

Official Draft Public Notice Version **April 20<sup>th</sup>, 2026**

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

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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Municipal Permit No. **UT0025828**

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

**ARCHES SPECIAL SERVICE DISTRICT**

is hereby authorized to discharge from

**COURTHOUSE WASH WASTEWATER TREATMENT FACILITY**

to receiving waters named **COLORADO RIVER**,

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

This permit shall become effective on Month XX, 20XX

This permit expires at midnight on Month XX, 20XX.

Signed this XXth day of Month, 20XX.

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Candice A. Hasenyager, P.E.  
Director

DWQ-2025-007959

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PND DRAFT

**I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS**

A. Description of Discharge Points. 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 Numbers  
001

Location of Discharge Outfalls

Internal discharge from wastewater treatment process located after the waste treatment unit before being combined with other waste streams. Located at latitude 38° 36' 17.1" N and longitude 109° 34' 57.4" W. This is a splitter box where Outfalls 001 and 002 combine. The final discharge is through an 8-inch pipe to the Colorado River. This pipe is the combined discharge from Outfall 001 and 002.

002

Located at latitude 38°36'16" N and longitude 109°34'57" W. The discharge is through an 8-inch pipe to the Colorado River. This pipe is the combined discharge from Outfall 001 and 002. It is recognized as Outfall 002 because the blended effluent represents the compliance point for Outfall 002.

B. Discharge Prohibitions. It shall be unlawful, and a violation of this Permit, for the Permittee to discharge or place any waste or other substance in the discharge in such a way as will be or may become offensive such as:

1. observable deposits of solids, scum, sheen, or other substances;
2. observable film, sheen, or discoloration from oil and grease;
3. foam or substances that produce an observable change in color, odor, or cloudiness.

C. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately and lasting through the life of this Permit, there shall be no acute or chronic toxicity in Outfalls 001 and 002 as defined in Part VIII of this Permit.
2.
  - a. Effective immediately and lasting the duration of this Permit, the Permittee is authorized to discharge from Outfall 001 and Outfall 002. Such discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Effluent Limitations *a, *f			
	Maximum Monthly Avg	Maximum Weekly Avg	Daily Minimum	Daily Maximum
<b>Outfall 001</b>				
Total Flow, gpd *b	50,000	--	--	--

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BOD <sub>5</sub> , mg/L	25	35	--	--
BOD <sub>5</sub> Min. % Removal	85	--	--	--
TSS, mg/L	25	35	--	--
TSS Min. % Removal	85	--	--	--
<b>Outfall 002</b>				
Total Flow, gpd *b	100,000	--	--	--
BOD <sub>5</sub> , mg/L	25	35	--	--
TSS, mg/L	25	35	--	--
TDS, tons/day	--	--	--	1.0
pH, Standard Units	--	--	6.5	9.0
Oil & Grease, mg/L	--	--	--	10.0
<i>E. coli</i> . No/100mL	126	158	--	--

Self-Monitoring and Reporting Requirements *a			
Parameter	Frequency	Sample Type	Units
<b>Outfall 001</b>			
Total Flow *b, *c	Continuous	Recorder	gpd
BOD <sub>5</sub> , Influent	Monthly	Composite	mg/L
Effluent	Monthly	Composite	mg/L
TSS, Influent	Monthly	Composite	mg/L
Effluent	Monthly	Composite	mg/L
Phosphorus, Total *d Influent	Monthly	Composite	mg/L
Effluent	Monthly	Composite	mg/L
Total Kjeldahl Nitrogen, TKN (as N) *d Influent	Monthly	Composite	mg/L
Effluent	Monthly	Composite	mg/L
Orthophosphate, (as P) *d Effluent	Monthly	Composite	mg/L
Nitrate, NO <sub>3</sub> *d	Monthly	Composite	mg/L
Nitrite, NO <sub>2</sub> *d	Monthly	Composite	mg/L
Metals, Effluent *e	Quarterly	Composite	mg/L
<b>Outfall 002</b>			
Total Flow *b, *c	Continuous	Recorder	gpd
BOD <sub>5</sub> , Effluent	Monthly	Grab	mg/L
TSS, Effluent	Monthly	Grab	mg/L
TRC	Daily	Grab	mg/L
TDS Effluent	Monthly	Grab	tons/day
pH	Monthly	Grab	SU
<i>E. coli</i>	Monthly	Grab	No./100mL
Oil & Grease	When Sheen Observed	Grab	mg/L
Ammonia	Monthly	Grab	mg/L
Iron *g	Monthly	Grab	mg/L
Aluminum *g	Monthly	Grab	mg/L

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- \*a See Definitions, *Part VIII*, for the 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 These reflect changes required with the adoption of Utah Administrative Code R317-1-3.3, Technology-based Phosphorus Effluent Limits rule.
- \*e See table below for requirements.

Metals to be Monitored for Reasonable Potential Analysis		
Parameter	Sample Type	Units
Total Arsenic	Composite	mg/L
Total Cadmium	Composite	mg/L
Total Chromium	Composite	mg/L
Total Copper	Composite	mg/L
Total Cyanide	Grab	mg/L
Total Lead	Composite	mg/L
Total Mercury	Grab/Composite	mg/L
Total Nickel	Composite	mg/L
Total Selenium	Composite	mg/L
Total Silver	Composite	mg/L
Total Zinc	Composite	mg/L

- \*f The onsite waste disposal system should be used to capacity before any discharges to the Colorado River.
- \*g Additional Reasonable Potential Analysis monitoring at this location is necessary because of the potential use of these metals in the drinking water treatment system.

3. Compliance Schedule for Ammonia and Total Residual Chlorine (TRC)

a. Compliance Schedule:

<b>Compliance Schedule</b>	
<b>Date</b>	<b>Milestones</b>
November 1, 2026	The Permittee shall submit a detailed Study Plan (Plan) to the Division of Water Quality (DWQ), outlining methods to evaluate river mixing, including mixing along the bank and across the Courthouse Wash under a variety of flow conditions. The Plan may propose mixing zone modeling, an observational study, or a combination of both. The Plan shall describe methods for assessing ammonia, TRC, and other relevant pollutants, consistent with Utah’s mixing zone rule and Water Quality Standards (WQS). All proposed modeling parameters or observational protocols must be agreed to in advance with DWQ, prior to the Permittee starting work. DWQ encourages the Permittee to work with DWQ prior to submitting the Plan.

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November 1, 2027	<p>The Permittee shall conduct the Study in accordance with the approved Plan. The Study shall evaluate:</p> <ul style="list-style-type: none"> <li>• The adequacy of the mixing zone along the bank of the Colorado River and Courthouse Wash at a variety of flow conditions.</li> <li>• The potential for acute or chronic ammonia toxicity, including the likelihood of elevated ammonia concentrations under backwater conditions.</li> <li>• Any potential impacts to endangered species and their early life stages habitat in the Colorado River and Courthouse Wash.</li> </ul>
April 1, 2028	<p>The Permittee shall submit a Final Report (Report) documenting Study results, including modeling outputs or observational findings and conclusions regarding compliance with WQS. The Report shall demonstrate whether the Permittee meets WQS. DWQ will review the report and determine if ammonia and/or TRC Permit limitations are necessary to protect water quality.</p>

- b. If DWQ determines that the current Permit is not protective of WQS, the Permit may be reopened and modified to include appropriate limitations per Part VII.O. of the Permit.
  - c. Any violation of a Compliance Schedule is a violation of the UPDES Permit.
4. Acute/Chronic Whole Effluent Toxicity (WET) Testing.

As part of the nationwide effort to control toxics, biomonitoring requirements are being included in all major permits and in minor permits for facilities where effluent toxicity is an existing or potential concern. Authorization for requiring effluent biomonitoring is provided for in Utah Administrative Code (UAC) R317-8-4.2 and R317-8-5.3. The Whole Effluent Toxicity (WET) Control Guidance Document, February 15, 1991, outlines guidance to be used by Utah Division of Water Quality staff and by permittee's for implementation of WET control through the UPDES discharge permit program.

CWW is a minor facility with no reasonable potential for toxicity in the effluent. As a result, biomonitoring of the effluent will not be required. However, the Permit will contain a WET reopener provision.

D. Reporting of Monitoring Results.

1. Reporting of Wastewater Monitoring Results Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1)\* or by NetDMR, post-marked or entered into NetDMR no later than the 28<sup>th</sup> day of the month following the completed reporting period. The first report is due on **Month 28, 20--**. 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

\* Starting January 1, 2017 monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned for an exception.

signed and certified in accordance with the requirements of *Signatory Requirements (see Part VII.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

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

E. Large Underground Wastewater Operating Permit Requirements:

Until such a time as this permit expires or is modified or revoked, the permit is authorized to operate a large underground wastewater disposal System in conformance with all the requirements, limitations, and conditions set forth in UAC R317-5, with the attached schedules as follows:

**Schedule A**

**Waste Disposal Limitations**

1. The Permittee is authorized to operate and maintain a large underground wastewater disposal system that has been constructed in accordance with plans and specifications approved by the Division of Water Quality and with the following conditions:
  - a. System Type:  Conventional Gravity;  Conventional with Pump-to Gravity;  Pressure Distribution;  Alternative (describe): Packed Bed Media System
  - b. Maximum Daily Design Flow of 50,000 (gpd) Treatment – 10,000 (gpd) onsite disposal.
  - c. Components of wastewater disposal system:  Septic Tanks;  Enhanced Treatment Unit;  Grease Trap;  Pump Tank with Floats;  Control Panel;  Distribution Box;  Pressure Distribution;  Drip Irrigation;  Trenches;  Deep Trench;  Bed;  Mound;  Other (describe): \_\_\_\_\_
  - d. Drain field media:  Gravel;  Gravelless Chambers
  - e. Effluent parameters will meet R317-4 for domestic wastewater or additional treatment may be required.
2. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into the surface waters of the state constitutes a public health hazard and is prohibited. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law(s), rule(s) or standard(s).
3. No cooling water, air conditioner water, ground water, oil, hazardous materials, roof drainage, storm water runoff, or other aqueous or non-aqueous substance which is, in the judgment of the Division, detrimental to the performance of the system or to groundwater, shall be discharged into the wastewater treatment system.

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4. No activities shall be conducted that could cause an adverse impact on existing or potential beneficial uses of groundwater.

**SCHEDULE B**

**Required Servicing and Inspections**

1.  Annually;  Semi-Annually (Every 6 Months);  
 Other (specify): \_\_\_\_\_
2. All servicing and inspections must be conducted by a certified maintenance person per R317-11. Level 2 is required for conventional systems and Level 3 for all other LUWDS.  
Name of Person Performing Maintenance on this system: \_\_\_\_\_  
 Level 2;  Level 3
3. If Sample results exceed Operating Parameters (other than Flow of wastewater) in UAC R317-4-13 Table 7.3, report to the Division within 5 days and follow the rules found in UAC R317-5-9.2.(D).

**Inspection Components**

TYPE OF SYSTEM	Measure and record depth of sludge/scum levels, pump when necessary: • Septic Tank • Pump Tank • Grease Trap	Inspect and Clean when necessary, with date performed: • Pump/Floats • Control Panel • Pump Filter	Flush/ clean pressure laterals, measurement of height; inspect for ponding or surfacing in dispersal area; reset squirt height for equal pressure- and date inspected	Manufacturers Recommendations: • Recirc Tank • Pre-Treatment Unit • Misc. • And date inspected
Conventional Gravity or Pump-to Gravity.				
Pressure System	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Mound, At-Grade				
Packed Bed	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**Minimum Frequency of Periodic Inspections**

TYPE OF SYSTEM	Every 12 Months	Every 6 Months
Conventional System (Gravity or Pump-to Gravity): 5,000 – 15,000 gal/day 15,000 + gal/day		<b>X</b>
At-Grade Alternative System (first 5 years only)		
Mound (pressure)		

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Packed Bed		<b>X</b>
Treatment System (to lower waste strength levels)		<b>X</b>

\* Or more per manufacturer requirements

**Minimum Monitoring and Reporting Requirements**

Item or Parameter	Minimum Frequency	Type of Sample	Operating Parameters
Approved Drainfield Design Flow (gpd)	Monthly	Measurement based on meter reading	Approved design flow (gpd)
Turbidity or BOD/COD and TSS	Semiannual	Grab	Concentration (mg/L)
Total Inorganic Nitrogen (TIN)	Semiannual	Grab	Concentration (mg/L)
<i>E. Coli</i>	Semiannual	Grab	No./100 mL

**Reporting**

Monitoring, maintenance practices, solids handling and results shall be reported on Division approved forms. Reports must be submitted by **August 1, following the “reporting year” period of July 1 to June 30.**

**Mail Reports to (permitting agency): Division of Water Quality, c/o Engineering Section, PO Box 144870, Salt Lake City, UT 84114-4870.  
Office: 801-536-4300 Fax: 801-536-4301**

**SCHEDULE C**

**Special and General Conditions**

1. All septage/sludge shall be managed by a licensed liquid waste operator as defined in R317-550. The solids from CBN will be regularly pumped from the primary settling tank and then hauled to Moab City’s wastewater treatment plant.
2. Any observations of excessive kitchen wastes, surfacing sewage, etc., must be reported to the Division within 5 working days.
3. The permittee must maintain all treatment and control facilities in good working order and in conformance with permit requirements.

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II. PRETREATMENT REQUIREMENTS

A. Definitions. For this section the following definitions shall apply:

1. *Indirect Discharge* means the introduction of pollutants into a publicly-owned treatment works (POTW) from any non-domestic source regulated under section 307 (b), (c) or (d) of the CWA.
2. *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
3. *Local Limit* is defined as a limit designed to prevent Pass Through or Interference. And is developed in accordance with 40 CFR 403.5(c).
4. *Pass Through means* a Discharge which exits the POTW into waters of the State or waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
5. *Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by section 212 of the CWA, which is owned by a State or municipality (as defined by section 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
6. *Significant Industrial User (SIU)* means:
  - a. Except as provided in paragraphs (6)(b) and (6)(c) of this definition, the term Significant Industrial User means:
    - (1) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
    - (2) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact

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cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (1) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (2) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and
  - (3) The Industrial User never discharges any untreated concentrated wastewater.
- c. Upon a finding that an Industrial User meeting the criteria in paragraph (6)(a)(2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

7. *User or Industrial User (IU)* means a source of Indirect Discharge.

**B. Pretreatment Monitoring and Reporting Requirements.**

1. The design capacity of the municipal wastewater treatment facility is less than 5 MGD; therefore the Permittee will not be required to develop an Approved POTW Pretreatment Program. However, in order to determine if the development of an Approved POTW Pretreatment Program is warranted, the Permittee shall conduct an **industrial waste survey**, as described in *Part II.C.1.*
2. Monitoring will not be required of the Permittee for the pretreatment requirements at this time. If changes occur, monitoring may be required for parameters not currently listed in the permit, or current monitoring requirements may be required to be increased to determine the impact of an Industrial User or to investigate sources of pollutant loading. This could include but is not limited to sampling of the influent and effluent of the wastewater treatment plant and within the collection system.
3. For Local Limit parameters it is recommended that the most sensitive method be used for analysis. This will determine if the parameter is present and provide removal efficiencies based on actual data rather than literature values. If a parameter load is greater than the allowable head works load, for any pollutant listed in Part I., or a pollutant of concern listed

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in the Local Limit development document or determined by the Director, the Permittee must report this information to the Pretreatment Coordinator for the Division of Water Quality. If the loading exceeds the allowable headworks load, increase sampling must occur based on the requirements given by the Pretreatment Coordinator for the Division of Water Quality. If needed sampling may need to occur to find the source(s) of the increase. This may include sampling of the collection system. Notification regarding the exceedances of the allowable headworks loading can be provided via email.

C. Industrial Wastes.

1. The "Industrial Waste Survey" or "IWS" as required by *Part II.B.1.* consists of;
  - a. Identifying each Industrial User (IU) and determining if the IU is an SIU,
  - b. Determination of the qualitative and quantitative characteristics of each discharge, and
  - c. Appropriate production data.
2. The IWS must be maintained and updated with IU information as necessary, to ensure that all IUs are properly permitted or controlled at all times. Updates must be submitted to the Director sixty (60) days following a change to the IWS.
3. Notify all IUs of their obligation to comply with applicable requirements under Subtitles C and D of RCRA.
4. The Permittee must notify the Director of any new introductions by new or existing IUs or any substantial change in pollutants from any major industrial source. Such notice must contain the information described in 1. above, and be forwarded no later than sixty (60) days following the introduction or change.

D. General and Specific Prohibitions. The Permittee must ensure that no IU violates any of the general or specific standards. If an IU is found violating a general or specific standard the Permittee must notify the Director within 24 hours of the event. The general prohibitions and the specific prohibitions apply to each User introducing pollutants into a POTW whether or not the User is subject to other Pretreatment Standards or any national, State or local Pretreatment Requirements.

1. General prohibition Standards. A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference.
2. Specific Prohibited Standards. Developed pursuant to Section 307 of the Clean Water Act of 1987 require that under no circumstances shall the Permittee allow introduction of the following pollutants into the waste treatment system from any User (*40 CFR 403.5*):
  - a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste-streams 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;

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- 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, non-biodegradable 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.
  - j. Any prohibited standard which the Permittee has adopted in an ordinance or rule to control IU discharge to the POTW.
3. 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 Clean Water Act of 1987 as amended (See 40 CFR, Subchapter N, Parts 400 through 500, for specific information).
- E. Industrial Users Discharging to the POTW. The Permittee shall provide adequate notice to the Director and the Division of Water Quality Pretreatment Coordinator of;
1. Any new introduction of pollutants into the treatment works from an indirect discharger (i.e., Industrial User) which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants;
  2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and
  3. For the purposes of this section, adequate notice shall include information on:
    - a. The quality and quantity of effluent to be introduced into such treatment works; and,
    - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
  4. Any IU that must comply with applicable requirements under Subtitles C and D of RCRA.
- F. Change of Conditions. At such time as a specific pretreatment limitation becomes applicable to an Industrial User of the Permittee, the Director may, as appropriate, do the following:
1. Amend the Permittee's UPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;

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2. Require the Permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the Permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the General Pretreatment Regulations at 40 CFR 403;
  3. Require the Permittee to monitor its discharge for any pollutant, which may likely be discharged from the Permittee's facility, should the Industrial User fail to properly pretreat its waste; and/or
  4. Require the Permittee to develop an Approved POTW Pretreatment Program.
- G. Legal Action. The Director 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 Director will look primarily to the Permittee as the responsible party.
- H. Local Limits. If Local Limits are developed per R317-8-8.5(4)(b) to protect the POTW from Pass Through or Interference, then the POTW must submit limits to DWQ for review and public notice, as required by R317-8-8.5(4)(c). Local Limits should be developed in accordance with the latest revision of the EPA Local Limits Development Guidance and per R317-8-8.5.

### III. BIOSOLIDS REQUIREMENTS

The State of Utah has adopted the *40 CFR Part 503* federal regulations for the disposal of sewage sludge (biosolids) by reference. However, this facility sends the solids pumped from its primary settling tank to Moab's Wastewater Treatment Plant for treatment and disposal. Therefore 40 CFR 503 does not apply at this time. In the future, if the treatment and disposal method changes, the Division of Water Quality must be contacted prior to ensure that all applicable state and federal regulations are met.

PND DRAFT

**PART IV  
STORM WATER PERMIT**

IV. STORM WATER REQUIREMENTS.

- A. Industrial Storm Water Permit. Based on the type of industrial activities occurring at the facility, the permittee may be required to maintain separate coverage or an appropriate exclusion under the Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000). MSGP coverage is required for Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day (MGD) or more, or required to have an approved pretreatment program under 40 CFR Part 403. If the facility is not already covered, the permittee has 30 days from when this permit is issued to submit the appropriate Notice of Intent (NOI) for the MSGP or exclusion documentation.
- B. Construction Storm Water Permit. Any construction at the facility that disturbs an acre or more of land, including less than an acre if it is part of a common plan of development or sale, is required to obtain coverage under the UPDES Construction General Storm Water Permit (UTRC00000). Permit coverage must be obtained prior to land disturbance. If the site qualifies, a Low Erosivity Waiver (LEW) Certification may be submitted instead of permit coverage.

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples of biosolids shall be collected at a location representative of the quality of biosolids immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *UAC R317-2-10*, *UAC R317-8-4.1(10)(d)*, and/or *40 CFR 503* utilizing sufficiently sensitive test methods unless other test procedures have been specified in this permit. Monitoring must be conducted according to the test procedures listed above unless another method is required under 40 CFR subchapters N or O. Sufficiently sensitive test method means: (1) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or (2) The method has the lowest ML of the analytical methods approved under *40 CFR part 136* or required under *40 CFR chapter I, subchapter N or O* for the measured pollutant or pollutant parameter as per *40 CFR 122.44(i)(1)(iv)(A)*.
- 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 Permit Part V.B., 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.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. The results of such analyses.
- G. Retention of Records. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The Permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites which may

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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 (DWQ) via the 24-hour answering service (801) 536-4123.

2. The following occurrences of noncompliance shall initially be reported by telephone to the DWQ via the 24-hour answering service as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
  - a. Any noncompliance which may endanger health or the environment;
  - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
  - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
  - d. Violation of a daily discharge limitation for any of the pollutants listed in the permit.
  - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected;
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
  - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.
5. Reports shall be submitted to the addresses in *Part I.D, Reporting of Monitoring Results.*
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part V.H.3*
- J. Inspection and Entry The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

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2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
5. The Permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

VI. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of *the Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Except as provided at *Part VI.G, Bypass of Treatment Facilities* and *Part VI.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.
- E. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass Not Exceeding Limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.
  2. Prohibition of Bypass.
    - a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
      - (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;

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- (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
  - (3) The Permittee submitted notices as required under *Part VI.G.3*.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *Parts VI.G.2.a (1), (2) and (3)*.
3. Notice.
- a. *Anticipated bypass.* Except as provided above in *Part VI.G.2* and below in *Part VI.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:
    - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
    - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
    - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
    - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
    - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
    - (6) Any additional information requested by the Director.
  - b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *Part VI.G.3.a.(1) through (6)* to the extent practicable.
  - c. *Unanticipated bypass.* The Permittee shall submit notice of an unanticipated bypass to the Director as required under *Part IV.H*, Twenty-Four Hour Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

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1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the Permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The Permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting*; and,
  - d. The Permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

VII. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 122.29(b); or
  2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit nor to notification requirements under Subsection R317-8-4.1(15).
  3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. The permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official. A person is a duly authorized representative only if:

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- 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.
    - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
      - (a) 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
      - (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    - (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
    - (3) 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:
      - (a) The chief executive officer of the agency, or
      - (b) 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 Director shall be signed by a person described above or by a duly authorized representative of that person.
  3. Changes to authorization. If an authorization under *paragraph VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *paragraph VII.G.2* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
  4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

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

- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Sections 19-5-117 and 510 of the Clean Water Act or any applicable Federal or State

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

- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.
- P. Biosolids – Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state of federal regulations.
- Q. Toxicity Limitation - Reopener Provision. Use the following paragraph if WET testing is required at the facility:
- 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;
1. Toxicity is detected during the duration of this permit.
  2. The TRE results indicate that the toxicant(s) represent pollutant(s) or pollutant parameter(s) that may be controlled with specific numerical limits, and the Director concludes that numerical controls are appropriate.
  3. Following the implementation of numerical control(s) of toxicant(s), the Director agrees that a modified biomonitoring protocol is necessary to compensate for those toxicants that are controlled numerically.
  4. 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.

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Use the following paragraph if there is no WET testing is required at the facility:

This permit may be reopened and modified (following proper administrative procedures) to include WET testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

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VIII. DEFINITIONS

A. Wastewater.

1. The "7-day (and weekly) average", other than for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. "Average annual discharge limit" means maximum allowable average of monthly discharges over a calendar year, calculated as the sum of all monthly discharges measured during a calendar year divided by the number of monthly discharges measured during the year. The timeframe is defined as from January 1<sup>st</sup> to December 31<sup>st</sup>.
4. "Act," means the *Utah Water Quality Act*.
5. "Acute toxicity" occurs when 50 percent or more mortality is observed for either test species at any effluent concentration (lethal concentration or "LC<sub>50</sub>").
6. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
7. "Chronic toxicity" occurs when the IC<sub>25</sub> < XX% effluent. The XX% effluent is the concentration of the effluent in the receiving water, at the end of the mixing zone expressed as per cent effluent.
8. "IC<sub>25</sub>" 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.
9. "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:

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- 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.
10. “CWA” means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
  11. “Daily Maximum” (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
  12. “EPA,” means the United States Environmental Protection Agency.
  13. “Director,” means Director of the Division of Water Quality.
  14. A “grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
  15. An “instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
  16. “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.
  17. “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.