

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

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

**SANITARY SEWER GENERAL PERMIT FOR
OPERATION OF A 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")*,

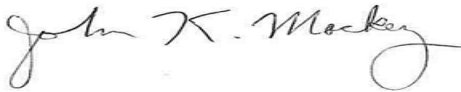
(NAME OF PUBLIC SEWER COLLECTION ENTITY)

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 April 1, 2023.

This permit and the authorization to discharge shall expire at midnight on March 31, 2028.

Signed this Twentieth day of March, 2023.



John K. Mackey, P.E.
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 Utah except for *Indian Country*¹. Sewer Collection Systems under normal operating conditions should have no discharges.
2. Coverage under this permit is required for any Permittee who owns or operates a Sewer Collection System, as defined in *Part VIII*, in 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. Owners of Sewer Collection Systems, as defined in *Part VIII*, must submit a complete NOI for coverage of this permit. The NOI form may be found on the Division of Water Quality Website. The completed NOI must signed per *Part VII.G* of this permit and submitted to the DWQs electronic portal: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions> . If the applicant prefers to mail in their NOI, please call (801) 536-4300, and request the USMP Permit Coordinator to receive instructions.
5. The Director may, at any time, deny coverage under this permit and may require the submittal of an application for an individual permit based on a review of the NOI or other information.

B. Individual Permit.

1. It is anticipated that coverage under this permit will be appropriate and adequate for all Sewer Collection Systems. Applications for the general permit shall be submitted to DWQ.
2. In certain situations, typically due to an unusual circumstances or conditions, coverage under this general permit may not be appropriate. As determined by the Director, a Permittee authorized by this permit may be required to apply for an individual permit. The requirement for an individual permit shall include the following:
 - a. Justification for the individual permit;
 - b. An application form; and
 - c. The date the application must be submitted to DWQ.
3. 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.

¹ The Utah Division of Water Quality does not have permit authority for *Indian Country*. SSOs in *Indian Country* within the state of Utah must be reported to EPA.

4. The Director may grant additional time to submit the application upon receipt of a written request from the applicant. If a Permittee fails to reapply or apply, as required by the Director or permit conditions, then the permit is automatically terminated.
5. 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 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.
6. 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 Sanitary Sewer Overflow (SSO) that results in a discharge of untreated or partially treated wastewater to waters of the State.
- b. Any SSO which results in a discharge of untreated or partially treated wastewater that creates a health hazard, nuisance, or a threat to the environment or public.

2. General SSO Requirements.

- a. The Permittee shall take all feasible steps to eliminate the potential of an SSO, including but not limited to the following:
 - (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 accepted accounting practices; and,
 - (4) Providing adequate capacity to convey base 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 per the requirements of *Part I.C.3*.
- c. When an SSO occurs, the Permittee shall take all feasible steps to:

- (1) Control, contain, 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. Sanitary Sewer Overflow (SSO) Reporting Requirements.
- a. SSOs shall be reported as follows:
 - (1) A Class 1 SSO shall be reported orally within 24 hours per *Part V.H.* A written report shall be submitted to DWQ within five calendar days unless not required by the Director. Also, a Class 1 SSO shall be included in the annual Utah Sewer Management Program (USMP) report.
 - (2) Class 2 SSOs shall be reported annually in the USMP annual report.
4. Annual Report.
- a. The Permittee shall provide DWQ with an annual report. The annual report template shall be prepared by DWQ and sent to the Permittee. The Permittee must complete the annual report and shall describe the activities over the previous calendar year as related to the permit requirements. The report is due per the requirements of the Director.
 - b. Until further notice by the Director, the Municipal Wastewater Planning Program Report (MWPP) will be utilized as the annual report for this General Permit.
 - (1) The Permittee must maintain a signed copy of the collection system portion of the MWPP. The MWPP must be signed per *Part VII.G* of this permit.
 - (2) The report may be submitted electronically.
 - (3) 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. It shall be available to DWQ upon request. A copy of the SSMP shall be publicly available. The SSMP must be publicly noticed by the Permittee and approved by the 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 the impacts of any SSOs that occur.

1. The contents of the SSMP shall include the following:
 - a. Organization information to include the following:
 - (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 DWQ, the public and other agencies if applicable, such as the County Health Department or downstream users of the waterway.
 - b. Ordinances, rules and regulations, rules, service agreements, or other legally binding methods, that:
 - (1) Prohibit unauthorized discharges into the Sewer Collection System, i.e., I/I, stormwater, chemical dumping, unauthorized debris, etc.;
 - (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 fats, oils and grease (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 paperwork 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 at risk of failure or prone to more frequent blockages due to pipe defects. The rehabilitation and replacement plan shall include a Capital Improvement Plan (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. This does not require that all workers in Sewer Collection Systems be certified. Although training of workers in Sewer Collection Systems must be consistent with 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 from which the equipment or part can be purchased 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 Sewer Overflow Response Plan (SORP) which has the following measures to protect public health and the environment:
- (1) A program to respond to overflows that address the following:
 - (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) 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 service area overseen by the Permittee. This may include a list of acceptable disposal facilities or additional facilities to dispose FOG adequately;
 - (3) Sewer Collection System use ordinances, service agreements, or other legally binding methods, that prohibit FOG from being discharged to the Sewer Collection 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.

E. System Evaluation and Capacity Assurance Plan (SECAP).

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 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.

F. Certification, Submission and Implementation Requirements.

1. The Permittee shall certify to DWQ that an SSMP is in place that complies with R317-801 and the general permit.
 - a. This must be completed by submitting information to DWQ that the body politic has approved the SSMP.
 - b. If a federal agency owns the Sewer Collection System, the SSMP must be approved by the Signatory Authority per *Part VII.G.*
 - c. The SSMP should not be submitted to DWQ unless DWQ has required the SSMP be submitted.
2. If the population served by the Sewer Collection System is more than 2000 people, the Permittee shall certify to DWQ that a SECAP is in place that complies with R317-801 and the general permit.
 - a. This must be completed by submitting information to DWQ that the body politic has approved the SECAP.
 - b. Unless a federal agency owns the Sewer Collection System. If a federal agency owns the Sewer Collection System, the SECAP must be approved by the signatory authority per *Part VII.G.*
 - c. The SECAP should not be submitted to DWQ unless DWQ has required the SECAP be submitted. Information from the Permittees Master Plan could be used to satisfy this requirement.

3. Significant modification of the SSMP or SECAP must be public noticed by the Permittee and approved by the governing body at a public meeting. A new notice certifying the revised SSMP or SECAP must be sent to DWQ.
4. 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.
5. Certification of Notices and Reports. All notices and reports submitted to DWQ shall be signed and certified as required in R317-8-3.4.

G. 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.

H. Authorization, Expiration and Renewals.

If this permit is not reissued before 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 before the expiration date, any requirements of this permit would automatically remain covered by this permit until one of the following occurs:

1. 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;
2. The issuance or denial of an individual permit for an operation that would otherwise be covered under this permit;
3. A formal permit decision by DWQ not to reissue this general permit, at which time 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 or authorized;
4. DWQ has informed the Permittee that the Permittee is no longer covered under this permit; or

5. The Permittee fails to submit an NOI within 30 days of the expiration date of the permit. Failure to submit the NOI within 30 days of the expiration date of the permit will result in termination of coverage under this permit.

I. Terminating Coverage.

When coverage under this permit is no longer required, the Permittee must submit a letter of termination to the Director. The Permittee must submit a letter of termination within 30 days if:

1. A new owner or operator has taken over the responsibility of the Sewer Collection System or
2. Coverage under an individual or alternative general permit has been obtained.

II. INDUSTRIAL PRETREATMENT REQUIREMENTS

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 Permit. If a UPDES Permit is required, 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, the Permittee must notify the water reclamation facility or the Director of the following:

1. Any process wastewater that an Industrial User may discharge to a Publicly Owned Treatment Works (POTW), either as an Indirect Discharge or as a hauled waste, 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 POTW accepting the waste.
2. Any Industrial Users that in accordance with *40 CFR Part 403.12(p)(1)*, that notifies the POTW of a discharge which if otherwise disposed of would be considered a hazardous waste under *40 CFR Part 261*.

C. Industrial Wastes.

1. "Industrial Waste Survey" or "IWS" consists of;
 - a. Identifying each Industrial User (IU) and determining if the IU is a Significant Industrial User (SIU),
 - b. Determination of the qualitative and quantitative characteristics of each discharge, and
 - c. Appropriate production data.
2. The IWS must be maintained and updated with IU information as necessary, to ensure that all IUs are properly permitted or controlled at all times. Updates must be submitted to the Director sixty (60) days following a change to the IWS.

3. The Permittee must notify the Director of any new introductions by new or existing SIUs or any substantial change in pollutants from any major industrial source. Such notice must contain the information described in 1. above, and be forwarded no later than sixty (60) days following the introduction or change.
4. The IWS is only required of Permittees that do not discharge to a POTW with an Approved Pretreatment Program.

D. General and Specific Prohibitions.

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

1. General Prohibition Standards. An IU may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference.
2. Specific Prohibited Standards. Pursuant to Section 307 of The Water Quality Act of 1987, require that under no circumstances shall the Permittee allow introduction of the following pollutants into the waste treatment system from any IU (40 CFR 403.5):
 - a. Pollutants which create a fire or explosion hazard in the Publicly Owned Treatment Works (POTW), including, but not limited to, waste-streams with a closed cup flashpoint of less than 140°F (60°C);
 - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause Interference in the POTW;
 - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in Interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C);
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

- g. Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems; or,
 - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
3. In addition to the general and specific limitations expressed above, more specific pretreatment limitations have been and will be promulgated for specific industrial categories under Section 307 of the Water Quality Act of 1987 as amended (WQA). (See 40 CFR, Subchapter N, Parts 400 through 500, for specific information).

E. Significant Industrial Users Discharging to the POTW.

The Permittee shall provide adequate notice to the Director and the Division of Water Quality Industrial Pretreatment Coordinator of;

- 1. Any new introduction of pollutants into the treatment works from an Indirect Discharger (i.e., Industrial User) which would be subject to Sections 301 or 306 of the WQA if it were directly discharging those pollutants;
- 2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and
- 3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such Publicly Owned Treatment Works.
- 4. Any IU that must comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA).

F. Change of Conditions.

At such time as a specific pretreatment limitation becomes applicable to an IU of the Permittee, the Director may, notify the Permittee that an IWS must be submitted per *Part II.C.*

G. Legal Action.

The Director retains, at all times, the right to take legal action against the IU or the treatment works, in those cases where a permit violation has occurred because of the failure of an IU to discharge at an acceptable level. If the Permittee has failed to properly delineate maximum acceptable industrial contributor levels, the Director will look primarily to the Permittee as the responsible party.

H. Local Limits.

If Local Limits are developed per R317-8 to protect the POTW from Pass Through or Interference, then the POTW must submit limits to DWQ for review and public notice, as required by R317-8. Local Limits should be developed in accordance with the latest revision of the EPA Local Limits Development Guidance and per R317-8.

I. Notification.

1. A Sewer Collection System that discharges to an Approved Pretreatment Program must notify the Approved Pretreatment Program, regarding discharges from Industrial Users.
2. A Sewer Collection System that discharges to a POTW without an Approved Pretreatment Program must notify the Division of Water Quality of discharges from Industrial Users.

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 must be taken of an SSO. The samples shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- 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 per day, 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 SSO, using test procedures approved under *UAC R317-2-10*, the results of this monitoring shall be reported in the written submission required in *Part V.H*.
- 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 to a staff member with the Department of Environmental Quality any noncompliance including transportation accidents, spills, and uncontrolled runoff 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 the 24-hour spill line for the Department of Environmental Quality (801) 536-4123.
2. The following occurrences of noncompliance shall be reported to a staff member with the Department of Environmental Quality 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.*); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
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 per *Part V.H.*
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 DWQ;
 - d. Correspondence exchanged between the Permittee and 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 DWQ, including an authorized representative of DWQ, all records kept under this permit 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 for a violation. Any person who willfully or negligently violates permit conditions or the Act is subject to a fine not exceeding \$25,000 per day for a willful 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, violating a requirement of R317 or the Utah Water Quality Act or creating a health hazard.
- G. Discharges from a Sewer Collection System.
1. Prohibition of Discharges.

- a. Discharge from a Sewer Collection System 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. 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, reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation, 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.* 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.* 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 Sewer Collection System.
5. “CCTV” - means closed circuit television.
6. “CIP” - means a Capital Improvement Plan.
7. “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.
8. “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.
9. “CWA” means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
10. “Director” means the Director of the Division of Water Quality.
11. “DWQ” - means the Utah Division of Water Quality.
12. “EPA,” means the United States Environmental Protection Agency.

13. "FOG" - means fats, oils and grease.
14. "I/I" - means "infiltration and inflow.
15. "Indian Country"— defined at 40 CFR §122.2 as:
 1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of way running through the reservation;
 2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof; and
 3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.
16. *Indirect Discharge* means the introduction of pollutants into a Publicly Owned Treatment Works (POTW) from any non-domestic source regulated under section 307 (b), (c) or (d) of the CWA.
17. *Industrial User (IU) or User* means a source of Indirect Discharge.
18. *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 Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
18. *Local Limit* is defined as a limit designed to prevent Pass Through or Interference. And is developed in accordance with 40 CFR 403.5(c).

19. *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 NPDES permit (including an increase in the magnitude or duration of a violation).
20. "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.
21. *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.
22. "SECAP" - means System Evaluation and Capacity Assurance Plan.
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. "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.
25. *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.
26. "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.
27. "SORP" - means Sewer Overflow Response Plan
28. "SSMP" - means Sewer System Management Plan.
29. "SSO" - means sanitary sewer overflow, the escape of wastewater or pollutants from, or beyond the intended or designed containment of a Sewer Collection System.
30. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
31. "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.
32. "USMP" Utah Sewer Management Program