

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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Industrial Permit No. **UT0025097**

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

NRP JONES, LLC

is hereby authorized to discharge from

NRP JONES FACILITY

to receiving waters named **NEPHI IRRIGATION CANAL**,

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

This permit shall become effective on February 1, 2024

This permit expires at midnight on January 31, 2029.

Signed this First Day of February 2024.



John K. Mackey, P.E.
Director

DWQ-2024-000137

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I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

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

Outfall Number
001

Location of Discharge Outfall
Located at latitude 39.72531° and longitude - 111.84187°. Effluent discharges from a pipe on the northwest corner of the facility, outside the fenced property boundary, into Nephi Irrigation Company Canal.

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

C. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately, and lasting through the life of this permit, there shall be no acute or chronic toxicity in Outfall 001 as defined in *Part VIII*.
2.
 - a. 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 below:

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WASTEWATER

Parameter	Effluent Limitations *a				
	Maximum Monthly Avg	Maximum Weekly Avg	Yearly Average	Daily Minimum	Daily Maximum
Total Flow*c	0.08	--	--	--	0.08
pH, Standard Units	--	--	--	6.5	9
Oil & Grease, mg/L*d	--	--	--	--	10.0

Self-Monitoring and Reporting Requirements *a			
Parameter	Frequency	Sample Type	Units
Total Flow*c	Monthly	Instantaneous	MGD
pH	Monthly	Grab	SU
TDS	Monthly	Grab	mg/L
Oil & Grease*d	Monthly	Visual/Grab	mg/L
Metals, Effluent *b	2 x year	Grab/Composite	mg/L

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

*b Metals to be monitored include: arsenic, boron, cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, and zinc.

*c Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. If the rate of discharge is controlled, the rate and duration of the discharge shall be reported.

*d Oil & Grease sampled when sheen is present or visible. If no sheen is present or visible, report NA.

D. Reporting of Monitoring Results.

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

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

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

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II. PRETREATMENT REQUIREMENTS

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

1. *Indirect Discharge* means the introduction of pollutants into a publicly-owned treatment works (POTW) from any non-domestic source regulated under section 307 (b), (c) or (d) of the CWA.
2. *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
3. *Local Limit* is defined as a limit designed to prevent Pass Through or Interference. And is developed in accordance with 40 CFR 403.5(c).
4. *Pass Through means* a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
5. *Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by section 212 of the CWA, which is owned by a State or municipality (as defined by section 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
6. *Significant Industrial User (SIU)* is defined as an Industrial User discharging to a POTW that satisfies any of the following:
 - a. Has a process wastewater flow of 25,000 gallons or more per average work day;
 - b. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
 - c. Is subject to Categorical Pretreatment Standards, or

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- d. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

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

B. Pretreatment Monitoring and Reporting Requirements.

1. The design capacity of the municipal wastewater treatment facility is less than 5 MGD; therefore the permittee will not be required to develop an Approved POTW Pretreatment Program. However, in order to determine if development of an Approved POTW Pretreatment Program is warranted, the permittee shall conduct an **industrial waste survey**, as described in *Part II.C.1.*
2. Monitoring will not be required of the permittee for the pretreatment requirements at this time. If changes occur monitoring may be required for parameters not currently listed in the permit or current monitoring requirements may be required to be increased to determine the impact of an Industrial User or to investigate sources of pollutant loading. This could include but is not limited to sampling of the influent and effluent of the wastewater treatment plant and within the collection system.
3. For Local Limit parameters it is recommended that the most sensitive method be used for analysis. This will determine if the parameter is present and provide removal efficiencies based on actual data rather than literature values. If a parameter load is greater than the allowable head works load, for any pollutant listed in Part I., or a pollutant of concern listed in the Local Limit development document or determined by the Director, the permittee must report this information to the Pretreatment Coordinator for the Division of Water Quality. If the loading exceeds the allowable headworks load, increase sampling must occur based on the requirements given by the Pretreatment Coordinator for the Division of Water Quality. If needed sampling may need to occur to find the source(s) of the increase. This may include sampling of the collection system. Notification regarding the exceedances of the allowable headworks loading can be provided via email.

C. Industrial Wastes.

1. The "Industrial Waste Survey" or "IWS" as required by *Part II.B.1.* consists of;
 - a. Identifying each Industrial User (IU) and determining if the IU is a Significant Industrial User (SIU),
 - b. Determination of the qualitative and quantitative characteristics of each discharge, and
 - c. Appropriate production data.
2. The IWS must be maintained and updated with IU information as necessary, to ensure that all IUs are properly permitted or controlled at all times. Updates must be submitted to the Director sixty (60) days following a change to the IWS.
3. Notify all Significant Industrial Users of their obligation to comply with applicable requirements under *Subtitles C and D* of the RCRA.
4. The permittee must notify the Director of any new introductions by new or existing SIUs or any substantial change in pollutants from any major industrial source. Such notice must

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contain the information described in 1. above, and be forwarded no later than sixty (60) days following the introduction or change.

- D. General and Specific Prohibitions. The permittee must ensure that no IU violates any of the general or specific standards. If an IU is found violating a general or specific standard the permittee must notify the Director within 24 hours of the event. The general prohibitions and the specific prohibitions apply to each User introducing pollutants into a POTW whether or not the User is subject to other Pretreatment Standards or any national, State or local Pretreatment Requirements.
1. General prohibition Standards. A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference.
 2. Specific Prohibited Standards. Developed pursuant to Section 307 of the Clean Water Act of 1987, Specific Prohibited Standards require that under no circumstances shall the Permittee allow introduction of the following pollutants into the waste treatment system from any User (40 C.F.R. § 403.5):
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment POTW, including, but not limited to, waste-streams with a closed cup flashpoint of less than 140°F (60°C);
 - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause Interference in the POTW;
 - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in Interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C);
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
 - g. Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems; or,
 - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - i. Any pollutant that causes Pass Through or Interference at the POTW.
 - j. Any prohibited standard which the permittee has adopted in an ordinance or rule to control IU discharge to the POTW.
 3. In addition to the general and specific limitations expressed above, more specific pretreatment limitations have been and will be promulgated for specific industrial categories under Section 307 of the Clean Water Act of 1987 as amended. (See 40 C.F.R. Subchapter N, Parts 400 through 500 for specific information).

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- E. Significant Industrial Users Discharging to the POTW. The permittee shall provide adequate notice to the Director and the Division of Water Quality Pretreatment Coordinator of;
1. Any new introduction of pollutants into the treatment works from an indirect discharger (i.e., Industrial User) which would be subject to *Sections 301 or 306* of the *Clean Water Act* if it were directly discharging those pollutants;
 2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and
 3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works; and,
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
 4. Any IU that must comply with applicable requirements under Subtitles C and D of RCRA.
- F. Change of Conditions. At such time as a specific pretreatment limitation becomes applicable to an Industrial User of the permittee, the Director may, as appropriate, do the following:
1. Amend the permittee's UPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;
 2. Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the *General Pretreatment Regulations* at *40 CFR 403*;
 3. Require the permittee to monitor its discharge for any pollutant, which may likely be discharged from the permittee's facility, should the Industrial User fail to properly pretreat its waste; and/or
 4. Require the permittee to develop an Approved POTW Pretreatment Program.
- G. Legal Action. The Director retains, at all times, the right to take legal action against the Industrial User and/or the treatment works, in those cases where a permit violation has occurred because of the failure of an Industrial User to discharge at an acceptable level. If the permittee has failed to properly delineate maximum acceptable industrial contributor levels, the Director will look primarily to the permittee as the responsible party.
- H. Local Limits. If Local Limits are developed per R317-8-8.5(4)(b) to protect the POTW from Pass Through or Interference, then the POTW must submit limits to DWQ for review and public notice, as required by R317-8-8.5(4)(c). Local Limits should be developed in accordance with the latest revision of the EPA Local Limits Development Guidance and per R317-8-8.5.

III. BIOSOLIDS REQUIREMENTS

The State of Utah has adopted the *40 CFR Part 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 Part 503* does not apply at this time.

PART IV
STORM WATER PERMIT

IV. STORM WATER REQUIREMENTS.

- A. Multi-Sector General Permit. Based on the type of industrial activities occurring at the facility, the permittee is required to maintain separate permit coverage, or an appropriate exclusion, under the Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000).

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

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples of biosolids shall be collected at a location representative of the quality of biosolids immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under Utah Administrative Code ("UAC") *R317-2-10, UAC R317-8-4.1(10)(d)*, and/or *40 CFR 503* utilizing sufficiently sensitive test methods unless other test procedures have been specified in this permit. Monitoring must be conducted according to the test procedures listed above unless another method is required under 40 CFR subchapters N or O. Sufficiently sensitive test method means: (1) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or (2) The method has the lowest ML of the analytical methods approved under *40 CFR part 136* or required under *40 CFR chapter I, subchapter N or O* for the measured pollutant or pollutant parameter as per *40 CFR 122.44(i)(1)(iv)(A)*.
- 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 Permit Part V.B., 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.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites which may

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seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality (DWQ) via the 24-hour answering service (801) 536-4123.

2. The following occurrences of noncompliance shall initially be reported by telephone to the DWQ via the 24-hour answering service as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
 - d. Violation of a daily discharge limitation for any of the pollutants listed in the permit. For other permit violations which will not endanger health or the environment, DWQ may otherwise be notified during business hours (801) 536-4300; or,
 - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
 3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
 4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.
 5. Reports shall be submitted to the addresses in *Part I.D, Reporting of Monitoring Results.*
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part V.H.3*
- J. Inspection and Entry The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

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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.

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

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- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
 - (3) The permittee submitted notices as required under *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 *Parts VI.G.2.a (1), (2) and (3)*.
3. Notice.
- a. *Anticipated bypass*. Except as provided above in *Part VI.G.2* and below 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 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 IV.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.

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H. Upset Conditions.

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

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 of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/L);
 - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
 - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

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2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 ug/L);
 - b. One milligram per liter (1 mg/L) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
 - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

VII. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit nor to notification requirements under Subsection R317-8-4.1(15).
 3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. 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. A person is a duly authorized representative only if:

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- 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.
 - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
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.
 3. Changes to authorization. If an authorization under *paragraph VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *paragraph VII.G.2* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

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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;
 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 *Sections 19-5-117 and 510* of the Clean Water Act *Act* or any applicable Federal or State

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transportation regulations, such as but not limited to the Department of Transportation regulations.

- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
 2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
 3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.
- P. Biosolids – Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state of federal regulations.
- Q. Toxicity Limitation - Reopener Provision. Use the following paragraph if WET testing is required at the facility:

This permit may be reopened and modified (following proper administrative procedures) to include, whole effluent toxicity (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.C.4.a* and/or *b* (*depending on whether or not the permit requires both acute and chronic WET testing*) 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.

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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.

Use the following paragraph if there is no WET testing is required at the facility:

This permit may be reopened and modified (following proper administrative procedures) to include WET testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

VIII. DEFINITIONS

A. Wastewater.

1. The "7-day (and weekly) average", other than for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. "Act," means the *Utah Water Quality Act*.
4. "Acute toxicity" occurs when 50 percent or more mortality is observed for either test species at any effluent concentration (lethal concentration or "LC₅₀").
5. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
6. "Chronic toxicity" occurs when the IC₂₅ < XX% effluent. The XX% effluent is the concentration of the effluent in the receiving water, at the end of the mixing zone expressed as per cent effluent.
7. "IC₂₅" 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.
8. "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;

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- 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.
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 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. An “instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
 15. “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.
 16. “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.

**FACT SHEET AND STATEMENT OF BASIS
NRP JONES, LLC
RENEWAL PERMIT: DISCHARGE
UPDES PERMIT NUMBER: UT0025097
MINOR INDUSTRIAL**

FACILITY CONTACTS

Person Name: Kyle Kane
Position: Plant Manager
Phone Number: (435) 632-1740

Person Name: Neil Cook
Position: Buyer/Planner
Phone Number: (435) 632-1740, Ext. 376

Permittee Name: NRP Jones, LLC
Facility Name: NRP Jones Facility
Mailing and Facility Address: 255 West 1100 North
Nephi, Utah 84648
Telephone: (435) 627-4266

DESCRIPTION OF FACILITY

NRP Jones, LLC (NRP) facility produces finished high-pressure rubber hoses, including hoses wrapped with nylon fabric and wire cable. The production at the facility is dependent on the various markets NRP supports. The standard industrial classification (SIC) code for NRP is 3052 for rubber and plastics hose and belting and 5085 for industrial supplies.

The effluent discharge is conveyed to Outfall 001 by an irrigation grade plastic 8 inch pipe on the northwest corner of the facility at latitude 39.72531 and longitude -111.84187. Outfall 001 represents the only UPDES permitted discharge point. Approximately 90% of the water being routed to this discharge is non-contact culinary water from the City of Nephi used as once through the cooling water in the rubber mill rolling process. A smaller contribution of the approximately 10% comes from once through contact cooling water used in the hot feet extrusion process. Both cooling processes have been evaluated and determined not to significantly impact the quality of the original cooling water (i.e., drinking water). The boiler condensate, floor drains, and steam tunnels and any discharge which may contain traces of toluene and other contaminants are routed into the sanitary sewer. The discharge volume at Outfall 001 varies due to market, but averages approximately 58,000 gallons per day (.058 MGD). Facility personnel have previously requested that the Division of Water Quality (DWQ) use 80,000 gallons per day (0.08 MDG) as the daily maximum flow.

NRP uses three sources of rubber as raw material for the manufacture of its high-pressure hoses, including natural rubber, nitrile, and neoprene. No lead-sheathed hoses are produced.

SUMMARY OF CHANGES FROM PREVIOUS PERMIT

Metals testing has changed from once a year to twice a year in order to gather enough data points to run a reasonable potential analysis (RP). Specific metals are listed for sampling and analysis. Total dissolved solids (TDS) monitoring is now required.

Since the facility only discharges non-contact cooling water, 40 CFR 428.53 53 (Small Sized General, Molded, Extruded and Fabricated Rubber Plants Subcategory) will not be used to determine effluent limits. Effluent limitations for total suspended solids (TSS) were previously based on Utah Secondary Standards. Utah Secondary Standards for TSS no longer apply to this facility. As a result, TSS has been removed from the monthly monitoring and reporting requirements.

DISCHARGE

DESCRIPTION OF DISCHARGE

NRP has been reporting self-monitoring results on Discharge Monitoring Reports on a monthly basis, and discharges regularly. There have been no major violations since the last permit cycle.

<u>Outfall</u>	<u>Description of Discharge Point</u>
001	Located at latitude 39.72531° and longitude -111.84187°. Effluent discharges from a pipe on the northwest corner of the facility, outside the fenced property boundary, into Nephi Irrigation Company Canal.

RECEIVING WATERS AND STREAM CLASSIFICATION

These waters are purported to discharge directly into the Nephi Irrigation Ditch, which is ephemeral, discharging into the subsurface. All of the flow is used by local farmers for irrigation and stock watering. Any water not used for irrigation soaks into the ground or evaporates. Nephi Irrigation Company Canal is categorized as a Class 2B, 3E, and 4 water according to *UAC R317-2-13*:

- Class 2B -- Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.
- Class 3E -- Severely habitat-limited waters. Narrative standards will be applied to protect these waters for aquatic wildlife.
- Class 4 -- Protected for agricultural uses including irrigation of crops and stock watering.

TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

According to the Utah's Final 2022 Integrated Report on Water Quality dated December 9, 2022, the receiving water for the discharge, "Currant Creek, from Mona Reservoir to headwaters (Assessment Unit UT16020201-014_00)" was listed as "Not Supporting" for Temperature and that a TMDL is "Needed" with a "Low Priority".

BASIS FOR EFFLUENT LIMITATIONS

Applicable technology-based standards for total suspended solids (TSS), oil and grease (O & G), and pH are found in 40 CFR 428.53 (Small Sized General, Molded, Extruded and Fabricated Rubber Plants Subcategory). Since no lead-sheathed hose is produced at this facility, lead is not considered a parameter in this permit. Approximately 90% of the permitted discharge consists of non-contact cooling water, with the remainder being contact cooling water. Therefore, effluent limits will not be based on 40 CFR 428.53. pH is based on the Numeric Criteria for Domestic, Recreation, and Agricultural Uses listed in R317-2-14. The O&G limitation is based on best professional judgement (BPJ). It is anticipated that the permittee will be able to continue to comply with all required effluent limitations.

Reasonable Potential Analysis

Since January 1, 2016, DWQ has conducted reasonable potential analysis (RP) on all new and renewal applications received after that date. RP for this permit renewal was conducted following DWQ's September 10, 2015 Reasonable Potential Analysis Guidance (RP Guidance). There are four outcomes defined in the RP Guidance: Outcome A, B, C, or D. These Outcomes provide a frame work for what routine monitoring or effluent limitations are required

A quantitative RP was not performed on effluent metals data because there is inadequate data for use in a RP. Additional monitoring for metals will be included in this permit to support future RP.

The permit limitations are:

Parameter	Effluent Limitations *a				
	Maximum Monthly Avg	Maximum Weekly Avg	Yearly Average	Daily Minimum	Daily Maximum
Total Flow*c	0.08	--	--	--	0.08
pH, Standard Units	--	--	--	6.5	9
Oil & Grease, mg/L *d	--	--	--	--	10.0

SELF-MONITORING AND REPORTING REQUIREMENTS

The following self-monitoring requirements are not the same as in the previous permit. TDS and additional metals monitoring have been added. TSS has also been removed. The permit will require reports to be submitted monthly and annually, as applicable, on Discharge Monitoring Report (DMR) forms due 28 days after the end of the monitoring period. Effective January 1, 2017, monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned for an exception. Lab sheets for biomonitoring must be attached to the biomonitoring DMR. Lab sheets for metals and toxic organics must be attached to the DMRs.

Self-Monitoring and Reporting Requirements *a			
Parameter	Frequency	Sample Type	Units
Total Flow*c	Monthly	Instantaneous	MGD
pH	Monthly	Grab	SU
TDS	Monthly	Grab	mg/L
Oil & Grease *d	Monthly	Visual/Grab	mg/L
Metals, Effluent *b	2 x year	Grab/Composite	mg/L

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

- *b Metals to be monitored include: arsenic, boron, cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, and zinc.
- *c Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. If the rate of discharge is controlled, the rate and duration of the discharge shall be reported.
- *d Oil & Grease sampled when sheen is present or visible. If no sheen is present or visible, report NA.

BIOSOLIDS

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.

STORM WATER REQUIREMENTS

Based on the type of industrial activities occurring at the facility, the permittee is required to maintain separate permit coverage, or an appropriate exclusion, under the Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000). If the facility has not already done so, it has 30 days from when this permit is issued to submit the appropriate Notice of Intent (NOI) for the MSGP, or exclusion documentation. This can be accomplished online at: <https://deq.utah.gov/water-quality/general-multi-sector-industrial-storm-water-permit-updes-permits>.

In addition, separate permit coverage under the Construction General Storm Water Permit (CGP) may be required for any construction at the facility which disturbs an acre or more of land, or is part of a common plan of development or sale that is an acre or greater. A Notice of Intent (NOI) is required to obtain a construction storm water permit prior to the period of construction. This can also be accomplished online at: <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>.

Information on storm water permit requirements can be found at <http://stormwater.utah.gov>

PRETREATMENT REQUIREMENTS

Any waste discharged to a POTW, either as an Indirect 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 waste.

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 if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

BIOMONITORING REQUIREMENTS

A nationwide effort to control toxic discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the Utah Pollutant Discharge Elimination System Permit and Enforcement Guidance Document for Whole Effluent Toxicity Control (biomonitoring), dated February 2018. Authority to require effluent biomonitoring is provided in Permit Conditions, UAC R317-8-4.2, Permit Provisions, UAC R317-8-5.3 and Water Quality Standards, UAC R317-2-5 and R317 -2-7.2.

The Permit and Enforcement Guidance Document for Whole Effluent Toxicity DWQ, February 2018, states that Whole Effluent Toxicity testing is required in UPDES permit where there is reasonable potential to discharge toxics. NRP is categorized as a minor industrial facility. Most of the water being discharged is culinary water utilized for non-contact, once through cooling processes. Also, 100% of the discharge is utilized by local farmers and ranchers for many years with no observable ill effects reported. For these reasons and based upon BPJ, a reasonable potential for toxicity does not exist and therefore, biomonitoring is not included as part of the effluent monitoring program. However, the permit will contain a WET reopener provision. If WET testing is required in the future, testing shall be Acute and limits for Outfall 001 for IC25 should be based on 100% effluent.

PERMIT DURATION

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

Drafted and Reviewed by
Jennifer Berjikian, Discharge Permit Writer
Daniel Griffin, Biosolids
Jennifer Robinson, Pretreatment
Lonnie Shull, Biomonitoring
Carl Adams, Storm Water
Amy Dickey, TMDL/Watershed
Christopher Shope, Wasteload Analysis
Utah Division of Water Quality, (801) 536-4300

PUBLIC NOTICE

Began: December 4, 2023
Ended: January 4, 2024

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

The Public Notice of the draft permit was published on the Division of Water Quality webpage.

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

ADDENDUM TO FSSOB

During finalization of the Permit certain dates, spelling edits and minor language corrections were completed. Due to the nature of these changes they were not considered Major and the permit is not required to be re Public Noticed.

Responsiveness Summary

No comments were received during the Public Notice comment period.

ATTACHMENT 1

Effluent Monitoring Data

Parameter	Flow rate, instantaneous (daily max)	Flow rate, instantaneous (max monthly avg)	pH (daily min)	pH (daily max)	Solids, total suspended (7-day avg)	Solids, total suspended (max monthly avg)	Oil and grease	Oil and grease visual	
Permit Limit	0.08 MGD	0.08 MGD	6.5	9	35 mg/L	25 mg/L	10 mg/L	Visual observation	
Monitoring period reported values	Oct-18	0.058	0.058	7.2	7.2	4	4	No reported value	No sheen observed
	Nov-18	0.06	0.06	7.6	7.6	4	4	No reported value	No sheen observed
	Dec-18	0.054	0.054	7.7	7.7	4	4	No reported value	No sheen observed
	Jan-19	0.059	0.059	7.8	7.8	4	4	No reported value	No sheen observed
	Feb-19	0.06	0.06	7.3	7.3	4	4	No reported value	No sheen observed
	Mar-19	0.062	0.062	7.7	7.7	4	4	No reported value	No sheen observed
	Apr-19	0.063	0.063	7.8	7.8	4	4	No reported value	No sheen observed
	May-19	0.058	0.058	7.6	7.6	No reported value	No reported value	0	No sheen observed
	Jun-19	0.061	0.061	7.5	7.5	4	4	9	No sheen observed
	Jul-19	0.052	0.052	7.8	7.8	4	4	No reported value	No sheen observed
	Aug-19	0.06	0.06	7.6	7.6	4	4	No reported value	No sheen observed
	Sep-19	0.06	0.06	7.2	7.2	4	4	No reported value	No sheen observed
	Oct-19	0.054	0.054	6.8	6.8	4	4	No reported value	No sheen observed
	Nov-19	0.058	0.058	7.8	7.8	4	4	9	No sheen observed
	Dec-19	0.059	0.059	7.8	7.8	4	4	9	No sheen observed
	Jan-20	0.059	0.059	7.6	7.6	4	4	9	No sheen observed
	Feb-20	0.056	0.056	7.7	7.7	4	4	9	No sheen observed
	Mar-20	0.059	0.059	7.5	7.5	4	4	9	No sheen observed
	Apr-20	0.06	0.06	7.4	7.4	4	4	9	No sheen observed
	May-20	No reported value	No reported value	No reported value	No reported value	No reported value	No reported value	No reported value	No reported value
	Jun-20	No reported value	No reported value	No reported value	No reported value	No reported value	No reported value	No reported value	No reported value
	Jul-20	0.059	0.059	7.4	7.4	4	4	9	No sheen observed
	Aug-20	0.061	0.061	7.4	7.4	4	4	9	No sheen observed
	Sep-20	0.061	0.061	7.4	7.4	4	4	0	No sheen observed
	Oct-20	0.06	0.06	7.3	7.3	4	4	0	No sheen observed
	Nov-20	0.058	0.058	7.6	7.6	4	4	9	No sheen observed
	Dec-20	0.0581	0.0581	7.4	7.4	4	4	9	No sheen observed
	Jan-21	0.061	0.061	7.6	7.6	4	4	9	No sheen observed
	Feb-21	0.065	0.065	7.5	7.5	4	4	9	No sheen observed
	Mar-21	0.0581	0.0581	7.7	7.7	4	4	0	No sheen observed
	Apr-21	0.059	0.059	7.5	7.5	4	4	0	No sheen observed
	May-21	0.062	0.062	7.6	7.6	4	4	0	No sheen observed
	Jun-21	0.0581	0.0581	7.6	7.6	4	4	9	No sheen observed
	Jul-21	0.061	0.061	7.2	7.2	4	4	9	No sheen observed
Aug-21	0.062	0.062	7.5	7.5	4	4	9	No sheen observed	
Sep-21	0.0581	0.0581	7.7	7.7	4	4	9	No sheen observed	
Oct-21	0.058	0.058	7.7	7.7	4	4	9	No sheen observed	
Nov-21	0.062	0.062	7.7	7.7	4	4	9	No sheen observed	
Dec-21	6.2	6.2	7.5	7.5	4	4	9	No sheen observed	
Jan-22	0.062	0.062	7.6	7.6	4	4	9	No sheen observed	
Feb-22	0.058	0.058	7.5	7.5	4	4	9	No sheen observed	
Mar-22	0.06	0.06	7.4	7.4	4	4	9	No sheen observed	
Apr-22	0.059	0.059	7.6	7.6	4	4	9	No sheen observed	
May-22	0.062	0.062	7.7	7.7	4	4	9	No sheen observed	
Jun-22	0.052	0.052	7.4	7.4	4	4	9	No sheen observed	
Jul-22	0.052	0.052	7.6	7.6	4	4	9	No sheen observed	
Aug-22	0.061	0.061	7.4	7.4	4	4	9	No sheen observed	
Sep-22	0.058	0.058	7.5	7.5	4	4	9	No sheen observed	
Oct-22	0.063	0.063	7.5	7.5	4	4	9	No sheen observed	
Nov-22	0.06	0.06	7.6	7.6	4	4	9	No sheen observed	
Dec-22	0.056	0.056	7.7	7.7	4	4	9	No sheen observed	
Jan-23	0.06	0.06	7.5	7.5	4	4	9	No sheen observed	
Feb-23	0.06	0.06	7.8	7.8	4	4	9	No sheen observed	
Mar-23	0.06	0.06	7.6	7.6	4	4	9	No sheen observed	
Apr-23	0.054	0.054	7.7	7.7	4	4	9	No sheen observed	
May-23	0.056	0.056	7.7	7.7	4	4	9	No sheen observed	
Jun-23	0.06	0.06	7.8	7.8	4	4	9	No sheen observed	
Jul-23	0.054	0.054	7.7	7.7	4	4	9	No sheen observed	
Aug-23	0.056	0.056	7.4	7.4	4	4	9	No sheen observed	
Sep-23	0.054	0.054	7.6	7.6	4	4	9	No sheen observed	

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ATTACHMENT 2

Wasteload Analysis

**Utah Division of Water Quality
Statement of Basis
ADDENDUM
Wasteload Analysis and Antidegradation Level I Review**

Date: August 21, 2023

Prepared by: Christopher L. Shope
Standards and Technical Services

Facility: NRP Jones, LLC (formerly Nephi Rubber)
UPDES Permit No. UT0025097

This addendum summarizes the wasteload analysis that was performed to determine water quality based effluent limits (WQBEL) for this discharge. Wasteload analyses are performed to determine point source effluent limitations necessary to maintain designated beneficial uses by evaluating projected effects of discharge concentrations on in-stream water quality. The wasteload analysis also takes into account downstream designated uses (UAC R317-2-8). Projected concentrations are compared to numeric water quality standards to determine acceptability. The numeric criteria in this wasteload analysis may be modified by narrative criteria and other conditions determined by staff of the Division of Water Quality.

Discharge

Outfall 001: Plant discharge to Nephi Irrigation Ditch. The design flow rate is 0.08 MGD. The annual average flow rate is 0.08 MGD and the maximum daily flow rate is 0.06 MGD.

Receiving Water

These waters are purported to discharge directly into the Nephi Irrigation Ditch, which is ephemeral, discharging into the subsurface.

Per UAC R317-2-13.9, the designated beneficial uses *All irrigation canals and ditches statewide, except as otherwise designated: 2B,3E,4.*

- *Class 2B - Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.*
- *Class 3E - Severely habitat-limited waters. Narrative standards will be applied to protect these waters for aquatic wildlife.*
- *Class 4 - Protected for agricultural uses including irrigation of crops and stock watering.*

Flow

Utah Division of Water Quality
Wasteload Analysis
NRP Jones, LLC., UPDES Permit No. UT0025097

Typically, the critical flow for the receiving water in a wasteload analysis is considered the lowest stream flow for seven consecutive days with a ten-year return frequency (7Q10). Because the receiving water is a seasonally dry irrigation canal, the 7Q10 is assumed to be zero and effluent limits revert to end-of-pipe (EOP) water quality standards.

Receiving water quality data was not available for Nephi Irrigation Ditch. Data inputs for temperature, pH, TDs and hardness were estimated using from monitoring location DWQ 4995350 SALT CK AT CANYON MOUTH AT USGS GAGE 10145400, which flows into the Nephi Irrigation Ditch.

Total Maximum Daily Load (TMDL)

According to the Utah's [Final 2022 Integrated Report on Water Quality](#) dated December 9, 2022, the receiving water for the discharge, "Currant Creek, from Mona Reservoir to headwaters (Assessment Unit UT16020201-014_00)" was listed as "Not Supporting" for Temperature and that a TMDL is "Needed" with a "Low Priority".

Mixing Zone

The maximum allowable mixing zone is 15 minutes of travel time for acute conditions, not to exceed 50% of stream width, and for chronic conditions, per UAC R317-2-5. Water quality standards must be met at the end of the mixing zone. In this case, because the 7Q10 was assumed to be zero, no mixing zone was considered.

Individual mixing zones may be disallowed in consideration of site-specific factors. For the project location, there appears to be no source of surface water discharge. Therefore, no mixing zone is granted for this effluent discharge point source.

Parameters of Concern

The potential parameters of concern identified for the discharge/receiving water were determined in consultation with the UPDES Permit Writer, the Utah Water Quality Assessment Reports, and the industry SIC codes from <https://www.osha.gov/data/sic-search>. The potential parameters of concern for this facility include: Temperature, TDS, pH, and hydrocarbons.

WET Limits

The percent of effluent in the receiving water in a fully mixed condition, and acute and chronic dilution in a not fully mixed condition are calculated in the WLA in order to generate WET limits. The LC₅₀ (lethal concentration, 50%) percent effluent for acute toxicity and the IC₂₅ (inhibition concentration, 25%) percent effluent for chronic toxicity, as determined by the WET test, needs to be below the WET limits, as determined by the WLA. The WET limit for LC₅₀ is typically 100% effluent and does not need to be determined by the WLA.

WET limits for Outfall 001 for IC₂₅ should be based on 100% effluent.

Wasteload Allocation Methods

Effluent limits were determined for conservative constituents using a simple mass balance mixing analysis (UDWQ 2021). The mass balance analysis is summarized in the Wasteload Addendum.

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Wasteload Analysis
NRP Jones, LLC., UPDES Permit No. UT0025097

The water quality standard for chronic ammonia toxicity is dependent on temperature and pH, and the water quality standard for acute ammonia toxicity is dependent on pH. Background data from monitoring location DWQ 4995350 SALT CK AT CANYON MOUTH AT USGS GAGE 10145400 were used in the analysis for hardness, pH, and surface water temperature. These values are representative of regional water quality conditions. To evaluate effluent discharge water quality, the NRP Jones, LLC. discharge monitoring report (DMR) and data from monitoring location DWQ 4995330 NEPHI RUBBER PRODUCTS 001 were used.

Models and supporting documentation are available for review upon request.

Antidegradation Level I Review

The objective of the Level I ADR is to ensure the protection of existing uses, defined as the beneficial uses attained in the receiving water on or after November 28, 1975. No evidence is known that the existing uses deviate from the designated beneficial uses for the receiving water. Therefore, the beneficial uses will be protected if the discharge remains below the WQBELs presented in this wasteload.

A Level II Antidegradation Review (ADR) is not required for this facility. The permit is a continuation of the existing permit with no new discharge or additional flow or concentration of pollutants over those authorized.

Documents:

WLA Document: *NRPJones_EOP_WLA_2023 23.docx*

Wasteload Analysis and Addendums: *NRPJones_EOP_WLA_2023.xlsx*

References:

Utah Division of Water Quality. 2022. Final 2022 Integrated Report on Water Quality.

<https://documents.deq.utah.gov/water-quality/monitoring-reporting/integrated-report/DWQ-2022-002386.pdf>

Utah Division of Water Quality. 2021. Utah Wasteload Analysis Procedures Version 2.0.

<https://documents.deq.utah.gov/water-quality/standards-technical-services/DWQ-2021-000684.pdf>

WASTELOAD ANALYSIS [WLA]

Date: 11/9/2023

Appendix A: Mass Balance Mixing Analysis for Conservative Constituents

A Level II Antidegradation Review (ADR) is required for this facility.

Discharging Facility:	NRP Jones, Nephi Rubber	
UPDES No:	UT0025097	
	DWQ 4995330, 'DMR	
Permit Flow [MGD]:	0.08000 Annual	Max. Daily
	0.08000 Annual	Max. Monthly
Receiving Water:	Nephi Irrigation Ditch -> subsurface	
Stream Classification:	2B,3E,4	
Stream Flows [cfs]:	0.00 All Seasons	Critical Low Flow
	- All Seasons	Critical Low Flow (20th %)
Fully Mixed:	YES	
Acute River Width:	100%	
Chronic River Width:	100%	

Modeling Information

A mass balance mixing analysis was used to determine the effluent limits.

All model numerical inputs, intermediate calculations, outputs and graphs are available for discussion, inspection and copy at the Division of Water Quality.

Effluent Limitations

Current State water quality standards are required to be met under a variety of conditions including in-stream flows targeted to the 7-day, 10-year low flow (R317-2-9).

Other conditions used in the modeling effort reflect the environmental conditions expected at low stream flows.

The calculations in this wasteload analysis utilize the maximum effluent discharge flow of 0.08 MGD. If the discharger is allowed to have a flow greater than 0.08 MGD during 7Q10 conditions, and effluent limit concentrations as indicated, then water quality standards will be violated. In order to prevent this from occurring, the permit writers must include the discharge flow limitation as indicated above; or, include loading effluent limits in the permit.

Effluent Limitations for Protection of Recreation (Class 2B Waters) (R317-2-14.1)

Physical Parameter	Concentration	
	Minimum	Maximum
pH	6.5	9.0
Turbidity Increase (NTU)		10.0

Bacteriological (R317-2-14.1)

E. coli (30 Day Geometric Mean)	206 (#/100 mL)
E. coli (Maximum)	668 (#/100 mL)

Effluent Limitations for Protection of Aquatic Wildlife (Class 3A Waters) (R317-2-14.21)

Physical Parameter	Concentration	
	Minimum	Maximum
pH	6.5	9.0
Turbidity Increase (NTU)		10.0
Temperature (deg C)		20
Temperature Change (deg C)		2

Dissolved Oxygen (mg/L) Minimum Concentration

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	ELS Present	Others Present
Instantaneous	8.0	4.0
30-day Average	6.5	6.5
7-day Average	9.5	5

Inorganics	Parameter	Chronic (30-day ave)		Acute (1-hour ave)	
		Standard	Limit	Standard	Limit
	Phenol (mg/L)			0.010	
	Hydrogen Sulfide (Undissociated-mg/L)			0.002	
	Total Residual Chlorine (mg/L)	0.011		0.019	

Ammonia-Total (mg/L)

Season	Chronic (30-day ave)			Acute (1-hour ave)		
	Standard	Background	Limit	Standard	Background	Limit
ELS Present						
Summer	1.9		1.9	4.3		4.3
Fall	2.0		2.0	4.3		4.3
Winter	2.0		2.0	4.4		4.4
Spring	1.6		1.6	3.3		3.3
ELS Absent						
Summer	1.9		1.9	4.3		4.3
Fall	3.2		3.2	4.3		4.3
Winter	3.3		3.3	4.4		4.4
Spring	2.1		2.1	3.3		3.3

Metals-Total Recoverable

Parameter	Chronic (4-day ave)			Acute (1-hour ave)		
	Standard'	Background	Limit	Standard'	Background	Limit
Aluminum (µg/L)	87.0		87.0	750.0		750.0
Arsenic (µg/L)	150.0		150.0	340.0		340.0
Cadmium (µg/L)	1.6		1.6	4.6		4.6
Chromium VI (µg/L)	11.0		11.0	16.0		16.0
Chromium III (µg/L)	180.7		180.7	3781.2		3,781
Copper (µg/L)	20.2		20.2	32.8		32.8
Cyanide (µg/L) ²	5.2		5.2	22.0		22.0
Iron (µg/L)				1000.0		1,000
Lead (µg/L)	10.1		10.1	258.1		258.1
Mercury (µg/L) ²	0.0		0.012	2.4		2.4
Nickel (µg/L)	112.1		112.1	1008.2		1,008
Selenium (µg/L)	4.6		4.6	18.4		18.4
Silver (µg/L)				17.9		17.9
Tributyltin (µg/L) ²	0.1		0.072	0.5		0.46
Zinc (µg/L)	257.8		257.8	257.8		257.8

1: Based upon a Hardness of 247 mg/l as CaCO3

2: Background concentration assumed 67% of chronic standard

Organics [Pesticides]

Parameter	Chronic (4-day ave)		Acute (1-hour ave)	
	Standard	Limit	Standard	Limit
Aldrin (µg/L)			1.5	1.5
Chlordane (µg/L)	0.0043	0.0043	1.2	1.2
DDT, DDE (µg/L)	0.001	0.001	0.55	0.55
Diazinon (µg/L)	0.17	0.17	0.17	0.17
Dieldrin (µg/L)	0.0056	0.0056	0.24	0.24
Endosulfan, a & b (µg/L)	0.056	0.056	0.11	0.11
Endrin (µg/L)	0.036	0.036	0.086	0.086
Heptachlor & H. epoxide (µg/L)	0.0038	0.0038	0.26	0.26
Lindane (µg/L)	0.08	0.08	1.0	1.0
Methoxychlor (µg/L)			0.03	0.03

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Mirex (µg/L)			0.001	0.001
Nonylphenol (µg/L)	6.6	6.6	28.0	28.0
Parathion (µg/L)	0.0130	0.0130	0.066	0.066
PCB's (µg/L)	0.014	0.014		
Pentachlorophenol (µg/L)	15.0	15.0	19.0	19.0
Toxephene (µg/L)	0.0002	0.0002	0.73	0.73

Radiological

	Maximum Concentration	
Parameter	Standard	
Gross Alpha (pCi/L)	15	

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Effluent Limitations for Protection of Agricultural Water (Class 4 Waters) (R317-2-14.1)

Physical Parameter	Concentration	
	Minimum	Maximum
pH	6.5	9.0

Metals-Dissolved Maximum

Parameter	Standard'	Maximum Background	Limit
Arsenic (µg/L)	100.0		100.0
Cadmium (µg/L)	10.0		10.0
Chromium (µg/L)	100.0		100.0
Copper (µg/L)	200.0		200.0
Lead (µg/L)	100.0		100.0
Selenium (µg/L)	50.0		50.0

Inorganics-Maximum

Parameter	Standard'	Maximum Background	Limit
Boron (mg/L)	0.75		0.75

Radiological

Parameter	Maximum Concentration Standard
Gross Alpha (pCi/L)	15

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ATTACHMENT 3

Reasonable Potential Analysis

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REASONABLE POTENTIAL ANALYSIS

Water Quality has worked to improve our reasonable potential analysis (RP) for the inclusion of limits for parameters in the permit by using an EPA provided model. As a result of the model, more parameters may be included in the renewal permit. A Copy of the Reasonable Potential Analysis Guidance (RP Guide) is available at water Quality. There are four outcomes for the RP Analysis¹. They are;

- Outcome A: A new effluent limitation will be placed in the permit.
- Outcome B: No new effluent limitation. Routine monitoring requirements will be placed or increased from what they are in the permit,
- Outcome C: No new effluent limitation. Routine monitoring requirements maintained as they are in the permit,
- Outcome D: No limitation or routine monitoring requirements are in the permit.

A quantitative RP was not performed on effluent metals data because there is inadequate data for use in a RP. Additional monitoring for metals will be included in this permit to support future RP.

Metals Data

	Metal	Cyanide	Arsenic	Cadmium	Copper	Lead	Nickel	Silver	Zinc	Selenium	Mercury	Chromium
	ARP Val	0.0052	0.34	.0046	0.0328	0.258	1.008	0.0179	0.26	0.0184	0.0024	3.781
	CRP Val	0.022	0.15	.0016	0.0202	0.0101	0.112	--	0.26	0.0046	0.000012	.187
Metals (mg/L)	2019	0.002	0.0006	0.0002	0.0022	0.0008	0.0002	0.0005	0.01	0.0015	0.0002	0.0014
	2020	0.002	0.0005	0.0002	0.0005	0.0024	0.0005	0.0005	0.01	0.0016	0.0002	0.0021
	2021	0.002	0.0006	0.0002	0.0013	0.0009	5	0.0005	0.01	0.0017	0.0002	0.0014
	2022	0.002	0.0005	0.0002	0.0012	0.0014	0.0019	0.0005	0.01	0.0019	0.00015	0.0024

¹ See Reasonable Potential Analysis Guidance for definitions of terms