

Operating Permit No. UTOP9001

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH
AUTHORIZATION TO OPERATE UNDER THE AUTHORITY OF THE
UTAH WATER QUALITY ACT

OPERATING PERMIT FOR TREATMENT AND DISPOSAL OF COMMERCIAL LAUNDRY AND
SANITARY WASTEWATER

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

COTTONWOOD WASH & DRY AND RECAPTURE LODGE

is hereby directed to have no discharge to Waters of the State except as allowed in accordance with the provisions of this permit.

This permit shall become effective on the date signed by the Director.

This Operating permit shall expire at midnight, December 31, 2015.

Signed this ____ day of _____ 2013.

Walter L. Baker, P.E.
Director

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I. PERMIT REQUIREMENTS

A. Applicability

1. This operating permit applies to Wastewater Treatment and Disposal Facilities owned and operated by James and Luanne Hook, Bluff, Utah, solely for the treatment and disposal of sanitary and commercial laundry wastewater generated in their properties: Cottonwood Wash & Dry and Recapture Lodge.
2. Facility Name, address, telephone number, location, and ownership:
 - a. Cottonwood Wash & Dry and Recapture Lodge
P.O. Box 309
Bluff, Utah 84512-0309
 - b. Telephone: (435) 672-2281 Fax: (435) 672-2442
 - c. Email: office@recapturelodge.com
 - d. Location: San Juan County, Utah
Latitude: 37 deg. 16' 52.24" North
Longitude: 109 deg. 33' 31.79" West
 - e. Ownership: James and Luanne Hook (same contact data)
 - f. Individual in charge of facilities: James Hook (same contact)
3. Certifications
 - a. A Notice of Intent signed by Luanne Hook, Owner, received July 15, 2013 and on file with the Division of Water Quality (document control number DWQ-2013-005110), attests to the above information and meets the certification requirements of Part IV.G.
 - b. The permit issuing authority has sixty (60) days after receipt of a completed NOI to deny coverage, request additional information, or authorize the permit by sending a certified letter of approval from the Director.
4. A construction permit was issued February 27, 2012 to Recapture Lodge and Cottonwood Wash & Dry for wastewater treatment system improvements required for compliance with Rule R317-3 (document control number DWQ-2013-001845). The improvements were inspected May 28, 2013 and found to comply with the conditions of the construction permit.
5. The Recapture Lodge and Cottonwood Wash & Dry for wastewater treatment system is permitted-by-rule under Rule R317-6.6.2.A.1, subject to the conditions of this permit, to discharge treated wastewater into the ground and ground water. The Director may require the owner or operator to apply

for and obtain an individual Groundwater or UPDES permit if:

- a. The discharger is not in compliance with the conditions of this operating permit; or
 - b. Conditions or standards have changed so that the discharger no longer qualifies for permit-by-rule or an operating permit.
6. If an individual Groundwater or UPDES permit is issued to Recapture Lodge and Cottonwood Wash & Dry, the Operating permit is automatically terminated upon the effective date of the new permit.

B. Specific Requirements

- 1. During the term of this permit, the following requirements apply to all of the wastewater collection, treatment, and disposal systems covered by this permit.
 - a. There shall be no discharges to Waters of the State except as provided for in paragraph b.
 - b. The discharge into unlined impoundments should not exceed 15,000 gallons per day of treated wastewater for the average daily flow rate, calculated monthly, and shall meet the effluent compliance requirements of this permit.
 - c. **Monitoring Requirements**

Routine Monitoring Requirements		
Parameters	Measurement Frequency	Sample Type
Flow, (gallons or cubic feet per day)	Monthly	Potable Water Meters Readings
Biochemical Oxygen Demand, BOD5 (mg/L)	Monthly	Grab
pH	Monthly	Grab
E-coli	None	N/A
Total Suspended Solids, TSS (mg/L)	Monthly	Grab

- d. Monitoring must be conducted according to test procedures approved under Rule R317-2-10.
2. **Compliance Requirements**
- a. The point of regulatory compliance for the treatment plant shall be the effluent from the secondary clarifier. Samples shall be taken from the clarifier at a discharging v-notch weir no less than two minutes

after flow from the weir begins.

- b. Flow rate may be determined from the Recapture Lodge and Cottonwood Wash & Dry water meters.

Effluent Compliance Requirements		
Parameters	Month Average	Month Maximum
Flow, (gallons or cubic feet per day)	--	15,000
Biochemical Oxygen Demand, BOD5 (mg/L)	25	35
pH	6-9.5	--
Total Suspended Solids, TSS (mg/L)	25	35

- b. Monitoring and compliance requirements for E. coli are waived when all impoundments receiving wastewater are enclosed within a six feet high chain link fence with locked gates.

3. Best Management Practices

- a. The permittee shall take such precautions as are necessary to maintain and operate the facility in a manner that will minimize upsets and ensure stable operating conditions.
- b. The permittee shall visually inspect the wastewater collection, treatment, and disposal systems daily to determine that facilities are operating performing properly.
- c. The permittee shall monitor, operate, and maintain the wastewater collection, treatment, and disposal systems in accordance with the facility and equipment manufacturers' operations and maintenance manual(s) and for effective treatment of the wastewater and compliance with the conditions of this permit.
- d. The permittee shall take precautions and have erosion control measures in place that will prevent damage to impoundment embankments that could result in a discharge outside of the embankments or fenced area.

II. REPORTING REQUIREMENTS

A. 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.

B. Reporting Requirements. All compliance monitoring results shall be recorded monthly on a spreadsheet, provided by the Division of Water Quality. All reports shall contain the information required in Part I.B and shall be submitted electronically to:

MOR@utah.gov

C. Records Contents. Records of monitoring and operating information shall include:

1. The date of sampling or measurements.
2. The method of such analyses.
3. Test results for flow rate, BOD5, pH, and TSS.

D. Retention of Records. All records and information resulting from the monitoring activities required by this permit shall be maintained for a minimum of five years. This period may be extended by the request of the Director at any time.

E. 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 at reasonable times upon the permittee's premises for the purpose of sampling, inspecting, or investigating matters or conditions relating to compliance with the requirements of this Permit; including reviewing and copying records required to be maintained.

F. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any overflows or spills, which may seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123.
2. 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.
3. 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.
4. Reports shall be submitted to:

Utah Department of Environmental Quality
Division of Water Quality
195 N. 1950 W.
P.O. Box 144870
Salt Lake City, UT 84114-4870
Fax (801) 536-4301

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the *Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the *Act* is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Impossibility not a Defense. Impossibility or difficulty of compliance is not a defense to violating permit conditions.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed in a facility permitted by the State of Utah to accept such wastes and in such a manner so as to prevent any pollutant from entering any Waters of the State or creating a health hazard.
- G. Bypass of Treatment Facilities.
1. Prohibition of bypass of treatment.
 - a. Bypass of treatment is prohibited and the Director may take enforcement action against a permittee for a bypass of treatment, unless:
 - (1) The bypass of treatment was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (2) There were no feasible alternatives to the bypass of treatment, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass of treatment which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The permittee submitted notices as required under this section.
- b. The Director may approve an anticipated bypass of treatment, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 1.a of this section.

2. Notice.

- a. Anticipated bypass of treatment. If the permittee knows in advance of the need for a bypass of treatment, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass of treatment. The prior notice shall include the following unless otherwise waived by the Director:
- 1) Evaluation of alternative to bypass of treatment, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - 2) A specific bypass of treatment plan describing the work to be performed including scheduled dates and times.
 - 3) The permittee must notify the Director in advance of any changes to the bypass of treatment schedule;
 - 4) Description of specific measures to be taken to minimize environmental and public health impacts;
 - 5) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass of treatment;
 - 6) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass of treatment to enable evaluation of public health risks and environmental impacts; and,
 - 7) Any additional information requested by the Director.
- b. Emergency Bypass of Treatment. Where ten (10) days advance

notice is not possible, the permittee must notify the Director, the Local Health Department and any affected downstream party as soon as it becomes aware of the need to bypass and provide to the Director the information to the extent practicable.

- c. Unanticipated bypass of treatment. The permittee shall submit notice of an unanticipated bypass to the Director as required under Part II.G. (Twenty-Four Hour Notice). The permittee shall also immediately notify the Local Health Department, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Other Wastes.

1. No offsite wastes shall be accepted for treatment and/or disposal in the permitted system under any circumstance.
2. In accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the Director, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if permittee discharges any substance into the collection, treatment, or disposal systems that if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants, which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- E. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- F. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall

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

3. Changes to authorization. If an authorization under paragraph *IV.F.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph *IV.F.2* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- G. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- H. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- I. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- J. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- K. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- L. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

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

PND DRAFT

V. ADOPTION OF PERMIT

"I certify that I have reviewed and hereby adopt this Operating Permit no. UTOP9001 as issued for Cottonwood Wash & Dry and Recapture Lodge Wastewater Treatment and Disposal Facilities in Bluff, Utah."

Print Name

Title

Signature

Date

PND DRAFT