



# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

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0009

September 20, 1999

CERTIFIED MAIL  
(Return Receipt Requested)

R. Jay Marshall, Chief Engineer  
 Utah American Energy-Lila Canyon Mine  
 P. O. Box 986  
 Price, Utah 84501

Dear Mr. Marshall:

Subject: UPDES General Coal Mining Permit No. UTG040024, Utah American Energy-Lila Canyon Mine

*ACT/007/013 #2  
 Copy Cover to Dave, Aaron  
 Copy all to PFD.*

Enclosed is your copy of the signed general permit. Coverage will become effective on October 1, 1999 all the requirements and conditions of the permit will be in 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 you as soon as possible.

Also enclosed is the multi-sector general storm water permit (which contains an NOI). Please be advised that you may need to obtain this general permit. For more information please contact Harry Campbell at (801) 538-6923.

As the agency charged with the administration of issuing UPDES Permits, we are continuously looking for ways to improve our quality of service to you. In effort to improve the State UPDES permitting process we are asking for your input. Since our customer permittee base is limited, your input is important. Please take a few moments to complete the enclosed questionnaire. The results will be used to improve our quality and responsiveness to our permittees and give us feed back on customer satisfaction. We will address the issues you have identified on an ongoing basis.

A fee schedule was included in the Utah Department of Environmental Quality budget appropriation request at the direction of the Legislature and in accordance with Utah Code Annotated 19-1-201. The fee schedule, as approved by the Legislature, includes a charge for the issuance of a UPDES permit. Please remit \$1,290.00 within 30 days of receipt of this letter to:

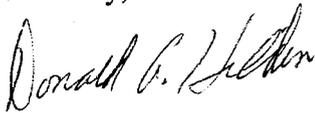
R. Jay Marshall  
September 20, 1999  
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Department of Environmental Quality  
Division of Water Quality  
ATTN: Mark Burrell  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

0000

If you have any questions, please contact Michael Herkimer at (801) 538-6058.

Sincerely,



Donald A. Hilden, Ph.D., Manager  
Permits and Compliance Section

DAH:MDH:st

Enclosure

cc: Division of Oil, Gas & Mining (w/encl)  
Claron D. Bjork, Southeastern Utah District Health Dept. (w/encl)  
Dave Ariotti, District Engineer (w/encl)  
Mark Burrell, DWQ Accounts (w/o encl)

**Permit No. UTG040000**  
**Industrial**

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

AUTHORIZATION TO DISCHARGE UNDER THE  
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(UPDES)

GENERAL PERMIT FOR COAL MINING

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

**UTAH AMERICAN ENERGY - LILA CANYON MINE**

as identified in the application No. UTG040024 is authorized to discharge from two outfalls to receiving waters named:

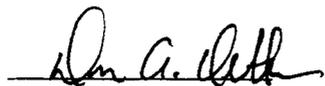
Grassy Wash to Marsh Flat to the Price River

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on October 1, 1999.

This general permit and the authorization to discharge shall expire at midnight, April 30, 2003.

Signed this 20th day of September, 1999.



Authorized Permitting Official  
Executive Secretary  
Utah Water Quality Board

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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 composite sample 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. "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.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

8. "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.
9. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
10. "EPA" means the United States Environmental Protection Agency.
11. "Act" means the "*Utah Water Quality Act*".
12. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
13. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
14. "CWA" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
15. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
16. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311 of the Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102 of CERCLA* (see *40 CFR 302.4*).
17. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
18. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
19. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *NOAA Atlas 2, 1973* for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
20. 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.
21. 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.

22. "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 than 10 mg/L.

23. The term "settleable solids" is that matter measured by the volumetric method specified below:

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.

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 until the performance bond is released. 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

Any facility which desires coverage under this general permit for coal mining and meets the requirements of Part I.B. can be issued general permit coverage by submitting a notice of intent (NOI) to the Division of Water Quality at the addresses listed on page -- of this permit.

The NOI shall include:

- a. A completed Environmental Protection Agency Application (EPA Form 3510-1) or equivalent information.
- b. 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).
- c. A description of the source of the wastewater for each discharge point.
- d. 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.
- e. Flow characteristics for each discharge point such as whether flow is or will be continuous or intermittent and indicate projected and/or actual average and maximum flows in gpd.
- f. Data for each discharge point for the following parameters:
  - 1) Biochemical oxygen demand (BOD<sub>5</sub>).

- 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 and metals, cyanide, phenols located in Table III UAC R317-8-3.12.
- 12) For discharge(s) of mine water or mine water and mine water mixed with surface runoff one acute whole efficiency toxicity test using two species and a full dilution series (five dilutions plus a control). Sediment pond discharges which have only surface runoff do not require WET tests.
- 13) Date and time of sampling for each parameter
- 14) Date and time of analysis for each parameter
- 15) Utah certified laboratory which has completed the analysis for each parameter

If no data are available, indicate why the data are 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 when the NOI is submitted which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

- g. For each discharge point the presence or absence of any toxic and/or priority pollutants as listed Table II, UAC R317-8-3.12.

D Description of Discharge Point(s).

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit is a violation 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*.

<u>Outfall Number</u>	<u>Location of Discharge Point(s)</u>
001	Discharge from sedimentation pond to Grassy Wash at a latitude of 39°25' 28" and a longitude of 110°20' 53"
002	Discharge from the mine portal to Grassy Wash at a latitude of 39°25' 34" and a longitude of 110°20' 26"

E. 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 bioassay or other tests performed in accordance with standard procedures.

F. Specific Limitations and Self-monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from outfalls 001 and 002. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	Discharge Limitations <i>a/</i>			Monitoring Requirements	
	Average <u>30-Day</u>	<u>7-Day</u>	Daily <u>Maximum</u>	Measurement <u>Frequency</u>	Sample <u>Type</u>
Flow, gpd	NA	NA	NA	Monthly	Measured <u>b/</u>
Oil & Grease, mg/L	NA	NA	10 <u>c/</u>	Monthly	Grab
Total Suspend.Solids,mg/L	25	35	70	Monthly	Grab <u>e/</u>
Total Iron, mg/L	NA	NA	1.0	Monthly	Grab <u>e/</u>
Total Diss. Solids,lbs/day	NA	NA	<u>d/</u>	Monthly	Grab <u>e/</u>

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample and shall be monitored monthly by a grab sample.

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

There shall be no use of gypsum for rock dusting unless the permittee provides sufficient information to the Executive Secretary such that approval is granted based upon the Colorado River Basin Salinity Control Forum Policies and the fact that it will not significantly increase total dissolved solids concentrations.

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

N.A. - Not Applicable.

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

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

c/ If a visual sheen for oil and grease is observed then a grab sample must be taken immediately and the results shall not exceed 10 mg/L.

d/ The total amount of total dissolved solids (TDS) discharged from all mine water and decant operations is limited to one ton (2000 pounds) per day.

e/ These samples may also be a composite sample.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken from the effluent before mixing with any receiving water.
3. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at all surface runoff ponds (outfalls) may comply with the following limitation instead of the total suspended solids limitations contained in Part I.F.1:

<u>Effluent Characteristics</u>	<u>Daily Maximum</u>
Settleable Solids	0.5 mL/L

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

4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at all surface runoff pond outfalls 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.F.3, all effluent samples collected at all surface runoff pond outfalls during storm water discharge events shall be analyzed for settleable solids and the parameters identified under Part I.F.1.

5. The permittee/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.F.3. and F.4. The alternate limitation in Parts I.F.3. and F.4. shall not apply to treatment systems that treat underground mine water only.
6. Best Management Practices.

All requirements for best management practices are covered by the Multi-Sector General Storm Water Permit.

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. Sludge samples shall be collected at a location representative of the quality of sludge 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*, 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 month shall be summarized for each month and reported monthly on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on November 28, 1999. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality at the following address:

original to: Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870

- 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 parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10* or as otherwise specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- 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. 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 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, (801) 538-6146, or 24 hour answering service (801) 536-4123.
  2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4123 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 III.G, Bypass of Treatment Facilities.*);
    - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions.*); or,
    - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
  3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
    - a. A description of the noncompliance and its cause;
    - b. The period of noncompliance, including exact dates and times;
    - c. The estimated time 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 Division of Water Quality, (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, 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 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 of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part 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 screening, grit, solids, sludge, 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 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 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 ten (10) 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. Executive Secretary'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 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 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)*.
    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)*.
  - K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

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).

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 the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary 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 coverage under the new general permit. The NOI shall be submitted at least 60 days before the expiration date of this permit. An application shall be submitted at least 180 days before the expiration date of this permit if an individual permit is necessary.
- 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 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 specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under 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 \$10,000.00 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 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 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 Executive Secretary at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees 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 *UCA 19-5-117*.
- 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. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.

F:Gencoal2.per

This is a copy of the Storm Water General Permit.

You must apply for coverage under this permit if it is determined that you need coverage under this permit.

Permit No.: UTR000000

STATE OF UTAH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY  
SALT LAKE CITY, UTAH 84114-4870

Authorization to Discharge Under the  
Utah Pollutant Discharge Elimination System

General Multi-Sector Permit for Storm Water  
Discharges Associated with Industrial Activity

In compliance with the provisions of the *Utah Water Pollution Control Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended, the Act, the facility identified in the Notice of Intent, is authorized to discharge industrial storm water from the specified industrial site to waters of the State, as identified in the Notice of Intent, in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective on January 1, 1998.

This permit and the authorization to discharge shall expire at midnight, December 31, 2002.

Signed this 10th day of December, 1997.



Authorized Permitting Official  
Executive Secretary  
Utah Water Quality Board

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- V. Textile Mills, Apparel and other Fabric Product Manufacturing Facilities
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- X. Printing and Publishing Facilities
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- AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware
- AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery
- AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods
- AD. Non-Classified Facilities

APPENDIX III.

- A. List of "Section 313" Water Priority Chemicals

**PART I**

**Permit No.: UTR000000**

**I. COVERAGE UNDER THIS PERMIT.**

- A. Overview of the Multisector General Permit. *Parts I. - VIII.* apply to all facilities. *Parts I.* describe eligibility requirements. *Parts II. - VIII.* contain "basic" permit requirements.

*Appendix I* contains forms for application or termination of the permit and procedures to do such.

*Appendix II.* provides additional requirements for particular sectors of industrial activity. For example, primary metal facilities add *Appendix II.F.*, to the "universal" *Parts I. - VIII.* requirements.

*Appendix III* contains a list of *EPCRA Section 313* "water priority chemicals".

Some facilities may have "co-located" activities that are described in more than one sector and need to comply with applicable conditions of each sector contained in the *Appendix*. For example, a chemical manufacturing facility could have a land application site and be subject to *Appendix II.C.* - Chemical and Allied Products Manufacturing sector (primary activity), with runoff from the land application site (co-located activity) also subject to conditions in the *Appendix II.L.* - Landfills and Land Application Sites sector.

- B. Permit Area. The permit covers all areas of the State of Utah except for Indian lands<sup>1</sup>.

C. Eligibility

1. Discharges Covered. Except for storm water discharges identified under *Part I.D.*, this permit may cover all new and existing point source discharges of storm water to waters of the State that are associated with industrial activity identified under the coverage sections contained in *Appendix II.* (see Table 1). Military installations must comply with the permit and monitoring requirements for all sectors that describe industrial activities that such installations perform.

**TABLE 1.**

<b>Storm Water Discharges From:</b>	<b>Are Covered if Listed in Appendix:</b>
Timber Products Facilities	II.A.1.
Paper and Allied Products Manufacturing Facilities	II.B.1.

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<sup>1</sup> The State of Utah, *Division of Water Quality*, does not have permit authority for Indian lands. Storm water permits for Indian lands within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX.

<b>Storm Water Discharges From:</b>	<b>Are Covered if Listed in Appendix:</b>
Chemical and Allied Products Manufacturing Facilities	II.C.1.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	II.D.1.
Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities	II.E.1.
Primary Metals Facilities	II.F.1.
Metal Mines (Ore Mining and Dressing)	II.G.1.
Coal Mines and Coal Mine-Related Facilities	II.H.1.
Oil or Gas Extraction Facilities	II.I.1.
Mineral Mining and Processing Facilities	II.J.1.
Hazardous Waste Treatment Storage or Disposal Facilities	II.K.1.
Landfills and Land Application Sites	II.L.1.
Automobile Salvage Yards	II.M.1.
Scrap Recycling and Waste Recycling Facilities	II.N.1.
Steam Electric Power Generating Facilities	II.O.1.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	II.P.1.
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	II.Q.1.
Ship or Boat Building and Repair Yards	II.R.1.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	II.S.1.
Wastewater Treatment Works	II.T.1.
Food and Kindred Products Facilities	II.U.1.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	II.V.1.
Furniture and Fixture Manufacturing Facilities	II.W.1.
Printing and Publishing Facilities	II.X.1.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	II.Y.1.

**PART I**

**Permit No.: UTR000000**

<b>Storm Water Discharges From:</b>	<b>Are Covered if Listed in Appendix:</b>
Leather Tanning and Finishing Facilities	II.Z.1.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	II.AA.1.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	II.AB.1.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	II.AC.1.
Non-Classified Facilities	II.AD.1

2. Construction. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with construction activities provided that the storm water discharge from the construction activity is authorized by and in compliance with the terms of the *UPDES Storm Water General Permit for Construction Activity*, General Permit Number UTR100000.
3. Storm Water Not Associated With Industrial Activity. Storm water discharges associated with industrial activity that are authorized by this permit may be combined with other sources of storm water that are not classified as associated with industrial activity pursuant to *Utah Administrative Code (UAC) R317-8-3.8(6)(c) & (d)* (see also the definition of "storm water discharge associated with industrial activity", *Part VIII.A.21*).
4. Discharges Subject to New Source Performance Standards. Operators of facilities with storm water discharges subject to New Source Performance Standards<sup>2</sup> shall have documentation of a final *DWQ* decision indicating that the *DWQ* has determined that the storm water discharge will have no direct or indirect impact on the affected receiving waters of the State. This documentation shall be obtained and retained on site by 180 days

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<sup>2</sup>Storm water discharges subject to New Source Performance Standards (NSPS) and that may be covered under this permit include: runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 23, 1977)]; contaminated runoff from phosphate fertilizer manufacturing facilities [40 CFR Part 418 Subpart A (established April 8, 1974)]; coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)]; and runoff from asphalt emulsion facilities [40 CFR Part 443 Subpart A (established July 24, 1975)]. NSPS apply only to discharges from those facilities or installations that were constructed after the promulgation of NSPS. For example, storm water discharges from areas where the production of asphalt paving and roofing emulsions occurs are subject to NSPS only if the asphalt emulsion facility was constructed after July 24, 1975.

after the submittal of the Notice of Intent. The information shall be sent to the appropriate address listed in *Part V.B.* of this permit.

- D. Limitations on Coverage. The following storm water discharges associated with industrial activity are **not** authorized by this permit:
1. Storm water discharges associated with industrial activities that are not listed under the coverage sections contained in *Appendix II.* (see Table 1).
  2. Storm water discharges subject to New Source Performance Standards except as provided in *Part I.C.4.*
  3. Storm water discharges associated with industrial activity that are mixed with sources of non-storm water other than non-storm water discharges that are:
    - a. In compliance with a different *UPDES* permit; or
    - b. Identified by and in compliance with *Part II.A.* (Prohibition of Non-storm Water Discharges) of this permit.
  4. Storm water discharges associated with industrial activity that are subject to an existing *UPDES* individual or general permit.
  5. Are located at a facility where a *UPDES* permit has been terminated (other than at the request of the permittee) or denied, or that are issued a permit in accordance with *Part VI.M.* (Requirements for Individual or Alternative General Permits) of this permit;
  6. Storm water discharges associated with industrial activity that the *Executive Secretary* (of the *Utah Water Quality Board*) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard. Where such determinations have been made, the discharger will be notified by the *Executive Secretary* of additional requirements for treatment or handling of the discharge or that an individual permit application is necessary. The *Executive Secretary* may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the pollution prevention plan;
  7. Discharges subject to storm water effluent guidelines, not described under *Appendix II.*
  8. Storm water discharges associated with industrial activity from inactive mining, inactive landfills, or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
- E. Authorization. Dischargers of storm water associated with industrial activity must submit a complete *NOI* using an *NOI* form as found in *Appendix I* (or photocopy thereof), including

**PART I**

**Permit No.: UTR000000**

payment of the appropriate permit fee to be authorized to discharge under this general permit. Unless notified by the *Executive Secretary* to the contrary, owners or operators who submit such notification are authorized immediately to discharge storm water associated with industrial activity under the terms and conditions of this permit after the NOI is received by the *DWQ*. An operator that had coverage under the preceeding expired general storm water industrial permit, must submit the *NOI* from *Appendix I* and a permit fee by January 1, 1998, to have continued coverage under this permit. The *Executive Secretary* may, at any time, deny coverage under this permit and may require submittal of an application for an individual *UPDES* permit based on a review of the *NOI* or other information.

- F. *DWQ Intent to Stagger Operator Renewal.* The *DWQ* wishes to cover sectors in *Appendix II* identified in the table below for different periods of time under this permit. The table below shows the different time periods (beginning at the effective date of this permit) that the *DWQ* wishes to cover sectors in *Appendix II*. When that period of time is up, the *DWQ* will issue other permits for the specified sectors similar to this permit and with compliance issues scheduled in concert with this permit, such that permittees covered by this permit may continue under other permits with staggered renewal schedules. The objective for this action is to disperse permit renewals so that about 20% of all industrial storm water permittees will be up for renewal each year instead of 100% every 5 years. The purpose for this is simply to disperse the work load for the renewal process over 5 years rather than (how it is now) concentrating all general industrial storm water permit renewals in one year every five years.

Appendix II Sector	Years of Coverage Under This Permit
P	1
I, R, AB, and AC	2
E, G, U, AA, and AD	3
A, B, C, D, F, H, M, T, and W	4
J, K, L, N, O, Q, S, V, Y, and X	5

II. SPECIAL CONDITIONS.

A. Prohibition of Non-storm Water Discharges.

1. Storm Water Discharges. Except as provided in *Part II.A.2.* (below), all discharges covered by this permit shall be composed entirely of storm water.
2. Non-Storm Water Discharges.
  - a. Except as provided in *Part II.A.2.b.* (below), discharges other than storm water must be in compliance with a *UPDES* permit (other than this permit) issued for the discharge.
  - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with *Part III* and *Appendix II*: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; drinking fountain water; irrigation drainage; lawn watering; routine external building washdown that does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials (including oils and fuels) have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in Excess of Reportable Quantities.

1. Hazardous Substances or Oil. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of *40 CFR Part 117*, *40 CFR Part 110*, and *40 CFR Part 302*. Except as provided in *Part II.B.2.* (Multiple Anticipated Discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, occurs during a 24-hour period:
  - a. The discharger is required to notify the National Response Center (NRC) (800-424-8802; in the Washington, DC metropolitan area 202-426-2675) in accordance with the requirements of *40 CFR Part 117*, *40 CFR 110*, and *40 CFR Part 302* and the *Division of Water Quality* (DWQ) (801-538-6146; or the 24 hour DWQ answering service at 801-536-4123) as soon as he or she has knowledge of the discharge; and
  - b. The storm water pollution prevention plan required under *Part III.* (Storm Water Pollution Prevention Plans) of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances

**PART II**  
**Permit No.: UTR000000**

leading to the release, and the date of the release. In addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate; and

- c. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with *Part II.B.1.b.* (above) of this permit to the *DWQ* at the address provided in *Part V.B.* (Reporting: Where to Submit) of this permit.
2. Multiple Anticipated Discharges. Facilities that have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either *40 CFR Part 117*, *40 CFR 110*, or *40 CFR Part 302*, that occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall:
    - a. Submit notifications in accordance with *Part II.B.1.b.* (above) of this permit for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI); and
    - b. Shall provide in the storm water pollution prevention plan required under *Part III.* (Storm Water Pollution Prevention Plans) a written description of the dates on which all such releases occurred, the type and estimate of the amount of material released, and the circumstances leading to the releases. In addition, the plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate.
  3. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill.
- C. Co-located Industrial Activity. In the case where a facility has industrial activities occurring onsite which are described by any of the activities in other sections of *Appendix II*, those industrial activities are considered to be co-located industrial activities. Storm water discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from other sections of *Appendix II* applicable to the co-located industrial activity. The operator of the facility shall determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each coverage section (Discharges Covered Under This Section) in the NOI form (*Appendix I*) of this permit.
  - D. Discharge Compliance with Water Quality Standards. Dischargers seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation

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of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable Water Quality Standard, the *Executive Secretary* will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or re-occur, then coverage under this permit will be terminated by the *Executive Secretary* and an alternative permit may be issued or denied. Compliance with this requirement does not preclude any enforcement activity as provided by the *Water Quality Act* for the underlying violation.

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III. STORM WATER POLLUTION PREVENTION PLANS. A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices and in accordance with the factors outlined in *40 CFR 125.3(d)(2)* or *(3)* as appropriate. The *DWQ* recommends that plans be signed by a State registered Professional Engineer (P.E.), particularly where plans are complex, treatment systems are used, and risks to storm water discharges are significant. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

### A. Deadlines for Plan Preparation and Compliance.

1. Existing Facilities. Except as provided in *Part III.A.3.* and *4.* (below), all existing facilities and new facilities that begin operation on or before October 1, 1998 shall prepare and implement the plan by October 1, 1998.
2. New Facilities. Facilities that begin operation after October 1, 1998 shall prepare and implement the plan prior to submitting the Notice of Intent.
3. Oil and Gas Facilities. Oil and gas exploration, production, processing or treatment facilities that are not required to submit a permit application on or before January 1, 1998, in accordance with *UAC R317-8-3.8(2)(a)3.*, but after October 1, 1998, have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either *40 CFR 110.6* or *40 CFR 302.6*, shall prepare and implement the plan on or before the date 60 calendar days after first knowledge of such release.
4. Facilities Continuing Coverage Under the Multi-Sector General Permit upon Expiration of the Baseline General Permit. Facilities previously subject to the *UPDES* General Permit for Storm Water Discharges Associated With Industrial Activity that are renewing coverage under this permit shall continue to implement the storm water pollution prevention plan required by that permit. The plan shall be revised as necessary to address requirements under *Appendix II.* of this permit no later than October 1, 1998. The revisions made to the plan shall be implemented on or before October 1, 1998.
5. Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than January 1, 2001. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate non-structural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.
6. Extensions. Upon a showing of good cause, the *Executive Secretary* may establish a later

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date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity.

**B. Signature and Plan Review**

1. Signature/Location. The plan shall be signed in accordance with *Part VI.G.* (Signatory Requirements), and be retained onsite at the facility that generates the storm water discharge in accordance with *Part VI.P.2.* (Retention of Records) of this permit. For inactive facilities, the plan may be kept at the nearest office of the permittee.
2. Plan Availability. The permittee shall make plans available upon request to the *Executive Secretary*; other local agencies approving storm water management plans; interested members of the public; local government officials; or to the operators of a municipal separate storm sewer receiving discharges from the site. Viewing by the public shall be at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the plan required to be kept onsite (or locally available) must be made available to the *Executive Secretary* (or authorized representative) for review at the time of an onsite inspection.
3. Required Modifications. The *Executive Secretary*, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the *Executive Secretary*, (or as otherwise provided by the *Executive Secretary*), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the *Executive Secretary* a written certification that the requested changes have been made.

C. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under *Part III.D.* (Contents of the Plan) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes: Amendments to the plan may be reviewed by the *Executive Secretary*, or an authorized representative, in the same manner as *Part III.B.* (above).

D. Contents of the Plan. The contents of the pollution prevention plan shall comply with the requirements listed in the appropriate section of *Appendix II.* (Specific Requirements for Industrial Activities). Table 2 lists the location of the plan requirements for the respective

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industrial activities. These requirements are cumulative. If a facility has co-located activities that are covered in more than one section of *Appendix II.*, that facility's pollution prevention plan must comply with the requirements listed in all applicable sections of this permit.

**Table 2  
Pollution Prevention Plan Requirements**

Storm Water Discharges From:	Are Subject to Pollution Prevention Plan Requirements Listed in Appendix:
Timber Products Facilities	II.A.3.
Paper and Allied Products Manufacturing Facilities	II.B.3.
Chemical and Allied Products Manufacturing Facilities	II.C.4.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	II.D.3.
Glass, Clay, Cement Concrete and Gypsum Product Manufacturing Facilities	II.E.3.
Primary Metals Facilities	II.F.3.
Metal Mines (Ore Mining and Dressing)	II.G.3.
Coal Mines and Coal Mine-Related Facilities	II.H.3.
Oil or Gas Extraction Facilities	II.I.3.
Mineral Mining and Processing Facilities	II.J.3.
Hazardous Waste Treatment Storage or Disposal Facilities	II.K.3.
Landfills and Land Application Sites	II.L.3.
Automobile Salvage Yards	II.M.2.
Scrap and Waste Recycling Facilities	II.N.3.
Steam Electric Power Generating Facilities	II.O.3.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	II.P.3.
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	II.Q.3.

Storm Water Discharges From:	Are Subject to Pollution Prevention Plan Requirements Listed in Appendix:
Ship or Boat Building and Repair Yards	II.R.3.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	II.S.3.
Wastewater Treatment Works	II.T.3.
Food and Kindred Products Facilities	II.U.3.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	II.V.3.
Furniture and Fixture Manufacturing Facilities	II.W.3.
Printing and Publishing Facilities	II.X.3.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	II.Y.3.
Leather Tanning and Finishing Facilities	II.Z.3.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	II.AA.3.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	II.AB.3.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	II.AC.3.
Non-Classified Facilities	II.AD.3.

- E. Special Pollution Prevention Plan Requirements. In addition to the minimum standards listed in *Appendix II.* of this permit (Specific Requirements for Industrial Activities), the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:
1. Additional Requirements for Storm Water Discharges Associated With Industrial Activity that Discharge Into or Through Municipal Separate Storm Sewer Systems Serving a Population of 100,000 or More.
    - a. In addition to the applicable requirements of this permit, facilities covered by this permit are not relieved from meeting applicable requirements in municipal storm

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water management programs developed under *UPDES* permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge.

- b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the *Executive Secretary* shall make plans available to the municipal operator of the system upon request.

2. Additional Requirements for Storm Water Discharges Associated With Industrial Activity From Facilities Subject to *EPCRA Section 313* Requirements. In addition to the requirements of *Appendix II* of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under *EPCRA Section 313* for chemicals that are classified as "Section 313 water priority chemicals" in accordance with the definition in *Part VIII* of this permit, except as provided in *Part III.E.2.c* (below), shall describe and ensure the implementation of practices that are necessary to provide for conformance with the following guidelines:

- a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under *Part III.E.2.c*. At a minimum, one of the following preventive systems or its equivalent shall be used:
  - (1) Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or
  - (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.
- b. In addition to the minimum standards listed under *Part III.E.2.a* (above) of this permit, except as otherwise exempted under *Part III.E.2.c* (below) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable State rules, regulations, and guidelines:
  - (1) Liquid Storage Areas Where Storm Water Comes Into Contact With Any Equipment, Tank, Container, or Other Vessel Used for Section 313 Water Priority Chemicals.
    - (a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

- (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
- (2) Material Storage Areas for Section 313 Water Priority Chemicals Other Than Liquids. Material storage areas for Section 313 water priority chemicals other than liquids that are subject to runoff, leaching, or wind shall incorporate drainage or other control features that will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
- (3) Truck and Rail Car Loading and Unloading Areas for Liquid Section 313 Water Priority Chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
- (4) Areas Where Section 313 Water Priority Chemicals Are Transferred, Processed, or Otherwise Handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
- (5) Discharges From Areas Covered by Paragraphs (1), (2), (3), or (4) (above).
- (a) Drainage from areas covered by paragraphs (1), (2), (3), or (4) of this part (above) should be restrained by valves or other positive means to

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prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

- (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
  - (c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
  - (d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) Facility Site Runoff Other Than From Areas Covered By (1), (2), (3), or (4). Other areas of the facility (those not addressed in paragraphs (1), (2), (3), or (4)), from which runoff that may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- (7) Preventive Maintenance and Housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures that could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered that may result in significant releases of Section 313 water priority chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State,

and local requirements and as described in the plan.

- (8) Facility Security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
  - (9) Training. Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address: pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation that are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
- c. Facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as 'Section 313 water priority chemicals' in accordance with the definition in *Part VIII*. of this permit that are handled and stored onsite only in gaseous or non-soluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in *Part III.E.2*. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with *Part VI.G*. (Signatory Requirements) of this permit.
  - d. The storm water pollution prevention plan shall be certified in accordance with *Part VI.G*. (Signatory Requirements) of this permit.
3. Additional Requirements for Salt Storage. Storage piles of salt used for deicing or other commercial or industrial purposes and that generate a storm water discharge associated with industrial activity that is discharged to waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. The *Executive Secretary* may waive this requirement for salt piles located in areas where surface and/or ground waters are already high in concentrations of salt.
  4. Consistency With Other Plans. Storm water pollution prevention plans may reference the

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existence of other plans for Spill Prevention, Control, and Countermeasure (SPCC), plans developed for the facility under Section 311 of the CWA, or *Best Management Practices (BMP)* Programs otherwise required by a *UPDES* permit for the facility as long as such requirement(s) is incorporated into the storm water pollution prevention plan.

5. Other Laws and Requirements.

- (1) Local Storm Water Control Requirements. This permit does not relieve the permittee from compliance with other laws affecting storm water discharges. If the requirements of this permit appears to be a conflict in with other laws or local requirements the permittee must contact the *Executive Secretary* within 30 days of knowledge of any discrepancies. Where applicable, compliance efforts to other storm water requirements (as they pertain to water quality issues) should also be reflected in the SWP3.
- (2) Threatened or Endangered Species & Historic Properties. This permit does not relieve the permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable compliance efforts to these laws should be reflected in the SWP3.

**IV. NUMERIC EFFLUENT LIMITATIONS**

- A. Discharges Associated With Specific Industrial Activity. Numeric effluent limitations for storm water discharges associated with a specific industrial activity are described in *Appendix II.* of this permit.
  
- B. Coal Pile Runoff. Any discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/L total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.5 to 9.0. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids.

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**V. MONITORING AND REPORTING REQUIREMENTS**

**A. Monitoring Requirements.**

**1. Limitations on Monitoring Requirements.**

- a. Except as required by paragraph b. (below), only those facilities with discharges or activities identified in *Part V.C.* and *Appendix II.* are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under *Parts V.C.* and *Appendix II.* are additive. Facilities with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section.
- b. The *Executive Secretary* can provide written notice to any facility otherwise exempt from the sampling requirements of *Parts V.C.* and *Appendix II.* that it shall conduct discharge sampling for a specific monitoring frequency for specific parameters.

**B. Reporting: Where to Submit.**

- 1. Location. Signed copies of storm water discharge monitoring reports (SWDMR) required under *Parts V.C.* and *Appendix II.*, individual permit applications, and all other reports required herein, shall be submitted to the *Executive Secretary* of the *Water Quality Board* at the address listed below. For each outfall, one SWDMR form must be submitted per storm event sampled.

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

- 2. Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with *Part V.B.1* (above), facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) or a municipal system designated by the *Executive Secretary* must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in *Appendix II.* Facilities not required to report monitoring data under *Appendix II.* and facilities that are not otherwise required to monitor their discharges, have no need to comply with this provision.

- C. Special Monitoring Requirements for Coal Pile Runoff. During the period beginning on the effective date and lasting through the expiration date of this permit, permittees with storm water discharges containing coal pile runoff shall monitor such storm water for: pH and TSS (mg/l) at least annually (1 time per year). Permittees with discharges containing coal pile runoff must report in accordance with *Part IV.B.* (Coal Pile Runoff) and *Part V.B.* (Reporting: Where to Submit). In addition to the parameters listed above, the permittee shall provide the date and

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duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

1. Sample Type. Discharges containing coal pile runoff shall be monitored by a grab sample(s). All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.
2. Sampling Waiver. When a discharger is unable to collect samples of coal pile runoff due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next period and submit this data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
3. Representative Discharge. When a facility has two or more outfalls containing coal pile runoff that, based on a consideration of the other industrial activity, and significant materials, and upon management practices and activities within the area drained by the outfall, and the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40 percent), medium (40 to 65 percent) or high (above 65 percent)) shall be provided in the plan. Permittees required to submit monitoring information under *Part VI* of this permit shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the SWDMR. This representative discharge provision is not applicable to storm water discharges from coal piles regulated under the national effluent limitations guidelines.

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4. Alternative Certification. Facilities with storm water discharges containing coal pile runoff may not submit alternative certification in lieu of the required monitoring data.
5. When to Submit. Permittees with discharges containing coal pile runoff shall submit monitoring results annually no later than the 28th day of January.

VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Permittee's 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.
2. Penalties for Violations of Permit Conditions.
  - a. Negligent Violations. The *Act* provides that any person who negligently violates permit conditions implementing the *Act*, this permit, or the Utah wastewater rules is subject to a fine of \$10,000 per day.
  - b. Willful or Gross Negligence. The *Act* provides that any person who willfully or with gross negligence violates *UCA 19-5-107(1)* (discharges a pollutant to waters of the State) or a condition or limitation of this permit is subject to a fine of \$25,000 per day or \$50,000 per day for any person twice convicted.
  - c. False Statements. The *Act* provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the *Act* or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the *Act* shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment by 6 months, or by both.

B. Continuation of the Expired General Permit. This permit, expires on December 31, 2002. However, an expired general permit may continue in force and effect after the expiration date until a new permit is issued if a timely reapplication is made for the new permit (*UAC R317-8-3.1(1)(d)*). If this permit is not renewed by the *Division of Water Quality*, for some reason, the *Executive Secretary* will notify the permittee and provide instructions concerning how to stay in compliance with the the *Utah Water Quality Act* and the *Utah Wastewater Rules (UAC R317-8)* with the discharge(s) that is(are) covered by this permit.

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 that has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the *Executive Secretary* or an authorized representative any information which is requested to determine compliance with this

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permit or other information. The permittee shall also furnish copies of records required to be kept by this permit to the *Executive Secretary* upon request.

- F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the *NOI* or in any other report to the *Executive Secretary*, he or she shall promptly submit such facts or information.
- G. Signatory Requirements. All *Notices of Intent*, storm water pollution prevention plans, reports, certifications or information either submitted to the *Executive Secretary* or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:
  - 1. All *Notices of Intent* shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: 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 the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - b. For a partnership of sole proprietorship: by a general partner or the proprietor, respectively; or
    - c. 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:
      - (1) the chief executive officer of the agency, or
      - (2) 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 *Executive Secretary* or by an authorized representative of 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*.

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- b. The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or 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).
- c. Changes to authorization. If an authorization under *Part VI.G.2.* is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of *Part I.C. & D.* must be submitted to the *Executive Secretary* prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing documents under *Part VI.G.* 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 gathered and evaluated 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 material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including 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, or by both.
- I. Penalties for Falsification of Monitoring Systems. 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 fines and imprisonment described in *19-5-111* of the "*Act*".
- J. Oil and Hazardous Substance Liability. 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 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, nor any exclusive privileges, nor does it authorize any injury to private property nor 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

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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. Requiring an Individual Permit or an Alternative General Permit.

1. Executive Secretary Designation. The *Executive Secretary* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. Any interested person may petition the *Executive Secretary* to take action under this paragraph. The *Executive Secretary* may require any owner or operator authorized to discharge under this permit to apply for an individual *UPDES* permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of issuance or denial of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address of the *DWQ* shown in *Part V.B.* (Reporting: Where to Submit) of this permit. The *Executive Secretary* may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit, in a timely manner, an individual *UPDES* permit application as required by the *Executive Secretary*, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.
2. Individual Permit Application. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (EPA, Form 1 and Form 2F) with reasons supporting the request to the *Executive Secretary*. Individual permit applications shall be submitted to the address of the *DWQ* shown in *Part V.B.* of this permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. Individual/Alternative General Permit Issuance. When an individual *UPDES* permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual *UPDES* permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Executive Secretary*.

N. State/Environmental Laws.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by *UCA 19-5-117*.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

O. 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) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

P. Monitoring and Records.

1. Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Retention of Records.
  - a. The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application of this permit for a period of at least three (3) years from the date of sample, measurement, evaluation or inspection, report, or application. This period may be extended by request of the *Executive Secretary* at any time. Permittees must submit any such records to the *Executive Secretary* upon request.
  - b. The permittee shall retain the pollution prevention plan developed in accordance with *Part III.* and *Appendix II.* of this permit until a date 3 years after the last modification or amendment is made to the plan, and at least 1 year after coverage under this permit terminates.
3. Records Contents. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;

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- d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
4. Approved Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- Q. Inspection and Entry. The permittee shall allow the *Executive Secretary* or an authorized representative, the EPA, or in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: 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 this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- R. 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.
- S. Bypass of Treatment Facility.
- 1. Notice.
    - a. Anticipated Bypass. If a permittee subject to the numeric effluent limitations of *Parts IV. and Appendix II.* of this permit knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least 10 days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
    - b. Unanticipated Bypass. The permittee subject to the numeric effluent limitations of *Parts IV. and Appendix II.* of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a

description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. 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 facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices of the bypass.
- 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 in *Part VI.S.2.a*.

T. Upset Conditions.

- 1. Affirmative Defense. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in *Parts IV* and *Appendix II* of this permit if the requirements of paragraph 2 below 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 initiated for noncompliance.
- 2. Required Defense. A permittee who wishes to establish the affirmative defense of an 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 specific cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee provided oral notice of the upset to the *Executive Secretary* within 24

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hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.

3. Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

VII. REOPENER CLAUSE

- A. Potential or Realized Impacts on Water Quality. If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with *Part VI.M.* (Requiring an Individual Permit or an Alternative General Permit) of this permit or the permit may be modified to include different limitations and/or requirements.
  
- B. Applicable Regulations. Permit modification or revocation will be conducted according to *UAC R317-8-5.6* and *UAC R317-8-6.2.*

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VIII. DEFINITIONS

A. Definitions Pertaining to this Permit.

1. "Act" means the "*Utah Water Quality Act*".
2. "*Best Management Practices*" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
4. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
5. "Co-located industrial activity" means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of *Appendix II* in this permit (Discharges Covered Under This Permit). Facilities with co-located industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section in which a co-located industrial activity is described.
6. "CWA" means "*Clean Water Act*" (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
7. "Commercial Treatment and Disposal Facilities" means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities treating and/or disposing exclusively residential hazardous wastes are not included in this definition.
8. "DWQ" means the "*Division of Water Quality*", the State agency authorized by the EPA to administer the *National Pollutant Discharge Elimination System (NPDES)* permitting program, described in the *CWA Section 402*, within the State of Utah (except for Indian lands). Since jurisdiction is limited to the State of Utah the program administered by the *DWQ* is called the *Utah Pollutant Discharge Elimination System (UPDES)*.
9. "*Executive Secretary*" means the *Executive Secretary* of the *Water Quality Board*.
10. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
11. "Landfill" means an area of land or an excavation in which wastes are placed for permanent

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- disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.
12. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
  13. "Municipal separate storm sewer system" (large and/or medium) means all municipal separate storm sewers that are either:
    - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (at the issuance date of this permit, Salt Lake City is the only city in Utah that falls in this category); or
    - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (at the issuance date of this permit Salt Lake County is the only county that falls in this category); or
    - c. owned or operated by a municipality other than those described in paragraph *a.* or *b.* (above) and that are designated by the *Executive Secretary* as part of the large or medium municipal separate storm sewer system.
  14. "NOI" means "notice of intent", it is an application form that is used to obtain coverage under this permit (see *Appendix I.*).
  15. "NOT" means "notice of termination", it is a form used to terminate coverage under this permit (see *Appendix I* of this permit.).
  16. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
  17. "Section 313 water priority chemical" means a chemical or chemical categories that:
    - a. are listed at *40 CFR 372.65* pursuant to *Section 313* of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as *Title III of the Superfund Amendments and Reauthorization Act (SARA)* of 1986);
    - b. are present at or above threshold levels at a facility subject to *EPCRA Section 313* reporting requirements; and
    - c. meet at least one of the following criteria:

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- (1) are listed in *Appendix D* of *40 CFR Part 122* on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
  - (2) are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the *CWA* at *40 CFR 116.4*; or
  - (3) are pollutants for which EPA has published acute or chronic water quality criteria. See *Appendix III* of this permit. This appendix was revised based on final rulemaking EPA published in the *Federal Register* November 30, 1994.
18. “Significant materials” includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
  19. “Significant spills” includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311 of the Clean Water Act* (see *40 CFR 110.10* and *CFR 117.21*) or *Section 102 of CERCLA* (see *40 CFR 302.4*).
  20. “Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.
  21. “SWDMR” means “*storm water discharge monitoring report*”, a report of the results of storm water monitoring required by the permit. A storm water discharge monitoring report form is provided by the Division of Water Quality.
  22. “Storm water associated with industrial activity” (*UAC R317-8-3.8(6)(c) & (d)*) means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the *UPDES* program. For the categories of industries identified in paragraphs (*a*) through (*j*) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in *40 CFR Part 401*); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (*k*) of this

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definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (a) to (k) of this definition) include those facilities designated under *UAC R317-8-3.8(1)(a)5*. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- a. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under *40 CFR Subchapter N* (except facilities with toxic pollutant effluent standards that are exempted under category (k) of this definition);
- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under *40 CFR 434.11(l)* because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of noncoal mining operations that have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;
- d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- e. Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under *Subtitle D* of RCRA;

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- f. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
  - g. Steam electric power generating facilities, including coal handling sites;
  - h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (a) to (g) or (I) to (k) of this subsection are associated with industrial activity;
  - i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under *40 CFR Part 403*. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with *40 CFR Part 503*;
  - j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than 5 acres of total land area that are not part of a larger common plan of development or sale;
  - k. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (a) to (j))<sup>3</sup>.
23. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
24. "UAC" means "Utah Administrative Code" the administrative rules for the State of Utah.
25. "Upset" means an exceptional incident in which there is unintentional and temporary

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<sup>3</sup>On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exclusion for manufacturing facilities in category (xi) that do not have materials or activities exposed to storm water to the EPA for further rulemaking. (Nos. 90-70671 and 91-70200.)

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noncompliance with the numeric effluent limitations of *Parts IV.* and *Appendix II.* of this permit 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.

26. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
27. "Waters of the State" (*UAC R317-1-1.32*) means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state".

**APPENDIX I**

**NOTICE OF INTENT & NOTICE OF TERMINATION**

**STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY**

288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)538-6146

**NOI**

Notice of Intent (NOI) for Coverage Under the UPDES General Multi-Sector Storm Water Permit for Discharges Associated with Industrial Activity, Permit No. UTR000000. **INSTRUCTIONS ON BACK PAGE**

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a UPDES permit issued for storm water discharges associated with industrial activity in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. **ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM. A different NOI form is provided for construction activities disturbing over 5 acres.**

**I. FACILITY OPERATOR INFORMATION**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Status of Owner/Operator:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Facility Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Facility Contact Person Title: \_\_\_\_\_

**II. FACILITY SITE/LOCATION INFORMATION**

Is the facility located on Indian Lands?

Name: \_\_\_\_\_ (Y or N)

Address: \_\_\_\_\_ County: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_ Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Site Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Site Contact Person Title: \_\_\_\_\_

**III. SITE ACTIVITY INFORMATION**

Name of Municipality which Operates the Storm Sewer System: \_\_\_\_\_

Receiving Water Body: \_\_\_\_\_

	Yes	No
Is there existing quantitative storm water discharge data?	<input type="checkbox"/>	<input type="checkbox"/>
Is the facility required to do analytical monitoring? (See permit conditions Part V. and Sector monitoring requirements.)	<input type="checkbox"/>	<input type="checkbox"/>
Is the facility required to do visual monitoring? (See permit conditions near the end of applicable Sector(s); Appendix A to AD)	<input type="checkbox"/>	<input type="checkbox"/>
Is the facility required to submit monitoring data or retain it on site?	(Submit) <input type="checkbox"/>	(Retain on site) <input type="checkbox"/>
Is This a New Facility, or is it an Existing Facility?	(New) <input type="checkbox"/>	(Existing) <input type="checkbox"/>

If This is an Existing Facility, and the Start-up Date was After Oct. 1992, Please Fill in the Start-up Month: Month (Jan, Feb., etc.): \_\_\_\_\_ Year: \_\_\_\_\_

SIC or Designated Activity Code: Primary: \_\_\_\_\_ 2nd: \_\_\_\_\_ 3rd: \_\_\_\_\_ 4th: \_\_\_\_\_

If You Have Other Existing UPDES Permits, Enter Permit #'s: \_\_\_\_\_

**IV. SECTOR IDENTIFICATION:** The General Multi-Sector Permit covers all industrial activity that is required by law to be covered by a storm water permit. On the following pages the sectors are listed with a description of the industrial activity that is covered by that sector. Please check each sector that covers industrial activities which occur at your site. The sector covered in Appendix AD is the catch-all sector and should only be used if positively no other sector covers your industrial activity. If you should select AD, please call the Storm Water Coordinator at DWQ to discuss the need for choosing Sector AD (Non-Classified Facilities).

- A. Timber Products Facilities** -- establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in cutting timber and pulpwood, merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in wood preserving or in manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under sector W.
- B. Paper and Allied Products Manufacturing Facilities** -- facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.
- C. Chemical and Allied Products Manufacturing Facilities** -- 1) Basic industrial inorganic chemicals (including SIC 281), 2) Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other humanmade fibers, except glass (including SIC 282), 3) Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC 284), 4) Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC 285), 5) Industrial organic chemicals (including SIC 286), 6) Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC 287), 7) Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry soaps, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, metal, oil, and water treatment compounds, waterproofing compounds, and chemical supplies for foundries (including facilities with SIC 289), 8) Ink and paints, including china painting enamels, india ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC 3952, limited to those listed; for others see sector Y.), 9) Medicinal chemicals and pharmaceutical products, including the grading grinding and milling of botanicals (including SIC 283).
- D. Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities** -- 1) facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) codes 2951 and 2952, 2) portable asphalt plant facilities (also commonly identified by SIC code 2951), 3) facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC code 2992. Not covered are: 1) petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC code 2911 (see sector I), 2) oil recycling facilities (see sector N.), and 3) fats and oils rendering (see sector U).
- E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities** -- manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass, (SIC code 3211); glass containers, (SIC code 3221); pressed and blown glass, not elsewhere classified, (SIC code 3229); glass products made of purchased glass (SIC code 3231) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water; hydraulic cement, (SIC code 3241); brick and structural clay tile, (SIC code 3251); ceramic wall and floor tile, (SIC code 3253); clay refractories, (SIC code 3255); structural clay products not elsewhere classified (SIC code 3259); vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC code 3261); vitreous china table and kitchen articles (SIC code 3262); fine earthenware table and kitchen articles (SIC code 3263); porcelain electrical supplies, (SIC code 3264); pottery products, (SIC code 3269); concrete block and brick, (SIC code 3271); concrete products, except block and brick (SIC code 3272); ready-mix concrete, (SIC code 3273); lime (SIC code 3274); gypsum products, (SIC code 3275); cut stone and stone products (SIC code 3281); abrasive products (SIC code 3291); asbestos products (SIC code 3292); minerals and earths, ground or otherwise treated, (SIC code 3295); mineral wool (SIC code 3296); nonclay refractories, (SIC code 3297); and nonmetallic mineral products not elsewhere classified (SIC code 3299).
- F. Primary Metals Facilities** -- coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore. Coverage includes the following types of facilities: 1) Steel works, blast furnaces, and rolling and finishing mills including: steel wiredrawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC code 331), 2) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC code 332), 3) Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC code 333), 4) Secondary smelting and refining of nonferrous metals (SIC code 334), 5) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC code 335), 6) Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC code 336), 7) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC code 339).
- G. Metal Mines (Ore Mining and Dressing)** -- active and inactive metal mining and ore dressing facilities [Standard Industrial Classification (SIC) Major Group 10] if the storm water has come into contact with, or is contaminated by, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation. SIC Major Group 10 includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals (ores) and also includes all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. For the purposes of this part of the permit, the term "metal mining" includes all ore mining and/or dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. All storm water discharges from inactive metal mining facilities and the storm water discharges from the following areas of active, and temporarily inactive, metal mining facilities are the only discharges covered by this section of the permit: topsoil piles; offsite haul/access roads if off active area; onsite haul roads if not constructed of waste rock or if spent ore and mine water is not used for dust control; runoff from tailings dams/dikes when not constructed of waste rock/tailings and no process fluids are present; concentration building, if no contact with material piles; mill site, if no contact with material piles; chemical storage area; docking facility, if no excessive contact with waste product; explosive storage; reclaimed areas released from reclamation bonds prior to December 17, 1990; and partially/inadequately reclaimed areas or areas not released from reclamation bonds. Not covered are: 1) active metal mining facilities that are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source Point Source Category (40 CFR Part 440). Coverage under this permit does not include adit drainage or contaminated springs or seeps at active facilities, temporarily inactive facilities, or inactive facilities. Also see permit conditions, Limitations on Coverage, Part I.B.3. 2) Storm water discharges associated with an industrial activity that the *Executive Secretary* has determined to be, or may reasonably be expected to be, contributing to a violation of a water quality standard, 3) Storm water discharges associated with industrial activity from inactive mining operations occurring on Federal lands where an operator cannot be identified.
- H. Coal Mines and Coal Mine-Related Facilities** -- coal mining-related areas (SIC Major Group 12) if they are not subject to effluent limitations guidelines under 40 CFR Part 434. Not covered are: inactive mining activities occurring on Federal lands where an operator cannot be identified.
- I. Oil and Gas Extraction Facilities** -- oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which are required to be permitted

on the site of such operations." Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oil field service, supply and repair industries. This section also covers petroleum refineries listed under SIC code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR 419 and 435 respectively are not included. [Note that areas eligible for coverage at petroleum refineries will be very limited because the term "contaminated runoff," as defined under 40 CFR 419.11, includes "... runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property." Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not co-mingled with "contaminated runoff," include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, by-product, waste material, chemical, and material storage areas; loading and unloading areas; transmission pipelines, and, processing areas.] Not covered are: inactive oil and gas operations occurring on Federal lands where an operator cannot be identified are not covered by this permit.

**J. Mineral Mining and Processing Facilities** -- active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14). Not covered are: 1) facilities associated with industrial activity which are subject to an existing effluent limitation guideline (40 CFR Part 436), 2) inactive mineral mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.

**K. Hazardous Waste Treatment Storage or Disposal Facilities** -- facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA. [Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits (UAC R317-8-3.8(6)(c).)]

**L. Landfills and Land Application Sites** -- waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with State/Federal criteria established under RCRA Subtitle D. Not covered are: inactive landfills, land application sites, and open dumps occurring on Federal lands where an operator cannot be identified.

**M. Automobile Salvage Yards** -- facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC Code 5015).

**N. Scrap Recycling and Waste Recycling Facilities** -- facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC code 5093) are also covered under this section. Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (also identified as SIC 5093) (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

**O. Steam Electric Power Generating Facilities** -- steam electric power generating facilities, including coal handling areas. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit. Storm water discharges from coal pile runoff subject to numeric limitations are eligible for coverage under this permit, but are subject to the limitations established by 40 CFR 423. Not covered are: ancillary facilities such as fleet centers, gas turbine stations, and substations that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture co-generation facilities are not covered by this permit; however, dual fuel co-generation facilities are included.

**P. Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities** -- ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC code 4221-4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

**Q. Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities** -- water transportation facilities that have vehicle (vessel) maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by SIC code Major Group 44).

**R. Ship or Boat Building and Repair Yards** -- facilities engaged in ship building and repairing and boat building and repairing (SIC code 373).

**S. Vehicle Maintenance Areas, Equipment Cleaning Areas or Airport Deicing Operations located at Air Transportation Facilities** -- establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice. Only those portions of the facility or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.

**T. Wastewater Treatment Works** -- treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403.

**U. Food and Kindred Products Facilities** -- food and kindred products processing facilities (commonly identified by Standard Industrial Classification (SIC) code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21), except for storm water discharges identified under paragraph I.B.3. where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residential treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purposes of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.

**V. Textile Mills, Apparel and other Fabric Product Manufacturing Facilities** -- Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics; miscellaneous textiles, and other apparel products (generally described by SIC codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC 31, except 3111).

**W. Furniture and Fixture Manufacturing Facilities** -- facilities involved in the manufacturing of: wood kitchen cabinets (generally described by SIC code 2434); household furniture (generally described by SIC code 251); office furniture (generally described by SIC code 252); public buildings and related furniture (generally described by SIC code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC code 254); and miscellaneous furniture and fixtures (generally described by SIC code 259).

**X. Printing and Publishing Facilities** -- newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711-2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, bookbinding and related work, and typesetting (SIC Codes 2761-2791); and, plate making and related services (SIC Code 2796).

**Y. Rubber and Miscellaneous Plastic Product Manufacturing Facilities** -- rubber and miscellaneous plastic products manufacturing facilities (SIC major group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC major group 39, except 391).

**Z. Leather Tanning and Finishing Facilities** -- leather tanning, currying and finishing (commonly identified by Standard Industrial Classification (SIC) code 3111). Discharges from facilities that make fertilizer solely from leather scraps and leather dust are also covered under this section.

**AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware** -- fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC 34, and jewelry, silverware, and plated ware (SIC Code 391).

**AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery** -- transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357, and SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

**AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods** -- facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC major group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC major group 38) and computer and office equipment (SIC code 357).

**AD. Non-Classified Facilities** -- facilities that meet the definition of storm water associated with industrial activity (*UAC R317-8-3.8(6)(c) & (d)*), except for construction activities as defined under *UAC R317-8-3.8(6)(d)10.*) but, can not be classified in another industrial sector (i.e., sectors A to AC), and are not excluded from permit coverage elsewhere in this permit; or, the *Executive Secretary* has designated as needing a storm water permit under *UAC R317-8-3.8(1)(a)5*. Should conditions at a facility covered by this section change and industrial activities in another section(s) contained in sectors A to AC apply, the facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to those contained in this section. The monitoring and pollution prevention plan terms and conditions of this permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

**V. 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.

Print Name:

Date:

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Amount of Permit Fee Enclosed: \$ \_\_\_\_\_

## WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

State law at UAC R317-8-3.8 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the UPDES Multi-Sector Storm Water General Permit. If you have questions about whether you need a permit under the UPDES Storm Water program, contact (801) 538-6146.

# INSTRUCTIONS

## NOTICE OF INTENT (NOI) FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY TO BE COVERED UNDER THE UPDES GENERAL PERMIT

### WHERE TO FILE THE NOI FORM

NOIs, with fee payment(s), must be sent to the following address:

Department of Environmental Quality  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

### COMPLETING THE NOI FORM

You must type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call (801) 538-6146.

### BEGINNING OF COVERAGE

Storm Water General Permits are drafted to cover a facility quickly avoiding delays, therefore there is no waiting time to receive coverage. The permittee should be aware that though you may not have a permit in hand, if you have submitted a completed NOI with the permit fee you are covered by the permit and will be expected to conform to the conditions in the permit. If you wish you may contact the Division of Water Quality at (801) 538-6146, to receive a generic copy of the permit. After we receive the NOI and the permit fee we will send you an official copy of the permit including your specific permit number.

### PERMIT FEES (MAKE CHECK PAYABLE TO: DIVISION OF WATER QUALITY)

The permit fee is \$500 (or is prorated) and it must be submitted with the NOI to authorize immediate coverage under the permit (except in the case of a state or local political subdivision which are exempt from the permit fee). This provides five years of coverage under the permit (unless prorated). It is our policy to prorate the permit fee for temporary discharges. Fees are prorated at \$8.34 per month of coverage needed, except a \$50 minimum.

Permittees who have a new facility that have begun operating after January 1, 1997, will be prorated from the day they began operations until the expiration date of the General Permit.

### GENERAL INFORMATION

Facilities within municipalities (such as Salt Lake City or Salt Lake County) that have been issued Municipal Storm Water Permits by DWQ must contact that city or the county and notify them of the new permit status for the facility. If you have questions that have not been answered above, or need an NOI for construction activities, please contact the Storm Water Coordinator, Division of Water Quality, at (801) 538-6146.

### SECTION I - FACILITY OPERATOR INFORMATION

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator. Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal                      M = Public (other than Fed or State)  
S = State                        P = Private

A contact person is someone that we may contact, that has knowledge of the facility and permit conditions, but not necessarily the person with signatory responsibility.

### SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site. Indicate whether the facility is located on Indian Lands. If the facility is located on Indian Lands, EPA form 3510-6 should be used and submitted to EPA Region VIII except for facilities on the Navajo Reservation or on the Goshute Reservation which should submit EPA form 3510-6 to Region IX.

### SECTION III - SITE ACTIVITY INFORMATION

If the storm water discharges to a municipal separate sewer system, enter the name of the operator of the municipality (e.g., municipality name, county name) and the receiving water of the discharge from the municipal storm sewer if it is known. (A municipal separate storm sewer system (MS4) is defined as a conveyance or system of conveyances

(including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, county, district, association or other public body which is designed or used for collecting or conveying storm water).

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

To answer the questions concerning analytical or visual monitoring you must examine a copy of the permit, Part V, and the sectors (in the appendix) that your facility will fall into. Upon examination you will be able to determine your monitoring and reporting (whether data must be submitted or retained in a storm water pollution prevention plan file) requirements.

A facility is an existing facility if it has been in operation, it is a new facility if it has not begun operation but is about to

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of the application.

For industrial activities defined in UAC 317-8-3.8(6)(c) & (d) 1 to 11, that do not have SIC codes that accurately describe the principal products produced or services provided, the following 2-character codes are to be used:

HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [UAC R317-8-3.8(6)(d)4.];  
LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [UAC R317-8-3.8(6)(d)5.];  
SE = Steam electric power generating facilities, including coal handling sites [UAC R317-8-3.8(6)(d)7];  
TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [UAC R317-8-3.8(6)(d)9.].

If there are other UPDES permits presently issued for the facility or site listed in Section II, list the permit numbers. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

### SECTION IV - SECTOR IDENTIFICATION

Select and check all the boxes indicating the sectors that describe activities that occur at the site described in section II.

### SECTION V - CERTIFICATION

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

**STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY**

288 North 1460 West, PO Box 144870, Salt Lake City, Utah 84114-4870 (801) 538-6146

**NOT**

Notice of Termination (NOT) for Storm Water Discharges Associated with Industrial Activity Under the UPDES General Multi-Sector Permit. **INSTRUCTIONS ON BACK**

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the UPDES program. **ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.**

**I. Permit Information**

UPDES Storm Water General Permit Number: \_\_\_\_\_

Check Here if You are No Longer the Operator of the Facility:

Check Here if the Storm Water Discharge is Being Terminated:

**II. Facility Operator Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**III. Facility Site/Location Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ County: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_ Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

IV. Certification: I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a UPDES general permit have been eliminated or that I am no longer the operator of the industrial activity. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the State is unlawful under the State of Utah Water Quality Act where the discharge is not authorized by a UPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Water Quality Act.

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

**Instructions for Completing Notice of Termination (NOT) Form**

**Who May File A Notice Of Termination (NOT) Form**

Permittees who are presently covered under the State issued Utah Pollutant Discharge Elimination System (UPDES) General Multi-Sector Permit for Storm Water Discharges Associated with Industrial Activity may submit a Notice of Termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at UAC R317-8-3.8(b)(c) and (d), or when they are no longer the operator of the facilities.

**Where to File NOT Form**

Send this form to the following address:

Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

**PLEASE SEE THE REVERSE SIDE OF THIS FORM FOR FURTHER INSTRUCTIONS**

**Instructions**  
**Notice of Termination (NOT) of Coverage Under the UPDES General Multi-Sector Permit**  
**for Storm Water Discharges Associated With Industrial Activity**

**Completing the Form**

Type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, call the Division of Water Quality at (801) 538-6146.

**Section I - Permit Information**

Enter the existing UPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, contact the Division of Water Quality at (801) 538-6146.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box:

If there has been a change of operator and you are no longer the operator of the facility or site identified in Section III, Check the corresponding box.

If all storm water discharges at the facility or site identified in Section III have been terminated, check the corresponding box.

**Section II - Facility Operator Information**

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

**Section III - Facility/Site Location Information**

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code. If the facility lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

**Section IV - Certification**

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, State, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

**APPENDIX II**

**POLLUTION PREVENTION PLAN REQUIREMENTS  
FOR INDUSTRIAL SECTORS (LISTED A THROUGH AD)**

H. Storm Water Discharges Associated With Industrial Activity From Coal Mines and Coal Mining-Related Facilities.

1. Coverage of This Section.

- a. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from coal mining-related areas (SIC Major Group 12) if they are not subject to effluent limitations guidelines under *40 CFR Part 434*.
- (1) Site Coverage. Storm water discharges from the following portions of coal mines may be eligible for this permit: haul roads (nonpublic roads on which coal or coal refuse is conveyed), access roads (nonpublic roads providing light vehicular traffic within the facility property and to public roadways), railroad spurs, sidings, and internal haulage lines (rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas), conveyor belts, chutes, and aerial tramway haulage areas (areas under and around coal or refuse conveyor areas, including transfer stations), equipment storage and maintenance yards, coal handling buildings and structures, and inactive coal mines and related areas (abandoned and other inactive mines, refuse disposal sites and other mining-related areas on private lands).
- b. Limitations. Storm water discharges from inactive mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.
- c. Co-Located Industrial Activities. When an industrial facility, described by paragraph *a.* (above) of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility. The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

2. Special Conditions

- a. Prohibition of Non-storm Water Discharges. In addition to the broad prohibition of non-storm water discharges of *Part II.A.2.* of the permit, point source discharges of pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not occur as storm water discharges in response to precipitation events are also excluded from coverage under this permit. In addition, floordrains from maintenance buildings and other similar drains in mining and preparation plant areas are prohibited.

3. Storm Water Pollution Prevention Plan Requirements. Most of the active coal mining-related areas, described in paragraph *1.* above, are subject to sediment and erosion control regulations

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- d) Locations exposed to precipitation that contain acidic spoil, refuse or unreclaimed disturbed areas.
  - e) Locations where major spills or leaks of toxic or hazardous pollutants have occurred.
  - f) Locations where liquid storage tanks containing potential pollutants, such as caustics, hydraulic fluids and lubricants, are exposed to precipitation.
  - g) Locations where fueling stations, vehicle and equipment maintenance areas are exposed to precipitation.
  - h) Locations of outfalls and the types of discharges contained in the drainage areas of the outfalls.
- ii) For each area of the facility that generates storm water discharges associated with the mining-related activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in storm water discharges associated with the activity. Factors to consider include the toxicity of the pollutant; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.
- (b) Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
- (c) Spills and Leaks. A list of significant spills and leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit. Such list shall be updated as appropriate during the

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- (c) Spill Prevention and Response Procedures. Areas where potential spills that can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
  
- (d) Inspections. In addition to or as part of the comprehensive site evaluation required under paragraph 3.a.(4) of this section, qualified facility personnel shall be identified to inspect designated areas of the facility at appropriate intervals specified in the plan. The following shall be included in the plan:
  - i) Active Mining-Related Areas and Those Inactive Areas Under SMCRA Bond Authority. The plan shall require quarterly inspections by the facility personnel for areas of the facility covered by pollution prevention plan requirements. This inspection interval corresponds with the quarterly inspections for the entire facility required to be provided by SMCRA authority inspectors for all mining-related areas under SMCRA authority, including sediment and erosion control measures. Inspections by the facility representative may be done at the same time as the mandatory inspections performed by SMCRA inspectors. Records of inspections of the SMCRA authority facility representative shall be maintained.
  
  - ii) Inactive Mining-Related Areas Not Under SMCRA Bond. The plan shall require annual inspections by the facility representative except in situations referred to in paragraph 3.a.(4)(d) below.
  
  - iii) Inspection Records. The plan shall require that inspection records of the facility representative and those of the SMCRA authority inspector shall be maintained. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections.
  
- (e) Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.
  
- (f) Recordkeeping and Internal Reporting Procedures. A description of incidents

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regarding sediment and erosion control measures are primary requirements of the pollution prevention plan for mining-related areas subject to *SMCRA* authority. The following sediment and erosion control measures or other equivalent measures, should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff:

- i) Stabilization Measures. Interim and permanent stabilization measures to minimize erosion and lessen amount of structural sediment control measures needed, including: mature vegetation preservation; temporary seeding; permanent seeding and planting; temporary mulching, matting, and netting; sod stabilization; vegetative buffer strips; temporary chemical mulch, soil binders, and soil palliatives; nonacidic roadsurfacing material; and protective trees.
  - ii) Structural Measures. Structural measures to lessen erosion and reduce sediment discharges, including: silt fences; earth dikes; straw dikes; gradient terraces; drainage swales; sediment traps; pipe slope drains; porous rock check dams; sedimentation ponds; riprap channel protection; capping of contaminated sources; and physical/chemical treatment of storm water.
- (i) Management of Flow. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (other than those as sediment and erosion control measures listed above) used to manage storm water runoff in a manner that reduces pollutants in storm water runoff from the site. The plan shall provide that the measures, which the permittee determines to be reasonable and appropriate, shall be implemented and maintained. Appropriate measures may include: discharge diversions; drainage/storm water conveyances; runoff dispersion; sediment control and collection; vegetation/soil stabilization; capping of contaminated sources; treatment; or other equivalent measures.
- (4) Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:
- (a) Areas contributing to a storm water discharge associated with coal mining-related areas shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. These areas include haul and access roads; railroad spurs, sidings, and internal haulage lines; conveyor belts, chutes and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water

(Representative Discharge), and 5.a.(5) (Alternative Certification). Coal mining facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table H-1 below. Facilities must report in accordance with 5.b. (Reporting). In addition to the parameters listed in Table H-1 below, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

**Table H-1.**  
**Monitoring Requirements for Coal Mining Facilities**

Pollutants of Concern	Cut-Off Concentration
Total Recoverable Aluminum	0.75 mg/L
Total Recoverable Iron	1.0 mg/L
Total Suspended Solids	100 mg/L

- (1) Monitoring Periods. Coal mining facilities shall monitor samples collected during the sampling periods of: January through March, April through June, July through September, and October through December for the years specified in paragraph a. (above).
  
- (2) Sample Type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.
  
- (3) Sampling Waiver.
  - (a) Adverse Conditions. When a discharger is unable to collect samples within a specified sampling period due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event

- (5) Alternative Certification. A discharger is not subject to the monitoring requirements of this section provided the discharger makes a certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph *b.* below, under penalty of law, signed in accordance with *Part VI.G.* (Signatory Requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to *DWQ* in accordance with *Part V.B.* of this permit. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under paragraph *b.* below. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.
- b. Reporting. Permittees shall submit monitoring results for each outfall associated with industrial activity [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the reporting period beginning January 1, 1999, lasting through December 31, 1999, on *Storm Water Discharge Monitoring Report (SWDMR)* form(s) postmarked no later than the 31st day of the following March, 2000. Monitoring results [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the period beginning January 1, 2001, lasting through December 31, 2001, shall be submitted on *SWDMR* form(s) postmarked no later than the 31st day of the following March. For each outfall, one signed *SWDMR* form must be submitted to the *Executive Secretary* per storm event sampled. Signed copies of *SWDMRs*, or said certifications, shall be submitted to the *Executive Secretary* at the address listed in *Part V.B.* of the permit.
- (1) Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with paragraph *b.* (above), coal-mining related facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in paragraph *b.* (above).
- c. Visual Examination of Storm Water Quality. Coal mining-related facilities shall perform and document a visual examination of a representative storm water discharge at the following frequencies: quarterly for active areas under *SMCRA* bond located in areas with average annual precipitation over 20 inches; semi-annually for inactive areas under *SMCRA* bond, and active areas under *SMCRA* bond located in areas with average

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course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examination. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

- (6) Inactive and Unstaffed Site. When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

**APPENDIX III**

**SECTION 313 WATER PRIORITY CHEMICALS**

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
75-07-0	Acetaldehyde
75865	Acetane cynohydrin
107-02-8	Acrolein
107-13-1	Acrylonitrile
309-00-2	Aldrin[1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.)-]
107-05-1	Allyl Chloride
7429-90-5	Aluminum (fume or dust)
7664-41-7	Ammonia
62-53-3	Aniline
120-12-7	Anthracene
7440-36-0	Antimony
7647189	Antimony pentachloride
28300745	Antimony potassium tartrate
7789619	Antimony tribromide
10025919	Antimony trichloride
7783564	Antimony trifluoride
1309644	Antimony trioxide
7440-38-2	Arsenic
1303328	Arsenic disulfide
1303282	Arsenic pentoxide
7784341	Arsenic trichloride
1327533	Arsenic trioxide
1303339	Arsenic trisulfide
1332-21-4	Asbestos (friable)
542621	Barium cyanide
71-43-2	Benzene
92-87-5	Benzidine
100470	Benzonitrile
98-88-4	Benzoyl chloride
100-44-7	Benzyl chloride

Appendix III

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
7440-41-7	Beryllium
7787475	Beryllium chloride
7787497	Beryllium fluoride
7787555	Beryllium nitrate
111-44-4	Bis(2-chloroethyl) ether
75-25-2	Bromoform
74-83-9	Bromomethane (Methyl bromide)
85-68-7	Butyl benzyl phthalate
7440-43-9	Cadmium
543908	Cadmium acetate
7789426	Cadmium bromide
10108642	Cadmium chloride
7778441	Calcium arsenate
52740166	Calcium arsenite
13765190	Calcium chromate
592018	Calcium cyanide
133-06-2	Captan [1H-Isoindole-1,3(2H)-dione,3a,4,7,7a-tetrahydro-2-[(trichloromethyl)thio]-]
63-25-2	Carbaryl [1-Naphthalenol, methylcarbamate]
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
57-74-9	Chlordane [4,7-Methanoindan,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-]
7782-50-5	Chlorine
59-50-7	Chloro-4-methyl-3-phenol <i>p</i> -Chloro- <i>m</i> -cresol
108-90-7	Chlorobenzene
75-00-3	Chloroethane (Ethyl chloride)
67-66-3	Chloroform
74-87-3	Chloromethane (Methyl chloride)
95-57-8	2-Chlorophenol
106-48-9	4-Chlorophenol
1066304	Chromic acetate
11115745	Chromic acid

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
10101538	Chromic sulfate
7440-47-3	Chromium
1308-14-1	Chromium (Tri)
10049055	Chromous chloride
7789437	Cobaltous bromide
544183	Cobaltous formate
14017415	Cobaltous sulfamate
7440-50-8	Copper
108-39-4	<i>m</i> -Cresol
9548-7	<i>o</i> -Cresol
106-44-5	<i>p</i> -Cresol
1319-77-3	Cresol (mixed isomers)
142712	Cupric acetate
12002038	Cupric acetoarsenite
7447394	Cupric chloride
3251238	Cupric nitrate
5893663	Cupric oxalate
7758987	Cupric sulfate
10380297	Cupric sulfate, ammoniated
815827	Cupric tartrate
57-12-5	Cyanide
506774	Cyanogen chloride
110-82-7	Cyclohexane
94-75-7	2,4-D [Acetic acid, (2,4-dichlorophenoxy)-]
106-93-4	1,2-Dibromoethane (Ethylene dibromide)
84-74-2	Dibutyl phthalate
25321-22-6	Dichlorobenzene (mixed isomers)
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine

**Appendix III**

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
75-27-4	Dichlorobromomethane
107-06-2	1,2-Dichloroethane (Ethylene dichloride)
540-59-0	1,2-Dichloroethylene
120-83-2	2,4-Dichlorophenol
78-87-5	1,2-Dichloropropane
542-75-6	1,3-Dichloropropylene
62-73-7	Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester]
115-32-2	Dicofol [Benzenemethanol, 4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-(trichloromethyl)-]
177-81-7	Di-(2-ethylhexyl phthalate (DEHP)
84-66-2	Diethyl phthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethyl phthalate
534-52-1	4,6-Dinitro- <i>o</i> -cresol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
117-84-0	<i>n</i> -Dioctyl phthalate
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)
106-89-8	Epichlorohydrin
100-41-4	Ethylbenzene
106934	Ethylene dibromide
50-00-0	Formaldehyde
76-44-8	Heptachlor [1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]
118-74-1	Hexachlorobenzene
87-68-3	Hexachloro-1,3-butadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
7647-01-0	Hydrochloric acid
74-90-8	Hydrogen cyanide
7664-39-3	Hydrogen fluoride

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
7439-92-1	Lead
301042	Lead acetate
7784409	Lead arsenate
7645252	" "
10102484	" "
7758954	Lead chloride
13814965	Lead fluoborate
7783462	Lead fluoride
10101630	Lead iodide
10099748	Lead nitrate
7428480	Lead stearate
1072351	" "
52652592	" "
7446142	Lead sulfate
1314870	Lead sulfide
592870	Lead thiocyanate
58-89-9	Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro- (1.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-]
14307358	Lithium chromate
108-31-6	Maleic anhydride
592041	Mercuric cyanide
10045940	Mercuric nitrate
7783359	Mercuric sulfate
592858	Mercuric thiocyanate
7782867	Mercurous nitrate
7439-97-6	Mercury
72-43-5	Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4- methoxy-]]
80-62-6	Methyl methacrylate
91-20-3	Naphthalene
7440-02-0	Nickel
15699180	Nickel ammonium sulfate

**Appendix III**

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
37211055	Nickel chloride
7718549	" "
12054487	Nickel hydroxide
14216752	Nickel nitrate
7786814	Nickel sulfate
7697-37-2	Nitric acid
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
62-75-9	<i>N</i> -Nitrosodimethylamine
86-30-6	<i>N</i> -Nitrosodiphenylamine
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine
56-38-2	Parathion [Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester]
87-86-5	Pentachlorophenol (PCP)
108-95-2	Phenol
75-44-5	Phosgene
7664-38-2	Phosphoric acid
7723-14-0	Phosphorus (yellow or white)
1336-36-3	Polychlorinated biphenyls (PCBs)
7784410	Potassium arsenate
10124502	Potassium arsenite
7778509	Potassium bichromate
7789006	Potassium chromate
151508	Potassium cyanide
75-56-9	Propylene oxide
91-22-5	Quinoline
7782-49-2	Selenium
7446084	Selenium oxide
7440-22-4	Silver
7761888	Silver nitrate
7631892	Sodium arsenate

SECTION 313 WATER PRIORITY CHEMICALS	
CAS Number	Common Name
7784465	Sodium arsenite
10588019	Sodium bichromate
7775113	Sodium chromate
143339	Sodium cyanide
10102188	Sodium selenite
7782823	" "
7789062	Strontium chromate
100-42-5	Styrene
7664-93-9	Sulfuric acid
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
935-95-5	2,3,5,6-Tetrachlorophenol
78002	Tetraethyl lead
7440-28-0	Thallium
10031591	Thallium sulfate
108-88-3	Toluene
8001-35-2	Toxaphene
52-68-6	Trichlorfon [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethylester]
120-82-1	1,2,4-Trichlorobenzene
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
7440-62-2	Vanadium (fume or dust)
108-05-4	Vinyl acetate
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride
108-38-3	<i>m</i> -Xylene
95-47-6	<i>o</i> -Xylene
106-42-3	<i>p</i> -Xylene

**Appendix III**

<b>SECTION 313 WATER PRIORITY CHEMICALS</b>	
<b>CAS Number</b>	<b>Common Name</b>
1330-20-7	Xylene (mixed isomers)
7440-66-6	Zinc (fume or dust)
557346	Zinc acetate
14639975	Zinc ammonium chloride
14639986	" " "
52628258	" " "
1332076	Zinc borate
7699458	Zinc bromide
3486359	Zinc carbonate
7646857	Zinc chloride
557211	Zinc cyanide
7783495	Zinc fluoride
557415	Zinc formate
7779864	Zinc hydrosulfite
7779886	Zinc nitrate
127822	Zinc phenolsulfonate
1314847	Zinc phosphide
16871719	Zinc silicofluoride
7733020	Zinc sulfate