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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Municipal Permit No. **UT0020061**

Biosolids Permit No. **UTL0020061**

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

OAKLEY CITY

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

and to dispose of biosolids,

and to discharge of storm water,

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

This permit shall become effective on July 1, 2012.

This permit expires at midnight on June 30, 2017.

Signed this 19th day of June, 2012.

Walter L. Baker, P.E.
Director
Division of Water Quality

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I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

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

Outfall Number	Location of Discharge Outfall
002	Located at latitude 40°42'34" and longitude 111°17'59". 50 feet directly east of the treatment facility on Millrace Road (1000 W).

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

C. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 002. Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Effluent Limitations			
	Maximum Monthly Average	Maximum Weekly Average	Daily Minimum	Daily Maximum
Total Flow, MGD	0.25	NA	NA	NA
BOD_5, mg/L	25	35	NA	NA
BOD_5 Min. % Removal	85	NA	NA	NA
TSS, mg/L	25	35	NA	NA
TSS Min. % Removal	85	NA	NA	NA
E. Coli, No/100mL	126	158	NA	NA
Oil & Grease, mg/L	NA	NA	NA	10.0
pH, Standard Units	NA	NA	6.5	9.0
DO, mg/L a/	NA	NA	5.0	NA

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NA – Not Applicable.
a/ Effluent limit applies only during the summer months: July, August and September.

Self-Monitoring and Reporting Requirements a/			
Parameter	Frequency	Sample Type	Units
Total Flow b/c/	Continuous	Recorder	MGD
BOD_5, Influent d/ Effluent	Monthly Monthly	Grab Grab	mg/L mg/L
TSS, Influent d/ Effluent	Monthly Monthly	Grab Grab	mg/L mg/L
Total Phosphorus	Monthly	Grab	mg/l
E. Coli, No/100mL	Monthly	Grab	No./100mL
Oil & Grease e/	Monthly	Grab	mg/L
pH	Monthly	Grab	SU
DO, mg/L	Monthly	Grab	mg/L
Total Kjeldahl Nitrogen	Quarterly	Grab	mg/L
Nitrate	Quarterly	Grab	mg/L
Nitrite	Quarterly	Grab	mg/L
Ammonia	Quarterly	Grab	mg/L

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

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

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

d/ In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this constituent at the same frequency as required for this constituent in the discharge.

e/ Sample when sheen is visible.

D. Reporting of Wastewater Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on August 28, 2012. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part VI.G)*, and submitted to the Division of Water Quality at the following address:

Department of Environmental Quality
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, Utah 84114-4870

II. INDUSTRIAL PRETREATMENT PROGRAM

A. Pretreatment Reporting Requirements.

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

B. Industrial Wastes.

1. The "Industrial Waste Survey" as required by *Part II.A.1.* consists of; identifying each significant industrial user (SIU), determination of the qualitative and quantitative characteristics of each discharge, and appropriate production data. A (SIU) is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following: (1) has a process wastewater flow of 25,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) is subject to Categorical Pretreatment Standards, or (4) has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

2. The permittee must notify the Executive Secretary of any new introductions by new or existing SIUs or any substantial change in pollutants from any major industrial source. Such notice must contain the information described in 1. above and be forwarded no later than sixty (60) days prior to the introduction or change.

3. Pretreatment Standards (*40 CFR 403.5*) developed pursuant to *Section 307* of *The Water Quality Act of 1987* require that under no circumstances shall the permittee allow introduction of the following pollutants into the waste treatment system from any source of non-domestic discharge:

   a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C);

   b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;

   c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

   d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause interference in the POTW;

e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C);

f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

g. Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems; or,

h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

i. Any pollutant that causes pass through or interference at the POTW.

4. In addition to the general and specific limitations expressed above, more specific pretreatment limitations have been and will be promulgated for specific industrial categories under *Section 307* of *the Water Quality Act of 1987 as amended (WQA). (See 40 CFR, Subchapter N, Parts 400* through *500*, for specific information).

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

   a. Any new introduction of pollutants into the treatment works from an indirect discharger (i.e., industrial user) which would be subject to *Sections 301* or *306* of the *WQA* if it were directly discharging those pollutants;

   b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

   c. For the purposes of this section, adequate notice shall include information on:

      (1) The quality and quantity of effluent to be introduced into such treatment works; and,

      (2) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

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

   a. Amend the permittee's UPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;

b. Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the *General Pretreatment Regulations* at *40 CFR 403*; and/or,

c. Require the permittee to monitor its discharge for any pollutant, which may likely be discharged from the permittee's facility, should the industrial user fail to properly pretreat its waste.

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

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

III. BIOSOLIDS PERMIT, SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Description of Biosolids Treatment and Disposal.

The authorization to dispose of biosolids provided under this permit is limited to those biosolids produced from the treatment works owned and operated by the City of Oakley (Oakley City Wastewater Treatment Plant (OCWTP)). The method and sites for disposal are specifically designated below.

1. Treatment.

The wastewater solids will be stabilized during the membrane bioreactor process (MBR) with an average retention time of over 60 days. The wastewater solids from the MBR process will be de-watered with a screw press.

2. Description of Biosolids Disposal Method.

The non-classified solids are disposed in the Summit County Landfill.

3. Changes in Treatment Systems and Disposal Practices.

Should the OCWTP change their disposal methods or the biosolids generation and handling processes of the plant, the OCWTP must notify the Executive Secretary at least 180 days in advance. This includes, but is not limited to, the addition or removal of any biosolids treatment units (e.g., digesters, drying beds, etc.) and/or any other change that would require a major modification of the permit..

All biosolids land filled must meet the requirements of *40 CFR 258, Utah Administrative Code R315-301-5* and *Section 2.12* of the latest version of the *EPA Region VIII Biosolids Management Handbook* .

B. Specific Limitations and Monitoring Requirements.

All biosolids generated by this facility shall meet the requirements of *Part III.B.1, 2 and 3* listed below.

1. Landfill Limitations.

All biosolids land filled must pass a paint filter test.

2. Vector Attraction Reduction Requirements.

The OCWTP will meet vector attraction reduction through daily cover at the landfill.

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

3. Self-Monitoring Requirements.

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

Minimum Frequency of Monitoring	
Amount of Biosolids Disposed Per Year	Monitoring Frequency
> 0 to < 290 DMT	One Time Per Year

The OCWTP shall monitor at least once per year for the parameters listed above

a) Sample collection shall be performed in a manner consistent with the requirements of *40 CRF 503* and/or other criteria specific to this permit.

b) The Executive Secretary may request additional monitoring for specific pollutants derived from biosolids if the data shows a potential for concern.

For all biosolids that are stored in piles for one year or longer, measures shall be taken to ensure that erosion (whether by wind or water) does not occur. If a pile is considered to have caused a problem, best management practices could be added as a requirement in the next permit renewal. Permanent storage of biosolids is prohibited. Biosolids shall not be temporarily stored for more than two (2) years. Written permission to store biosolids for more than two years must be obtained from the Executive Secretary.

C. Representative Sampling. Biosolids samples used to measure compliance with Part I of this Permit shall be collected at locations representative of the quality of biosolids generated at the treatment works and immediately prior to disposal.

D. Reporting of Monitoring Results.

The permittee shall provide the results of all monitoring performed in accordance with *Part II.B*, and certifications shall be provided no later than February 19 of each year. Each report is for the previous calendar year. If no biosolids were disposed during the reporting period, "no biosolids were disposed" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the *Signatory Requirements (see Part VII.G)*, and submitted to the Utah Division of Water Quality and the EPA at the following addresses:

Original to: Biosolids Coordinator
Utah Division of Water Quality
P. O. Box 144870
Salt Lake City Utah, 84114-4870

Copy to: Biosolids Coordinator, 8P-W-P
U. S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466

E. Additional Record Keeping Requirements Specific to Biosolids.

1. The permittee is required to keep the following information for at least 5 years:

   A description of how the vector attraction reduction requirements in Part III.B.3. were met and:

   The following certification statement:

   "I certify under the penalty of law, the paint filter test and vector attraction requirements have been met. This determination has been made under my direction and supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information used to determine that the paint filter test and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of imprisonment."

2. The permittee shall retain records of all monitoring information and copies of all reports required by this permit and records of all data used to complete the application for this permit for the life of the permit. Data collected on site, copies of Biosolids Report forms, and a copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location.

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

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

IV. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

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

B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10 and 40CFR Part 503*, unless other test procedures have been specified in this permit.

C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

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

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

F. Records Contents. Records of monitoring information shall include:

i. The date, exact place, and time of sampling or measurements:
ii. The individual(s) who performed the sampling or measurements;
iii. The date(s) and time(s) analyses were performed;
iv. The individual(s) who performed the analyses;
v. The analytical techniques or methods used; and,
vi. The results of such analyses.

G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by

request of the Executive Secretary at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites which may seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 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, which exceeds any effluent limitation in the permit (See *Part V.G, Bypass of Treatment Facilities.)*;

   c) Any upset which exceeds any effluent limitation in the permit (See *Part V.H, Upset Conditions.*);

   d) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,

   e) Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.

3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

   a) A description of the noncompliance and its cause;

   b) The period of noncompliance, including exact dates and times;

   c) The estimated time noncompliance is expected to continue if it has not been corrected;

   d) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,

   e) Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.

4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.

5. Reports shall be submitted to the addresses in *Part I.D, Reporting of Monitoring Results*.

I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part IV.H.3*

J. Inspection and Entry The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;

d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,

e) The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Executive Secretary, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

V. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions or the Act is subject to a fine not exceeding $25,000 per day of violation. Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding $50,000 per day. Except as provided at *Part IV.G, Bypass of Treatment Facilities* and *Part IV.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

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

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

E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter

backwash shall not directly enter either the final effluent or waters of the state by any other direct route.

G. Bypass of Treatment Facilities.

i. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.

ii. Prohibition of Bypass.

a) Bypass is prohibited, and the Executive Secretary may take enforcement action against a permittee for bypass, unless:

a. Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;

b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

c. The permittee submitted notices as required under *section V.G.3*.

b) The executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed in *sections V.G.2.a (1), (2) and (3)*.

iii. Notice.

a) *Anticipated bypass*. Except as provided above in *section V.G.2* and below in *section V.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Executive Secretary:

a. Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages:

b. A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Executive Secretary in advance of any changes to the bypass schedule;

c. Description of specific measures to be taken to minimize environmental and public health impacts;

d. A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;

e. A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,

f. Any additional information requested by the Executive Secretary.

b) *Emergency Bypass*. Where ninety days advance notice is not possible, the permittee must notify the Executive Secretary, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Executive Secretary the information in *section V.G.3.a.(1) through (6)* to the extent practicable.

c) *Unanticipated bypass*. The permittee shall submit notice of an unanticipated bypass to the Executive Secretary as required under *Part IV.H*, Twenty Four Hour Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

a) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the

requirements of paragraph 2 of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.

b) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a) An upset occurred and that the permittee can identify the cause(s) of the upset;

b) The permitted facility was at the time being properly operated;

c) The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting*; and,

d) The permittee complied with any remedial measures required under *Part V.D, Duty to Mitigate*.

c) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

VI. GENERAL REQUIREMENTS

A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of parameters discharged or pollutant sold or given away. This notification applies to pollutants, which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.

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

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

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

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

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

G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.

a) All permit applications shall be signed by either a principal executive officer or ranking elected official.

b) All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

c) The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,

d) 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.

e) Changes to authorization. If an authorization under *paragraph VI.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 VI.G.2.* must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.

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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more

than $10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.

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

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

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

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

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

a) The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;

b) The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

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

N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Act* or any applicable Federal or State

transportation regulations, such as but not limited to the Department of Transportation regulations.

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

a) 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.

b) A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.

c) Revisions to the current CWA § 208 area wide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.

P. Biosolids – Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state of federal regulations.

Q. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include, whole effluent toxicity (WET) limitations, a compliance date, a compliance schedule, a change in the whole effluent toxicity (biomonitoring) protocol, additional or modified numerical limitations, or any other conditions related to the control of toxicants if one or more of the following events occur;

a) Toxicity is detected during the duration of this permit.

b) The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date

for compliance and the Executive Secretary agrees with the conclusion.

c) The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the Executive Secretary agrees that numerical controls are the most appropriate course of action.

d) Following the implementation of numerical control(s) of toxicant(s), the Executive Secretary agrees that a modified biomonitoring protocol is necessary to compensate for those toxicant that are controlled numerically.

e) The TRE reveals other unique conditions or characteristics, which in the opinion of the permit issuing authority justify the incorporation of unanticipated special conditions in the permit.

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

VII. DEFINITIONS

A. Wastewater.

a) The "7-day (and weekly) average", other than for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.

b) The "30-day (and monthly) average," other than for e-coli bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

c) "Act," means the *Utah Water Quality Act*.

d) "Acute toxicity" occurs when 50 percent or more mortality is observed for either test species at any effluent concentration.

e) "Bypass," means the diversion of waste streams from any portion of a treatment facility.

f) "Chronic toxicity" occurs when the survival, growth, or reproduction for either test species exposed to a dilution of 25 percent effluent (or lower) is significantly less (at the 95 percent confidence level) than the survival, growth, or reproduction of the control specimens.

g) "IC_{25}" is the concentration of toxicant (given in % effluent) that would cause a 25% reduction in mean young per female or a 25% reduction in overall growth for the test population.

h) "Composite Samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

   a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

   b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

   c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

   d. Continuous sample volume, with sample collection rate proportional to flow rate.

i) "CWA," means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.

j) "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.

k) "EPA," means the United States Environmental Protection Agency.

l) "Executive Secretary," means Executive Secretary of the Utah Water Quality Board.

m) A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

n) An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

o) "Severe Property Damage," means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

p) "Upset," means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

B. Biosolids.

a) "Biosolids," means any material or material derived from sewage solids that have been biologically treated.

b) "Dry Weight-Basis," means 100 percent solids (i.e. zero percent moisture).

c) "Land Application" is the spraying or spreading of biosolids onto the land surface; the injection of biosolids below the land surface; or the incorporation of biosolids into the land so that the biosolids can either condition the soil or fertilize crops or vegetation grown in the soil. Land application includes distribution and marketing (i.e. the selling or giving away of the biosolids).

d) "Pathogen," means an organism that is capable of producing an infection or disease in a susceptible host.

e) "Pollutant" for the purposes of this permit is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organisms

that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly

from the environment or indirectly by ingestion through the food-chain, could on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

f) "Runoff" is rainwater, leachate, or other liquid that drains over any part of a land surface and runs off the land surface.

g) "Similar Container" is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

h) "Total Solids" are the materials in the biosolids that remain as a residue if the biosolids are dried at 103° or 105° Celsius.

i) "Treatment Works" are either Federally owned, publicly owned, or privately owned devices or systems used to treat (including recycling and reclamation) either domestic sewage or a combination of domestic sewage and industrial waste or liquid manure.

j) "Vector Attraction" is the characteristic of biosolids that attracts rodents, flies mosquito's or other organisms capable of transporting infectious agents.

k) "Animals" for the purpose of this permit are domestic livestock.

l) "Annual Whole Sludge Application Rate" is the amount of sewage sludge (dry-weight basis) that can be applied to a unit area of land during a cropping cycle.

m) "Agronomic Rate is the whole sludge application rate (dry-weight basis) designed to: (1) provide the amount of nitrogen needed by the crop or vegetation grown on the land; and (2) minimize the amount of nitrogen in the

sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.

n) "Annual Pollutant Loading Rate" is the maximum amount of a pollutant (dry-weight basis) that can be applied to a unit area of land during a 365-day period.

o) "Application Site or Land Application Site" means all contiguous areas of a users' property intended for sludge application.

p) "Cumulative Pollutant Loading Rate" is the maximum amount of an inorganic pollutant (dry-weight basis) that can be applied to a unit area of land.

q) "Grit and Screenings" are sand, gravel, cinders, other materials with a high specific gravity and relatively large materials such as rags generated during preliminary treatment of domestic sewage at a treatment works and shall be disposed of according to *40 CFR 258*.

r) "High Potential for Public Contact Site" is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

s) "Low Potential for Public Contact Site" is the land with a low potential for contact by the public. This includes, but is not limited to, farms, ranches, reclamation areas, and other lands which are private lands, restricted public lands, or lands which are not generally accessible to or used by the public.

t) "Monthly Average" is the arithmetic mean of all measurements taken during the month.

u) "Volatile Solids" is the amount of the total solids in sewage sludge lost when the sludge is combusted at 550 degrees Celsius for 15-20 minutes in the presence of excess air.