

Official Draft Public Notice Version **January 14, 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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Industrial Permit No. UTP000059

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

PITMAN FAMILY FARMS, INC

is hereby authorized to discharge from its facility located at 350 South 300 West, Morori, Utah, Outfall 001 located at latitude: 39.518816, longitude: -111.594372, to the Morori City Publicly Owned Treatment Works (POTW) in accordance with discharge point, effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on March 1, 2021.

This permit and the authorization to discharge shall expire at midnight February 29, 2024.

Signed this **XXth** day of February, 2021.

Erica Brown Gaddis, PhD
Director

DWQ-2020-023184

Table of Contents

Outline	Page Number
I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS.....	1
A. Description of Discharge Points	1
B. Narrative Standard	1
C. Prohibited Discharge Requirements.....	1
D. Specific Limitations and Self-Monitoring Requirements	2
E. Reporting of Monitoring Results.....	3
II. INDUSTRIAL PRETREATMENT REQUIREMENTS.....	9
III. BIOSOLIDS REQUIREMENTS.....	12
IV. STORM WATER REQUIREMENTS	13
V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS	14
A. Representative Sampling	14
B. Monitoring Procedures.....	14
C. Penalties for Tampering.....	14
D. Compliance Schedules.....	14
E. Additional Monitoring by the Permittee	14
F. Records Contents.....	14
G. Retention of Records	14
H. Twenty-four Hour Notice of Noncompliance Reporting.....	14
I. Other Noncompliance Reporting.....	15
J. Inspection and Entry	15
K. Notification to the POTW.....	16
VI. COMPLIANCE RESPONSIBILITIES	17
A. Duty to Comply	17
B. Penalties for Violations of Permit Conditions	17
C. Need to Halt or Reduce Activity not a Defense.....	17
D. Duty to Mitigate.....	17
E. Proper Operation and Maintenance.....	17
F. Removed Substances.....	17
G. Bypass of Treatment Facilities	17
H. Upset Conditions	19
I. Toxic Pollutants.....	19
J. Changes in Discharge.....	19
VII. GENERAL REQUIREMENTS	20
A. Planned Changes.....	20
B. Anticipated Noncompliance.....	20
C. Permit Actions	20
D. Duty to Reapply.....	20
E. Duty to Provide Information	20
F. Other Information.....	20
G. Signatory Requirements.....	20
H. Penalties for Falsification of Reports.....	21
I. Availability of Reports	21
J. Oil and Hazardous Substance Liability.....	21
K. Property Rights	22
L. Severability	22
M. Transfers.....	22
N. State or Federal Laws	22
O. Reopener Provision.....	22
VIII. DEFINITIONS	23

I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

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

Outfall Number

Location of Discharge Point

001

The weir from the wastewater lagoon located at about 39.518816, longitude: -111.594372

- 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. Prohibited Discharge Requirements.
1. Pollutants, substances, or wastewater prohibited by this permit shall not be processed or stored in such a manner that the pollutants, substances, or wastewater could be discharged to the publicly owned treatment works (POTW).
 2. General Prohibitions. Pollutants introduced into a POTW by a non-domestic source shall not pass through the POTW or interfere with the operation or performance of the POTW.
 3. The permittee, under no circumstances shall allow introduction of the following pollutants into the POTW
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
 - d. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

PART I
DISCHARGE PERMIT NO. UTP000059
WASTEWATER

- 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 temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit);
- 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, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- h. Any trucked or hauled pollutants to the POTW, except at discharge points designated by the POTW.

D. Specific Limitations and Self-Monitoring Requirements.

1. Samples taken in compliance with the monitoring requirements specified in the Self-Monitoring and Reporting Requirements Table. Samples shall be taken after the final pretreatment process and prior to mixing with any other wastestream.
2. Dilution prohibited as substitute for treatment. The permittee shall never increase the use of process water, or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards to include but not limited to the following: the limits stated in the Effluent Limitations Table or the Prohibited Discharge Requirements stated in Part I.C of this permit.
3. The permittee shall not discharge process wastewater into a sanitary sewer line within the facility such as a toilet, sink, shower, etc.
4. Sludge from the process must be disposed of properly based on solid waste requirements. The disposal method and volume must be tracked and provided to the Director and the POTW when requested. Sludge from the process shall not be discharged to the POTW.
5. Hauled waste manifests must be provided if required to be submitted or viewed by the Director or the POTW of any hauled waste from the facility. The manifest shall include at a minimum the volume and disposal location of the hauled waste.
6. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified in the Effluent Limitations Table:

Parameter	Effluent Limitations Table		
	Maximum Monthly Avg	Daily Minimum	Daily Maximum
pH, SU	NA	5.0	12.0
Polar - Oil and Grease, mg/L	NA	NA	100

NA – Not Applicable

PART I
DISCHARGE PERMIT NO. UTP000059
WASTEWATER

Self-Monitoring and Reporting Requirements Table			
Parameter	Frequency	Sample Type	Units
Total Flow a/, b/	Continuous	Recorder	gpd
pH	Monthly	Grab	SU
Polar Oil and Grease	Monthly	Composite	mg/L
Total Ammonia (as N)	Monthly	Composite	mg/L
BOD ₅	Monthly	Composite	mg/L
TSS	Monthly	Composite	mg/L
Total Copper	Monthly	Composite	mg/L
Total Phosphorous	Monthly	Composite	mg/L

N.A. - Not Applicable.

See Definitions, *Part VIII* for definition of terms.

a/ Flow measurement of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

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

At least yearly samples will be taken by the Division of Water Quality based on the parameters listed in the Self-Monitoring and Reporting Requirements Table. The sample will be used to determine compliance with the effluent limitations as well as determining if local limits need to be developed to protect the POTW. The cost of the analysis will be billed to the permittee. Also, the POTW will be able to sample the effluent and recover costs for the analysis for any parameters to determine the need to develop local limits.

E. Reporting of Monitoring Results.

1. Reporting of Wastewater Monitoring Results Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1)* or by NetDMR, post-marked or entered into NetDMR no later than the 28th day of the end of the month following the completed reporting period. A copy of the DMR or summary of the data must be submitted to the POTW. The first report is due on the August 28, 2020. If no discharge occurs during a reporting month, “no discharge” shall be reported. Legible copies of these, and all other report, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part VII.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

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

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

II. INDUSTRIAL PRETREATMENT REQUIREMENTS

A. Definitions. For this Part of the UPDES Permit 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. *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 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.
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.

PART II
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

6. *User or Industrial User (IU)* means a source of Indirect Discharge.
- B. Discharge to POTW. Any process wastewater discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, is 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.
- C. Hauled Waste. Notification must be provided to the Pretreatment Coordinator for the Division of Water Quality 14 days prior to the permittee discharging to a POTW which does not have an approved pretreatment program.
- D. Hazardous Waste Requirements. The permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if the permittee discharges any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under 40 CFR Part 261. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).
- E. 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 publicly owned treatment works (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;
 - 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;

PART II
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

- 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.
- F. Categorical Standards. In addition to the general and specific limitations expressed in *Part II. E*, the applicable National Categorical Pretreatment Standards must be met by all industrial users discharging into a POTW. These standards are published in the federal regulations *40 CFR 405 through 471*.

PND DRAFT

III. BIOSOLIDS REQUIREMENTS

- A. The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. However, this facility does not receive, generate, treat or dispose of biosolids. Therefore 40 CFR 503 does not apply.

PND DRAFT

IV. STORM WATER REQUIREMENTS.

- A. Industrial Storm Water Permit. Based on the type of industrial activities occurring at the facility, the permittee is required to maintain separate coverage or an appropriate exclusion under the Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000). If the facility is not already covered, the permittee has 30 days from when this permit is issued to submit the appropriate Notice of Intent (NOI) for the MSGP or exclusion documentation.
- B. Construction Storm Water Permit. Any construction at the facility that disturbs an acre or more of land, including construction projects 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 (UTRC000000). 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.

PND DRAFT

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the POTW. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit or approved by the Director.
- 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* 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. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- F. Records Contents. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The individual(s) who performed the sampling or measurements;
 - 3. The date(s) and time(s) analyses were performed;
 - 4. The individual(s) who performed the analyses;
 - 5. The analytical techniques or methods used; and,
 - 6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location
- H. Twenty-four Hour Notice of Noncompliance Reporting.
 - 1. The permittee shall (orally) report any noncompliance including violations of pretreatment standards, transportation accidents, spills, slugs and uncontrolled runoff from biosolids transfer or land application sites which may seriously endanger health, the POTW 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 permittee shall also report per these conditions if the filter, which is used as part of the treatment process, is not installed

PART V
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

- correctly, has a failure or is not installed. The report shall be made to the Division of Water Quality, (801) 536-4300, or 24-hour answering service (801) 536-4123 and to the POTW.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
 3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time of noncompliance, if not corrected, the anticipated time the noncompliance is expected to continue;
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
 4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300. The permittee must also contact the POTW, within 24 hours of a violation. If the POTW requires a written report then the report must be submitted to the POTW.
 5. Following the violation of any sample stated in Part I Effluent Limitations Table a resample must be taken within 30 days following the facility being notified of the violation.
 6. Reports shall be submitted to the addresses in *Part I.E, 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.E.* 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:

PART V
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
 5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.
- K. Notification to the POTW. The permittee must notify the public works director if the POTW does not have a public works director at the time of notification; the notification must be made to the city manager and direct responsible charge (DRC) for the wastewater treatment plant and collection system. The contact for the DRC will be provided if needed by the Division of Water Quality.

VI. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part VI.G, Bypass of Treatment Facilities* and *Part VI.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to section 2 and 3 of this section.

2. Prohibition of Bypass.

- a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (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 VI.G.3.*
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *Part VI.G.2.a (1), (2) and (3).*

3. Notice.

- a. *Anticipated bypass.* Except as provided above in *Part VI.G.2* and in *Part VI.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:
 - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
 - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
 - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
 - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
 - (6) Any additional information requested by the Director.
- b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as

PART VI
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

soon as it becomes aware of the need to bypass and provide to the Director the information in *Part VI.G.3.a.(1) through (6)* to the extent practicable.

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

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of section 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting;* and,
 - d. The permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate.*
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Changes in Discharge. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe that conditions have changes and are not consistent with the information provided in the application.

VII. GENERAL REQUIREMENTS

A. Planned Changes.

1. 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. The Director or POTW has the right to deny the change if the change will impact the POTW.
2. The permittee shall notify the Director and the POTW immediately of any changes at its facility affecting potential for a slug discharge.

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. This includes the establishment of new or revised limitations to the Federal Pretreatment Regulations, establishment of new or revised standard or requirements in the Pretreatment Regulations or substantial changes in operation or the volume or character of pollutants in the regulated wastewater discharge. 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. The Director may request information periodically to ensure the permit is representative of current conditions.

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.

PART VII
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

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 representative may thus be either a named individual or any individual occupying a named position.
3. Changes to authorization. If an authorization under *Part VII.G.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 VII.G.2.* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this permit shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and 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*.

PART VII
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section 2 of this section.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.
- O. 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. A load allocation or local limit is developed and approved by the State for incorporation in this permit.
 2. Revisions to a Pretreatment Standard or Requirement that is either approved by the State or EPA.

VIII. DEFINITIONS

1. The “7-day (and weekly) average”, other than for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. 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. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
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 or 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.

PART VIII
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

7. "CWA," means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
8. "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
9. "EPA," means the United States Environmental Protection Agency.
10. "Director," means Director of the Division of Water Quality.
11. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream. The sample is taken without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
12. "Indirect discharge" or "discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated by the UPDES program.
13. "Industrial User" or "User" means a source of indirect discharge.
14. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore, is a cause of a violation of any requirement of the POTW's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder.
15. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
16. "Pass through" means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's UPDES permit (including an increase in the magnitude or duration of violation).
17. "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.
18. "POTW treatment plant" means that portion of the POTW which is designed to provide treatment, including recycling and reclamation of municipal sewage and industrial waste.
19. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in

PART VIII
Pitman Family Farms, Inc
DISCHARGE PERMIT NO. UTP000059

lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

20. "Pretreatment Requirements" any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
21. The term "Publicly Owned Treatment Works" or "POTW" means a treatment works which is owned by State or municipality within the State. 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 which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
22. "Pretreatment Standards" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
23. "Severe Property Damage," means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
24. "Slug Discharge" is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available upon request.
25. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
26. "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.