informing the Executive Secretary of the intention to be covered by a general permit. General information about the facility to be permitted is provided by the CAFO owner/operator in the NOI.
11. “Process wastewater” means any process-generated wastewater and any precipitation (rain or snow) which comes into contact with any manure, litter or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animal or poultry or direct products.
12. “Retention facility or retention structures” means all collection ditches, conduits and swales for the collection of runoff and wastewater, and all basins, ponds and lagoons used to store wastes, wastewater and manures.
13. “Waters of the State” means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Utah or any portion thereof, except for bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be “waters of the State” under this definition, *UAC R317-1-1.32*.

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B. Permit Area

This permit covers all areas of the State of Utah except for Indian lands.<sup>1</sup>

C. Eligibility

Owners/operators of existing and currently operating animal feeding operations that are defined as CAFOs as per *UAC R317-8-3.5* are eligible for coverage under this permit. Permittees must retain, on site, a copy of the permit and the comprehensive nutrient management plan (CNMP) as required by this permit and submit a copy of the CNMP to the *Executive Secretary* upon request.

A permittee may request to be excluded from coverage under this permit by (1) submitting to the *Executive Secretary* a completed notice of termination (NOT) form or by (2) applying for an individual UPDES permit.

Any owner/operator requesting exclusion from coverage under this permit by applying for an individual UPDES permit must submit completed application forms (Federal Form 1 and Form 2B) to the *Executive Secretary* with the reasons supporting the application. When an individual UPDES permit is issued to an owner/operator otherwise subject to this general permit, the applicability of the CAFO general permit to the facility is automatically terminated on the effective date of the individual permit.

The *Executive Secretary* may require any facility authorized by this permit to apply for, and obtain, an individual UPDES permit. The *Executive Secretary* will notify the operator, in writing, that an application for an individual permit is required. The general permit is automatically terminated when: (1) The operator fails to submit the required individual permit application within a defined time frame, or (2) the individual permit is issued or the permit is denied by the *Executive Secretary*.

D. Application for Coverage

Owners/operators of CAFO's seeking to be covered by this permit must (1) submit an NOI to the *Executive Secretary*, and (2) submit the permit fee (determined by the current yearly State of Utah Appropriation Act, \$500.00 for five years of coverage).

The NOI must be signed by the owner/operator or other authorized person in accordance with Part V.F. of this permit.

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<sup>1</sup> The State of Utah, *Division of Water Quality*, does not have permit authority for Indian lands. CAFO permits for Indian land within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire CAFO permits through EPA Region IX.

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Signed copies of the NOI along with the permit fee must be sent to:

State of Utah  
Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

E. Release of CAFO Generated Manure

In cases where CAFO-generated manure is sold or given away to be used for land application activities that are not under the operational control of the permitted CAFO the permittee shall provide the recipient with accurate information on the nutrient content of the manure to be used in determining the appropriate land application rates. If the permittee is selling or giving away more than one (1) pickup load of manure to an entity on an annual basis then the permittee shall obtain a signed release form that the manure will be applied at agronomic rates and as according to NRCS Field Office Technical Guide Standards for Nutrient Management and Waste Utilization (Appendix D.) Release forms shall be kept with the permittees CNMP.

F. Effluent Limitations

The following effluent limitations apply to facilities covered under this permit:

1. There shall be no discharge of process wastewater or solid or liquid manure to waters of the State except when chronic or catastrophic rainfall events cause an overflow of process wastewater from a facility properly designed, constructed, maintained and operated to contain: (1) all process wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.), plus (2) all runoff from a 25-year, 24-hour rainfall event for the CAFO.
2. There shall be no discharge of wastewater and/or manure to waters of the State from land application activities under the control of the CAFO owner/operator.
3. The permittee is required to comply with the special conditions established in Part III of this permit. These special conditions consist of the development and implementation of a CNMP.

## II. COMPLIANCE RESPONSIBILITIES

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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.

B. Twenty-four Hour Reporting

If, for any reason, there is a discharge to waters of the State., the permittee is required to make immediate oral notification within 24-hours to the *Division of Water Quality (DWQ)* (**801-538-6146**; or the 24 hour DWQ answering service at **801-536-4123**) and notify the *Executive Secretary* in writing within 5 working days of the discharge from the facility. In addition, the permittee shall keep a copy of the notification submitted to the *Executive Secretary* together with the CNMP. The discharge notification shall include the following information:

1. Description of the discharge: A description of the discharge and its cause, including a description of the flow path to the receiving water body and an estimate of the flow and volume discharged.
2. Time of the discharge: The period of discharge, including exact dates and times, and the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the discharge.

C. Penalties for Violations of Permit Conditions

Negligent Violations. The *Act* provides that any person who negligently violates permit conditions implementing the *Act*, this permit, or the Utah wastewater rules is subject to a fine of up to \$10,000 per day.

Willful or Gross Negligence. The *Act* provides that any person who willfully or with gross negligence violates *UCA 19-5-107(1)* (discharges a pollutant to waters of the State) or a condition or limitation of this permit is subject to a fine of up to \$25,000 per day or \$50,000 per day for any person twice convicted.

False Statements. The *Act* provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the *Act* or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the *Act* shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment by 6 months, or by both.

D. Need to Halt or Reduce Activity not a Defense

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

E. Duty to Mitigate

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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.

F. Removed Substances

Disposal of manure shall be conducted in a manner to prevent any pollution of waters of the State. Manure shall be land applied in accordance with the CNMP developed for the operation.

**III. SPECIAL CONDITIONS**

A. Interim Management Measures to Protect Water Quality

As a condition of this permit measures which may reasonably be implemented prior to the development of the CNMP shall be undertaken by the owner/operator to ensure that

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operations which cause or contribute to the discharge of process water and/or manure to waters of the State are rectified in a timely manner. Specific areas which should be addressed, at a minimum, are listed below:

1. Stockpiles of manure shall be removed from wetland areas and away from watercourses and the 100-year flood plain.
2. Manure handling and storage equipment and facilities (e.g. separators, pumps, catch basins, etc.) shall be properly maintained and inspected.
3. Runoff controls (e.g. berms, gutters, swales, etc.) shall be maintained and inspected.

**B. Comprehensive Nutrient Management Plan**

1. Elements of a CNMP

Each owner/operator of a CAFO covered by this permit shall develop and implement a site-specific CNMP. Site-specific CNMP's shall include some or all of the following components based upon the operational needs of the permitted facility: manure and wastewater handling and storage; land application of manure; land management practices; feed management; record keeping; and other utilization options. The CNMP, at a minimum, shall include best management practices (BMP's) to address operational and maintenance activities in accordance with current State regulations and Natural Resources Conservation Service (NRCS) practice standards. A copy of the CNMP shall be kept on site and provided to the *Executive Secretary* upon request.

The CNMP shall specifically identify and describe practices that are to be implemented to assure compliance with the limitations and conditions of this permit.

2. Schedule for Development and Implementation of a CNMP

Following the submission of the NOI, any existing CAFO covered by this general permit shall develop and implement a CNMP within 3 years of permit coverage unless otherwise notified by the *Executive Secretary*. New CAFO's seeking coverage under this permit shall develop a CNMP prior to the commencement of operations, and shall implement the conditions of the CNMP upon the commencement of operations.

The permittee shall maintain a current version of the site-specific CNMP on-site and provide a copy to the *Executive Secretary* upon request. The permittee must notify the *Executive Secretary* in writing within thirty days following the completion of the site-specific CNMP.

3. CNMP Certification

CNMP's shall be prepared in accordance with the *Natural Resources Conservation Service, Field Office Technical Guide*. In order for a plan to be in compliance with this permit it shall undergo review by an eligible specialist who has been trained to prepare and/or review CNMP's. The owner/operator shall verify that this review has been done by signing certification A of Addendum C of this permit. A list of eligible

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reviewers is available by contacting the *Utah Division of Water Quality* at (801) 538-6146.

4. Duty to Amend the CNMP

After development of the initial CNMP the permittee must amend the CNMP prior to any change in design, construction, operation, or maintenance procedures which have a significant effect on the potential for the discharge of pollutants to waters of the State. The CNMP must also be amended if it is ineffective in controlling discharges from the CAFO. The permittee must complete and submit to the *Executive Secretary* an annual certification that the CNMP is regularly evaluated (Addendum C.).

5. Best Management Practices (BMP's)

The permittee is responsible for implementing best management practices to ensure compliance with the terms and conditions of this permit. The following BMP's are required to be included in the CNMP.

- a) Manure and wastewater containment structures shall not be located within the 100-year flood plain, unless the structure is protected from inundation and damage that may occur during flood events. If located in a flood plain, the top of the lagoon or basin embankment shall be at least one foot above the elevation of the 100-year flood.
- b) Operations which do not meet the permit by rule criteria as per *UAC R317-6-6.2* will be required to gain coverage under a separate groundwater permit.
- c) Containment structures must store the 25-year, 24-hour storm event, plus all other process wastewater and liquid and solid manure.
- d) Ditches, dikes, berms, terraces, or other such structures shall be used to divert contaminated peak flows to the containment structure or lagoon.
- e) Wastewater and manure containment structures shall be designed in accordance with the standards of the *Natural Resources Conservation Service, Field Office Technical Guide, Section IV*.
- f) If stockpiling of manure is a usual practice at a CAFO, the permittee shall construct a designated stockpiling site. The manure stockpiling area must be designed to accommodate the normal manure stockpiling practices implemented at the CAFO. The stockpile area shall be constructed to minimize seepage (e.g. clay lined) and utilize dikes and/or ditches to keep runoff away from the stockpile and to contain runoff from leaving the stockpile.
- g) Stockpiles and composting piles shall not be located in wetlands, along

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watercourses, or in a 100-year flood plain.

- h) Compost piles which contain additives other than manure and vegetative material are subject to regulations under the direction of the Utah Division of Solid and Hazardous Waste (SHW). If compost additives are used then the operator shall contact SHW at (801) 538-6170 for compost requirements.
- i) All discharges to retention structures shall be composed entirely of wastewater from the proper operation and maintenance of a CAFO and the precipitation and runoff from the CAFO areas. The disposal of any materials—other than discharges associated with proper operation and maintenance of the CAFO into the containment structures is prohibited by this permit.
- j) The owner/operator shall prevent the discharge of pesticide-contaminated waters into retention structures. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the management of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent pollutants from entering the retention structures or waters of the State.
- k) All manure and wastewater control and retention structures (including lagoons and other earthen basins) must be closed if the permittee ceases operation. In addition, any such structure that is not in use for a period of twelve consecutive months must be closed, unless the permittee intends to resume use of the structure at a later date, and maintains the structure as though it were actively in use. Closure(s) shall be consistent with NRCS standards and shall be specified in the permittee's CNMP.

6. Nutrient Management Plan

A Nutrient Management Plan shall be developed as a part of the CNMP for operations which perform land application of manure. The plan shall ensure protection of surface and ground water when utilizing application of manure for the purpose of growing crops. Soil, wastewater and manure samples of land application sites shall be collected and analyzed as specified in the facility CNMP and Part IV of this permit to ensure that nutrients are applied according to calculated agronomic rates and seasonal restrictions.

**IV. DISCHARGE MONITORING AND NOTIFICATION REQUIREMENTS**

A. General Inspection, Monitoring, and Record-keeping Requirements

The producer shall inspect and sample the manure management system and land application site(s) as per Table 1. below. Records of all wastewater, manure and soil samples as required by or for the development of the CNMP, as well as required inspections of storage structures and land application sites shall be kept on site such that the *Executive Secretary* can review them upon request or during an inspection (See *Part V.C.3. Retention of Records.*)

**TABLE 1. PERIODIC INSPECTION AND MONITORING REQUIREMENTS**

PARAMETER	UNITS	FREQUENCY
Facility inspection <sup>1</sup>		

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Review all facilities and land application areas addressed in the CAFO's CNMP to evaluate whether measures to reduce pollutant loadings identified in the CNMP are adequately and properly implemented in accordance with the terms of the permit or whether additional control measures are needed	NA	Annually (Certification Form Required to be Submitted to DWQ, Form Appendix C)
<b>Lagoon or storage structure monitoring and inspection</b>		
Freeboard <sup>2</sup>	Ft.	Monthly
Structural integrity (i.e., integrity of berms) <sup>3</sup>	NA	Semi-Annual
<b>Sampling of manure/wastewater and land application soils<sup>5</sup></b>		
Sample manure and wastewater to determine available nutrient content (nitrogen and phosphorus) <sup>5</sup>	mg/L	Conduct initial sampling. Then sample at least once per year thereafter.
Sample land application soils to determine nutrient content (nitrogen and phosphorus) <sup>4</sup>	lb/acre, or ppm	Conduct initial sampling. Then sample as per the CNMP.
<b>Land application activities</b>		
Dates and duration of land application activities <sup>5</sup>	Hours, Days	Daily When Applied
Quantity of manure/wastewater applied to land application fields <sup>5</sup>	Tons, Gallons, or Ft <sup>3</sup> /Acre	Daily When Applied
Application rate <sup>5</sup>	lb/acre, Ft <sup>3</sup> /acre, or loads/acre	Daily When Applied
Application area <sup>5</sup>	Acres	Daily When Applied

Footnotes:

<sup>1</sup> A complete inspection of the facility shall be done and a report made annually.

<sup>2</sup> For lagoons or other liquid storage basins, report the water level as feet below the emergency overflow level. For solid manure storage structures, report the percentage of remaining storage capacity.

<sup>3</sup> Documentation of compliance with this requirement must be compiled in an inspection report to be kept at the facility.

<sup>4</sup> Prior to developing a CNMP the permittee shall analyze the manure/wastewater and soils within land application fields prior to the first land application event at new CAFOs and, for existing CAFOs, the first crop-growing seasonal land application event after the effective date of the permit and thereafter as prescribed by the CNMP.

<sup>5</sup> Monitor during periods of land application only. Land application practices must be conducted in accordance with the permittee's CNMP.

## **V. STANDARD PERMIT CONDITIONS**

### **A. General Conditions**

1. **Planned Changes:** The permittee shall give notice to the *Executive Secretary* as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal the permittee shall give notice to the *Executive Secretary* of any planned changes at least 30 days prior to their implementation.
2. **Permit actions:** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance,

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or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

3. 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.
  4. 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/Tribal or local laws or regulations.
  5. Duty to provide information: The permittee shall furnish to the *Executive Secretary*, 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.
  6. Criminal and Civil Liability: Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to *Utah Code Annotated (UCA), 19-5-101 through 19-5-120*.
  7. State/Tribal 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/Tribal law or regulation under authority preserved by Section 510 of the Act.
  8. 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.
- B. 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 includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

C. Monitoring and Records

1. Inspection and entry: The permittee shall allow the *Executive Secretary* or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
  - a) Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - b) 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
- d) Sample or monitor, at reasonable times, for the purpose of assuring permit compliance.
  
2. Representative sampling: Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  
3. 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 three years from the date of the sample, measurement, report, or application. This period may be extended by request of the *Executive Secretary* at any time.
  
4. Monitoring procedures:
  - a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
  - b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
  - c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.
  
5. Record content: Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.

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6. Anticipated Noncompliance: The permittee shall give advance notice to the *Executive Secretary* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
7. Transfers: This permit is not transferable to any person except after notice to the *Executive Secretary*.
8. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application (NOI) or in any report to the *Executive Secretary*, he or she shall promptly submit such facts or information.

D. Signatory requirements

All *Notices of Intent*, reports, certifications or information that is required to be submitted to the *Executive Secretary* or other information that this permit requires be maintained by the permittee, shall be signed as follows:

1. All Notices of Intent shall be signed as follows:
  - a) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b) For a partnership of sole proprietorship: by a general partner or the proprietor, respectively; or
  - c) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).
2. All reports required by the permit and other information requested by the *Executive Secretary* or by an authorized representative of the *Executive Secretary* shall be signed and certified by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - c) The authorization is made in writing by a person described above and submitted to the *Executive Secretary*.
  - b) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent

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responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

E. Availability of Reports

Any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

F. 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 gathered and evaluated 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.”*

APPENDIX A

NOTICE OF INTENT FORM

NOTICE OF TERMINATION FORM

APPENDIX C

ANNUAL CNMP CERTIFICATION FORM

APPENDIX D

RELEASE FORM FOR REMOVED SUBSTANCES