

**Official Draft Public Notice Version May 24, 2022.**

**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) PERMIT

**GENERAL PERMIT FOR TREATED GROUND WATER AND SURFACE WATER**

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

**FACILITY NAME LOCATED ON THE SIGNED NOI**

is hereby authorized to discharge from its contaminated water treatment system identified in the *Notice of Intent* (NOI), issued coverage number **ASSIGNED BY DIVISION OF WATER QUALITY ON THE SIGNED NOI** under this general permit to receiving waters named:

**RECEIVING WATER AS SPECIFIED ON THE SIGNED NOI**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

**This permit shall become effective on Month , 2021**

**This permit expires at midnight on Month , 2026**

**Signed this      day of      , 2021**

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John K. Mackey, P.E.  
Interim Director

DWQ-2022-012325

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**ACRONYMS**

- ADR – Antidegradation Review
- BMP – best management practice
- BTEX – benzene, toluene, ethylbenzene, xylene
- CCP – Common Plan Permit
- CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
- CFR – Code of Federal Regulations
- CGP – General Permit for Storm Water Discharges from Construction Sites
- CWA – Clean Water Act
- DMR – discharge monitoring report
- DWQ – Division of Water Quality
- EPA – U.S. Environmental Protection Agency
- EPCRA – Emergency Planning and Community Right-to-Know Act
- IU – Industrial User
- MCL – maximum contaminate level
- Mg/L – milligrams per liter
- MGD – millions of gallons per day
- MTBE – methyl-tertiary-butyl-ether
- NOI – Notice of Intent
- POTW – Publicly Owned Treatment Works
- RCRA – Resource Conservation and Recovery Act
- RWC – receiving water concentration
- SIU – Significant industrial user
- SU – standard units
- SWDA – Solid Waste Disposal Act
- SWPPP – Storm Water Pollution Prevention Plan
- TDS – total dissolved solids
- TIE – toxicity identification evaluation
- TMDL – total maximum daily load
- TPH – total petroleum hydrocarbon
- TRE – toxicity reduction evaluation
- TSS – total suspended solids
- TTO – total toxic organics
- UAC – Utah Administrative Code
- UCA – Utah Code Annotated
- UPDES – Utah Pollutant Discharge Elimination System
- VCP – Voluntary Cleanup Program

**I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS**

A. Coverage Under the General Permit. This general UPDES permit shall apply to discharges of treated ground water and surface water that have been contaminated by operations located in the State of Utah.

1. The permittee is authorized to discharge under the terms and conditions of this permit after submission of a completed Notice of Intent (NOI) and Division of Water Quality (DWQ) authorization of coverage between an effective date and an expiration date. A completed NOI consists of either a letter containing the information listed in Part I.E or using the NOI form included on DWQ's website<sup>1</sup> with all relevant spaces filled out. The NOI should be submitted to the DWQ's electronic document portal <https://deq.utah.gov/water-quality/water-quality-electronic-submissions> or to the following address:

Department of Environmental Quality  
Division of Water Quality  
195 North 1950 West  
PO Box 144870  
Salt Lake City, UT 84114-4870

B. Description of Discharge Point(s). The authorization to discharge treated water provided under this Part is limited to those outfalls specifically designated within the approved NOI. Discharges at any location not authorized under a UPDES permit are violations of the Utah Water Quality Act (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. No discharges to Category 1 or 2 (as defined by Utah Administrative Code [UAC] Section R317-2-3) waters will be authorized under this permit. Treated groundwater discharge that is land-applied and does not reach state waters or the storm drain is not regulated under this permit.

C. 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.

D. Limitations and Self-Monitoring Requirements for Discharges.

1. Coverage: Authorization for discharges under this Part is applicable to Category 3 receiving waters.
2. Alternative Methods of Disposal: For discharges to Category 3, Class 1C waters, the permittee must demonstrate that surface water disposal is the least degrading disposal alternative or the only feasible disposal alternative. The suggested method of demonstration is an engineering report to DWQ detailing what if any, alternative methods of disposal are available and a brief economic analysis of each alternative identified.

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<sup>1</sup> <https://deq.utah.gov/water-quality/updes-permitting-program#general>

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3. Antidegradation: Coverage under this permit is being granted based on a temporary and limited nature of the discharge. Thus, coverage under this permit will not be granted for greater than 12 months. Permittees anticipating discharging for more than 12 months are required to obtain an individual UPDES permit.
4. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from all outfalls identified in the approved NOI. Such discharges shall be limited and monitored by the permittee as specified below:

<b>Table 1. Effluent Limitations</b>				
Effluent Characteristics <sup>b, c</sup>	Effluent Limitations <sup>a</sup>			
	Daily Minimum	Daily Maximum	Average Weekly <sup>d</sup>	Average Monthly <sup>d</sup>
Flow, million gallons per day (mgd)		1 <sup>e</sup>		
pH, standard units (SU)	6.5	9.0		
Total Suspended Solids (TSS), mg/L		70	35	25
Total Dissolved Solids (TDS), mg/L		1,200 <sup>f</sup>		
Total Recoverable Lead, mg/L		0.005 <sup>g</sup>		
Oil & Grease, mg/L <sup>h</sup>		10		
Benzene, mg/L		0.005		
BTEX, mg/L <sup>i</sup>		0.1		
MTBE, mg/L		0.2		
Naphthalene, mg/L		0.7		
Total Toxic Organics (TTO) mg/L		2.0 <sup>j</sup>		
Individual Toxic Organics		<sup>k</sup>		
Total Petroleum Hydrocarbon (TPH) GRO, mg/L <sup>l</sup>		1.0		
TPH-DRO, mg/L <sup>l</sup>		1.0		

a. See Definitions, Part VII.A for definition of terms.

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

c. There shall be no discharge of sanitary wastes or process water other than the treated ground water.

d. Average Weekly and Average Monthly Effluent Limitations will not apply if discharge occurs only once during project coverage as a continuous discharge not lasting more than 48 hours.

e. The daily maximum represents the maximum flow allowed for all outfalls combined, per day.

f. In addition to the TDS concentration limitation, facilities discharging into watersheds within the Colorado River Basin shall not discharge more than 1.0 ton per day of TDS as a sum from all discharge points. It is the responsibility of the permittee to maintain annual TDS loading information and submit it to the Director.

g. The freshwater benchmarks values of some metals are dependent on water hardness. These effluent limits have been calculated using an assumption of 25mg/l CaCO<sub>3</sub> hardness.

h. No visible sheen or floating solids are permitted.

i. BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes.

j. TTOs combined shall not exceed 2.0 mg/L. No individual toxic organic shall exceed numeric criteria as defined in R317-2-14, or if no numeric criteria exists in R317-2-14, the MCL as defined by EPA.

k. Those toxic organics that were detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-1, or if no numeric criterial exists in R317-2-14, 0.25 times (or 25%) the drinking water MCL as defined by EPA, in the initial TTO influent screening will be required to be analyzed for during discharge. Toxic organics detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14 shall have discharge limitations as defined in R317-2-14, or, if no numeric criteria exists in R317-2-14, the MCL as defined by EPA will be the limit. Individual toxic organics required to be monitored and analyzed on a monthly basis will be specified in the DWQ section of the NOI upon permit issuance.

l. **Not applicable for Class 1C waters.** TPH-GRO and TPH-DRO analyses may be substituted for the TTO analyses upon approval from DWQ. Maximum daily effluent limitations of 1.0 mg/L TPH-GRO and TPH-DRO will be substituted for the TTO effluent limitation. It is the permittee's responsibility

to petition the Director. Ongoing treatment systems will be required to conduct at least one TTO analysis per permit cycle. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.

<b>Table 2. Influent Monitoring Requirements</b>		
Influent Characteristics	Monitoring Requirements <sup>a</sup>	
	Measurement Frequency	Sample Type
TTOs	Prior to submission of the NOI <sup>b</sup>	Grab
<p>a. See Definitions, Part VII.A for definition of terms.</p> <p>b. A source sample analyzed for TTOs must be included in all NOIs.</p>		

<b>Table 3. Effluent Monitoring Requirements</b>		
Effluent Characteristics <sup>b, c</sup>	Monitoring Requirements <sup>a</sup>	
	Measurement Frequency	Sample Type
Flow, mgd	2/Month <sup>e</sup>	Measured
pH, SU	2/Month <sup>e</sup>	Measured
TSS, mg/L	Monthly	Grab
TDS, mg/L	Monthly	Grab
Total Recoverable Lead, mg/L	Monthly	Grab
Oil & Grease, mg/L	Monthly	Grab
Benzene, mg/L	2/Month <sup>e</sup>	Grab
BTEX, mg/L <sup>d</sup>	2/Month <sup>e</sup>	Grab
MTBE, mg/L	2/Month <sup>e</sup>	Grab
Naphthalene, mg/L	Monthly	Grab
TTOs	Monthly	Grab
Individual Toxic Organics	Monthly	Grab
TPH-GRO, mg/L <sup>f</sup>	Monthly	Grab
TPH-DRO, mg/L <sup>f</sup>	Monthly	Grab
<p>a. See Definitions, Part VII.A for definition of terms.</p> <p>b. There shall be no visible sheen or floating solids or visible foam other than in trace amounts.</p> <p>c. There shall be no discharge of sanitary wastes or process water other than the treated ground water and/or treated surface water.</p> <p>d. BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes</p> <p>e. 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.</p> <p>f. <b>Not applicable for Class 1C waters.</b> TPH-GRO and TPH-DRO analyses may be substituted for the TTO analyses upon approval from DWQ. Maximum Daily Effluent limitations of 1.0 mg/L TPH-GRO and TPH-DRO will be substituted for the TTO effluent limitation. It is the permittee's responsibility to petition the Director. Ongoing treatment systems will be required to conduct at least one TTO analysis per permit cycle. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.</p>		

5. Additional monitoring shall be required for facilities that discharge into waterbodies on the most recent Utah state 303(d) list of impaired waters<sup>2</sup>. These facilities shall be required to

<sup>2</sup> The DWQ's most recent Integrated Report can be found on the DWQ website <https://deq.utah.gov/division-water-quality>, under "Integrated Report Program". EPA requires the DWQ to update and resubmit the Integrated Report every two years and as such, the latest report can be found at the link provided above.

monitor monthly for the pollutant(s) that contribute to the impairment for these waters. Discharge limitations for pollutants are defined in R317-2-14. Pollutant(s) required to be monitored and sampled for on a monthly basis will be specified in the DWQ section of the NOI.

6. Additional monitoring shall be required for facilities where metals are detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14 (and also shown in Table 4 below), as identified in Part IV of the NOI. Such facilities shall be required to monitor and limit discharges for metals as specified below:

<b>Table 4. Metal Effluent Limitations</b>	
Effluent Characteristics <sup>b, c</sup>	Effluent Limitations (mg/L) <sup>a</sup>
Arsenic	0.01 / 0.10 <sup>d</sup>
Barium	1.0
Beryllium	0.0004 <sup>e</sup>
Total Recoverable Cadmium <sup>g</sup>	0.026
Chromium	0.05 / 0.10 <sup>f</sup>
Total Recoverable Copper <sup>g</sup>	0.003
Mercury	0.002
Selenium	0.05
Total Recoverable Silver <sup>g</sup>	0.05
Total Recoverable Zinc <sup>g</sup>	0.04
<p>a. See Definitions, Part VII.A for definition of terms.</p> <p>b. There shall be no visible sheen or floating solids or visible foam other than in trace amounts.</p> <p>c. There shall be no discharge of sanitary wastes or process water other than the treated ground water.</p> <p>d. Daily effluent concentrations shall not exceed 0.01 mg/L in <b>Class 1C waters</b>. Daily effluent concentrations shall not exceed 0.10 mg/L in <b>all other waters</b>.</p> <p>e. This limit applies only to <b>Class 1C Waters</b>.</p> <p>f. Daily effluent concentrations shall not exceed 0.05 mg/L in <b>Class 1C waters</b>. Daily effluent concentrations shall not exceed 0.10 mg/L in <b>all other waters</b>.</p> <p>g. 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.</p>	

7. All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, streambeds, or ditches.

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. The director may request acute Whole Effluent Toxicity (WET) testing if there is reason to believe that toxicity is present based on the results of required monitoring or in the event of a fish kill.

E. NOI Requirements

The NOI requires the following information:

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1. Permittee Contact Information – Name, address, telephone number, email. Used for all permit correspondence.
2. Owner Contact Information – Name, address, telephone number, email.
3. Project Site Location and Contact Information – Project site location and name and telephone number of the individual in charge of operation of the facility.
4. Description of cleanup site, source contamination, and brief description of the type of activity resulting in the discharge.
5. Map of site extending to at least 1 mile beyond the property boundaries including all surface water bodies and discharge locations.
6. Start date and end date of when discharge of treated ground water and/or treated surface water will occur.
7. Identify the discharge points by GPS. Identify what conveyance systems will be involved, such as storm drains. Note: discharges to storm drains must be approved by the storm drain authority/owner.
8. Name of receiving water(s) being discharged to and if they are located within the Colorado River Basin.
9. Identify the receiving water designated uses<sup>3</sup>. Contact DWQ staff if assistance is needed identifying receiving waters and uses.
10. Identify if the project is part of the Utah Voluntary Cleanup Program (VCP).
11. List of actual or estimated, per Part I.D, concentrations of pollutants in the influent and effluent of the treatment system. Any additional information required by Part I.D of this permit based on the receiving water's designated uses.
12. Detailed design of any contaminated water treatment system. This shall include the anticipated rate of discharge, a contaminant mass balance, and a flow diagram.
13. Signature of owner, operator, or authorized agent (see Part V.G, Signatory Requirements) and the following certification statement:

*"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."*

F. Requiring an Individual Permit, Groundwater Permit or an Alternative General Permit.

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<sup>3</sup> Designated uses can be found in UAC R317-2-13, and also on DWQ's online mapper: <http://mapserv.utah.gov/surfacewaterquality/>



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1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual UPDES permit or an alternative UPDES general permit. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual UPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual UPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address of the DWQ shown in Part I.A of this permit. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual UPDES permit application as required by the Director, then the applicability of this permit to the individual UPDES permittee is automatically terminated at the end of the day specified for application submittal.
  2. Any treated water discharge that is land-applied and does not reach state waters or the storm drain is not regulated under the Treated Groundwater and Surface Water General Permit, although a DWQ Groundwater Section permit may be required.
  3. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual permit application in accordance with the requirements of UAC R317-8-3 with reasons supporting the request, to the Director at the address for the DWQ in Part I.A of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
  4. When an individual UPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative UPDES general permit, the applicability of this permit to the individual UPDES permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual UPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative UPDES general permit, the applicability of this permit to the individual UPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.
- G. Reporting of Treated Water Monitoring Results.  
Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report (DMR) Form or entered into NetDMR, no later than the 28th day of the month following the completed reporting period. If no discharge occurs, “**No Discharge**” shall be reported. Legible copies of these, and all other reports test reports required herein, shall be signed and certified in accordance with the requirements of Signatory Requirements (see Part V.G), and submitted by NetDMR, or to the DWQ at the following address:

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

## **II. STORM WATER REQUIREMENTS**

Storm water permit requirements are not covered under this permit. Coverage under the UPDES General Permit for Storm Water Discharges from Construction Sites (CGP) (UTRC00000) or the UPDES General Permit for Construction Activity Connected with Single Lot Housing Projects (Common Plan Permit [CPP]) (UTRH00000) is required for projects which disturb greater than one acre or less than one area if part of a common plan of development. These sites must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) utilizing Best Management Practices (BMPs) for the control of storm water runoff. All sites disturbing 1 acre or greater or less than one area if part of a common plan of development are required to submit a NOI with the State prior to any disturbance. The permit may be waived for small construction sites that disturb between 1 to 5 acres with a “R” factor of less than 5 (Erosivity Waiver). All point source discharges will be required to place velocity dissipation devices at discharge locations along the length of any outfall channel as necessary to insure non-erosive velocity flow from the structure to water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water). A copy of the construction permits and application for Erosivity Waiver can be viewed and downloaded at the Division of Water Quality website at <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>.

### **III. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS**

- A. Representative Sampling. Discharge points shall be designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and prior to discharge to state waters. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by the Director. The permittee shall provide access to the Division to sample the discharge at these points.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under UAC R317-2-10 and 40 CFR Part 503, unless other test procedures have been specified in this permit.
- C. Flow Measuring Device. At the request of DWQ, the permittee shall show proof of the accuracy of any flow-measuring device or method used in obtaining data submitted in the monitoring report. The flow-measuring device must indicate values within ten (10%) percent of the actual flow being discharged from the facility.
- D. Analytical and Sampling Methods for Monitoring and Reporting. The permittee shall install, calibrate, use and maintain monitoring methods and equipment, including biological and indicated pollutant monitoring methods. All sampling shall be performed by the permittee according to specified methods in 40 CFR Part 136; methods approved by EPA pursuant to 40 CFR Part 136; or methods approved by the Director, in the absence of a method specified in or approved pursuant to 40 CFR Part 136.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

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- I. 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.
- J. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall (orally) report any noncompliance including transportation accidents, and spills 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 DWQ, (801) 536-4300, or 24-hour answering service (801) 536-4123.
  2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
    - a. Any noncompliance which may endanger health or the environment;
    - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (see Part IV.G, Bypass of Treatment Facilities);
    - c. Any upset which exceeds any effluent limitation in the permit (see Part IV.H, Upset Conditions);
    - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
    - e. Violation of any of the Table 1 or Table 4 (if applicable) 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 (5) 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 DWQ, (801) 536-4300.

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5. Reports shall be submitted to the addresses in Part I.G, Reporting of Monitoring Results.
- K. 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 III.H.
- L. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
  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.
  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.

#### **IV. 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 IV.G, Bypass of Treatment Facilities and Part IV.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 and residuals removed in the course of treatment shall be disposed in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge, filter backwash, and other concentrated streams shall not directly enter either the final treated water 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.

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- a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
  - (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 Part IV.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 Part IV.G.2.a (1), (2) and (3).

3. Notice.

- a. *Anticipated bypass.* Except as provided above in Part IV.G.2 and below in Part IV.G.3.b, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety (90) 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 (90) 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 Part IV.G.3.a.(1) through (6) to the extent practicable.

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- c. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Director as required under Part III.J, Twenty-four Hour Notice of Noncompliance Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

1. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance 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 III.J, Twenty-four Hour Notice of Noncompliance Reporting; and,
  - d. The permittee complied with any remedial measures required under Part IV.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.

- I. Industrial Pretreatment. Any treated waters 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 treated waters. In addition, in accordance with 40 CFR 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 is otherwise disposed 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).



**V. 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 having overall responsibility for environmental matters. A duly authorized

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representative may thus be either a named individual or any individual occupying a named position.

3. Changes to Authorization. If an authorization under Part V.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 Part V.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. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include, WET limitations, a compliance date, a compliance schedule, a change in the whole effluent toxicity (biomonitoring) protocol, additional or modified numerical limitations, or any other conditions related to the control of toxicants if one or more of the following events occur:
1. Toxicity is detected, as per Part I.D.7.a of this permit, during the duration of this permit.
  2. The TRE results indicate that the toxicant(s) represent pollutant(s) or pollutant parameter(s) that may be controlled with specific numerical limits, and the Director concludes that numerical controls are appropriate.
  3. Following the implementation of numerical control(s) of toxicant(s), the Director agrees that a modified biomonitoring protocol is necessary to compensate for those toxicants that are controlled numerically.
  4. The TRE reveals other unique conditions or characteristics, which in the opinion of the permit issuing authority justify the incorporation of unanticipated special conditions in the permit.
- Q. Storm Water. Storm water permit requirements are not covered under this permit. Coverage under the UPDES General Permit for Storm Water Discharges from Construction Sites (CGP)

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(UTRC00000) or the UPDES General Permit for Construction Activity Connected with Single Lot Housing Projects (Common Plan Permit (CPP)) (UTRH00000) is required for projects which disturb greater than one acre or less than one area if part of a common plan of development. These sites must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) utilizing Best Management Practices (BMP) for the control of storm water runoff. All sites disturbing 1 acre or greater or less than one area if part of a common plan of development are required to submit a Notice of Intent (NOI) with the State prior to any disturbance. The permit may be waived for small construction sites that disturb between 1 to 5 acres with a "R" factor of less than 5 (Erosivity Waiver). All point source discharges will be required to place velocity dissipation devices at discharge locations along the length of any outfall channel as necessary to insure non-erosive velocity flow from the structure to water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water). A copy of the construction permits and application for Erosivity Waiver can be viewed and downloaded at the Division of Water Quality website at <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>.

## VI. INDUSTRIAL PRETREATMENT REQUIREMENTS

### A. Discharge to POTW.

1. Any treated water 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 POTW accepting the treated water.
2. To discharge into a POTW, the permittee must
  - a. Contact the Director 10 days prior for approval,
  - b. Meet the requirements of Part VI B., C., and D,
  - c. Meet any local discharge requirements per the POTW accepting the waste, and
  - d. Receive written approval from the POTW accepting the waste.

B. Hazardous Waste Notification. The permittee must notify the POTW, the EPA Regional Waste Management Director, the Director and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed 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).

### C. General and Specific Prohibitions.

1. *General Prohibitions.* 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 Prohibitions.* The following pollutants shall not be introduced into a POTW:
  - a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams 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;

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- 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, nonbiodegradable 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;
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW;  
or
  - i. Any pollutant that causes pass through or interference at the POTW.
  - j. Any specific pollutant which exceeds any local limitation established by the POTW.
- D. Categorical Standards. In addition to the general and specific limitations expressed in Part II. C. 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.

**VII. DEFINITIONS**

A. Treated water

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 DMR 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 “LC50”).
5. “Bypass,” means the diversion of waste streams from any portion of a treatment facility.
6. “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:
  - 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.
7. “Chronic toxicity” occurs when the  $IC_{25} < 100\%$  effluent. The 100% effluent is the concentration of the effluent in the receiving water, at the end of the mixing zone expressed as per cent effluent.

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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. "CWA," means The Federal Water Pollution Control Act, as amended, by The Clean Water Act of 1987.
10. "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
11. "EPA," means the United States Environmental Protection Agency.
12. "Director," means Director of the Division of the Utah Division of Water Quality.
13. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
14. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES permit (other than the UPDES permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated ground water (including dewatering ground water infiltration), foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown where there are no chemical or abrasive additives, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate.
15. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
16. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
17. "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.
18. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313;



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fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

19. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR 110.10 and 40 CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).
20. "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.

**B. Storm Water**

1. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**C. Industrial Pretreatment Requirements**

1. "Indirect Discharge" means the introduction of pollutants into a 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. "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).
4. "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

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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 treated water 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.

5. “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.
6. “User or Industrial User (IU)” means a source of Indirect Discharge.