

Official Draft Public Notice Version Date May 20, 2013

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

**General Permit No. UTG640000**

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)

**GENERAL PERMIT FOR DRINKING WATER TREATMENT PLANTS**

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

**FACILITY NAME**

the drinking water treatment plant as identified in the application **No. (Application Number)** is hereby directed to have no discharge to Waters of the State except as allowed in accordance with the provisions of this permit.

This permit shall become effective on June 01, 2013.

This general permit shall expire at midnight, May 31, 2018.

Signed this ??<sup>st</sup> day of May 2013.

---

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

## TABLE OF CONTENTS

<u>Cover Sheet--Issuance and Expiration Dates</u>	<u>Page No.</u>
I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.....	3
A. Coverage Under the General Permit.....	3
B. Specific Limitations and Waste Disposal Requirements.....	4
II. MONITORING, RECORDING AND REPORTING REQUIREMENTS .....	8
A. Monitoring Requirements.....	8
B. Representative Sampling.....	8
C. Monitoring Procedures.....	8
D. Penalties for Tampering.....	8
E. Reporting Requirements.....	8
F. Records Contents.....	9
G. Retention of Records.....	9
H. Inspection and Entry.....	9
I. Twenty-four Hour Notice of Noncompliance Reporting.....	9
III. COMPLIANCE RESPONSIBILITIES.....	11
A. Duty to Comply.....	11
B. Penalties for Violations of Permit Conditions.....	11
C. Need to Halt or Reduce Activity not a Defense.....	11
D. Duty to Mitigate.....	11
E. Proper Operation and Maintenance.....	11
F. Removed Substances.....	11
G. Bypass of Treatment Facilities.....	12
H. Upset Conditions.....	13
I. Toxic Pollutants.....	14
J. Changes in Discharge of Toxic Substances.....	14
K. Industrial Pretreatment.....	15
IV. GENERAL REQUIREMENTS .....	16
A. Planned Changes.....	16
B. Anticipated Noncompliance.....	16
C. Permit Actions.....	16
D. Duty to Provide Information.....	16
E. Other Information.....	16
F. Signatory Requirements.....	16
G. Penalties for Falsification of Reports.....	17
H. Availability of Reports.....	18
I. Oil and Hazardous Substance Liability.....	18
J. Property Rights.....	18
K. Severability.....	18
L. Transfers.....	18
M. State Laws.....	18
N. Water Quality-Reopener Provision.....	18
V. DEFINITIONS.....	20

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Coverage Under the General Permit

1. This general UPDES permit shall apply to Drinking Water Treatment Plants located in the State of Utah that have no discharge under normal operating conditions.
2. In order to be considered eligible for coverage under the terms and conditions of this permit, the owner, operator, or authorized agent of a facility must submit a completed Notice of Intent (NOI) by certified mail to the following address:

Utah Department of Environmental Quality  
Utah Division of Water Quality  
P. O. Box 144780  
Salt Lake City, Utah 84114-4870  
Attention: Permits & Compliance Section

The NOI application form is available from the Division of Water Quality. It requires the following information:

- a. Name, address, telephone number, and descriptive location of the facility;
- b. Name of individual in charge of operation of the facility;
- c. Name of potential receiving water(s);
- d. Description of any wastewater treatment system and recycle/reuse utilized;
- e. Description of the current disposal practices for sediment and backwash sludge generated; and
- f. Along with the NOI, the facility must submit the source water data including TSS, Metals, and Organics' concentration and any other parameter potentially limited by the streams water quality standards.
- g. Signature of owner, operator, or authorized agent (see Part IV.G. Signatory Requirements) and the following certification statement:

"I certify that, to the best of my knowledge and belief, the information contained in this application is accurate and complete. I further certify that I have reviewed and hereby adopt the UPDES general permit no. UTG640000 as issued for

Drinking Water Treatment Plants located in the State of Utah.

The permit issuing authority has sixty (60) days after receipt of a completed NOI to deny coverage, request additional information, or authorize the permit by sending a certified letter of approval from the Director.

3. The owner or operator of a facility excluded from coverage by this general permit solely because that facility already has an individual UPDES permit may request that the individual permit be revoked and that the facility be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to that facility.
4. Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual UPDES permit. In addition, in accordance with *Utah Administrative Code (UAC) R317-8-2.5*, the Director may require any owner or operator covered under this permit to apply for and obtain an individual UPDES permit for reasons that include the following:
  - a. The discharge(s) is a significant contributor of pollution;
  - b. The discharger is not in compliance with the conditions of this general permit; or
  - c. Conditions or standards have changed so that the discharger no longer qualifies for a general permit.
5. When an individual UPDES permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator is automatically terminated upon the effective date of the individual UPDES permit.

**B. Specific Limitations and Waste Disposal Requirements**

**1. Effluent Limitations**

During the term of this permit, the following effluent limitations apply to all of the drinking water treatment plants covered by this permit.

- a. There shall be no discharges to Waters of the State except as provided for in paragraphs b, c, and d.
- b. The discharge of water from emergency overflow systems shall occur only as a

result of equipment failure and the need to protect the plant from flooding and/or to prevent severe property damage and will be allowed only if the facility has been properly operated and maintained (see Part III.E.). If such a discharge occurs, whenever possible the permittee shall dispose of the overflow on land to avoid any potential impacts on receiving waters and must comply with the requirements of Part III.G (Bypass of Treatment Facility), or Part III.H (Upset Conditions), whichever apply.

- c. Routine, excess, untreated intake flows can be discharged provided that:
  - (i) No chemicals are added to the water prior to returning it to the original water course;
  - (ii) The excess flow is conducted on a continuous basis or at such frequency as to minimize any slugging effect in the receiving stream due to the return of settled sediments;
  - (iii) The discharge is properly managed to minimize erosion of the stream channel;
  - (iv) There are no significant detrimental effects on the receiving water quality or on downstream beneficial uses.
  
- d. A bypass of treatment which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. The limits for both discharge to waters of the State and discharge for land disposal are the in-stream water quality standards for all classifications and are specified below:

Effluent Characteristics	Effluent Limitations For Discharges to Waters of the State /a		Effluent Limitations For Discharges for Land Disposal /b		Monitoring Requirements	
	Daily	Daily	Daily	Daily	Measurement Frequency /d	Sample Type
	Minimum	Maximum	Minimum	Maximum		
Parameters						
Flow, MGD	NA	NA	NA	NA	Daily	Estimated
Total Suspended Solids, mg/L	NA	25	NA	NA	Daily	Grab
Iron, mg/L	NA	1.0	NA	NA	Daily	Grab
Aluminum, mg/L /c	NA	0.087	NA	NA	Daily	Grab
Total Residual Chlorine, mg/L	NA	0.019 /e	NA	NA	Daily	Grab
Chloramine as Cl <sub>2</sub> , mg/L	NA	NA	NA	4.0	Daily	Grab
Chlorine Dioxide, mg/L	NA	NA	NA	0.8	Daily	Grab
Chlorine as Cl <sub>2</sub> , mg/L	NA	NA	NA	4.0	Daily	Grab
Chlorite, mg/L	NA	NA	NA	1.0	Daily	Grab
pH, Standard Units	6.5	9.0	6.5	9.0	Daily	Grab

NA – Not Applicable

- /a Discharges to Waters of the State must meet the Water Quality Standards approved under *Utah Administrative Code ("UAC") R317-2-14* for the above parameters.
- /b Discharges for Land Disposal must meet the above limits to have a de-minimus actual effect on ground water quality and thus get a ground water discharge permit by rule.
- /c Permit limits, monitoring and reporting requirements for Aluminum shall not be required if Aluminum is not a constituent of the solution utilized as part of the water treatment process.
- /d Monitoring and sampling is required only on those days that a discharge from a facility's treatment system occurs.
- /e The limit for Total Residual Chlorine is the in-stream water quality standard. Any sampling of the effluent that results in a non-detect that is less than 0.04 mg/L will not be considered a violation of this permit.

NOTE: Any discharge that is for land disposal and ends up having an overland flow to Waters of the State must meet both sets of effluent limitations.

NOTE: Discharges to impoundments which totally contain the flow with disposal through evaporation or seepage are not subject to either sets of limits.

- e. Floating debris or soil sediment in the intake water that has been collected and allowed to accumulate shall be considered removed substances (see Part III.F) and shall not be returned to the receiving stream. Debris that has been diverted and/or is continually returned to the receiving stream shall not be considered removed and will be allowed.
- f. There shall be no discharges occurring from the dewatering of water treatment chemical sludge.

2. Best Management Practices

- a. The permittee shall take such precautions as are necessary to maintain and operate the facility in a manner that will minimize upsets and ensure stable operating conditions.
- b. The permittee shall visually inspect, at least weekly, the pond(s) that receive filter backwash water and product water to determine if there is adequate freeboard to minimize the likelihood of an accidental discharge occurring. If it is determined that a discharge is occurring and/or there is not adequate freeboard, the appropriate corrective measures shall be taken immediately.
- c. Water treatment chemicals and other substances having a waste contributing potential shall be handled and stored with adequate protection so as to prevent any of these materials from entering Waters of the State.
- d. The permittee shall take precautions and have erosion control measures in place that, in the event of a bypass of treatment, the discharge will not cause any erosion into the Waters of the State.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Monitoring Requirements. The permittee shall visually monitor and sample with a grab sample all discharges, other than excess, untreated intake flows and record the following information:
1. A description of the discharge and cause;
  2. The period of discharge including exact dates and times;
  3. An estimate of discharge volume;
  4. Concentrations of the discharge for the applicable parameters listed in this permit;
  5. Name of receiving stream;
  6. Name of person recording discharge; and
  7. Corrective steps taken if appropriate, to reduce, eliminate or prevent reoccurrence of the discharge.
- B. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part II.A.* shall be collected from the effluent stream prior to discharge into the receiving waters.
- C. 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.
- D. 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.
- E. Reporting Requirements. All discharges other than excess, untreated intake flows not meeting the permit limitations shall be reported by telephone to the Division of Water Quality, Compliance & Permit Section at (801) 538-6146 by the first workday (8:00 a.m. - 5:00 p.m.) following the day the permittee became aware of the circumstances. All reports shall contain the information required in Part II.A and shall be sent to the following address:

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

- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. The results of such analyses.
- G. Retention of Records. All records and information resulting from the monitoring activities required by this permit shall be maintained for a minimum of three years. This period may be extended by the request of the Director at any time.
- H. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; 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.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall (orally) report any noncompliance 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) 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 of treatment, which exceeds any effluent limitation in the permit (See *Part III.G, Bypass of Treatment Facilities.*);
  - c) Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions.*);
  - d) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
- a) A description of the noncompliance and its cause;
  - b) The period of noncompliance, including exact dates and times;
  - c) The estimated time noncompliance is expected to continue if it has not been corrected;
  - d) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
  - e) Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 538-6146.
5. Reports shall be submitted to the address in *Part II.E, Reporting Requirements.*

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, 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 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.G, 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, which 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, 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 buried or disposed of in such a manner so as to prevent any pollutant from entering any Waters of the State or creating a health hazard. Filter backwash shall not directly enter either the final effluent or Waters of the State by any other direct route.

G. Bypass of Treatment Facilities.

1. Bypass of treatment not exceeding limitations. The permittee may allow any bypass of treatment 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. Return of removed substances, as described in *Part III.F*, to the discharge stream shall not be considered a bypass of treatment under the provisions of this paragraph.
2. Prohibition of bypass of treatment.
  - a. Bypass of treatment is prohibited and the Director may take enforcement action against a permittee for a bypass of treatment, unless:
    - (1) The bypass of treatment was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass of treatment, such as the use of auxiliary treatment facilities, retention of untreated wastes, or essential 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 of treatment 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 of treatment, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 2.a of this section.
3. Notice.
  - a. Anticipated bypass of treatment. If the permittee knows in advance of the need for a bypass of treatment, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass of treatment. The prior notice shall include the following unless otherwise waived by the Director:

- 1) Evaluation of alternative to bypass of treatment, including cost-benefit analysis containing an assessment of anticipated resource damages;
- 2) A specific bypass of treatment plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass of treatment schedule;
- 3) Description of specific measures to be taken to minimize environmental and public health impacts;
- 4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass of treatment;
- 5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass of treatment to enable evaluation of public health risks and environmental impacts; and,
- 6) Any additional information requested by the Director.

- b. Emergency Bypass of Treatment. Where ten (10) days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in Part III G.3.a.(1) through (6) to the extent practicable.
- c. Unanticipated bypass of treatment. The permittee shall submit notice of an unanticipated bypass to the Director as required under Part II.I. (Twenty-Four Hour Notice). The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
    - b. The permitted facility was at the time being properly operated;
    - c. The permittee submitted notice of the upset as required under *Part 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.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. One hundred micrograms per liter (100 ug/L);
    - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
    - d. The level established by the Director in accordance with *UAC R317-8-4.2(6)*.

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. Five hundred micrograms per liter (500 ug/L);
  - b. One milligram per liter (1 mg/L) for antimony;
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
  - d. The level established by the Director in accordance with *UAC R317-8-4.2(6)*.
  
- K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

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 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 Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to 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.
- E. 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.
- F. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above and submitted to the Director, and,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph *IV.F.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.F.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."
- G. 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.

- H. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- I. 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*.
- J. 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.
- K. 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.
- L. 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.
- M. 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*.
- N. 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) are modified in such a manner as to require different effluent limits than contained in this permit.
2. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.

PND DRAFT

V. DEFINITIONS

1. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
2. "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.
3. "Bypass of treatment" means the intentional diversion of any waste streams from any portion of a treatment facility or process.
4. "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.
5. "Director" means Director of the Utah Division of Water Quality.
6. "EPA" means the United States Environmental Protection Agency.
7. "Act" means the "*Utah Water Quality Act*".
8. "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.
9. "CWA" means *Clean Water Act of the Federal Water Pollution Control Act*.
10. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges.

11. “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 this state or any portion thereof.
12. “Essential Maintenance” means maintaining the facility in a way that will continue efficient operations to provide drinking water to communities and minimize any discharge to Waters of the State. This also includes any upgrade or expansion to the plant or process where all or part of the plant is temporarily taken offline.

PND DRAFT