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DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

Mine file #8
ACT/207/012
RECEIVED
SEP 26 1989
DIVISION OF
OIL, GAS & MINING

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288 North 1460 West
P.O. Box 16690
Salt Lake City, Utah 84116-0690
(801) 538-6121

September 19, 1989

**CERTIFIED MAIL
(Return Receipt Requested)**

Mr. Candy Manzanares
Genwal Coal Company
P.O. Box 766
Wellington, Utah 84542

Re: Issuance of General
Permit for Coal Mining
UTG040010

Dear Mr. Manzanares:

We acknowledge receipt by the State of Genwal Coal Company's, Notice of Intent (NOI) for coverage under the Utah General Permit for Coal Mining. The NOI submitted for the Wellington Coal Cleaning Plant is considered complete and adequate for issuance of a general permit.

It is our understanding that this facility will not be processing coal, but will basically be a storage and transport facility. There are eight discharge points listed and the general permit will cover seven of these points (001, 003, 004, 005, 006, 007, and 008). Point 002 is Price River water which is not a discharge, but considered as a diversion. Point 002 will not be required to meet effluent limitations as contained in the Utah General Permit for Coal Mining with the provision that it be used only as described in the NOI. A copy of the final signed permit is enclosed. Coverage shall begin on September 23, 1989 and all requirements and conditions will be in full force and effect at that time.

Preprinted Discharge Monitoring Report forms (EPA form 3320-1) for self monitoring and reporting requirements as specified in the permit will be sent to Genwal Coal Company.

Also enclosed is the billing information for issuance of your Utah Pollutant Discharge

Elimination System (UPDES) permit. A fee scheduled was included in the Utah Department of Health budget appropriation request at the direction of the Legislature and in accordance with Utah Code Annotated 26-1-6. The fee scheduled as approved by the Legislature includes a \$100.00 filing fee and a charge equal to the Bureau of Water Pollution Control's actual costs for writing and issuance of a UPDES permit. It is Division policy to charge either the filing fee or the actual cost plus 7% whichever is greater. Please remit \$246.05 to the Utah Department of Health, Bureau of Water Pollution Control, P.O. Box 16690, Salt Lake City, Utah 84116-0690.

If you have any questions please contact Mike Herkimer at 538-6146.

Sincerely,

Utah Water Pollution Control Committee



Don A. Ostler, P.E.
Executive Secretary

Enclosure

cc w/enclosure: Bradley Paul, Coal Systems, Inc.
w/enclosure: Rick Somers, DOGM
w/enclosure: Janet Fujita, EPA, Region VIII

Mining
DOCUMENT NO. 1347k

RECEIVED
SEP 26 1989

DIVISION OF
OIL, GAS & MINING
Permit No.: UTG040010

STATE OF UTAH
DEPARTMENT OF HEALTH
BUREAU OF WATER POLLUTION CONTROL
P.O. BOX - 16690
SALT LAKE CITY, UTAH 84116-0690

Authorization to Discharge Under the
Utah Pollutant Discharge Elimination System
Utah General Permit for Coal Mining

In compliance with provisions of the **Utah Water Pollution Control Act**, Title 26 Chapter 11 Utah Code Annotated, 1953 as amended, the Act. The coal company identified in the application is authorized to discharge to Waters of the State as identified in the application in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

Coverage under this general permit for Genwal Coal Company shall become effective on September 23, 1989.

This general permit and the authorization to discharge shall expire at midnight, April 30, 1993.

Signed this *21st* day of *September* 1989



Authorized Permitting Official
Executive Secretary
Water Pollution Control Committee

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average", is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average", is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. 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 the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

7. "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 preventive maintenance, or careless or improper operation.
8. "Bypass" means the diversion of waste streams from any portion of a treatment facility.
9. "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.
10. "Executive Secretary" means Executive Secretary of the Utah Water Pollution Control Committee.
11. "EPA" means the United States Environmental Protection Agency.
12. The term "10-year, 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, **Rainfall Frequency Atlas of the U.S.**, May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.
13. "Active mining area" means the areas on and beneath land used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.
14. "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.
15. The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.
16. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
17. The term "settleable solids" is that matter measured by the volumetric method specified below:

The following procedure is used to determine settleable solids:

Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating material occurs, do not include the floating material in the reading.

18. Mine drainage means any drainage, and any water pumped or syphoned, from an active mining area or a post mining area.
19. Alkaline mine drainage means mine drainage which before any treatment has a pH equal to or greater than 6.0 and total iron concentration less then 10 mg/l.
20. Post mining areas means: 1) a reclamation area or 2) the underground workings of an underground coal mine after extraction removal or recovery of coal from its natural deposit has ceased and prior to bond release.

B. Criteria for Inclusion in The General Permit for Coal Mining.

This General permit shall apply only to the discharge of treated wastewater from:

Coal mining operations either new or existing in Utah which include or will include in part or in whole alkaline mine water drainage, storm water runoff from coal preparation plant associated areas, active mining areas, and post mining areas. The total amount of total dissolved solids discharged from all mine water and decant operations is limited to one ton per day.

C. Notice of Intent for a General Permit for Coal Mining.

1. Any facility which desires a general permit for coal mining and meets the requirement of B. above can be issued a general permit only by following the procedures listed below.

Submit a Notice of Intent (NOI) to obtain a general permit for coal mining. The NOI shall include the following items:

- a. Name of the facility.
- b. Facility contact person and phone number for that person.
- c. The facility mailing address (include zip code).
- d. Complete items e through q of the NOI if the information contained in those items has not already been submitted in a previous NOI or individual UPDES application, or if circumstances have changed such that the information previously submitted would be out of date or incorrect.
- e. Facility location such as street address, county, city or town, state and zip code. Include the latitude and longitude of the facility to the nearest 15 seconds.

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- f. Name of the operator if other than the owner. Indicate here if the owner will be the operator and the phone number where the operator can be reached during normal and off work hours, and the address of the operator.
- g. Statement as to whether the facility or any existing or proposed discharge points are located on Indian lands or within National Forest boundaries.
- h. List of any other permits (including other UPDES permits) that the facility has or is attempting to obtain such as UIC or RCRA.
- i. Statements as to whether the facility has any hazardous waste treatment storage or disposal areas.
- j. List location and identification number (such as 001, 002, etc.) of each existing discharge and/or proposed discharge point(s). This includes the latitude and longitude to the nearest 15 seconds and the name of the receiving water(s).
- k. A description of the source of the wastewater for each discharge point.
- l. A description of the treatment given or proposed for the wastewater at each discharge point and if necessary a justification of why no treatment is required.
- m. Indicate for each discharge point flow characteristics such as whether flow is or will be continuous or intermittent and indicate projected and/or actual average and maximum flows in gpd.
- n. For each discharge point submit data for the following parameters:
 - 1) Biochemical oxygen demand (BOD)
 - 2) Chemical oxygen demand (COD)
 - 3) Total organic carbon (TOC)
 - 4) Total suspended solids (TSS)
 - 5) Flow
 - 6) Ammonia (as N)
 - 7) Oil and grease
 - 8) Temperature
 - 9) pH
 - 10) Total dissolved solids (TDS)
 - 11) Total iron
 - 12) Date and time of sampling for each parameter
 - 13) Date and time of analysis for each parameter
 - 14) Laboratory which has completed the analysis for each parameter

If no data is available, indicate why the data is not available.

The Executive Secretary may waive the reporting requirements for any of these pollutants and parameters if the applicant submits a request for such a waiver before or with the NOI which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

0. Indicate for each discharge point the presence or absence of any toxic and/or priority pollutants as listed by EPA in 40 CFR Part 403.

p. Area Maps (Active Mining Operations)

Facilities are required to submit an Area Map in the form specified hereafter.

The Area Map(s) and any necessary revised Area Map(s) shall be submitted in the form specified below and shall be made from USGS topographical maps (7.5 or 15-minute series) or other appropriate sources as approved by the Executive Secretary or his designee. Each revised area map shall be 8 1/2 inches by 11 inches and shall be in black and white suitable to produce readable copies by rapid printing methods. (Xerox, Dennison, Offset printing, etc.) or as approved by the Executive Secretary. Where additional 8 1/2 inch by 11 inch maps are required to show the area of operation, they shall be numbered and a key shall be shown on the first map. The first map section shall have the company name, mine/job name, address, and UPDES number clearly printed thereon. Also, one line of latitude and one line of longitude shall be marked on each map section. The Area Map(s) shall delineate the following, using the graphics as indicated:

1. Existing area of operation shall be outlined by a solid line and the map shall show areas at least one mile beyond the existing areas of operation. _____
 2. Existing point source(s) (Solid Triangle)
 3. The projected area of operation for the next five years
----- (Dashed Outline)
 4. Projected point source(s) for the next five years
(Opened Triangle)
 5. The active-inactive status of all discharge points which are listed in the application. These discharge points shall be assigned numbers 001, 002, 003, etc.
 6. The location of springs, rivers and other surface water bodies.
 7. The location of any hazardous waste treatment, storage and disposal areas, and where any fluids are injected into the ground.
- q. If there are any changes corrections, or other modifications or adjustments of the location of the point source discharges, the permittee shall submit a revised Area Map(s) as described in p. above. Such maps must be submitted 30 days prior to commencement of the discharge.

- r. The NOI must be signed by a responsible official of the company with the following format:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the NOI application, I believe the information is true, accurate and correct. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name and Official Title	Signature	Date
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2. Additional information or clarification of information submitted in the NOI may be requested by the Executive Secretary.
3. The NOI to obtain a General Permit for Coal Mining shall be submitted 180 days before expiration of the general permit or an individual permit, for all facilities desiring to continue or obtain a general permit; with the exception of those facilities that have submitted an NOI within one year of the expiration date of the general permit need not resubmit another NOI.
4. New facilities must submit a NOI at least 180 days before the beginning date of discharge.
5. The Executive Secretary will respond to the submission of the NOI by reviewing the NOI within 30 days for a UPDES new source or discharger and 60 days for an existing source and notifying the permittee whether more information is needed or if the NOI is complete, issue the general permit.

D. Specific Limitations and Self-Monitoring Requirements.

1. During the period beginning immediately and lasting through the duration of this permit, the permittee is authorized to discharge from all point sources associated with active mining operations indicated on the Area Maps submitted and approved pursuant to Part I. C. 1p. Such discharges shall be limited and monitored by the permittee as specified below:

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<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>		<u>Monitoring Requirements</u>		
	<u>Average 30-day</u>	<u>7-Day</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, gpd	N/A	N/A	N/A	Monthly	Measured b/
Suspended Solids, mg/L	25	35	70	Monthly	Grab
Total Iron, mg/L	N/A	N/A	2.0	Monthly	Grab
Dissolved Solids, lbs/day	N/A	N/A	N/A c/	Monthly	Grab
Oil Grease, mg/L	N/A	N/A	10	Monthly	Grab

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored twice per month by a grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes or any process water from coal preparation plants.

a/ See Definitions, Part I. A. for definition of terms.

b/ For the intermittent discharges, the duration of the discharge shall be reported along with the flow.

c/ The total amount of Total Dissolved Solids (TDS) discharged from all mine water and decant operations is limited to one ton (2,000 pounds) per day.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at any point which is representative of each discharge prior to its mixing with the receiving stream and as indicated by the solid triangles on the current Area Maps submitted pursuant to part I. C. 1p.

3. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at any outfall may comply with the following limitation instead of the Total Suspended Solids limitations contained in Part I. D. 1. provided the facility has been designed, constructed and operated to adequately treat up to a 10 year 24 hour storm event:

<u>Effluent Characteristic</u>	<u>Daily Maximum</u>
Settleable Solids	0.5 ml/L

In addition to the monitoring requirements specified under Part I. D. 1., all effluent samples collected during storm water discharge events shall also be analyzed for settleable solids. Such analyses shall be conducted on grab samples.

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4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at any outfall may comply with the following limitations instead of the otherwise applicable limitations:

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units. However, as stated under Part I. D. 3., all effluent samples collected at any outfall during storm water discharge events shall be analyzed for settleable solids and the parameters identified under Part I. D. 1.

5. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts I. D. 3. and D. 4. The alternate limitations in Parts I. D. 3. and D. 4. shall not apply to treatment systems that treat underground mine water only.
6. **Best Management Practices.** The company shall implement and maintain best management practices for the control of road salt storage and dust suppressent runoff and for the prevention of the discharge of process water from coal preparation plants. In addition the facility must minimize the discharge of salt by using the largest practical amount of saline water for process and dust control.

II. MONITORING, RECORDING AND 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.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under Utah Administrative Code (UAC) Section R448-2-10, unless other test procedures have been specified in this permit.
- 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. Reporting of Monitoring Results. Monitoring results obtained during the previous calendar quarter shall be summarized for each calendar month on separate Discharge Monitoring Report Forms (DMR, EPA No. 3320-1). All three DMRs for the calendar quarter shall be postmarked no later than the 28th day of the calendar month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of Signatory Requirements (see Part IV), and submitted to the Utah Bureau of Water Pollution Control and to EPA at the following addresses:
- Original to: Utah Department of Health
Bureau of Water Pollution Control
288 North 1460 West
P.O. Box 16690
Salt Lake City, Utah 84116-0690
Attention: Compliance and Monitoring Program
- Copy to: United States Environmental Protection Agency
Region VIII
Denver Place
999 18th Street, Suite 500
Denver, Colorado 80202-2405
Attention: Water Management Division
Compliance Branch (8WM-C)
- E. 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.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under UAC Section R448-2-10 as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

- G. 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.
- H. 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 three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall (orally) report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Bureau of Water Pollution Control, (801) 538-6146, or 24 hour answering service (801) 538-6333.
 2. The following occurrences of noncompliance shall be reported by telephone to the Utah Bureau of Water Pollution Control, Compliance and Monitoring Branch at (801) 538-6146 by the first workday (8:00 a.m. - 5:00 p.m. Mountain Time) following the day the permittee became aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III. G., Bypass of Treatment Facilities.);
 - b. Any upset which exceeds any effluent limitation in the permit (See Part III. H., Upset Conditions.); or,
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
 3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,

- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Compliance and Monitoring Branch, Utah Bureau of Water Pollution Control, (801) 538-6146.
5. Reports shall be submitted to the addresses in Part II. D., Reporting of Monitoring Results.
- J. 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 II. D. are submitted. The reports shall contain the information listed in Part II. I. 3.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, or EPA upon the presentation of credentials and other documents as may be required by law, to:
- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 - 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 - 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.

III. 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 Executive Secretary of the Water Pollution Control Committee 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 is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 26-11-16(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided in permit conditions on Part III. G., Bypass of Treatment Facilities and Part III. 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.
- 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 screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or 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.

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 the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in Part III. F., to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 60 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II. I., Twenty-four Hour Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Executive Secretary may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage ;
 - (2) There were no feasible alternatives to the 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed above in paragraph 3. a. of this section.

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. The Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is taken 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 II. I., Twenty-four Hour Notice of Noncompliance Reporting; and,
 - d. The permittee complied with any remedial measures required under Part III. 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 Federal Clean Water Act 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 Section R448-8-3.4 (7) or (10); or,
 - d. The level established by the Executive Secretary in accordance with UAC Section R448-8-4.2 (6).
 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":

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- 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 Section R448-8-3.4(9); or,
- d. The level established by the Executive Secretary in accordance with UAC Section R448-8-4.2(6).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary 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 as defined in UAC Section R448-8-1.5.; 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 Part IV. A. 2.
- B. Anticipated Noncompliance. The permittee shall give advance notice 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 must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, 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 Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to authorization. If an authorization under paragraph IV. 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 IV. G. 2. must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 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 Section R448-8-3.2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Executive Secretary. 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 Section 311 of the Federal Clean Water Act or the Utah Water Pollution Control 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 provision 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 Executive Secretary at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary 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 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 Section 26-11-19 of the Act.
- O. Water Quality Standard Requirement - 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:

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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. A revision to the current 208 plan is approved and adopted which calls for different effluent limitations than contained in this permit.