



**Agency Comment Response on Draft UPDES Permit for
General Permit For Treated Ground Water and Surface Water
Permit No.: UTG790000**

Comment Number	Commenter	Permit Part	Comment	DWQ Response
1	Margaret Kennedy EPA	I.D.4	On page 7/26 of the PDF'd Permit the following paragraph is included: "Effective immediately, and lasting through the life of this permit, there shall be no acute or chronic toxicity from all outfalls identified in the approved NOI, as defined in Part VII, and determined by test procedures described in this permit" - this paragraph appears to effectively be a narrative limit for Whole Effluent Toxicity (WET). Likewise, the permit's Toxicity Reopener provision (pg. 19/26 in the permit) states that permittees may be subject to WET limits based on discharge monitoring results. There are currently no WET monitoring requirements included in the permit that would enable the state to determine compliance with the narrative limit or that would provide data that would enable the state to determine if the Toxicity Reopener provision has been triggered	DWQ does not plan to require WET testing because the coverage under this permit will not be granted for greater than 12 months. UAC R317-2-3.5(b) "the water quality effects of the proposed activity are expected to be temporary and limited. As general guidance, CWA section 402 general discharge permits, CWA Section 404 general permits, or activities of short duration, will be deemed to have a temporary and limited effect on water quality where there is a reasonable factual basis to support such conclusion" have been met. DWQ has updated language to clarify the requirements regarding toxicity.
2	Margaret Kennedy EPA	I.D.4	During our call we also clarified that UT DEQ plans to include limits for lead that are based on the criteria in R317-2-14: 0.015 mg/L for Class 1C waters and .1mg/L for all other Classes. The previous permit writer had left some typos / conflicting info in the draft permit.	Typos in the permit corrected to "The freshwater benchmarks values of some metals are dependent on water hardness. These effluent limits have been calculated using an assumption of 25mg/l CaCO3 hardness.."
3	Margaret Kennedy EPA	I.D.4	On Table 3 in the permit (pg. 6/26) footnote 'e' reads: "Measurement frequency of two times per month is required for non-batch discharges. Single event, or non-batch discharges, only need to be sampled once per month."	Typos in the permit corrected to "Measurement frequency of two times per month is required for non-batch discharges. Single event, or batch discharges, only need to be sampled once per month"

4	Margaret Kennedy EPA	Fact Sheet/Statement of Basis	On page 2/10 of the FSSOB the following statement is made regarding antidegradation: "A Level II Antidegradation Review (ADR) per UAC R317-2-3 evaluated typical conditions of a project based on cleanup of legacy petroleum contamination for project duration, effluent quality, and effluent quantity."	Language regarding ADR was removed. A Level II Antidegradation Review (ADR) per UAC R317-2-3 was not completed because the conditions of UAC R317-2-3.5(b) "the water quality effects of the proposed activity are expected to be temporary and limited. As general guidance, CWA section 402 general discharge permits, CWA Section 404 general permits, or activities of short duration, will be deemed to have a temporary and limited effect on water quality where there is a reasonable factual basis to support such conclusion" have been met. Coverage under this permit will not be granted for greater than 12 months
5	Margaret Kennedy EPA	Fact Sheet/Statement of Basis	Under the "Significant Changes" section of the FSSOB (page 9/10 in document), the permit writer explains that the facility flow limit was increased from 100 gallons per minute to 1 million gallons per day citing the following: "The flow limitation is based on the EPA's definition of major and minor facilities under the National Pollutant Discharge Elimination System (NPDES) program." During the call UT DEQ clarified that the change was made because the previous flow limit was based on a WLA developed for a specific receiving water and therefore was not appropriate for use in a general permit which authorizes discharges to certain categories of waters. We discussed how this finding aligns with the anti-backsliding requirements in 40 CFR 40 CFR 122.44 (l)(2)(i) as well as similar provisions in Utah state code.	According to UAC R317-8-4.2(11)(c) Exceptions-A permit with respect to which Subsection R317-8-2(11)(b) applies may be renewed, reissued or modified if the Director determines that technical mistakes or mistaken interpretations of law were made in issuing the permit.
6	Margaret Kennedy EPA		We discussed the recently published draft Method 1633, a single-laboratory validated method to test for 40 PFAS compounds in several environmental media including wastewater, surface water, and groundwater. While the method is not nationally required for CWA compliance monitoring until EPA has promulgated it through rulemaking, it is recommended now for use in individual permits.	DWQ does not plan to include PFAS monitoring during this renewal.