

Official Draft Public Notice Version **April 23rd, 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

Industrial Pretreatment Permit No. **UTP000065**

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

TRIPLE T HEAT AND PLATING

is hereby authorized to discharge from the

TRIPLE T HEAT AND PLATING FACILITY

to the

HYRUM CITY PUBLICLY OWNED TREATMENT WORKS (POTW)

in accordance with discharge point, effluent limitations, monitoring requirements, and other conditions set forth herein.

This Permit shall become effective on **Month XX, 2026**

This Permit expires at midnight on **Month XX, 2026**.

Signed this **XXth** day of **Month, 2026**.

Candice A. Hasenyager, P.E.
Director

DWQ-2025-005884

**TRIPLE T HEAT AND PLATING
INDUSTRIAL PRETREATMENT
PERMIT NO. UTP000065**

Table of Contents

Outline	Number	Page
I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS		1
A. Description of Discharge Points		1
B. Narrative Standard		1
C. Prohibited Discharge.....		1
D. Specific Limitations and Self-Monitoring Requirements		2
E. Reporting of Monitoring Results.....		4
F. Solvent Management Plan (SMP)		5
G. Pollutants Not Present Waiver.....		5
II. INDUSTRIAL PRETREATMENT REQUIREMENTS.....		7
III. BIOSOLIDS REQUIREMENTS.....		10
IV. STORM WATER REQUIREMENTS.....		11
V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS.....		12
A. Representative Sampling		12
B. Monitoring Procedures.....		12
C. Penalties for Tampering.....		12
D. Compliance Schedules.....		12
E. Additional Monitoring by the Permittee		12
F. Records Contents.....		12
G. Retention of Records		12
H. Twenty-four Hour Notice of Noncompliance Reporting.....		12
I. Other Noncompliance Reporting.....		13
J. Inspection and Entry		13
K. Notification to the POTW.....		14
VI. COMPLIANCE RESPONSIBILITIES		15
A. Duty to Comply		15
B. Penalties for Violations of Permit Conditions		15
C. Need to Halt or Reduce Activity not a Defense.....		15
D. Duty to Mitigate.....		15
E. Proper Operation and Maintenance.....		15
F. Removed Substances.....		15
G. Bypass of Treatment Facilities		15
H. Toxic Pollutants.....		17
I. Changes in Discharge.....		17
VII. GENERAL REQUIREMENTS.....		18
A. Planned Changes.....		18
B. Anticipated Noncompliance.....		18
C. Permit Actions		18
D. Duty to Reapply.....		18
E. Duty to Provide Information		18
F. Other Information.....		18
G. Signatory Requirements.....		Error! Bookmark not defined.
H. Penalties for Falsification of Reports.....		20
I. Availability of Reports		20
J. Oil and Hazardous Substance Liability.....		20
K. Property Rights		20
L. Severability		20
M. Transfers.....		20
N. State or Federal Laws		20
O. Reopener Provision.....		21
VIII. DEFINITIONS.....		22

PART I
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
DISCHARGE

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 Number
001

Location of Discharge Point
The Facility discharges to the Hyrum City POTW. The sampling location is a valve prior to the wall drain on the East side of the building at latitude: 41° 38' 26.7", longitude: 111° 51' 22".

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

C. Prohibited Discharge.

1. Pollutants, substances, or wastewater prohibited by this Permit shall not be processed or stored in such a manner that the pollutants, substances, or wastewater could be discharged to the POTW.
2. Pursuant to the Utah Administrative Code (UAC) R317-8-8.4, Title 40 of the Code of Federal Regulations (40 CFR) 403.5, and Section 307 of the Water Quality Act, the Permittee, under no circumstances, shall allow introduction of the following pollutants into the POTW:
 - a. Pollutants introduced into a POTW by a non-domestic source shall not pass through the POTW or interfere with the operation or performance of the POTW.
 - b. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using test methods specified in 40 CFR 261.21;
 - c. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0;
 - d. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

**PART I
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
DISCHARGE**

- e. Any pollutant, including oxygen demanding pollutants (e.g., biochemical oxygen demand (BOD)), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
- f. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit);
- g. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- h. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- i. Any trucked or hauled pollutants to the POTW, except at discharge points designated by the POTW.
- j. Any specific pollutant which exceeds a local limitation established by the POTW in accordance with the requirements of 40 CFR 403.5(c) and (d).

D. Specific Limitations and Self-Monitoring Requirements.

- 1. Samples must be taken in compliance with the monitoring requirements specified in the Self-Monitoring and Reporting Requirements table. Samples shall be taken after the final pretreatment process and prior to mixing with any other wastestream.
- 2. Dilution is prohibited as a substitute for treatment. The Permittee shall never increase the use of process water, or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards or requirements, to include, but not limited to the following: the limits stated in the Effluent Limitations table or the Prohibited Discharge Requirements stated in Part I.C. of this Permit.
- 3. The Permittee shall not discharge process wastewater into a sanitary sewer line within the Facility, such as a toilet, sink, shower, etc.
- 4. Sludge from the process must be disposed of properly based on solid waste requirements. The disposal method and volume must be tracked and provided to the Division of Water Quality (DWQ) Director (Director) and the POTW when requested. Sludge from the process shall not be discharged to the POTW.
- 5. Hauled waste manifests must be provided if required to be submitted or viewed by the Director or the POTW of any hauled waste from the Facility. The manifest shall include, at a minimum, the volume and disposal location of the hauled waste.
- 6. Process wastewater shall not be discharged into the POTW if capacity is not available to accept the process wastewater.
- 7. Slug Discharge Control Plan

**PART I
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
DISCHARGE**

- a. If determined necessary by the Director, the Permittee must develop and implement a slug control plan. The slug control plan must contain the following:
- (1) Description of discharge practices, including non-routine batch Discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
 - (4) If necessary, either determined by the Director or the Permittee, the following procedures to prevent adverse impact from accidental spills:
 - (a) Inspection and maintenance of storage areas,
 - (b) Handling and transfer of materials,
 - (c) Loading and unloading operations,
 - (d) Control of plant site run-off,
 - (e) Worker training,
 - (f) Building of containment structures or equipment,
 - (g) Measures for containing toxic organic pollutants (including solvents), and/or
 - (h) Measures and equipment for emergency response.
- b. If determined necessary by the Director, the Permittee will be notified by the Director and provided ninety (90) days to develop the slug control plan.
- (1) If needed, the Permittee may request an extension to develop a slug control plan. The request must justify the additional time and state the date by which the slug control plan will be submitted to the Director.
 - (2) An extension must be approved by the Director.
8. Effective immediately and lasting the duration of this Permit, the Permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the Permittee as specified in the Effluent Limitations and Self-Monitoring and Reporting Requirements tables below:

PART I
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
DISCHARGE

Parameter	Effluent Limitations		
	Maximum Monthly Avg	Daily Minimum	Daily Maximum
Total Cadmium, mg/L	0.07	NA	0.11
Total Chromium, mg/L	1.71	NA	2.77
Total Copper, mg/L	2.07	NA	3.38
Total Lead, mg/L	0.43	NA	0.69
Total Nickel, mg/L	2.38	NA	3.98
Total Silver, mg/L	0.24	NA	0.43
Total Zinc, mg/L	1.48	NA	2.61
Total Cyanide	0.65	NA	1.20
Total Toxic Organics (TTOs), mg/L	NA	NA	2.13
Oil & Grease, mg/L	NA	NA	100
pH, SU	NA	5.0	11.0

NA - Not Applicable

Self-Monitoring and Reporting Requirements			
Parameter	Frequency	Sample Type	Units
Total Flow a/ b/	Quarterly	Measure	MGD
Total Cadmium	Quarterly	Grab	mg/L
Total Chromium	Quarterly	Grab	mg/L
Total Copper	Quarterly	Grab	mg/L
Total Lead	Quarterly	Grab	mg/L
Total Nickel	Quarterly	Grab	mg/L
Total Silver	Quarterly	Grab	mg/L
Total Zinc	Quarterly	Grab	mg/L
Total Cyanide	Quarterly	Grab	mg/L
TTOs c/	2 X per year	Grab	mg/L
Oil & Grease	Yearly	Grab	mg/L
pH	Weekly	Grab	SU

- a/ Flow measurement of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained.
- b/ If the rate of discharge is controlled, the rate and duration of discharge shall be reported.
- c/ Total Toxic Organics (TTO) shall mean the summation of all quantifiable values greater than 0.1 milligrams per liter for the list of toxic organics found in 40 CFR 433.11.

E. Reporting of Monitoring Results.

1. Reporting of Wastewater Monitoring Results. Monitoring results obtained during the previous quarter shall be summarized for each quarter and reported on a Discharge

PART I
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
DISCHARGE

Monitoring Report (DMR) Form (EPA No. 3320-1)* or by NetDMR, post-marked or entered into NetDMR no later than the 28th 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 required herein, shall be signed and certified in accordance with the requirements of Signatory Requirements (see Part VII.G), and submitted by NetDMR, or to DWQ at the following address:

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

- F. Solvent Management Plan (SMP). If the Permittee chooses not to sample the TTOs list in 40 CFR 433.11 (e), the Permittee must develop, implement, and submit the following to the Director within 90 days following the Permit being signed:
1. The Permittee must submit a SMP for approval by the Director. The SMP must include the following:
 - a. The toxic organic compounds used by the Permittee;
 - b. The method of disposal used for each toxic organic compound; and
 - c. Procedures for ensuring that toxic organics do not routinely spill or leak into the wastewater.
 2. The Permittee must submit a certification statement with the DMR. If submitting via netDMR, then the certification statement must be uploaded as an attachment by July 28 and January 28 each year. The certification statement must follow the Signature Requirements in Part VII.G. of this Permit. The certification statement must state the following:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the Permitting authority.”
 3. If monitoring is necessary to measure compliance with the TTO standard, the Permittee must analyze for those pollutants that are reasonably expected to be present.
- G. Pollutants Not Present Waiver. If the Permittee chooses not to sample for any of the pollutants listed in the Effluent Limitations table, the Permittee may request a Pollutants not Present Waiver from the Director by completing the following:

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

**PART I
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
DISCHARGE**

1. Must demonstrate that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels as compared to the intake water, and without any increase in the pollutant due to activities of the Permittee.
 - a. The monitoring waiver is only valid for the duration of the Permit.
 - b. To demonstrate that a pollutant is neither present nor expected to be present, the Permittee must submit at least one sampling of the Permittee's process wastewater prior to any treatment at the facility. This sample must be representative of all wastewater from all processes.
 - c. Sampling must be completed by a State-certified lab using approved methods from 40 CFR Part 136 with the lowest minimum detection level for the pollutant. This is to demonstrate that the pollutant is not present nor expected to be present except at background levels. If the data is non-detect, an intake water sample is not required.
2. The request for a monitoring waiver shall be signed and certified in accordance with the requirements of Signatory Requirements, Part VII.G.
3. Data regarding the request for the waiver must be kept by the Permittee for a minimum of three years.
4. Sampling and monitoring requirements for the waiver:
 - a. Until the waiver is approved by the Director, effluent limitations and sampling and monitoring requirements shall be completed in accordance with the requirements of Part I.D.8.
 - b. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the Permittee's operations, the Permittee must immediately comply with the sampling and monitoring requirements and effluent limitations found in Part I.D.8.
 - c. Upon approval of the monitoring waiver, the Permittee must submit a certification with each DMR. If submitting via netDMR then the waiver must be uploaded as an attachment, the following statement:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR 433, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

PART II
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
PRETREATMENT

II. INDUSTRIAL PRETREATMENT REQUIREMENTS

A. Definitions.

1. Indirect Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c) or (d) of the Clean Water Act (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 UPDES 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 CWA, 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. Pass Through means a Discharge which exits the POTW into 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 UPDES Permit (including an increase in the magnitude or duration of a violation).
4. 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.
5. Significant industrial user (SIU) is defined as an industrial user discharging to a POTW that satisfies any of the following:
 - a. Has a process wastewater flow of 25,000 gallons or more per average work day;
 - b. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
 - c. Is subject to Categorical Pretreatment Standards, or
 - d. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

PART II
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
PRETREATMENT

6. User or Industrial User (IU) means a source of Indirect Discharge.
- B. Discharge to POTW. Any process wastewater discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, is 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 POTW accepting the wastewaters. At a minimum, the discharge into a POTW, must meet the requirements of Part II of the Permit.
- C. Hauled Waste. Notification must be provided to the DWQ Pretreatment Coordinator 14 days prior to the Permittee discharging to a POTW that does not have an approved pretreatment program.
- D. Hazardous Waste Requirements. The Permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if the Permittee discharges any substance into a POTW that, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).
- E. General and Specific Prohibitions.
1. General Prohibitions. The Permittee may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph 2. of this section apply to the introducing pollutants into a POTW whether or not the Permittee is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.
 2. Specific Prohibitions. The following pollutants shall not be introduced into a POTW:
 - a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C);
 - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at such volume or strength as to cause interference in the POTW;
 - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C));
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

**PART II
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
PRETREATMENT**

- 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;
 - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
or
 - i. Any pollutant that causes pass through or interference at the POTW.
- F. Categorical Standards. In addition to the general and specific limitations expressed in Part II. E, the applicable National Categorical Pretreatment Standards must be met by all industrial users discharging into a POTW. These standards are published in the federal regulations 40 CFR 405 through 471.

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III. BIOSOLIDS REQUIREMENTS

- A. The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. However, this Facility does not receive, generate, treat, or dispose of biosolids. Therefore, 40 CFR 503 does not apply.

PND DRAFT

**PART IV
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065
STORM WATER**

IV. STORM WATER REQUIREMENTS.

- A. Industrial Storm Water Permit. Based on the type of industrial activities occurring at the facility, the Permittee is 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). 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 (UTRC000000). 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.

PND DRAFT

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 POTW. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under UAC R317-2-10, utilizing sufficiently sensitive test methods unless other test procedures have been specified in this Permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this Permit shall be submitted no later than 14 days following each schedule date.
- E. Additional Monitoring by the Permittee. If the Permittee monitors any parameter more frequently than required by this Permit, using test procedures approved under UAC R317-2-10 and 40 CFR 503 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or the Biosolids Report Form. Such increased frequency shall also be indicated. Only those parameters required by the Permit need to be reported.
- F. Records Contents. Records of monitoring information shall include:
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 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 DWQ, (801) 536-4300, or 24-hour answering service (801) 536-4123, and the Hyrum City Water Reclamation Manager.

**PART V
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065**

2. The following occurrences of noncompliance shall be reported to DWQ, by telephone (801) 536-4300, and the Hyrum City Water Reclamation Manager 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. Violation of a daily discharge limitation for any of the pollutants listed in the Permit; or,
 - d. 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 DWQ, (801) 536-4300.
5. Following the violation of any sample stated in Part I, Effluent Limitations table, a resample must be taken within 30 days following the facility being notified of the violation.
6. At minimum, reports shall be submitted to the address in Part 1.E, Reporting of Monitoring Results. DWQ requests that these reports be also emailed to the DWQ Pretreatment Coordinator.
 - 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.E 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;

PART V
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065

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.
- K. Notification to the POTW. The Permittee must notify the Water Reclamation Manager if the POTW does not have a Water Reclamation Manager at the time of notification; the notification must be made to the Mayor or City Manager and the direct responsible charge (DRC) for the wastewater treatment plant and collection system. The contact for the DRC will be provided by DWQ if needed.

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 \$25,000 per day for each 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 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:

**PART VI
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065**

- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - (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 section 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 sections VI.G.2.a (1), (2) and (3).
3. Notice.
- a. Anticipated bypass. Except as provided above in section VI.G.2 and below in section 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 section 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 well as Hyrum City's Water Reclamation Manager, as required under Part V.H, Twenty-Four Hour Reporting. The Permittee shall also immediately notify

**PART VI
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065**

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 Part VI.H. 2 of this Permit are met. Director's administrative determination regarding a claim of upset shall not 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.
- 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. Notification shall be provided to the Director as soon as the Permittee knows of, or has reason to believe that conditions have changes and are not consistent with the information provided in the application.

VII. GENERAL REQUIREMENTS

A. Planned Changes.

1. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the Permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of parameters discharged or pollutant sold or given away. This notification applies to pollutants, which are not subject to effluent limitations in the Permit. In addition, if there are any planned substantial changes to the Permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the Permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation. The Director or POTW has the right to deny the change if the change will impact the POTW.
2. The Permittee shall notify the Director and the POTW immediately of any changes at its facility affecting potential for a slug discharge.

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:
 - a. The authorization is made in writing by a person described in Part VII.G.1. and submitted to the Director, and,

**PART VII
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065**

- 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 in Part VII.G.1. 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 qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system,

**PART VII
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065**

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 UCA 19-5-117 and Section 510 of the Act or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.

PART VII
TRIPLE T HEAT AND PLATING
PERMIT NO. UTP000065

- O. 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. A load allocation or local limit is developed and approved by the State for incorporation in this Permit.
 2. Revisions to a Pretreatment Standard or Requirement that is either approved by the State or EPA.

PN DRAFT

VIII. DEFINITIONS

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. “Act,” means the Utah Water Quality Act.
4. “Bypass,” means the diversion of waste streams from any portion of a treatment facility.
5. “Composite Samples” shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,
 - d. Continuous sample volume, with sample collection rate proportional to flow rate.
6. “CWA” means The Federal Water Pollution Control Act, as amended, by The Clean Water Act of 1987.
7. “Daily Maximum” (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
8. “EPA,” means the United States Environmental Protection Agency.

**PART VIII
TRIPLE T HEAT AND PLATE
PERMIT NO. UTP000065**

9. "Director," means Director of the Division of Water Quality.
10. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream. The sample is taken without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
11. "Indirect discharge" or "discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated by the UPDES program.
12. "Industrial User" or "User" means a source of indirect discharge.
13. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
14. "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 UPDES 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.
15. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
16. "Pass through" means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's UPDES Permit (including an increase in the magnitude or duration of violation).
17. "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. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
18. "POTW treatment plant" means that portion of the POTW which is designed to provide treatment, including recycling and reclamation of municipal sewage and industrial waste.
19. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or

**PART VIII
TRIPLE T HEAT AND PLATE
PERMIT NO. UTP000065**

facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

20. "Pretreatment Requirements" any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
21. "Pretreatment Standards" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
22. The term "Publicly Owned Treatment Works" or "POTW" means a treatment works which is owned by State or municipality within the State. 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 which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
23. "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.
24. "Slug Discharge" is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available upon request.
25. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.