

Official Draft Public Notice Version **March 19, 2021**

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

OPERATING PERMIT FOR TREATMENT, REUSE, AND LAND DISPOSAL OF TREATED
WASTEWATER

Operating Permit No. **UTOP9004**

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

EMERY VALLEY SEWER, LLC

is hereby directed to have no discharge to Waters of the State

is hereby authorized to discharge treated effluent from its wastewater treatment facility to its land application site,

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

This permit shall become effective on **MONTH 1, 20XX**.

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

Signed this day of MONTH, 2021.

Erica Brown Gaddis, PhD
Director

DWQ-2021-002669

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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 this 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*.

<u>Reuse Outfall Number</u> 001R	<u>Location of Effluent Reuse Discharge Outfall</u> This discharge is from the Winter Storage Pond to pivot system sprinklers which will apply the treated effluent to the land.
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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(s) 001R as defined in *Part VII* of this permit.
2. Such discharges shall be limited and monitored by the permittee as specified below:
 - a. **Influent** Self-Monitoring and Reporting Requirements

Table 1: Influent - Municipal Wastewater Treatment Plant			
Self-Monitoring and Reporting Requirements¹			
Parameter	Frequency	Sample Type	Units
Total Flow	Continuous	Recorder	MGD

b. **Effluent** Limitations for Treatment Plant

Table 2: Effluent - Municipal Wastewater Treatment Plant				
	Average Monthly Discharge Limit	Average Weekly Discharge Limit	Daily Minimum	Daily Maximum
Total Flow, MGD	0.060			

(1) **Effluent Self-Monitoring and Reporting Requirements for Treatment Plant**

Table 3: Effluent - Municipal Wastewater Treatment Plant			
Self-Monitoring and Reporting Requirements ¹			
Parameter	Frequency	Sample Type	Units
Total Flow	Continuous	Recorder or calculated ^{2, 3}	MGD

3. Effective immediately and lasting the duration of this permit, the permittee is authorized to operate the treatment facilities for Outfall 001R. Such discharges shall be limited and monitored by the permittee as specified below:

a. Outfalls 001R (Type II Reuse for Land Application)

Table 4: Reuse of Treated Effluent for Land Application				
Parameter	Outfall 001R Effluent Limitations ¹			
	Average Monthly Discharge Limit	Average Weekly Discharge Limit	Daily Minimum	Daily Maximum
BOD ₅ , mg/L	25	35		
<i>E. coli</i> , No./100 mL	126			500
pH, SU			6.5	9.0
TDS, mg/L				1,000
Total Inorganic Nitrogen, mg/L				10

(1) **Self-Monitoring and Reporting Requirements for Outfall 001R (Reuse)**

Table 5: Reuse of Treated Effluent for Land Application			
Self-Monitoring and Reporting Requirements ¹			
Parameter	Frequency	Sample Type	Units
Total Flow	Continuous	Recorder or calculated ^{2, 3}	MGD
BOD ₅	Monthly	Composite ⁴	mg/L
<i>E. coli</i>	Monthly	Grab ⁴	No./100 mL
pH	Monthly	Grab ⁴	SU
TDS	Monthly	Grab ⁴	mg/L
Total Inorganic Nitrogen (TIN)	Monthly	Grab ⁴	mg/L

4. Monitoring Well 001 shall be installed at the first saturated water below ground surface with a screen interval to maintain saturated conditions throughout seasonal variations.

a. Monitoring Well 001

(1) Self-Monitoring Requirements for Groundwater at the Land Application Site

Table 6: Groundwater Monitoring Requirements			
Self-Monitoring and Reporting Requirements ¹			
Parameter	Frequency	Sample Type	Units
Depth	Biannual	Measured	ft
TDS	Biannual	Grab ⁵	mg/L
pH	Biannual	Grab ⁵	SU
<i>E. coli</i>	Biannual	Grab ⁵	No./100 mL
Total Inorganic Nitrogen (TIN)	Biannual	Grab ⁵	mg/L

5. To prevent nitrogen loading to the aquifer, the effluent must be applied to the land application site at an agronomic rate.

a. Land Application Site

Table 7: Nutrient Loading Limits for Land Application	
	Maximum
Applied Nitrogen Percent	150% of average nitrogen uptake rate from crops as calculated below in Table 8.

¹ See Part VIII of the Permit, for definition of terms.

⁵ Groundwater Sample will be taken before and after the growing season.

(1) Self-Monitoring and Reporting Requirements for Land Application Site

Table 8: Table of Land Application Site Requirements		
Crop Harvested (tons/yr)	H	As measured based on harvest records
Land Application Area (acres)	A	Total area of land application site
Annual Crop Yield Equation: $H / A = Y$		
Annual Crop Yield (tons/acre/yr)	Y	Amount of alfalfa grown per acre in one growing season
Crop Nutrient Concentration Value (lbs N/ton)	C	Amount of Nitrogen contained within the alfalfa at harvest time
Crop Nitrogen Uptake: $Y * C = NU$		
Crop Nitrogen Uptake (lbs N/acre/yr)	NU	The average of the first year of Nitrogen Uptake Rates
Average Nitrogen Uptake Rate (lbs N/acre/yr)	ANU	The average of the past three years of Nitrogen Uptake Rates
Applied Nitrogen Equation: $(TN * Q * CF / A) + F = AN$		
Treated Effluent Total Nitrogen (mg/L)	TN	As measured at 001R
Average Flow to Land Application Site (million gallons/yr)	Q	Volume of wastewater applied to the Land Application Site during growing season
Conversion Factor	CF	$8.34 \left(\frac{lb/MG}{mg/L} \right)$
Fertilizer (lbs N/acre/yr)	F	Amount (if any) of nitrogen applied as fertilizer to application site
Applied Nitrogen Percent: $AN/ANU = ANP$		
Applied Nitrogen (lbs N/acres/yr)	AN	
Applied Nitrogen Percent	ANP	Percent comparison of Applied Nitrogen to the Nitrogen Uptake Rate.

This permit requires that the Table 8 measurements and calculations be made for all wastewater land application cropping activity and be reported annually.

6. Compliance Schedule

- a. A Sampling and Analysis Plan (SAP) will be required to be submitted to DWQ within 90 days of permit issuance for review and approval.
 - (1) A project-specific SAP should address the purpose of monitoring, data quality objectives, frequency of sample collection, sample types, collection methods, analytical methods, sample handling, chain of custody, quality assurance requirements, assessment and review, record keeping, data handling, data storage, and project team roles and responsibilities.
 - (2) Please refer to DWQ's SAP checklist for a formal list of SAP requirements.
 - (3) Project-specific SAPs will be reviewed and approved by DWQ before project implementation.

<https://documents.deq.utah.gov/water-quality/monitoring-reporting/cooperative-monitoring/DWQ-2017-001770.pdf>

7. Acute/Chronic Whole Effluent Toxicity (WET) Testing

- a. A nationwide effort to control toxic discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the Utah Pollutant Discharge Elimination System Permit and Enforcement Guidance Document for Whole Effluent Toxicity Control (biomonitoring), dated February 2018. 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.

The permittee is a minor industrial facility that will be discharging an infrequent amount of effluent, in which toxicity is neither an existing concern, nor likely to be present. Also, the facility will be using land application for disposal. Based on these considerations, and the absence of receiving stream water quality monitoring data, there is no reasonable potential for toxicity in the permittee'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.

D. Operations

1. Effective immediately and lasting the duration of this permit, a SCADA system will be installed to monitor operations and to alert the operator of any malfunctions.
2. Inspections:
 - a. A State of Utah Certified Wastewater Treatment Plant Operator of at least Grade II will inspect the facility once per quarter.
 - b. An employee of the resort will inspect the facility at least once per week.

E. Management Practices for Land Application of Treated Effluent

- (1) The application of treated effluent to frozen, ice-covered, or snow-covered land is prohibited.
- (2) No person shall apply treated effluent where the slope of the site exceeds 6 percent.
- (3) The use should not result in a surface water runoff.
- (4) The use must not result in the creation of an unhealthy or nuisance condition, as determined by the local health department.
- (5) Any irrigation with treated effluent must be at least 300 feet from a potable well and must comply with R309-600 requirements.
- (6) For Type I reuse, any irrigation must be at least 50 feet from any potable water well and must comply with R309-600 requirements.
- (7) For Type II reuse, any irrigation must be at least 300 feet from any potable water well and must comply with R309-600 requirements.
- (8) For Type II reuse, spray irrigation must be at least 100 feet from areas intended for public access. This distance may be reduced or increased by the Director.
- (9) Impoundments of treated effluent must be sealed.

- (10) Public access to effluent storage and irrigation or disposal sites shall be restricted by a stock-tight fence or other comparable means which shall be posted and controlled to exclude the public

F. Reporting of Monitoring Results.

1. Reporting of Groundwater and Reuse Monitoring Results.

Monitoring results obtained during the previous month shall be summarized for each month and filed on site in a Monthly Operational Report (MOR). MORs shall be available to DWQ on request.

The biannual monitoring results from the groundwater monitoring well must only be included in the annual report. Monitoring results obtained during the previous calendar year shall be summarized and submitted in an Annual Report by May 1st. The report shall include all results culminated from Tables 1-6 in a tabular summary of the monthly minimum, average, and maximum values of all samples and analyses required by this permit. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of Signatory Requirements (see Part VII.G), and submitted to the Division of Water Quality via the Division of Water Quality – Water Quality Electronic Submissions portal at:

<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>

With e-Delivery Submittal Purpose of Submission:

Emery Valley Sewer Annual Report – Operating Permit No. UTOP9004.

2. A Sampling and Analysis Plan (SAP) will be required to be submitted to DWQ within 90 days of permit issuance for review and approval.

The SAP shall be signed and certified in accordance with the requirements of Signatory Requirements (see Part VII.G), and submitted to the Division of Water Quality via the Division of Water Quality – Water Quality Electronic Submissions portal at:

<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>

With e-Delivery Submittal Purpose of Submission:

Emery Valley Sewer SAP – Operating Permit No. UTOP9004.

II. BIOSOLIDS REQUIREMENTS

The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. Emery Valley Sewer must apply for a biosolids permit by completing *Part I and Part VIII. Biosolids Information* in the UPDES Municipal POTW Permit Application on the Utah DWQ Website:

<https://documents.deq.utah.gov/water-quality/surface-water/updes/DWQ-2019-012792.pdf>.

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III. PRETREATMENT REQUIREMENTS

A. Definitions. For this section the following definitions shall apply:

1. *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.
2. *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 NPDES 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.
3. *Local Limit* is defined as a limit designed to prevent pass through and/or interference. And is developed in accordance with 40 CFR 403.5(c).
4. *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).
5. *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.
6. *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.

7. *User or Industrial User (IU)* means a source of Indirect Discharge

B. Pretreatment Monitoring and Reporting Requirements.

- 1. Because the wastewater treatment facility is not a POTW the permittee will not be required to develop an approved industrial pretreatment program. However, in order to determine the need for pretreatment assistance, the permittee shall conduct an **industrial waste survey**, as described in *Part III.C.1*, and submit it to the Director within **sixty (60) calendar days** of the effective date of this permit.
- 2. Monitoring will not be required of the permittee at this time. If changes occur monitoring may be required for parameters not currently listed in the permit or current monitoring requirements may be required to be increased to determine the impact of an industrial user or to investigate sources of pollutant loading. This could include but is not limited to sampling of the influent and effluent of the wastewater treatment plant and within the collection system.

C. Industrial Wastes.

- 1. The "Industrial Waste Survey" as required by *Part III.B.1*. consists of;
 - a. Identifying each industrial user (IU) and determining if the IU is a significant industrial user (SIU),
 - b. Indicate if the IU has the potential to discharge process wastewater,
 - c. Determination of the qualitative and quantitative characteristics of each discharge, and
 - d. Appropriate production data.
- 2. The IWS must be maintained and updated with IU information as necessary, to ensure that all IUs are properly controlled at all times. Updates must be submitted to the Director sixty (60) days following a change to the IWS.
- 3. It is recommended that the permittee do the following:
 - a. Evaluate all significant industrial users at least once every two years to determine if they need to develop a slug prevention plan. If a slug prevention plan is required, the permittee shall notify the Director.
 - b. Notify all industrial users of their obligation to comply with applicable requirements under *Subtitles C and D* of the *Resource Conservation and Recovery Act (RCRA)*.
 - c. Report to the Director any challenges with inspecting or notifying industrial users of pretreatment requirements.
- 4. 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.

- D. General and Specific Prohibitions. The permittee should 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 should notify the Director within 24 hours of the event. The general prohibitions and the specific prohibitions apply to each User introducing pollutants into a POTW whether or not the User is subject to other Pretreatment Standards or any national, State or local Pretreatment Requirements. The general prohibitions and the specific prohibitions apply to each User introducing pollutants into a POTW whether or not the User is subject to other Pretreatment Standards or any national, State or local Pretreatment Requirements.
1. General prohibition Standards. The permittee may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph 2. of this section apply to the introducing pollutants into a POTW whether or not the permittee is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.
 2. Specific Prohibited Standards. Developed 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 User (*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.
 - i. Any pollutant that causes pass through or interference at the POTW.

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- j. Any prohibited standard which the permittee has adopted in an ordinance or rule to control IU discharge to the POTW.
 - k. 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. Categorical Standards. In addition to the general and specific limitations expressed in Part II. D. of this section, applicable National Categorical Pretreatment Standards must be met by all industrial users discharging into a POTW. These standards are published in the federal regulations at 40 CFR 405 through 471.
- F. Discharge to POTW. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of The Water Quality Act of 1987, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at 40 CFR 403, the State Pretreatment Requirements at UAC R317-8-8, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters. At a minimum the discharge, into a POTW, must meet the requirements of Part II of the permit.
- G. Hazardous Waste Notification. 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 261. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).
- H. 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).

- I. Change of Conditions. At such time as a specific pretreatment limitation becomes applicable to an industrial user of the permittee, the Director may, as appropriate, do the following:
1. Amend the permittee's UPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;
 2. Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the *General Pretreatment Regulations* at 40 CFR 403; and/or,
 3. Require the permittee to monitor its discharge for any pollutant, which may likely be discharged from the permittee's facility, should the industrial user fail to properly pretreat its waste.
 4. Require the permittee to develop an approved pretreatment program.
- J. Legal Action. The Director retains, at all times, the right to take legal action against the industrial user and/or the treatment works, in those cases where a permit violation has occurred because of the failure of an industrial user 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.

IV. STORM WATER REQUIREMENTS.

A. Industrial Storm Water Permit. Based on the type of industrial activities occurring at the facility, the permittee may be 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). The Utah Administrative Code (UAC) R-317-8-3.9 requires storm water permit provisions to include the development of a storm water pollution prevention plan for wastewater treatment facilities if the facility meets one or both of the following criteria.

1. Wastewater treatment facilities with a design flow of 1.0 MGD or greater, and/or,
2. Wastewater treatment facilities with an approved pretreatment program as described in 40 CFR Part 403,

Emery Valley Sewer does not meet either of the above criteria; therefore, this permit does not include storm water provisions. The permit does however include a storm water re-opener provision.

B. Construction Storm Water Permit. Any construction at the facility that disturbs an acre or more of land, including less than an acre if it is part of a common plan of development or sale, is required to obtain coverage under the UPDES Construction General Storm Water Permit (UTRC00000). Permit coverage must be obtained prior to land disturbance. If the site qualifies, a Low Erosivity Waiver (LEW) Certification may be submitted instead of permit coverage.

PART V
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MONITORING, RECORDING AND REPORTING REQUIREMENTS

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. Sample for reuse shall be collected after the storage reservoir prior to being pressurized in to the irrigation system. 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 Annual Reports 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:
- i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) and time(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and,
 - vi. 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 permit must be maintained on site during the duration of activity at the permitted location

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MONITORING, RECORDING AND REPORTING REQUIREMENTS

H. Twenty-four Hour Notice of Noncompliance Reporting.

- i. 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.
- ii. 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:
 1. Any noncompliance which may endanger health or the environment;
 2. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
 3. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
 4. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
 5. Violation of any of the metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
- iii. 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:
 1. A description of the noncompliance and its cause;
 2. The period of noncompliance, including exact dates and times;
 3. The estimated time noncompliance is expected to continue if it has not been corrected;
 4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 5. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
- iv. 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.

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MONITORING, RECORDING AND REPORTING REQUIREMENTS

- v. 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:
- i. 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;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - iii. 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;
 - iv. 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,
 - v. 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.
- i. 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.

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COMPLIANCE RESPONSIBILITIES**

ii. Prohibition of Bypass.

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - b. 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
 - c. The permittee submitted notices as required under *section VI.G.3*.
2. 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)*.

iii. Notice.

1. *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:
 - a. Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - b. 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;
 - c. Description of specific measures to be taken to minimize environmental and public health impacts;
 - d. A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
 - e. 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,
 - f. Any additional information requested by the Director.

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2. *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.
3. *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.

- i. 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.
- ii. 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:
 1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting;* and,
 4. The permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate.*
- iii. 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.
 - i. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 - ii. 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:
 - 1. The authorization is made in writing by a person described above and submitted to the Director, and,

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GENERAL REQUIREMENTS**

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- iii. 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.
- iv. 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

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GENERAL REQUIREMENTS**

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:
- i. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
 - ii. 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,
 - iii. 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:
- i. Water Quality Standards for Waters of the State to which the permittee discharges or Reuse Standards are modified in such a manner as to require different effluent limits than contained in this permit.
 - ii. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
 - iii. 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 or federal regulations.

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- Q. Storm Water-Reopener Provision. At any time during the duration (life) 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 reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".
- R. 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.

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VIII. DEFINITIONS

A. Wastewater.

- i. 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.
- ii. 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.
- iii. "Act," means the *Utah Water Quality Act*.
- iv. "Acute toxicity" occurs when 50 percent or more mortality is observed for either species at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.
- v. "Aquifer Classification" R317-6 define ground water classes based on existing ground water quality, establish allowable levels of contaminants based on ground water class, and define procedures for formal classification of aquifers.
- vi. "BOD" means 5-day, 20 degrees C. biochemical oxygen demand.
- vii. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
- viii. "Chronic toxicity" occurs when during a chronic toxicity test, the 25% inhibition concentration (IC₂₅) calculated on the basis of test organism survival and growth, or survival and reproduction, is less than or equal to the effluent dilution designated as the receiving water concentration (RWC).
- ix. "IC₂₅" is a point estimate of the toxicant concentration that would cause a 25% reduction in a biological measurement of the test organism, such as reproduction or growth.

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DEFINITIONS

- x. “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:
1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 2. 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;
 3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,
 4. Continuous sample volume, with sample collection rate proportional to flow rate.
- xi. “CWA,” means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
- xii. “Daily Maximum” (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
- xiii. “EPA,” means the United States Environmental Protection Agency.
- xiv. “Director,” means Director of the Division of Water Quality.
- xv. A “grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
- xvi. An “instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
- xvii. “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.
- xviii. “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.