



State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

Department of  
Environmental Quality

L. Scott Baird  
Executive Director

DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
Director

**FILE COPY**

**DWQ-2020-007728<sub>BLJ</sub>**

**PERMIT UT0000523**

April 1, 2020

Ryan Doherty, Plant Manager  
Cargill Salt  
15100 West Rowley Road  
Skull Valley, Utah 84029  
**Via Email**

Subject: UPDES Permit UT0000523 - Cargill Salt

Dear Mr. Doherty:

Enclosed is a draft copy of the UPDES Permit No. UT0000639, the Statement of Basis, and the Public Notice for your facility. This information will also be made available on-line at <http://www.waterquality.utah.gov/PublicNotices/index.htm>.

If you have any questions with regards to this matter, please contact Lonnie Shull at (801) 536-4394.

Sincerely,

Dan Hall, Interim Manager  
UPDES IES Section

DH/LS/blj

Enclosures: 1. Public Notice (DWQ-2020-007726)  
2. Draft Fact Sheet Statement of Basis (DWQ-2020-007224)  
3. Draft Permit (DWQ-2020-007222)

Cc: Via Email w/Enclosures  
Amy Clark, EPA Region V  
Chris Cline, US Fish & Wildlife Services

Via Email w/out Enclosures  
David Gibby, Cargill Salt  
Jeff Coombs, Tooele County Health Department  
Mike Fowlks, Utah Division of Wildlife Resources  
Jason Gipson, Chief, Utah Regulatory Office, US Corps of Engineers

DWQ-2020-000728



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DIVISION OF WATER QUALITY  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
PUBLIC NOTICE TO REISSUE A UPDES PERMIT

**PURPOSE OF PUBLIC NOTICE**

THE PURPOSE OF THIS PUBLIC NOTICE IS TO DECLARE THE STATE OF UTAH'S INTENTION TO ISSUE A UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT UNDER AUTHORITY OF THE UTAH WATER POLLUTION CONTROL ACT, SECTION 19-5-104(9) AND 107(2), UTAH CODE ANNOTATED 1953, AS AMENDED. SAID "PERMIT" REFERS TO THE UPDES PERMIT AND THE FACT SHEET STATEMENT OF BASIS (INCLUDING TOTAL MAXIMUM DAILY LOADS (TMDL'S)) IF APPLICABLE, AS PER SECTION 303(D) OF THE FEDERAL CLEAN WATER ACT (CWA)].

**PERMIT INFORMATION**

PERMITTEE NAME: Cargill Salt  
MAILING ADDRESS: 15100 West Rowley Road, Grantsville, UT 84029  
TELEPHONE NUMBER: 435-884-4154  
FACILITY LOCATION: latitude N 40° 46.963' and longitude W 112° 38.093'.  
UPDES PERMIT NO.: UT0000639  
PERMITTED OUTFALLS 001  
RECEIVING WATER: Unnamed Ditch to US Magnesium LLC

**BACKGROUND**

This outfall discharges to a ditch which conveys water to the US Magnesium LLC for 100% consumptive use by that facility. Cargill Salt has not discharged bitterns directly to the Great Salt Lake since operations began at this location. No water quality-based effluent limits are required because the discharge does not have reasonable potential to cause or contribute to an exceedance of a water quality standard. This conclusion is based on the lack of aquatic life in the ditch and the fact that the contents of the bitterns came from the lake and nothing is added during the evaporation and manufacturing process.

**PUBLIC COMMENTS**

Public comments are invited any time prior to the deadline of the close of business on **April 30, 2020**. Written public comments can be submitted to: Lonnie Shull, UPDES IES Section, Utah Division of Water Quality, PO Box 144870, Salt Lake City, Utah 84114-4870 or by email at: [lushull@utah.gov](mailto:lushull@utah.gov). After considering public comment the Utah Division of Water Quality may execute the permit issuance, revise it, or abandon it. The permit is available for public review under "Public Notices" at [www.waterquality.utah.gov/](http://www.waterquality.utah.gov/). If internet access is not available, a copy may be obtained by calling Lonnie Shull at 801-536-4394.

DWQ-2020-007726

**FACT SHEET AND STATEMENT OF BASIS  
CARGILL SALT  
PERMIT NO. UT0000639  
RENEWAL PERMIT FOR MINOR INDUSTRIAL FACILITY**

**FACILITY CONTACTS**

Responsible Official: Ryan Doherty, Plant Manager  
Cargill Salt  
15100 West Rowley Road  
Skull Valley, Utah 84029  
Phone: (435) 884-4145  
Email: [ryan\\_doherty@cargill.com](mailto:ryan_doherty@cargill.com)

Facility Contact David Gibby, Sr. EHS Professional  
Cargill Salt  
15100 West Rowley Road  
Skull Valley, Utah 84029  
Phone: (435)884-4154  
Email: [David\\_gibby@cargill.com](mailto:David_gibby@cargill.com)

**DESCRIPTION OF FACILITY**

Cargill Salt (Cargill) draws water from the Great Salt Lake, and by the process of evaporation, separates out the salt. Cargill Salt does not have the ability to discharge bitterns directly back to the Great Salt Lake, and all bitterns are currently sent to the U.S. Magnesium LLC for further processing. Cargill has not discharged bitterns directly to the Great Salt Lake since operations began at the Timpie location.

**DESCRIPTION OF DISCHARGE**

There is one outfall from the facility. Outfall 002 is located at approximate latitude N 40° 46.963' and longitude W 112° 38.093'. This outfall discharges to a ditch which conveys water to the U.S. Magnesium LLC for 100% consumptive use by that facility. Neither Cargill Salt nor U.S. Magnesium LLC has the ability to discharge to the Great Salt Lake. As stated above Cargill Salt has not discharged bitterns directly to the Great Salt Lake since operations began at this location.

## **RECEIVING WATER CLASSIFICATION**

Outfall 002 discharges to unnamed ditch that flows to U.S. Magnesium. The ditch is Classified 2B, infrequent primary and secondary contact recreation, and 3E, severely habitat limited (UAC R317-2-13.10).

## **BASIS FOR EFFLUENT LIMITATIONS**

Effluent limits are based on the more restrictive of protecting the uses (Level I anti-degradation review UAC R313-2-3.5) or categorical limits for the specific industry and process. Effluent limits to protect the uses, called water quality-based effluent limits, are based on numeric criteria (UAC R317-2-14) and the Narrative Standards (UAC R317-2-7). The permit include effluent limits for pH to ensure compliance with secondary treatment standards which are the same as required to protect the Class 2B use, infrequent primary and secondary recreation. No numeric criteria have been established for the Class 3E severely habitat limited waters. As a result, a formal wasteload allocation was not necessary with respect to this discharge.

No water quality-based effluent limits are required because the discharge does not have reasonable potential to cause or contribute to an exceedance of a water quality standard. This conclusion is based on the lack of aquatic life in the ditch and the fact that the contents of the bitterns came from the lake and nothing is added.

Cargill's effluent is subject to the *Code of Federal Regulations (CFR) Title 40, 436.120 (Subpart L - Salines from Brine Lakes Subcategory)* and *40 CFR 415.160 (Subpart P - Sodium Chloride Production Subcategory)* categorical effluent limits. These regulations pertain to the production of sodium chloride via solar evaporation and establish effluent limits and standards. Under the regulations, no process wastewater pollutants may be discharged into navigable waters; however, unused bitterns may be returned to the body of water from which the process brine solution was originally withdrawn. In *40 CFR 436*, the “no discharge of process waste water pollutants into navigable waters” shall be applied on a net basis if the discharge complies with *125.28* of that chapter. In *40 CFR 415.160*, bitterns can be returned to the body of water from which the process brine solution was originally withdrawn provided no additional pollutants are added to the bitterns during the production of sodium chloride.

Based on *UAC R317-1-3.2C*, pH must remain in the range of 6.5 to 9.0 standard units. Because oil and grease sources are present in the processing and shipping areas, the potential exists for their addition to process water. Thus, oil and grease concentrations will be limited to 10 mg/L (based on best professional judgment [BPJ]).

## **LEVEL II ANTIDegradation REVIEW**

A Level II anti-degradation review is not required because there are no increases in concentration or loading limits from the previous permit (*UAC R317-2-3.b.1.*).

**SUMMARY OF EFFLUENT LIMITATIONS:**

Parameter	Effluent Limitations			
	Maximum Monthly Average	Maximum Weekly Average	Daily Minimum	Daily Maximum
Flow	Report	NA	NA	Report
Oil & Grease, mg/L	NA	NA	NA	10.0
pH, Standard Units	NA	NA	6.5	9.0

NA – Not Applicable

Self-Monitoring and Reporting Requirements <i>a/ b/ c/</i>			
Parameter	Frequency	Sample Type	Units
Total Flow <i>d/ e/ f/</i>	Monthly	Measured	MGD
Oil & Grease <i>g/</i>	Monthly	Visual/Grab	mg/L
pH	Monthly	Grab	SU

*a/* This discharge shall contain only materials originally present in the Great Salt Lake waters or other intake waters. The permittee shall add nothing to the effluent prior to discharging.

*b/* There shall be no visible sheen or floating solids or visible foam in other than trace amounts.

*c/* There shall be no discharge of sanitary wastes.

*d/* Flow measurements shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

*e/* If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

*f/* Flow monitoring will be required if the facility discharges directly to the Great Salt Lake.

*g/* A sample for oil & grease shall be taken if a visual sheen is observed. If a sample is

taken because a sheen is observed, it shall not exceed a daily maximum concentration of 10 mg/L.

### **WHOLE EFFLUENT TOXICITY (WET) TESTING REQUIREMENTS**

A nationwide effort to control discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the State of Utah's *Permitting and Enforcement Guidance Document for Whole Effluent Toxicity Control (Biomonitoring)*, February 15, 1991, which outlines guidance to be used by Utah Division of Water Quality staff and by permittees for implementation through the UPDES discharge permit program. Authority to require effluent biomonitoring is provided in *Permit Conditions, UAC R317-8-4.2, Permit Provisions, UAC R317-8-5.3 and Water Quality Standards, UAC R317-2-5 and R317 -2-7.2.*

Cargill is a minor industrial facility that discharges bitterns taken directly from the Great Salt Lake, in which no chemicals or other pollutants are introduced, thus returning any residual materials back to the highly saline Great Salt Lake. Based upon these facts, the permitting authority's BPJ, and that the anticipated discharges are of relatively small volumes of effluent when compared to the existing water body of the Great Salt Lake, there is no reasonable potential for toxicity in Cargill's discharge (per *State of Utah Permitting and Enforcement Guidance Document for WET Control*). As such, there will be no numerical WET limitations or WET monitoring requirements in this permit. However, the permit will contain a toxicity limitation re-opener provision that allows for modification of the permit should additional information indicate the presence of toxicity in the discharge

### **STORM WATER REQUIREMENTS**

Because this is an industrial facility that routinely performs activities requiring a permit for storm water discharge, storm water permit coverage is required. Storm water coverage was included in the previous permit, but is being removed from the renewal permit. Upon issuance of this permit, the facility will have 90 days to obtain coverage for storm water discharges under the UPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities.

### **SIGNIFICANT CHANGES FROM THE PREVIOUS PERMIT**

Flow monitoring requirements have gone from monthly to daily. This was done to get more accurate flow data and reflects the facilities standard operating procedures.

Stormwater requirements found under UPDES Multi-Sector General Permit for Industrial Activities Group IV, Sector C are being removed from this permit. This change is being made to keep the storm water provisions in the permit up to date and in sync with the UPDES Multi Sector General Permit for Industrial Activities. The facility will have 90 days from the issuance of the renewal permit to obtain coverage under the UPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities.

**PRETREATMENT REQUIREMENTS:**

There will be no discharge of any process water or by-product to the sanitary sewer. Any wastewater conveyed to a public sanitary sewer is subject to federal, state and local pretreatment regulations. Pursuant to section 307 of the Clean Water Act, Cargill shall comply with all applicable federal pretreatment regulations promulgated in 40 CFR section 403, the State pretreatment requirements found in UAC R317-8-8 and any specific local regulations developed by the wastewater treatment plant.

**PERMIT DURATION**

It is recommended that this permit be effective for duration of five (5) years.

**Drafted by**

Lonnie Shull, Discharge, Biomonitoring  
Daniel Griffin, Biosolids  
Jennifer Robinson, Pretreatment  
Lisa Stevens, Storm Water  
Chris Bittner, Wasteload Analysis  
Utah Division of Water Quality, (801) 536-4300

**PUBLIC NOTICE**

Began: Month Day, Year  
Ended: Month Day, Year

Comments will be received at: 195 North 1950 West  
PO Box 144870  
Salt Lake City, UT 84114-4870

The Public Noticed of the draft permit was published in the (NEWSPAPER OF RECORD FOR AREA).

During the public comment period provided under R317-8-6.5, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments will be considered in making the final decision and shall be answered as provided in R317-8-6.12.

Official Draft Public Notice Version **April 1, 2020**

The findings, determinations, and assertions contained in this document are not final and subject to change following the public comment period.

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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Industrial Permit No. **UT0000639**

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

**CARGILL SALT**

is hereby authorized to discharge from its facility to receiving waters named

**AN UNNAMED DITCH WHICH TRANSPORTS WATER FOR CONSUMPTIVE USE BY MAGNESIUM CORPORATION OF AMERICA**

in accordance with specific limitations, outfalls, and other conditions set forth herein.

This permit shall become effective on **Month XX, 20XX**.

This permit expires at midnight on **Month XX, 20XX**.

Signed this **XXth** day of **Month**, 20**XX**.

---

Erica Brown Gaddis, PhD  
Director

DWQ-2020-007222



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**I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS**

A. Description of Discharge Points. The authorization to discharge wastewater provided under this part is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit are violations of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

Outfall Number  
002

Location of Discharge Outfall

Return of bitterns for consumptive use to the Magnesium Cooperation of America or to the Great Salt Lake. Outfall 002 is located at approximately latitude N 40° 46.963' and latitude W 112° 38.093'.

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

C. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately, and lasting through the life of this permit, there shall be no acute or chronic toxicity in Outfall 002 as defined in *Part VIII*.
2.
  - a. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 002. Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Effluent Limitations		
	30 Day Average	Daily Minimum	Daily Maximum
Flow (MGD)	Report	NA	Report
Oil & Grease, mg/L	NA	NA	10.0
pH, Standard Units	NA	6.5	9.0

NA – Not Applicable

Self-Monitoring and Reporting Requirements <i>a/ b/ c/</i>			
Parameter	Frequency	Sample Type	Units
Total Flow <i>d/ e/ f/</i>	Daily	Measured	MGD
Oil & Grease <i>g/</i>	Monthly	Visual/Grab	mg/L
pH	Monthly	Grab	SU

- a/* This discharge shall contain only materials originally present in the Great Salt Lake waters or other intake waters. The permittee shall add nothing to the effluent prior to discharging.
- b/* There shall be no visible sheen or floating solids or visible foam in other than trace amounts.
- c/* There shall be no discharge of sanitary wastes.
- d/* Flow measurements shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.
- e/* If the rate of discharge is controlled, the rate and duration of discharge shall be reported.
- f/* Flow monitoring will be required if the facility discharges directly to the Great Salt Lake.
- g/* A sample for oil & grease shall be taken if a visual sheen is observed. If a sample is taken because a sheen is observed, it shall not exceed a daily maximum concentration of 10 mg/L.

D. Reporting of Monitoring Results.

1. Reporting of Wastewater Monitoring Results Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1)\* or by NetDMR, post-marked or entered into NetDMR no later than the 28<sup>th</sup> day of the month following the completed reporting period. The first report is due on **Month 28, 20--**. If no discharge occurs during the reporting period, “no discharge” shall be reported. Legible copies of these, and all other reports including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part VII.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

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

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

## II. PRETREATMENT REQUIREMENTS

### A. Definitions.

1. POTW or publicly owned treatment works means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). 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 Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

B. Discharges to a POTW. Any process wastewater that the facility may discharge to the sanitary sewer, either as direct discharge or as hauled waste, is subject to federal, state and local pretreatment regulations. Pursuant to Section 307 of the Clean Water Act, the permittee 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.

C. Hazardous Waste Requirements. In accordance with 40 CFR Part 403.12(p)(1), the permittee 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).

D. Hauled Hazardous Waste. Hauled hazardous waste shall not be discharged to a POTW without notification to the Division of Water Quality.

**III. BIOSOLIDS REQUIREMENTS**

- A. Biosolids Treatment and Disposal. The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. However, this facility does not receive, generate, treat or dispose of biosolids. Therefore 40 CFR 503 does not apply. As a result, there are no specific biosolids requirements in this permit.

PND DRAFT

**IV. STORM WATER REQUIREMENTS.**

- A. Storm Water Permit. Based on the type of industrial activities occurring at the facility, the permittee is required to maintain separate coverage or an appropriate exclusion under the Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000). If the facility is not already covered, it has 90 days from when this permit is issued to submit the appropriate Notice of Intent (NOI) for the MSGP or exclusion documentation.

PND DRAFT

**V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS**

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples of biosolids shall be collected at a location representative of the quality of biosolids immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10 and 40CFR Part 503*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- E. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10 and 40 CFR 503* or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or the Biosolids Report Form. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites which may seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123.



**PART V**  
**DISCHARGE PERMIT NO. UT0000639**

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, Bypass of Treatment Facilities.*);
  - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
  - d. Violation of a 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.D, Reporting of Monitoring Results.*
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part V.H.3*
- J. Inspection and Entry The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

**PART V**  
**DISCHARGE PERMIT NO. UT0000639**

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

**VI. COMPLIANCE RESPONSIBILITIES**

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$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, *Bypass of Treatment Facilities* and Part VI.H, *Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.
  2. Prohibition of Bypass.
    - a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

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- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
  - (3) The permittee submitted notices as required under *section VI.G.3.*
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *sections VI.G.2.a (1), (2) and (3).*
3. Notice.
- a. *Anticipated bypass.* Except as provided above in *section VI.G.2* and below in *section VI.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:
    - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
    - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
    - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
    - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
    - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
    - (6) Any additional information requested by the Director.
  - b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *section VI.G.3.a.(1) through (6)* to the extent practicable.
  - c. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Director as required under *Part IV.H, Twenty Four Hour Reporting.* The permittee shall also immediately notify the Director of the Department of Natural

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Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 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 permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting*; and,
  - d. The permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**VII. GENERAL REQUIREMENTS**

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of parameters discharged or pollutant sold or given away. This notification applies to pollutants, which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and,
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position

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

3. Changes to authorization. If an authorization under *paragraph VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *paragraph VII.G.2* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
  1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;



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2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.
- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.
- P. Biosolids – Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state of federal regulations.
- Q. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include WET testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.
- R. Storm Water-Reopener Provision. At any time during the duration of this permit, this permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or



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reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".

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**VIII. DEFINITIONS**

A. Wastewater.

1. The “7-day (and weekly) average”, other than for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. “Act,” means the *Utah Water Quality Act*.
4. “Acute toxicity” occurs when 50 percent or more mortality is observed for either test species at any effluent concentration (lethal concentration or “LC<sub>50</sub>”).
5. "Annual Loading Cap" is the highest allowable phosphorus loading discharged over a calendar year, calculated as the sum of all the monthly loading discharges measured during a calendar year divided by the number of monthly discharges measured during that year.
6. “Bypass,” means the diversion of waste streams from any portion of a treatment facility.
7. “Chronic toxicity” occurs when the IC<sub>25</sub>< XX% effluent. The XX% effluent is the concentration of the effluent in the receiving water, at the end of the mixing zone expressed as per cent effluent.
8. "IC<sub>25</sub>" is the concentration of toxicant (given in % effluent) that would cause a 25% reduction in mean young per female, or a 25% reduction in overall growth for the test population.
9. “Composite Samples” shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

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- a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
  - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
  - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
  - d. Continuous sample volume, with sample collection rate proportional to flow rate.
10. "CWA," means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
  11. "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
  12. "EPA," means the United States Environmental Protection Agency.
  13. "Director," means Director of the Division of Water Quality.
  14. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
  15. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
  16. "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.
  17. "Upset," means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations 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.