

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

AUTHORIZATION TO OPERATE A PUBLIC SANITARY SEWER
COLLECTION SYSTEM IN THE STATE OF UTAH

GENERAL PERMIT FOR OPERATION OF A PUBLIC SANITARY SEWER
COLLECTION SYSTEM IN THE STATE OF UTAH

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

(NAME OF PUBLIC SEWER COLLECTION ENTITY)

is hereby authorized to operate a public wastewater sewer collection system as identified in the *Notice of Intent* (NOI), issued coverage number **UTG580000**, under this general permit in accordance with planning, design, operation, maintenance and monitoring requirements and other conditions set forth herein.

This permit shall become effective on December 1, 2017.

This permit and the authorization to discharge shall expire at midnight November 30, 2022.

Signed this 21 day of November, 2017.



Erica Brown Gaddis, PhD
Director

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I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

A. Coverage.

1. This general permit shall apply to all sewer collection systems located in the State of Utah to have no discharges under normal operating conditions.
2. Coverage under this permit is required for any sewer collection system owner ("permittee") who owns or operates a "sewer collection system" (as defined in Part VIII.) in the State of Utah. The permittee is required to submit a Notice of Intent (NOI) in accordance with Part I.A.4.
3. The permittee must operate and maintain the sewer collection system under the terms and conditions of this permit and in accordance with R317-801.
4. In order to be considered eligible for coverage under the terms and conditions of this permit, the permittee must submit a completed NOI form. The NOI form may be found on the Water Quality website at: www.waterquality.utah.gov. The completed NOI must be mailed, with an original authorizing signature, to:

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

Physical Address:
Department of Environmental Quality
Division of Water Quality
195 North 1950 West
Salt Lake City, Utah 84114-4870

5. Based on a review of the NOI, and if required additional information, the Division of Water Quality (DWQ) may delay the authorization of this permit for further review, or may determine that additional requirements are necessary, or may deny coverage under this permit and require submission of an application for an individual permit, as detailed in Part I.B.
6. Continuation of this Permit. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in full force and effect. If the permittee was authorized to operate under this permit prior to the expiration date, any requirements of this permit will automatically remain covered by this permit until one of the following occurs:
 - a. The authorization for coverage under a reissued permit or a replacement of this permit following the timely and appropriate submittal of a complete NOI requesting authorization to operate under the new permit and compliance with the requirements of the NOI;
 - b. The issuance or denial of an individual permit for operation that would otherwise be covered

under this permit;

- c. A formal permit decision by the DWQ not to reissue this general permit, at which time the DWQ will identify a reasonable time period for covered entities to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- d. The DWQ has informed the permittee that the permittee is no longer covered under this permit.

B. Individual Permit.

1. It is anticipated that coverage under this permit will be appropriate and adequate for all sewer collection systems. In the rare situation, due to an unusual situation or conditions, this may not be the case, the Director may require a permittee authorized by this permit to apply for an individual permit. The requirement for an individual permit shall include justification for the individual permit, an application form and the date the application must be submitted to the DWQ.

Privately held sewer collection systems may be required to obtain either an individual permit or coverage under this permit if conditions warrant, as determined by the Director.

Applications for a permit shall be submitted the DWQ. The address for the DWQ can be found in Part I.A.4.

2. The Director may grant additional time to submit the application upon receipt of a written request of the applicant. If a permittee fails to submit in a timely manner an individual permit application, as required by the Director, then the applicability of this permit to the individual permittee is automatically terminated.
3. A permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit a request for an individual permit with reasons supporting the request, to the Director at the address for the DWQ in Part I.A.4. The request may be granted by issuance of any individual permit if the reasons cited by the permittee are adequate to support the request. When an individual permit is issued to a permittee otherwise subject to this permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit.
4. If an individual permit is denied to a permittee otherwise subject to this permit, the permittee will be required to be covered by this permit, unless otherwise specified by the Director.

C. General Permit Provisions.

1. Prohibitions.

- a. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of

the State.

- b. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a health hazard, nuisance, or is a threat to the environment.

2. General SSO Requirements.

- a. The permittee shall take all feasible steps to eliminate SSOs to include:
 - (1) Properly managing, operating, and maintaining all parts of the sewer collection system;
 - (2) Training system operators;
 - (3) Allocating adequate resources for the operation, maintenance, and repair of its sewer collection system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures in accordance with generally acceptable accounting practices; and,
 - (4) Providing adequate capacity to convey base flows and peak flows, including flows related to normal wet weather events. Capacity shall meet or exceed the design criteria of R317-3.
- b. SSOs shall be reported in accordance with the requirements of Part I.C.3.
- c. When an SSO occurs, the permittee shall take all feasible steps to:
 - (1) Control, contain, and/or limit the volume of untreated or partially treated wastewater discharged;
 - (2) Terminate the discharge;
 - (3) Recover as much of the wastewater discharged as possible for proper disposal, including any wash down water; and,
 - (4) Mitigate the impacts of the SSO.

3. SSO Reporting Requirements.

- a. SSOs shall be reported as follows:
 - (1) A Class 1 SSO shall be reported orally within 24 hours. A written report shall be submitted to the DWQ within five calendar days, unless not required by the Director. Class 1 SSO's shall be included in the annual USMP report.
 - (2) Class 2 SSOs shall be reported on an annual basis in the USMP annual report.

4. Annual Report.

- a. The permittee shall provide the DWQ an annual report. The annual report template shall be prepared by the DWQ and sent to the permittee. The permittee must complete the annual report and shall describe the permittee's activities over the previous calendar year as related to the permit requirements and R317-801. The report is due per the requirements of the Director. The report may be submitted electronically. A copy of the original report must be kept on file by the permittee for a minimum of five years.

D. Sewer System Management Plan (SSMP) Requirements.

The permittee shall have and implement a written SSMP and shall make it available to the DWQ upon request. A copy of the SSMP shall be publicly available at the permittee's office and/or available on the Internet. The SSMP must be publicly noticed by the permittee and approved by the permittee's governing body at a public meeting. The main purpose of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sewer collection system to reduce and prevent SSOs, as well as minimize impacts of any SSOs that occur.

1. Contents of SSMP. The SSMP shall include:

a. Organization Information to include:

- (1) The name or position of the responsible or authorized representative;
- (2) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and,
- (3) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to the DWQ, the public (if needed) and other agencies if applicable (such as County Health Department).

b. Sewer collection system use ordinances, service agreements, or other legally binding methods, that:

- (1) Prohibit unauthorized discharges into its sewer collection system i.e. I/I, stormwater, chemical dumping, unauthorized debris and cut roots;
- (2) Require that sewers and connections be properly designed and constructed;
- (3) Ensure access for maintenance, inspection, or repairs for portions of the laterals owned or maintained by the permittee;
- (4) Limit the discharge of FOG and other debris that may cause blockages;

- (5) Require compliance with pretreatment requirements;
 - (6) Provide authority to inspect industrial users; and,
 - (7) Provide for enforcement for violations of the requirements.
- c. An Operations and Maintenance Plan which includes:
- (1) An up-to-date map of the sewer collection system, showing all gravity line segments, manholes, pumping facilities, pressure pipes, gates and all other applicable conveyance facilities;
 - (2) A description of routine preventative operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sewer collection system with more frequent cleaning and maintenance targeted at known problem areas. The plan should include regular visual and TV inspection of manholes and sewer pipes and a system of ranking the condition of sewer pipe and manholes. The plan should have an appropriate system to document scheduled and all other types of work activities, such as a maintenance, management, system, or paper work orders;
 - (3) A Rehabilitation, Replacement and Improvement Plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each class of deficiencies. Rehabilitation and replacement should focus on sewer pipes that are at risk of failure or prone to more frequent blockages due to pipe defects. The rehabilitation and replacement plan shall include a CIP, if required, that addresses proper management and protection of the infrastructure assets;
 - (4) Schedule for training on a regular basis for staff and contractors in operations and maintenance consistent with the DWQ continuing education requirements for certified operators; and,
 - (5) Providing for equipment and replacement part inventories, including identification of critical replacement parts. (This may include a list of vendors that the equipment and/or part can be purchased from, or local agreements).
- d. Design and performance provisions which include:
- (1) Design, construction standards and specifications that meet or exceed R-317-3 for the installation of new sewer collection systems, pump stations and other appurtenances and for the rehabilitation and repair of existing sewer collection systems; and,
 - (2) Procedures and standards for inspecting, testing and documenting the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.
- e. A SORP which has the following measures to protect public health and the environment:

- (1) A program to respond to overflows which addresses:
 - (a) Receipt and documentation of information regarding a sewer overflow;
 - (b) Dispatch of appropriate crews to the site of the sewer overflow;
 - (c) Overflow correction, containment, and cleanup including procedures to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to Waters of the State and to minimize or correct any adverse impact on the environment resulting from the sewer overflow;
 - (d) Preparation of an overflow report by responding personnel; and,
 - (e) Follow up with affected persons,
 - (2) Procedures for prompt notification to the public.
 - (3) Procedures to notify appropriate regulatory agencies and other potentially affected entities to include:
 - (a) The DWQ to comply with SSO reporting requirements;
 - (b) County Health Department, local water supply agencies as appropriate, and other affected agencies should the SSO potentially affect the public health or reach the waters of the State;
 - (c) Utah Division of Emergency Response and Remediation, if hazardous materials are or may be involved; and,
 - (d) Any other required State or Federal reporting requirements.
 - (4) Procedures to ensure that appropriate staff personnel are aware of and follow the SORP and are appropriately trained.
- f. For permittees with 2000 or more connections, and at the option of permittees with less than 2000 connections, a FOG control plan consistent with the potential for FOG discharge from commercial and industrial dischargers. Where required, the FOG control plan shall include some or all of the following:
- (1) An implementation plan and schedule for a residential and commercial public education outreach for the FOG control plan that promotes proper disposal of FOG;
 - (2) A plan for the disposal of FOG generated within the permittee's service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG;

- (3) Sewer collection system use ordinances, service agreements, or other legally binding methods, that prohibit FOG discharges to the system;
 - (4) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
 - (5) A FOG inspection, monitoring and evaluation plan;
 - (6) Identification of resources to do inspections and enforce the FOG control plan; and,
 - (7) A maintenance schedule for lines affected by FOG blockages.
- g. For permittees with 2000 or more connections, and at the option of permittees with less than 2000 connections, a SECAP. Where required, the SECAP shall include the following:
- (1) an evaluation of the wastewater collection system's existing hydraulic capacity using historical information such as flow, system records, current zoning, local development options, and maintenance records;
 - (2) identification of system deficiencies; and,
 - (3) a CIP that includes an appropriate model for the system that can be used to evaluate the hydraulic conditions in the system and identify existing and forecast future deficiencies to provide hydraulic capacity such as for future dry weather peak flow conditions, as well as the appropriate design for storm or wet weather events. The CIP shall establish a short and long term schedule to address the deficiencies and conditions identified, including a priority list, alternative analysis, and schedule for recommended upgrades. The CIP shall include increases in pipe size, I/I reduction plans, increases in pumping capacities and/or redundancies, storage capacity increases and recommended trunk line cleaning schedules or other monitoring activities. The CIP shall identify the sources of funding. The schedule shall be reviewed and adjusted yearly.

E. Certification, Submission and Implementation Requirements.

1. Timeline for Notice, SSMP, and Certification. The permittee shall certify to the DWQ that a SSMP is in place that is in compliance with the USMP by submitting a notice to the DWQ within the time frames identified in Table 1.

Table 1. Timeframe for Implementation.

Task	Completion Dates
Notice of Intent to be covered by General Permit	60 days prior to the permit expiration
Completion of SSMP (excluding SECAP)	24 months after effective date of the permit or as required due to updates to the permittee's SSMP
Completion of SECAP when required	24 months after effective date of the permit or as required due to updates to the permittee's SECAP

2. **Significant Modifications.** Significant modification of the SSMP must be public noticed by the permittee and approved by the permittee's governing body at a public meeting. A new notice certifying the revised SSMP is in place shall be sent to the DWQ.
 3. **Incomplete Reports.** If a permittee becomes aware that it failed to submit required information in any notice or report, the permittee shall promptly amend the notice or report.
 4. **Certification of Notices and Reports.** All notices and reports submitted to the DWQ shall be signed and certified as required in R317-8-3.4.
- F. **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.

II. INDUSTRIAL PRETREATMENT PROGRAM

- A. Pretreatment Permit. The State of Utah has adopted the 40 CFR 403 federal regulations for the pretreatment program, R317-8-8. The permittee may need coverage under a UPDES Pretreatment permit. If a UPDES Pretreatment permit is needed the permittee must apply for coverage.
- B. Discharges to a POTW. If the permittee is a satellite collection system to a water reclamation facility or the permittee does not have an approved pretreatment program then the permittee must notify the water reclamation facility and/or the Division of Water Quality of the following:
1. Any process wastewater that an industrial user may discharge to the sanitary sewer, either as direct discharge or as a hauled waste, that is subject to federal, state and local pretreatment regulations. Pursuant to Section 307 of the Clean Water Act, industrial users shall comply with all applicable Federal General Pretreatment Regulations promulgated, found in *40 CFR Part 403*, the State Pretreatment Requirements found in *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the waste.
 2. Hazardous Waste Discharges. In accordance with *40 CFR Part 403.12(p)(1)*, industrial users must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 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).
- C. Notification.
1. A collection system that discharges to an approved pretreatment program must notify the approved pretreatment program, per the requirements of the pretreatment program, regarding discharges from industrial users listed in Part II B.1. and 2.
 2. A collection system in a non-approved pretreatment program area must notify the Division of Water Quality of discharges from industrial users listed in Part II B.1. and 2.

III. BIOSOLIDS REQUIREMENTS

The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. The permittee may need coverage under a Biosolids UPDES permit. If a Biosolids UPDES permit is needed the permittee must apply for coverage.

IV. STORM WATER REQUIREMENTS.

The permittee may need coverage under a Storm Water UPDES permit. If a Storm Water UPDES permit is needed the permittee must apply for coverage under the appropriate permit.

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. If required by the Director samples taken of an SSO shall be collected from the effluent stream prior to discharge into the receiving waters and below the discharge from the SSO. 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 *Utah Administrative Code ("UAC") R317-2-10*, 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 the Director, using test procedures approved under *UAC R317-2-10*, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the written submission required in Park V.H.3. Such increased frequency shall also be indicated. Only those parameters required by the Director 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 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 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 the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 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, Discharges from a Sewer Collection System.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
 - 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.A.4*.
- I. Inspection and Entry The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, collection, storage facilities or area, transport vehicles and containers, and land application sites; and
 4. 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.
- J. Sewer System Management Program (SSMP) Modifications
1. The permittee shall maintain relevant information that can be used to establish and prioritize appropriate SSO prevention activities and shall document all monitoring activities (i.e. daily cleaning activities, CCTV video records, manhole inspections, and hot spot activities).
 2. The permittee shall regularly review the effectiveness of each element of the SSMP
 3. If required, the permittee shall monitor the SECAP implementation.
 4. The permittee shall annually assess the success of the operation and maintenance plan (i.e. line cleaning, CCTV inspections and manhole inspections, and SSO events) and adjust the operation and maintenance plan as needed based on system performance.
 5. The permittee shall update SSMP elements, as appropriate, based on monitoring

or performance evaluations.

6. The permittee shall regularly identify and illustrate SSO trends, including frequency, location, and volume.
7. The permittee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every five years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the permittee's compliance with the SSMP, including identification of any deficiencies in the SSMP and steps to correct them.
8. The permittee is encouraged to communicate with the public, as needed, on the development, implementation, and performance of the SSMP. The permittee may establish a public outreach/communication plan which shall provide the public with the opportunity to provide input to the permittee as the SSMP is developed and implemented.
9. The SSMP shall be prepared by, or under the direction of, a Utah certified professional engineer or another qualified professional.

K. SSO Reports and Records

1. The following reports and records must be maintained and available for inspection:
 - a. The rationale for classifying an SSO as a Class 1 SSO or Class 2 SSO;
 - b. A copy of any corrective action or enforcement documentation;
 - c. A copy of the NOI and annual reports submitted to the DWQ;
 - d. Correspondence exchanged between the permittee and the DWQ regarding this permit; and
 - e. A copy of the SSMP, including any modifications made to the SSMP.
2. All required records must be documented as soon as possible. The permittee must retain any records required under this permit for at least five years from the date that the coverage for this permit expires or is terminated. The permittee must make available to the DWQ, including an authorized representative of the DWQ, all records kept under this permit upon request and provide copies of such records, upon request.

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 to the collection system 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 or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at Part VI.G, Discharges from a Sewer Collection System 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.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes 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. The removal of grit, solids, sludge, or other pollutants during the course of cleaning the collection system 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.
- G. Discharges from a Sewer Collection System.
1. Prohibition of Discharges.

- a. Discharge from a sewer is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (1) The discharge was unavoidable to prevent loss of human life, personal injury, or severe property damage; and
 - (2) The permittee submitted notices as required under *Part VI.G.2.*

2. Notice.

- a. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Director as required under *Part V.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.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance if the requirements of section 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 collection system 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. Reserved.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes 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 notice of intent (NOI) shall be submitted at least 60 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 the NOI, or submitted incorrect information in the NOI 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.
 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 collection system, 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 *Part VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the collection system, a new authorization satisfying the requirements of *Part 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 permit shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- 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 reports regarding SSOs 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 section 2 of this section.
- 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.

VIII. DEFINITIONS

1. "Act" means the *Utah Water Quality Act*.
2. "Adverse Incident" – means an incident that you have observed upon inspection or of which you otherwise become aware, in which may cause a violation of the Utah Water Quality Act.
3. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
4. "Bypass" means the diversion of waste streams from any portion of the collection system.
5. "CCTV" - means closed circuit television.
6. "CIP" - means a Capital Improvement Plan.
7. "CWA" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
8. "Director" means the Director of the Division of Water Quality.
9. "DWQ" - means the Utah Division of Water Quality.
10. "EPA," means the United States Environmental Protection Agency.
11. "FOG" - means fats, oils and grease.
12. "I/I" - means "infiltration and inflow.
13. "Permittee" – means the federal and state agency, municipality, county, district and other political subdivision of the state that owns or operates a sewer collection system or who is in direct responsible charge for operation and maintenance of the sewer collection system. When two separate federal and state agency, municipality, county, district and other political subdivision of the state are interconnected, each shall be considered a separate Permittee
14. "SECAP" - means System Evaluation and Capacity Assurance Plan.

15. "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.
16. "Sewer Collection System" - means a system for the collection and conveyance of wastewaters or sewage from domestic, industrial and commercial sources. The Sewer Collection System does not include sewer laterals under the ownership and control of an owner of real property, private sewer systems owned and operated by an owner of real property, and systems that collect and convey stormwater exclusively.
17. "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.
18. "SORP" - means Sewer Overflow Response Plan
19. "SSMP" - means Sewer System Management Plan.
20. "SSO" - means sanitary sewer overflow, the escape of wastewater or pollutants from, or beyond the intended or designed containment of a sewer collection system.
21. "Class 1 SSO" - means an SSO or backup that is not caused by a private lateral obstruction or problem that:
 - a. Effects more than five private structures;
 - b. Affects one or more public, commercial or industrial structure(s);
 - c. May result in a public health risk to the general public;
 - d. Has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
 - e. Discharges to waters of the State.
22. "Class 2 SSO" - means an SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.
23. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
24. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance 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.

25. "USMP" Utah Sewer Management Program