

Official Draft Public Notice Version **February 23, 2024**

The findings, determinations, and assertions contained in this document are not final and subject to change following the public comment period.

**FACT SHEET AND STATEMENT OF BASIS  
SALT LAKE CROSSING  
PERMIT: DISCHARGE  
UPDES PERMIT NUMBER: UT0026255  
MINOR INDUSTRIAL**

**FACILITY CONTACTS**

Permittee: Salt Development, LLC  
Contact: Sean O'Connor  
Position: Construction Manager  
Phone Number: (970) 623-1026

Project Name: Salt Lake Crossing  
Discharge Location Name: 470 West 200 North Salt Lake City Parking Structure  
Mailing and Facility Address: 205 North 400 West, Suite 300  
Salt Lake City, UT 84103  
Telephone: (970)-623-1026  
Physical Location: 470 West 200 North  
Salt Lake City, UT 84103

**DESCRIPTION OF FACILITY**

Currently, the site is under construction for a multi-unit residential apartment complex with a sub-grade parking structure. Due to interaction with groundwater, the parking structure will require groundwater dewatering during and after construction.

**SUMMARY OF CHANGES FROM PREVIOUS PERMIT**

This facility previously had a Treated Groundwater and Surface Water General Permit with the UPDES permit number UTG790096. Given the total flow from the facility, the length of time of the project (in excess of one year), and the nature of the water being discharged (Total Dissolved Solids (TDS) in excess of what the General Permit allows), the facility is being transitioned to an individual UPDES permit.

**DISCHARGE**

**DESCRIPTION OF DISCHARGE**

The facility has been required to report self-monitoring results on Discharge Monitoring Reports (DMRs) on a monthly basis since the general permit was obtained in October of 2021. Results can be obtained at <https://echo.epa.gov/>.

Outfall Number

001

Location of Discharge Outfall 001

Located at latitude 40° 48 ' 21.0996" N and longitude 111° 55' 39.108" W. Groundwater discharges to the Salt Lake City Stormwater System that drains to the Northwest Canal.

**RECEIVING WATERS AND STREAM CLASSIFICATION**

If a discharge were to occur, it would be pumped into a drainage ditch and then to the Northwest Drain, which is Class 2B, 3E, and 5D, 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 5D -- Farmington Bay, Geographical Boundary -- All open waters at or below approximately 4,208-foot elevation east of Antelope Island and south of the Antelope Island Causeway, excluding salt evaporation ponds.  
Beneficial Uses -- Protected for infrequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

**BASIS FOR EFFLUENT LIMITATIONS**

The majority of the limitations in this permit are based primarily upon the limitations found in the General Permit for Treated Groundwater and Surface Water Permit Number UTG790000, with a few exceptions. As mentioned above, this facility applied for and was issued coverage under the Treated Groundwater and Surface Water General Permit. However, it was found that due to several factors, primarily the length of the project, the facility was not eligible for that permit. It is, therefore, being transitioned to an individual permit. The effluent limits for the following pollutants are based on the General Permit for treated ground water; lead, benzene, BTEX, MTBE, naphthalene, Total Toxic Organics (TTO), Individual Toxic Organics, Total Petroleum Hydrocarbon (TPH) GRO, TPH-DRO, and Toxic Metals.

Several of the individual constituents of petroleum fuels will also be included in the permit effluent limitations. Benzene, toluene, ethylbenzene, and naphthalene are included because they are the components of gasoline that have been identified as toxic pollutants in the Clean Water Act. Xylene is included because it is one of the contaminants of concern to be regulated under the Safe Drinking Water Act of 1986. EPA has developed a model NPDES permit for discharges resulting from the cleanup of gasoline released from USTs. The model permit provides effluent limitations for surface water discharges from corrective actions at gasoline UST sites. The limits are based on the characterization of constituents commonly found in gasoline. The permit was developed to assist permitting authorities by recommending specific effluent limitations, standard conditions, and special conditions for inclusion in all NPDES permits for discharges from these sites. Of the aromatics known to be present in gasoline and diesel fuels, the ones that are listed as hazardous substances and/or priority toxics include naphthalene. Naphthalene has been present in detectable concentration in the effluent of greater than 10% of historic projects. Naphthalene's effluent limitation is based on BPJ and is the same as in the previous permit. Benzene, for which the EPA Office of Drinking Water has issued a health advisory, is a known human carcinogen. The EPA has set the Maximum Contaminant Level (MCL) for benzene in drinking water at 0.005 mg/L. In addition, EPA's model permit recommends an effluent limitation of 0.005 mg/L. The effluent limit for Benzene in this renewal permit is

the same as in the previous permit. The aggregate BTEX parameter's effluent limitation will be set equal to EPA's model permit at 0.1 mg/L and is the same as in the previous permit. MTBE is included as a pollutant of concern with the effluent limitation based on BPJ and is the same as in the previous permit.

Total Toxic Organics chemicals are the primary sources of concern at cleanup sites. However, many of the toxic organics may be found in contaminated ground and surface water. They are often used as solvents or as oil additives to extend the useful life of oils. Although there are variations of toxicity among the toxic organic pollutants, a number are known carcinogens and many pose significant environmental hazards. Since there are potential adverse effects associated with these organics, they must also be addressed. The control of toxic organics will be achieved in this permit by setting an effluent limit for total TTO. TTO is defined as the sum of the concentrations of the specific toxic organic compounds (listed in Table B of the NOI) found in the wastewater discharge. All permittees are required to do an initial screening for all of the priority toxics prior to NOI submittal (see Table B of the NOI for a full list of the TTOs). From then on, only those organics that were detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14, in the initial influent screening are required to be analyzed for during discharge. The maximum daily effluent limitation for TTO is 2.0 mg/L and is the same as in the previous permit. This is similar to the EPA pretreatment standards for TTO in several industries in which toxic organics are a concern, such as the "Electroplating and Metal Finishing" and the "Electrical and Electronic Components" categories. Organics generally have a higher solubility in hydrocarbons than in water and are therefore present in highest concentrations in the oily waste stream of the wastewater. Since the treatment systems employed in these cleanup projects are designed to remove the waste oil, they should sufficiently reduce organic chemicals as well. For receiving waters which do not have designated use Class 1C Drinking Water, TPH analyses may be substituted for the TTO analyses upon approval from the Director. It is the permittee's responsibility to petition the Director. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.

In August 2020, the Utah Division of Water Quality amended the secondary treatment requirements found in UAC R317-1-3. That rule change made the secondary treatment standards applicable only to Publicly Owned Treatment Works (POTW). As a result of that change, Utah secondary treatment standards for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) do not automatically apply to industrial facilities, unless otherwise required by their effluent limitation guidelines. Since this facility is not classified as a POTW, and there are no controlling effluent limitation guidelines (ELG) for this activity, neither Utah secondary treatment standards nor ELG limits for BOD and TSS apply at this time. However, the daily TSS limit of 70 mg/L will remain to align the permit with the Treated Groundwater and Surface Water General Permit (UTG790000) and based on Best Professional Judgement (BPJ). The oil and grease are based on BPJ. Flow is based on reported values.

The absence of discharge limitations for TDS are based upon the use classification for the receiving waters and the lack of effluent limitation guidelines for the facility. Both the Northwest Drain and the Oil Drain Canal are listed as 2B, 3E. There are no agricultural uses (Class 4) for either of these waters. Since only Class 4 waters have limits for TDS, no TDS limitations will be included in this individual permit. However, this permit will require monitoring and reporting of TDS.

Based upon the limitations set forth in the permit, it has been determined that this discharge will not cause a violation of water quality standards. An Antidegradation Level II review was completed as part of this permitting process.

### 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 not conducted following DWQ's September 10, 2015 Reasonable Potential Analysis Guidance (RP Guidance) because there is inadequate data for use in RP. As a result, monitoring for metals will be included in this permit. The additional monitoring will help establish a record of the presence or absence of each pollutant. Monitoring for metals will be required at a monthly frequency. See below for details.

The permit limitations are:

Parameter	Effluent Limitations *a			
	Maximum Monthly Avg	Maximum Weekly Avg	Daily Minimum	Daily Maximum
Total Flow, MGD *b *c	0.144	--	--	0.288
TSS, mg/L	--	--	--	70
pH, Standard Units	--	--	6.5	9
Oil & Grease, mg/L *e	--	--	--	10
Total Recoverable Lead, µg/L *f	--	--	--	5.0
Benzene, µg/L	--	--	--	5.0
BTEX, mg/L *g	--	--	--	0.1
MTBE, mg/L	--	--	--	0.2
Naphthalene, mg/L	--	--	--	0.7
TTO *h	--	--	--	2.0
Individual Toxic Organics	--	--	--	*g
TPH GRO, mg/L *i	--	--	--	1.0
TPH-DRO, mg/L *i	--	--	--	1.0
Toxic Metals, µg/L *j	--	--	--	Report
TDS, mg/L	--	--	--	Report
Toxic Organics *d	--	--	--	Report

### SELF-MONITORING AND REPORTING REQUIREMENTS

The permit will require reports to be submitted monthly and annually, as applicable, on 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 metals and toxic organics must be attached to the DMRs.

Self-Monitoring and Reporting Requirements			
Parameter	Frequency	Sample Type	Units
Total Flow	Continuous	Recorder/ Measured	MGD
pH, Standard Units	2x/Monthly	Grab	mg/L
TSS	Monthly	Grab	mg/L
Total Recoverable Lead	Monthly	Grab	mg/L
Oil & Grease	Monthly	Grab	mg/L
Benzene	2x/Monthly	Grab	mg/L
BTEX	2x/Monthly	Grab	mg/L
MTBE	2x/Monthly	Grab	mg/L

Naphthalene	Monthly	Grab	mg/L
Total Toxic Organics (TTO)	Monthly	Grab	mg/L
Individual Toxic Organics	Monthly	Grab	mg/L
Total Petroleum Hydrocarbon (TPH) GRO	Monthly	Grab	mg/L
TPH-DRO	Monthly	Grab	mg/L
Toxic Metals	Monthly	Grab	mg/L
TDS	Monthly	Grab	mg/L
Toxic Organics	Quarterly	Grab	mg/L

- \*a See Definitions, *Part VIII*, for the definition of terms.
- \*b 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.
- \*c If the rate of discharge is controlled, the rate and duration of discharge shall be reported.
- \*d The permittee shall analyze the effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D Table II (Organic Toxic Pollutants). The pesticides fraction of Appendix D, Table II is suspended unless pesticides are expected to be present.
- \*e Oil & Grease sampled when sheen is present or visible. If no sheen is present or visible, report NA.
- \*f The freshwater benchmarks values of some metals are dependent on water hardness. These effluent limits have been calculated using an assumption of 25mg/l CaCO<sub>3</sub> hardness.
- \*g BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes.
- \*h Those toxic organics that were detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14, or if no numeric criterial exists in R317-2-14, 0.25 times (or 25%) the drinking water MCL as defined by EPA, in the initial TTO influent screening will be required to be analyzed for during discharge. Toxic organics detected in concentrations equal to or greater than 0.25 times (or, 25%) the numeric criteria in R317-2-14 or the MCL shall have effluent discharge limitations in as defined in R317-2-14, or, if no numeric criteria exist in R317-2-14, the MCL as defined by EPA will be the limit. Individual toxic organics required to be monitored and analyzed on a monthly basis, will be specified in the DWQ section of the NOI upon permit issuance.
- \*i TPH-GRO and TPH-DRO analyses may be substituted for the TTO analyses upon approval from DWQ. Maximum daily effluent limitations of 1.0 mg/L TPH-GRO and TPH-DRO will be substituted for the TTO effluent limitation. It is the permittee's responsibility to petition the Director. Ongoing treatment systems will be required to conduct at least one TTO analysis per permit cycle. The Director may then approve, partially approve, or deny the request based on all available information. If approval is given, the modification will take place without a public notice.
- \*j The toxic metals to be sampled include the following: Total Recoverable Aluminum, Total Arsenic, Total Cadmium, Total Chromium, Total Copper, Total Mercury, Total Nickel, Total Silver and Total Zinc.

### BIOSOLIDS

The State of Utah has adopted the *40 CFR Part 503* federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a dewatering project, there is no sludge production. Therefore *40 CFR Part 503* does not apply at this time.

## **STORM WATER**

Permit coverage under the Construction General Storm Water Permit (CGP) is required for any construction at the facility which disturb an acre or more, 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.

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

## **PRETREATMENT REQUIREMENTS**

Any process wastewater that the permittee discharges to a POTW, 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 Clean Water Act, the permittee shall comply with all applicable federal general pretreatment regulations promulgated, found in 40 CFR 403, the pretreatment requirements found in UAC R317-8-8, and any specific local discharge limitations, Pretreatment Standards or Pretreatment Requirements developed by the POTW accepting the waste or required by 40 CFR 403 or R317-8.

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 permittee is a minor industrial facility that will be discharging an infrequent amount of effluent, in which toxicity is neither an existing concern, nor likely to be present. Additionally, the receiving waters are listed as Class 3DE, severely habitat-limited waters. Based on these considerations, and the absence of receiving stream water quality monitoring data, there is no reasonable potential for toxicity in the permittee's discharge (per State of Utah Permitting and Enforcement Guidance Document for WET Control). As such, there will be no numerical WET limitations or WET monitoring requirements in this permit. However, the permit will contain a toxicity limitation re-opener provision that allows for modification of the permit should additional information indicate the presence of toxicity in the discharge.

### **PERMIT DURATION**

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

Drafted and Reviewed by  
Lonnie Shull, Discharge Permit Writer, Biomonitoring  
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### **PUBLIC NOTICE**

Began: Month Day, Year  
Ended: Month Day, Year

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

The Public Noticed of the draft permit was published on the DWQ 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**

(Explain any comments received and response sent. Actual letters can be referenced, but not required to be included).

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