

Operating Permit Frequently Asked Questions

Proposal: The Division of Water Quality proposes to introduce legislation that will require certain wastewater treatment and disposal facilities to secure an Operating Permit for the operation of these facilities. The proposed change is in 19-5-104.(1).(h) and will read: review plans, specifications, or other data relative to disposal systems or any part of disposal systems, and issue construction and operating permits for the installation, or modification or operation of treatment works or any parts of them and delegate the authority to issue operating permits to local health departments;

1. Why is there a need for an Operating Permit?

The Division of Water Quality, under delegation by EPA, issues permits to municipal and industrial wastewater treatment facilities that discharge to surface waters and in some instances ground waters. These permits govern the quality and quantity of pollutants that may acceptably be discharged into Utah's streams, lakes and aquifers. In years past EPA also had such a permitting program for lagoons and larger wastewater treatment facilities that discharge to the land or into the ground water. The purpose of reinstating this program is to better assess and control the levels of pollutants discharged by these facilities in order to protect public health and the environment and to allow facility owners to head off failure of critical systems.

2. Why is it necessary to reinstate an operating permit?

- There have been increasing instances where these systems have become hydraulically overloaded or the capability of the treatment technology to adequately treat and dispose of the waste has been exceeded. In many cases this has resulted in a public health or ecological risk. Permitting and periodically inspecting these facilities will help reduce those risks
- There is long-standing language in current administrative rule to require these facilities to submit operating reports to the state. There is no "teeth" in the current law to require this
- With the growth that is being sustained in Utah, there are increasingly more of these often complex wastewater treatment and disposal facilities. There is a need to better oversee their operation to protect the public as well as Utah's valuable water resources
- The institution of an operating permit may allow the oversight of these facilities to be delegated to governmental authorities at the municipal or county level

- There is a significant capital investment in these facilities that bears protecting. Further, periodic inspections can reduce operation and maintenance costs

3. Who will be affected by this legislation?

- Municipal, industrial, private and public wastewater lagoon treatment facilities whose waste streams either seeps into the ground (and ground water) under the lagoon or which is land applied nearby
- Underground wastewater treatment and disposal systems that have a higher level of mechanical complexity or which are required to treat the waste stream to meet numeric water quality standards
- UDOT rest stop lagoons; convenience store lagoons; lagoons at state or federal parks; or underground wastewater disposal systems associated with similar facilities
- Wastewater treatment and disposal facilities that serve multiple under the sponsorship of a political subdivision of the state
- Underground wastewater treatment and disposal systems with flows in excess of 5,000 gallons per day that are currently regulated under EPA's Underground Injection Control (UIC) program

4. Who is not affected by this legislation?

- Agricultural wastewater treatment operations that are already permitted under a DWQ program or currently not required to be permitted
- Homes that are served by individual on-site wastewater disposal systems
- Systems that are currently regulated under another discharge permit issued by DWQ, e.g., a ground water discharge permit or surface water (NPDES) discharge permit

5. How will the state implement this program?

- Permits will be renewed no more frequently than every 5 years. The permit will outline the conditions under which the wastewater treatment and disposal facility is to be operated. The term of the permit will be based on risk and vulnerability to the ground water
- The facility will be inspected periodically over the life of the permit
- The permittee will submit periodic operating reports that demonstrate the adequacy of the facilities to meet the conditions of the operating permit
- A database will be instituted to collect and allow retrieval of information regarding the operation of wastewater treatment and disposal facilities under the terms of an operating permit

6. What will be the cost to those who will need to secure an operating permit?

- Initially no fee will be assessed for operating permit. After a “shake-down period” the program will be assessed to determine if a permit fee is warranted. If a permit fee is warranted, it would be nominal, e.g., \$350 over the life of the permit. For other similar permits issued by the Division of Water Quality, no governmental agency or political subdivision of the state is currently assessed fees
- For lagoon systems, influent and effluent samples for chemical analyses may need to be periodically taken (see below) to determine the effectiveness and capacity of the facility. These costs are nominal

7. What kind of reporting requirements will there be under the terms of the operating permit?

- The level and frequency of reporting will be determined by the complexity and size of the wastewater treatment and disposal facility. We anticipate that reporting will be no more frequent than quarterly but many facilities will report no more frequently than annually and others only once over the life of the permit
- Typical reporting elements would vary according to the type of treatment technology employed but may include: flow; number of connections served; influent and effluent BOD or COD; dissolved oxygen; nitrogen uptake (land-application facilities); nitrate (large underground wastewater disposal systems); disinfection (land application facilities); area and type of crop (land application facilities); cell depth (lagoon facilities); evaporation (lagoon facilities); etc.

8. How can those that may be affected by the issuance of an operating permit participate in the development of this program?

- Face to face meetings will be conducted with entities, businesses or individuals that may be affected by the proposed legislation. Feedback on the proposed program from stakeholders will be solicited and considered
- There will be several opportunities to comment on the proposed statutory changes during the legislative process
- If the proposed legislation passes, administrative rules will need to be developed to govern the program. Stakeholders will be solicited to participate in the development of these rules. Individual and public meetings will be scheduled to receive input from those that may be affected and to answer questions that may arise. There will be several opportunities for public comments to be registered

9. What is the time frame for implementing the program?

- If the proposed legislation passes, administrative rules would be developed, following stakeholder involvement, and the program would begin implementation by the end of 2008.

For more information call Matthew Garn at 801-538-9489 or e-mail at mgarn@utah.gov.