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State of Utah
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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

June 22 1992

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC NOTICE OF ISSUANCE OF UPDES PERMIT

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO DECLARE THE STATE OF UTAH'S INTENTION TO ISSUE A UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT UNDER AUTHORITY OF THE UTAH WATER QUALITY ACT, SECTION 19-5-104(9) AND 107(2), UTAH CODE ANNOTATED 1953, AS AMENDED.

PERMIT INFORMATION

PERMITTEE NAME: Sunnyside Cogeneration Associates
MAILING ADDRESS: P.O. Box 58087
Salt Lake City, Utah 84158-0087
TELEPHONE NUMBER: (617) 720-5550
FACILITY LOCATION: Next to Sunnyside, Utah in Carbon County.
UPDES PERMIT NO.: UT0024759

The proposed renewal permit is for Sunnyside Cogeneration Associates' steam generating facility. The receiving water is Iceland Creek.

PUBLIC COMMENTS

Public comments are invited any time prior to July 22, 1992. Comments may be directed to the Department of Environmental Quality, Division of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870. All comments received prior to July 22, 1992 will be considered in the formulation of final determinations to be imposed in the permit. A public hearing will be held if response to this Notice indicates significant public interest. A public hearing may be held if written requests are received within the first 15 days of this public comment period that demonstrate significant public interest and substantive issues exist to warrant holding a hearing.

FURTHER INFORMATION

Additional information may be obtained upon request by calling (801) 538-6146 or by writing the aforementioned address. The complete application, issued permit, permittee's request for renewal of the permit, Statement of Basis, draft permit, and related documents are available for review at the Division of Water Quality, 288 North 1460 West, Salt Lake City, Utah.

STATEMENT OF BASIS

SUNNYSIDE COGENERATION ASSOCIATES

MINOR FACILITY

PERMIT NUMBER UT0024759

FACILITY CONTACT:

Mr. David R. Pearce
Sunnyside Cogeneration Associates
200 State Street, 13th. Floor
Boston, MA 02109
(617) 720-5550

Local:

Mr. David R. Pearce
Sunnyside Cogeneration Associates
PO Box 58087
Salt Lake City, Utah 84158-0087

FACILITY TYPE: Steam generating facility for production of electricity using waste coal piles generated from Sunnyside Coal Company. The Company will be obtaining waste coal from the waste coal piles and will be responsible for a number of discharge points associated with coal mining.

FACILITY LOCATION: Sunnyside Cogeneration Associates (SCA) is located next to Sunnyside, Utah in Carbon County.

<u>Outfall Number</u>	<u>Latitude</u>	<u>Longitude</u>
004	39° 32' 52"	110° 23' 11"
007	39° 32' 14"	110° 23' 48"
008	39° 32' 20"	110° 23' 03"
009	39° 32' 36"	110° 23' 29"
012	39° 32' 28"	110° 23' 58"
013	39° 32' 46"	110° 23' 49"
014	39° 32' 45"	110° 23' 26"
015	39° 32' 20"	110° 24' 38"
016	39° 32' 25"	110° 23' 45"

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: The SIC Codes for SCA are 1222 and 4911.

RECEIVING STREAM(S): SCA discharges to Iceland Creek which is classified as 3C (protected for non-game fish and other aquatic life, including the necessary organisms in their food chain) and 4 (protected for agricultural uses including irrigation of crops and stock watering).

DESCRIPTION OF THE FACILITY: SCA will be a steam electric power generating facility of approximately 45 MW which is presently under construction. It will burn waste coal from the tailings pond generated by Sunnyside Coal Company. SCA has a UPDES permit for five (004, 007, 008, 009 and 012) discharge points that were previously owned and permitted under Sunnyside Coal Company. SCA is proposing an additional four new discharge points (013, 014, 015 and 016). All of the discharge points, their descriptions and locations are included in Table I. Discharge has occurred primarily from 004 with discharge occurring once from 007 and 012. Table II shows data from these discharge points.

As indicated in the application submitted (for 013, 014, 015, & 016), this generating facility is designed as a zero discharge system. The only discharge that should occur will be from rainfall or snow melt runoff, which will be treated in sedimentation ponds. The facility will use cooling water which will be obtained from Grassy Trail Creek and groundwater. Two large reservoirs will be constructed near the plant; one 20 million gallons in size and another 40 million gallons in size to assure a supply of cooling water. The cooling water will be treated with lime, soda ash and acid for pH adjustment before entering the cooling system. The cooling water will be recycled 15 times and as a result some type of phosphate based anti-scalant, an oxygen scavenger and an acid for pH control will be used. Sodium hypochlorite at 5 mg/L will be added to the water to prevent biological growth. It is estimated that there will be about 30 gallons per minute of cooling tower blowdown on a consistent basis. This wastewater will mix with bottom ash and be transported to the proposed landfill. The pond associated with point 015 will receive runoff from the proposed landfill.

BASIS FOR EFFLUENT LIMITATIONS: Based on Utah Administrative Code (UAC) R317-1-3.2 total suspended solids (TSS) is limited to a 30-day average of 25 mg/L and a 7-day average of 35 mg/L. Also, based on this section of the UAC pH shall be limited to a range of 6.5 to 9.0. Based on 40 CFR 434 Subpart D a daily maximum of 70 mg/L TSS will be included in the permit for these discharge points previously associated with the mining of coal (004, 007, 008, 009, 012 and 016). A daily maximum TSS limitation of 50 mg/L (40 CFR 423.15(a)) will be included in the permit for the discharge point (014) associated with the steam generation plant coal pile runoff. Based on 40 CFR 423.15 (c) and (f) a daily maximum of 100 mg/L TSS will be included in the permit for discharge points 013 and 015. UAC R317-2-9, 40 CFR 423.15(l) and 40 CFR 434.63 give justification for alternate effluent limitations for all outfalls in the permit when runoff occurs from a 10 year 24 hour or greater storm event (whether from rainfall or snowmelt).

Oil and grease is limited at all discharge points by Best Professional Judgement (BPJ) to 10 mg/L. This value was in the previous permit and no violations of the oil and grease permit limitations were reported.

Total dissolved solids (TDS) has been limited by requirements of the Colorado River Basin Salinity Control Forum. The previous permit waived the "no-salt" discharge requirement and allowed a discharge of 3 tons or 6000 lbs. of salt per day. The loading limits in the old permit will be retained in this renewal. The State in UAC R317-2, Table 2.14.1 limits the TDS concentration in Iceland Creek to 1200 mg/L. This limit is based on agricultural uses. A higher TDS concentration than 1200 mg/L is not expected to significantly impair agricultural uses

of this water (see addendum to Statement of Basis dealing with wasteload allocation). Based upon these facts a daily maximum concentration limitation of 1650 mg/L TDS will be included in the permit.

In UAC R317-2, Table 2.14.2 iron shall not exceed 1.0 mg/L in Icelander Creek using an acid soluble analytical method. Based on this criteria and observation of Table III, the Company should be able to meet a 1.0 mg/L acid soluble iron limitation. The acid soluble method involves acidification of the samples in the field, no digestion process in the laboratory, filtration and analyses by atomic absorption spectrophotometry. This iron limitation would be applied only to those discharge points previously associated with the coal mining operation (004, 007, 008, 009, 012 and 016).

Based on 40 CFR 423.15 (j) (1) the permittee shall be limited at 015 to a 30-day average and a daily maximum of 1.0 mg/L for total zinc. UAC R317-2, Table 2.14.2 contains a 1-hour average in-stream concentration requirement of 0.2 mg/L for total residual chlorine (TRC). The up-stream flow in Icelander Creek is zero for most of the year. Therefore, SCA will be required to meet a 0.2 mg/L daily maximum effluent limitation for TRC at 015. In addition, the permittee shall once each year monitor the effluent at 015 for the 126 priority pollutants to assure no detectable amounts are present or determine by proper engineering calculations that none of the 126 priority pollutants are detectable in the discharge from 015. In addition, total chromium shall be limited to 0.03 mg/L as a 30-day average and daily maximum at 015. This limitation is based on the fact that Icelander Creek flows over a shallow groundwater aquifer which will be protected by a ground water permit. The protection level for total chromium in the ground water permit is 0.03 mg/L. Therefore, in order to eliminate any possible ground water impact from surface water, the UPDES permit will contain the same protection level as the ground water permit (0.03 mg/L).

Biochemical oxygen demand (BOD) was not included in this permit because it was felt that there would not be significant concentrations of BOD in the wastewater. Because there will be no discharge of sanitary wastes it is not anticipated that coliforms will be a significant factor in the effluent. Therefore, there will be no coliform limits in this renewal permit.

UAC R317-2, Table 2.14.2 indicates that dissolved oxygen shall not go below a minimum of 5.0 mg/L as a 30-day average and 3.0 mg/L as a 1-day average in Icelander Creek. SCA will be required to meet a 30-day average effluent dissolved oxygen limitation of a minimum of 5.0 mg/L and a 1-day average dissolved oxygen limitation of a minimum of 3.0 mg/L at all their discharge points. Data from Table III indicates that SCA will be able to meet these limitations at 004 on a continuous basis. Additional justification for the inclusion of a dissolved oxygen limitation is contained in the addendum to this statement of basis.

Based on 40 CFR 423 there shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. Also, since the plant will essentially be a zero discharge facility, it will be officially designated as such by requiring that there be no direct discharge of process water from the steam generation plant. There shall be no discharge of wastewater pollutants from fly ash transport water.

SCA will be required to develop best management practices to control road salt storage runoff. In addition, the Company must develop a pollution prevention plan which shall consist of the best technology currently available to cut down and if possible eliminate pollution runoff from small areas not covered by this UPDES permit renewal.

BIOMONITORING REQUIREMENTS: As a part of a nationwide effort to control toxics, biomonitoring requirements are being included in permits for facilities where effluent toxicity is an existing or potential concern. The State of Utah is concerned about potential toxicity at four discharge points: 004, 013, 014, and 015. Therefore, acute biomonitoring will be required at 004, 013, 014, and 15 on a quarterly basis with the following stipulations:

1. Biomonitoring will continue at 004 until the discharge from Sunnyside Coal Company preparation plant permanently ceases. Around that time the permittee has the option to petition the Executive Secretary for removal of the biomonitoring requirements at 004. If the petition is granted by the Executive Secretary, biomonitoring shall be removed from the permit with no need for a public notice of such action.
2. At the end of a three year period starting from the effective date of this permit, the permittee has the option, on the basis of demonstrating no toxicity, of petitioning the Executive Secretary to remove biomonitoring requirements at outfalls 013, 014, and 015. If the petition is granted, biomonitoring at 013, 014, and 015 shall be deleted from the permit with no need of a public notice of such action.

STORM WATER REQUIREMENTS: Storm water or snowmelt runoff in the disturbed areas (which is where it may come in contact with overburden, raw materials, intermediate or finished products, byproducts, or waste products located on site) is covered by this permit.

MONITORING REQUIREMENTS: Flow, TSS and pH shall be monitored twice per month by grab sample. TDS, dissolved oxygen, free available chlorine, total chromium, total zinc, soluble iron and oil and grease shall be monitored monthly by a grab sample. Discharge monitoring reports (DMRs) shall be submitted monthly.

Permit drafted by Mike Herkimer, Environmental Health Scientist, Division of Water Quality, March 12, 1992.

Table I

Description of UPDES Outfalls

<u>Outfall No.</u>	<u>Location</u>	
004	Clear water pond Lat: 39° 32' 52" Long: 110° 23' 11"	Mine water discharged from coal preparation plant to slurry settling pond. Outfall is to Iceland Creek.
007	Rail Cut Pond Lat: 39° 32' 14" Long: 110° 23' 48"	Surface runoff discharged from sediment ponds to Iceland Creek.
008	Old Coarse Refuse Pond Lat: 39° 32' 20" Long: 110° 23' 03"	Surface runoff discharged from sediment ponds to Iceland Creek.
009	Pasture Pond Lat: 39° 32' 36" Long: 110° 23' 29"	Surface runoff discharged from sediment ponds to Iceland Creek.
012	Coarse Refuse Toe Lat: 39° 32' 28" Long: 110° 23' 58"	Surface runoff discharged from sediment ponds to Iceland Creek.
013	Facility Sed. Pond Lat: 39° 32' 46" Long: 110° 23' 49"	Sedimentation pond to contain runoff from the cogeneration facility. Discharge to Iceland Creek.
014	Coal Pile Sed. Pond Lat: 39° 32' 45" Long: 110° 23' 26"	Sedimentation pond to contain runoff from the coal pile. Discharge to Iceland Creek.
015	Landfill Sed. Pond Lat: 39° 32' 20" Long: 110° 24' 38"	Sedimentation pond to contain runoff from a landfill area. Discharge to Iceland Creek.
016	Borrow area Pond Lat: 39° 32' 25" Long: 110° 23' 45"	Sedimentation pond containing runoff from soil borrow area. Discharge to Iceland Creek.

Table II
DMR Data Summary
1-10-89 through 12-30-91

Outfall	Flow gpd		pH		TSS mg/L		
	Avg.	Max.	Min.	Max.	30-day Avg.	7-day Avg.	Max.
004	39,143	118,080	7.76	8.99	19.5	19.9	68
*007	141,120	141,120	7.56	7.56	85	85	85
*012	550,080	550,080	7.52	7.52	13.6	13.6	13.6

Outfall	Oil & Grease mg/l		Iron mg/L		TDS	
	Avg.	Max.	Avg.	Max.	Avg.	Max.
004	1.8	9.4	0.25	0.52	1519	1795
*007	-	<0.5	-	1.02	2197	2197
*012	-	<0.5	-	0.485	1530	1530

* Only one value recorded over time period.

S:SCA.SOB

Table III
DIVISION OF WATER QUALITY

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Lab Analysis Results Inquiry

Storet: 493205 07 County: 04 ENVIRO. POWER CORP. 004

Date	Time	Lab No	Samp Type	F-Temp Deg C	F-pH	F-D.O. mg/l	F-Sp.Cond. umhos/cm	Flow, MGD	Flow, GPM
77/01/13	1300	C 773459	04						
77/02/24	1440	C 770344	04						
77/02/24	1440	C 773798	04						
77/03/16	1030	C 770521	04						
78/04/18	0950	C 787334	04						
78/05/16	1215	C 787338	04						
78/06/20	1245	C 787344	04						
78/07/19	1300	C 787346	04						
78/08/16	1115	C 787355	04						
78/10/11	1015	C 787368	04						
81/03/12	1000	C 810895	04	11.8		7.1	2620		76.6
82/09/21	1750	C 824738	10						
82/11/15	0900	C 825553	10						
83/01/12	0940	C 830116	10						
83/03/09	1010	C 830742	10						
83/05/04	1045	C 831441	10						
83/06/79	1530	C 832241	10						
83/07/19	1055	C 832488	04	18.1	8.2	7.1	2190	0.3	
83/08/16	1115	C 833022	04	19.5	8.8	5.9	2150		11.6
83/09/20	1020	C 833564	10						
83/10/18	1435	C 834007	10						
83/12/14	1345	C 834771	04	12.4	7.9	6.6	3460		217.0
84/02/07	1400	C 840362	04	1.5	8.5	10.4	1703		
84/03/06	1100	C 840729	04	3.7	8.2	8.4	1552		
84/04/11	0800	C 841073	10						
84/05/05	1210	C 841537	04	10.4	8.3	8.5	1844		45.0
84/06/06	1500	C 842037	04	9.9	8.3	7.6			850.0
84/08/15	1120	C 843079	04	20.6	8.5	8.0	2460		
84/09/11	1550	C 843599	04	16.1	8.4	6.6	2090		269.0
84/10/11	1610	C 844111	10						
84/11/07	1145	C 844573	10						
84/12/05	1435	C 844858	10						
85/02/12	1615	C 850492	10						
85/03/13	1030	C 850907	10						
85/05/07	1645	C 851919	04	17.6	8.4	6.5	2130		0.4
85/06/11	1630	C 852613	04	17.2	8.4	6.0	2230	2.7	
85/07/16	1945	C 853440	10						
85/08/21	1045	C 854310	04	17.9	8.6	6.0	2310	0.2	
85/09/18	1040	C 854884	04	10.8	9.3	8.8			18.0
85/10/16	0920	C 855403	10						
85/11/14	1400	C 856022	04	6.2	8.3	7.4	2070	0.6	
85/12/19	1000	C 856523	04	1.6	7.3	7.7	2120	0.6	
86/02/11	1410	C 860548	10						
86/03/24	1105	C 861448	10						
86/05/08	1000	C 863097	10						
86/06/10	1240	C 864585	10						

Lab Analysis Results Inquiry

Storet: 493205 07 County: 04 ENVIRO. POWER CORP. 004

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86/07/31	1000	C 865733	04	15.1	8.4	7.6	2240	0.4		
86/09/02	1235	C 866784	04	14.3	8.6	7.5	2230		21.0	
86/10/13	1210	C 867735	04	7.0	8.4	7.9	2220	1.0		
86/11/24	1230	C 868790	10							
87/01/13	1225	C8700188	10							
87/02/24	1815	C8701064	04	2.8	8.3	7.6	2050	0.6		
87/04/07	1120	C8701980	04	6.6	5.1	9.9	1701		30.0	
87/05/26	1245	C8702970	04	8.9	8.6	7.6	1716	0.05		
87/07/15		C8704129	04	13.9	8.4	6.8	2170	0.1		
87/08/25	1300	C8705099	04	18.3	8.1	7.7	1996	0.6		
87/10/06	1000	C8706379	04	10.8	8.2	8.5	2180	0.1		
88/01/05	1100	C8800030	04	0.6	8.7	11.6	1596		90.0	
88/02/17	1105	C8800957	04	1.4	7.7	7.1	697	0.1		
88/03/29	1705	C8801657	04	8.0	8.0	9.1	185			
88/06/28	1445	C8803536	04	18.7	8.6	6.7	2020		10.0	
88/08/11	0910	C8804304	10							
88/09/14	1715	C8805067	04	12.9	8.1	8.7	1917			
88/11/03	1455	C8806145	04	9.7	8.6	9.4	790			
88/12/15	1500	C8807024	04	2.8	8.2	9.2	1770	0.66		
89/01/17	1700	C8900252	04	0.8	8.2	9.0	2090	0.3		
89/02/23	1355	C8901026	04	3.6	8.4	7.9	2030	0.1		
89/04/06	1245	C8901621	04	13.7	6.9	8.8	430			
89/05/09	1215	C8902523	04	18.6	8.8	11.1	1555		0.5	
89/06/13	1415	C8903600	04	25.1	8.2	7.0	2060	0.2		
89/07/25	1715	C8904591	04	28.0	8.3	5.3	2520	0.2		
89/08/28	1720	C8905898	04	27.0	8.0	5.4	215			
89/10/10	1515	C8906815	10							
89/12/07	1245	C8908232	10							
90/01/25	1400	C9000374	10							
90/02/22		C9000911	10							
90/04/19		C9002010	10							
90/05/10	1330	C9002603	04	15.5	8.6	8.3	999	0.2		
90/06/21	1310	C9003870	04	21.8	8.5	7.3	1797		1.5	
90/08/28	1310	C9006123	10							
90/10/11	1510	C9007293	04	12.8	8.6	8.0	2060	0.2		
91/02/21	1400	C9100997	04	4.9	7.8	9.2	977	0.012		
91/05/24	0815	C9102924	04	12.9	8.4	7.4	2280	0.15		
91/07/16	1550	C9104588	10							
91/09/10	1420	C9106235	04	17.5	8.5	6.3	2100		0.13	
91/10/22	1430	C9107429	10							
91/12/10	1515	C9108301	10							
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Averages				12.2	8.2	7.8	1849	0.4	109.4	
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Lab Analysis Results Inquiry

Storet: 493205 07 County: 04 ENVIRO. POWER CORP. 004

86/07/31	1000		9.0	7.4				
86/09/02	1235		<3.0	<5.0				
86/10/13	1210		<3.0	<5.0				
86/11/24	1230							
87/01/13	1225							
87/02/24	1815		14.0	<5.0				
87/04/07	1120		<3.0	<5.0				
87/05/26	1245		343.0	<5.0				
87/07/15			6.0	<5.0				
87/08/25	1300		7.0	<5.0				
87/10/06	1000		<3.0	7.5				
88/01/05	1100		34.0	<5.0				
88/02/17	1105		<3.0					
88/03/29	1705	0.5	<3.0	<5.0				
88/06/28	1445		106.0	<5.0				
88/08/11	0910							
88/09/14	1715	0.2	<3.0		23	39	6	440.0
88/11/03	1455		<3.0	<0.5	22	38	6	470.0
88/12/15	1500		<3.0	<5.0	34	43	5	370.0
89/01/17	1700		<3.0	<5.0	33	41	7	420.0
89/02/23	1355		28.0	<5.0	37	41	5	430.0
89/04/06	1245	2.0	<3.0	<5.0	38	41	6	290.0
89/05/09	1215		<3.0	<5.0	27	40	6	280.0
89/06/13	1415		198.0	<5.0	35	34	9	390.0
89/07/25	1715		200.0		60	42	11	420.0
89/08/28	1720	0.2	312.0	<5.0	26	31	9	400.0
89/10/10	1515							
89/12/07	1245							
90/01/25	1400							
90/02/22								
90/04/19								
90/05/10	1330		32.0	<5.0	24	36	7	440.0
90/06/21	1310		20.0	<5.0	26	33	8	450.0
90/08/28	1310							
90/10/11	1510		NO	<5.0	22	30	7	450.0
91/02/21	1400		<3.0	<5.0	58	32	6	390.0
91/05/24	0815		23.0	<5.0	34	32	8.7	510.0
91/07/16	1550							
91/09/10	1420		38.0	<5.0	50	27	7.7	400.0
91/10/22	1430							
91/12/10	1515							

Averages	2.3	<43.92	<5.0	37	37	7	406.9	38
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Lab Analysis Results Inquiry

Storet: 493205 07 County: 04 ENVIRO. POWER CORP. 004

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86/07/31	1000			1648			0.03		
86/09/02	1235			1600			<0.03		
86/10/13	1210			1644			0.05		
86/11/24	1230								
87/01/13	1225								
87/02/24	1815			1430		<20.0	0.058	18.0	15.0
87/04/07	1120			1066	0.025	<20.0	0.033	6.0	<15.0
87/05/26	1245			1360	0.045	<20.0	0.47	42.0	<15.0
87/07/15				1492			0.03		
87/08/25	1300			1498			0.03		
87/10/06	1000			1714	0.033	<20.0	0.045	<5.0	<15.0
88/01/05	1100			1494	0.027	<20.0	0.1	7.0	<20.0
88/02/17	1105			1210	0.016	<20.0	<0.02	13.0	<20.0
88/03/29	1705			1370	0.017	<20.0	0.028	6.0	<20.0
88/06/28	1445			1378	0.055	<20.0	0.28	21.0	<20.0
88/08/11	0910								
88/09/14	1715	560.0	217.9	1384	0.018	<20.0	0.056	<5.0	<20.0
88/11/03	1455	540.0	211.2	1494	0.015	<20.0	0.038	<5.0	<20.0
88/12/15	1500	490.0	261.8	1312	0.015	<20.0	0.051	<5.0	<20.0
89/01/17	1700	520.0	251.0	1436	0.012	<20.0	0.02	<5.0	<20.0
89/02/23	1355	580.0	261.0	1374	0.038	<20.0	0.14	6.0	<20.0
89/04/06	1245	450.0	263.5	1066	0.02	<20.0	0.061	<5.0	<20.0
89/05/09	1215	430.0	231.9	1054	0.02	<20.0	0.034	<5.0	<20.0
89/06/13	1415	690.0	227.2	1476	0.072	<20.0	0.83	36.0	<20.0
89/07/25	1715	850.0	322.5	1682	0.065	140.0	0.96	67.0	61.0
89/08/28	1720	620.0	192.4	1392	0.076	<20.0	0.91	35.0	<20.0
89/10/10	1515								
89/12/07	1245								
90/01/25	1400								
90/02/22									
90/04/19									
90/05/10	1330	590.0	208.0	1310	0.044	<20.0	0.13	<5.0	<20.0
90/06/21	1310	660.0	200.6	1530	0.036	<20.0	0.14	5.0	<20.0
90/08/28	1310								
90/10/11	1510	570.0	178.3	1442	0.066	<20.0	0.78	39.0	<20.0
91/02/21	1400	650.0	276.4	1442	0.029	<20.0	0.026	87.0	<20.0
91/05/24	0815	720.0	216.5	1624	0.06	<20.0	0.094	12.0	21.0
91/07/16	1550								
91/09/10	1420		235.8	1422	0.039	<20.0	0.23	39.0	40.0
91/10/22	1430								
91/12/10	1515								

Averages	594	245.3		1468	0.037	<23.7	<0.226	<20.3	<21.6
=====									

Lab Analysis Results Inquiry

Storet: 493205 07 County: 04 ENVIRO. POWER CORP. 004

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Date	Time	Air Temp Deg C
77/01/13	1300	
77/02/24	1440	
77/02/24	1440	
77/03/16	1030	
78/04/18	0950	
78/05/16	1215	
78/06/20	1245	
78/07/19	1300	
78/08/16	1115	
78/10/11	1015	
81/03/12	1000	
82/09/21	1750	
82/11/15	0900	
83/01/12	0940	
83/03/09	1010	
83/05/04	1045	
83/06/79	1530	
83/07/19	1055	
83/08/16	1115	
83/09/20	1020	
83/10/18	1435	
83/12/14	1345	
84/02/07	1400	
84/03/06	1100	
84/04/11	0800	
84/05/05	1210	
84/06/06	1500	
84/08/15	1120	
84/09/11	1550	
84/10/11	1610	
84/11/07	1145	
84/12/05	1435	
85/02/12	1615	
85/03/13	1030	
85/05/07	1645	
85/06/11	1630	
85/07/16	1945	
85/08/21	1045	
85/09/18	1040	
85/10/16	0920	
85/11/14	1400	
85/12/19	1000	
86/02/11	1410	
86/03/24	1105	
86/05/08	1000	
86/06/10	1240	

Lab Analysis Results Inquiry

Storet: 493205 07 County: 04 ENVIRO. POWER CORP. 004

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86/07/31	1000	
86/09/02	1235	
86/10/13	1210	
86/11/24	1230	
87/01/13	1225	
87/02/24	1815	
87/04/07	1120	
87/05/26	1245	
87/07/15		
87/08/25	1300	
87/10/06	1000	
88/01/05	1100	
88/02/17	1105	
88/03/29	1705	
88/06/28	1445	
88/08/11	0910	
88/09/14	1715	
88/11/03	1455	
88/12/15	1500	
89/01/17	1700	
89/02/23	1355	
89/04/06	1245	
89/05/09	1215	
89/06/13	1415	
89/07/25	1715	
89/08/28	1720	
89/10/10	1515	
89/12/07	1245	
90/01/25	1400	
90/02/22		
90/04/19		
90/05/10	1330	
90/06/21	1310	
90/08/28	1310	
90/10/11	1510	19.0
91/02/21	1400	14.0
91/05/24	0815	15.0
91/07/16	1550	
91/09/10	1420	
91/10/22	1430	
91/12/10	1515	

Averages 16.0

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ADDENDUM
Statement of Basis (Wasteload Analysis)

Date: June 9, 1992

Facilities: **Sunnyside Cogeneration Associates**
Sunnyside, Utah

I. Introduction

Wasteload analyses are performed to determine point source effluent limitations necessary to protect designated beneficial uses and to maintain in-stream water quality standards. The primary in-stream parameters of concern may include, but are not necessarily limited to, chlorine, un-ionized ammonia, and dissolved oxygen. Mathematical water quality modeling may be employed to determine stream quality response to point source discharges. Models aid in the effort of anticipating stream quality at future effluent flows at critical environmental conditions (e.g., low stream flow, high temperature, high pH, etc).

II. Receiving Water and Stream Classification

The Utah stream classifications and numeric criteria used in this analysis include the following:

Icelander Creek	3C, 4	[Intermittent]
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III. Numeric Stream Standards Icelander Creek

Dissolved Oxygen (mg/l)

30-Day Average	5.0
7-Day Average	N/A
1 Day Average	3.0

Total Dissolved Solids (mg/l)	1200
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Note: Based upon evaluation of written correspondence from water users (see attachments) on Grassy Trail Creek, an impairment of the beneficial use for agricultural purposes (Class 4) does not occur by utilization of the mine discharge (1650 mg/l TDS) for irrigation purposes.

It is assumed that any use of Icelander Creek waters for irrigation purposes would also not cause an impairment of the beneficial use for agricultural purposes because of similar geological and geographical considerations.

Evaluation of flow and concentration data of the Price River indicates that downstream beneficial uses (Agriculture - Class 4) will not be impaired by Icelfander Creek at a TDS concentration of 1650.

There are additional standards that apply to this receiving water, but were not considered in this modeling/waste load allocation analysis.

IV. Mathematical Modeling of Stream Quality

Model configuration is accomplished utilizing standard modeling procedures. Data points are plotted and coefficients adjusted as required to match the observed data as closely as possible.

The modeling approaches utilized by the Division of Water Quality derive their origin and use according to the following references:

STREAMDO IV (Region VIII) and Supplemental Ammonia Toxicity Models; EPA Region VIII, Sept. 1990. Based upon QUAL2E. Modified by: Utah Division of Water Quality, 1992.

Rates, Constants, and Kinetics Formulations in Surface Water Quality Modeling. Environmental Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Athens Georgia. EPA/600/3-85/040 June 1985.

Mass Balance Models for Ammonia, Chlorine, and Conservative Substances developed by the Utah Division of Water Quality.

VI. Modeling Information

The may models require the following information for both the upstream conditions at low flow and the average effluent conditions:

Flow, Q, (cfs)	DO (mg/l)
Temperature (C)	CBOD ₅ (mg/l)
pH	NH ₃ -N (mg/l)
BOD ₅ (mg/l)	TDS

Other Conditions

In addition to the upstream and effluent conditions, the models require a variety of physical and biological coefficients and a variety of other technical information. In the process of actually establishing the permit limits for an effluent, values are used based upon the available data, model calibration, literature values, site visits and best professional judgement.

Model Inputs

Stream Segment	Flow cfs	Temp. Deg. C.	pH	D.O. mg/l	CBOD ₅ mg/l	NH ₃ mg/l as N	NO ₂ + ₃ mg/l as N
Icelander Cr.	0.001	20.00	8.0	7.00	1.00	0.10	
Discharge 004	0.01	19.80	8.0	6.60	10.0	0.00	

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

V. Effluent Limitations

Current State water quality standards are required to be met under a variety of conditions including critical low flow, usually expressed as the 7-day, 10-year low flow (R448-2-9). Other conditions used in the waste load allocation evaluation coincide with the environmental conditions expected at this critical flow.

Effluent Limitation for Total Dissolved Solids (TDS) to Icelander Creek

The receiving waters are protected for agriculture (Class 4). The higher value of total dissolved solids in nearby streams (i.e., Grassy Trail Creek) been shown to not significantly impair the beneficial use (agriculture). Since the effluent constitutes 100% of the stream flow at times during the year and existing agriculture may utilize this water with a total dissolved solids concentration of 1650 mg/l without an impairment of the beneficial use, the effluent limitation may be 1650 mg/l.

VI. Summary Comments

The mathematical modeling and best professional judgement indicate that receiving water beneficial uses will not be impaired if the effluent limitations indicated above are met.

Prepared by:
William O. Moellmer, Ph.D
Utah Division of Water Quality
June 9, 1992

F:SUNNYCOG.SOB

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)

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

Sunnyside Cogeneration Associates

is hereby authorized to discharge from its facility located at Sunnyside, Utah, with outfall(s) located as indicated in the permit, to receiving waters named

Icelander Creek

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

This permit shall become effective on August 1, 1992

This permit and the authorization to discharge shall expire at midnight, July 31, 1997.

Signed this day of

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. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
7. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
10. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
11. "EPA" means the United States Environmental Protection Agency.
12. Acute Toxicity occurs when 50 percent or more mortality is observed for either test species at any effluent concentration.
13. Acid soluble method involves acidification of the sample in the field, no digestion process in the laboratory, filtration and analysis by atomic absorption spectrophotometry.
14. The term "10-year, 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, **Rainfall Frequency Atlas of the U.S.**, May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.
15. The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.
16. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
17. The term "settleable solids" is that matter measured by the volumetric method specified below:

The following procedure is used to determine settleable solids:

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

B. 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 No.</u>	<u>Location</u>	
004	Clear water pond Lat: 39° 32' 52" Long: 110° 23' 11"	Mine water discharged from coal preparation plant to slurry settling pond. Outfall is to Grassy Trail Creek.
007	Rail Cut Pond Lat: 39° 32' 14" Long: 110° 23' 48"	Surface runoff discharged from sediment ponds to Icelander Creek.
008	Old Coarse Refuse Pond Lat: 39° 32' 20" Long: 110° 23' 03"	Surface runoff discharged from sediment ponds to Icelander Creek.
009	Pasture Pond Lat: 39° 32' 36" Long: 110° 23' 29"	Surface runoff discharged from sediment ponds to Icelander Creek.
012	Coarse Refuse Toe Lat: 39° 32' 28" Long: 110° 23' 58"	Surface runoff discharged from sediment ponds to Icelander Creek.
013	Facility Sed. Pond Lat: 39° 32' 46" Long: 110° 23' 49"	Sedimentation pond to contain runoff from the cogeneration facility. Discharge to Icelander Creek.
014	Coal Pile Sed. Pond Lat: 39° 32' 45" Long: 110° 23' 26"	Sedimentation pond to contain runoff from the coal pile. Discharge to Icelander Creek.
015	Landfill Sed. Pond Lat: 39° 32' 20" Long: 110° 24' 38"	Sedimentation pond to contain runoff from a landfill area. Discharge to Icelander Creek.
016	Borrow area Pond Lat: 39° 32' 25" Long: 110° 23' 45"	Sedimentation pond containing runoff from soil borrow area. Discharge to Icelander Creek.

C. 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 conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or 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.

D. Specific Limitations and Self-monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfalls 004, 007, 008, 009, 012 and 016. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	<u>Average 30-Day</u>	<u>7-Day</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, gpd	N/A	N/A	N/A	Twice/Month	Measured
Total Iron mg/L	N/A	N/A	1.0 <u>b/</u>	Monthly	Grab
Oil & Grease, mg/L	N/A	N/A	10	Monthly	Grab
Total Suspended Solids, mg/L	25	35	70	Twice/Month	Grab
Total Dissolved Solids, mg/L	N/A	N/A	1650	Monthly	Grab

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 twice per month by a grab sample.

The thirty (30) day average for dissolved oxygen shall be equal to or greater than 5.0 mg/L and the one (1) day average for dissolved oxygen shall be equal to or greater than 3.0 mg/L at all discharge points. Dissolved oxygen shall be monitored monthly by grab sample.

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

There shall be no discharge of sanitary wastes.

N.A. - Not Applicable.

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

b/ Acid soluble iron as defined under Part I.A. If any iron analysis exceeds this limitation, the State of Utah and the permittee shall review the actions necessary to achieve compliance with the limitation and the continued appropriateness of the limitation. In no case shall the discharge exceed a daily maximum limitation for total iron of seven (7) milligrams per liter.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at all outfalls prior to mixing with the receiving water.
3. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at outfalls 007, 008, 009, 012 and 016 may comply with the following limitation instead of the Total Suspended Solids limitations contained in Part I.D.1. provided the facility has been designed, constructed and operated to adequately treat up to a 10 year, 24 hour storm event:

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

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

4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at outfalls 007, 008, 009, 012 and 016 may comply with the following limitations instead of the otherwise applicable limitations:

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

5. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts I.D.3. and 4. The alternate limitations in Parts I.D. 3 and 4. shall not apply to treatment systems that treat underground mine water only (in this case only point 004).
6. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfalls 013, 014 and 015. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	<u>Average</u>		<u>Daily</u>	<u>Measurement</u>	<u>Sample</u>
	<u>30-Day</u>	<u>7-Day</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Type</u>
Flow, gpd	N/A	N/A	N/A	Twice/Month	Measured
Oil & Grease, mg/L	N/A	N/A	10	Monthly	Grab
Total Suspended Solids, mg/L	25	35	100b/	Twice/Month	Grab
Total Dissolved Solids, mg/L c/	N/A	N/A	1650	Monthly	Grab
Total Residual Chlorine, mg/Ld/	N/A	N/A	0.2	Monthly	Grab
Total Chromium, mg/Ld/	0.03	N/A	0.03	Monthly	Grab
Total Zinc, mg/Ld/	1.0	N/A	1.0	Monthly	Grab

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 twice per month by a grab sample.

The permittee shall once each year monitor the effluent at 015 for the 126 priority pollutants to assure no detectable amount present or determine by proper engineering calculations that the 126 priority pollutants are not detectable in the discharge from 015.

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

There shall be no discharge of polychlorinated biphenyls

There shall be no discharge of sanitary wastes.

There shall be no direct discharge of process water to Grassy Trail Creek or Icelander Creek.

N.A. - Not Applicable.

- a/ See Definitions, *Part I.A* for definition of terms.
 - b/ Daily maximum total suspended solids shall be no greater than 50 mg/L at 014.
 - c/ The total amount of total dissolved solids shall not exceed a maximum of 3 tons (6000 lbs) per day from all outfalls. (004, 007, 008, 009, 012, 013, 014, 015 and 016).
 - d/ These limitations apply only to discharge point 015.
7. Samples taken in compliance with the monitoring requirements specified under I.D.6 shall be taken at the following location(s): at all outfalls prior to mixing with the receiving water.
 8. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at outfalls 013, 014 and 015 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. All effluent samples collected at outfalls 013, 014 and 015 during storm water discharge events shall be analyzed for the parameters identified under Part I.D.6.
 9. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Part I.D.8.
 10. Best Management Practices. The permittee shall implement and maintain best management practices for the control of road salt storage runoff. In addition, the permittee must develop a pollution prevention plan which shall consist of the best technology currently available to cut down and if possible eliminate pollution runoff from small areas not covered by this UPDES permit.
 11. Whole Effluent - Acute Toxicity.

Starting on August 1, 1992 the permittee shall quarterly, conduct acute static replacement toxicity tests on a composite sample (See Part I.A.4) of the final effluent. The samples shall be collected at outfalls 004, 013, 014 and 015 with the following stipulations:

- a. Biomonitoring will continue at 004 until the discharge from Sunnyside Coal Company preparation plant permanently ceases. Around that time the permittee has the option to petition the Executive Secretary for removal of the biomonitoring requirements at 004. If the petition is granted by the Executive Secretary, requirements for biomonitoring at 004 could be removed from this permit with no need of public notice of such action.

- b. At the end of a three year period starting from the effective date of this permit, the permittee has the option of petitioning the Executive Secretary to remove biomonitoring requirements at outfalls 013, 014 and 015. If this petition is granted, biomonitoring requirements at 013, 014 and 015 could be removed from this permit with no need of a public notice of such action.

The monitoring frequency for acute tests shall be quarterly unless a sample is found to be acutely toxic during a routine test. If that occurs, the monitoring frequency shall become weekly (See *Part I.D.12., Accelerated Testing*). Samples shall be collected on a two day progression; i.e., if the first sample is on a Monday, during the next sampling period, the sampling shall begin on a Wednesday, etc.

The replacement static acute toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of *Methods of Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms, EPA/600-4-85-013 (Rev. March 1985)* and the *Region VIII EPA NPDES Acute Test Conditions - Static Renewal Whole Effluent Toxicity Test*. In the case of conflicts, the Region VIII procedures will prevail. The permittee shall conduct the 48-hour static replacement toxicity test using *Ceriodaphnia* sp. and the acute 96-hour static replacement toxicity test using fathead minnows.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the results to be considered valid. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control mortality is achieved. A variance to this requirement may be granted by the Executive Secretary if a mortality of less than 10 percent was observed in higher effluent dilutions.

If the permit contains a total residual chlorine limitation greater than 0.20 mg/L, the permittee may request from the Executive Secretary approval to dechlorinate the sample, or collect the sample prior to chlorination.

Quarterly test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar quarter e.g., biomonitoring results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, with the remaining biomonitoring reports submitted with DMRs due each July 28, October 28, and January 28. The format for the report shall be consistent with the latest revision of the *Region VIII Guidance for Acute Whole Effluent Reporting*, and shall include all chemical and physical data as specified.

If the results for one year of testing indicate no acute toxicity, the permittee may request a reduction in testing frequency and/or reduction to one species. The Executive Secretary may approve, partially approve, or deny the request based on results and other available information. If approval is given, the modification will take place without a public notice.

12. Accelerated Testing.

When acute toxicity is indicated during routine biomonitoring as specified in this permit, the permittee shall notify the Executive Secretary in writing within 5 days after becoming aware of the test result. The permittee shall perform an accelerated schedule of biomonitoring to establish whether a pattern of toxicity exists. Accelerated testing will begin within seven days after the permittee becomes aware of the test result. Accelerated testing shall be conducted as specified

under *Part I.D.13., Pattern of Toxicity*. If the accelerated testing demonstrates no pattern of toxicity, routine monitoring shall be resumed.

13. Pattern of Toxicity.

A pattern of toxicity is defined by the results of a series of up to five biomonitoring tests pursuant to the accelerated testing requirements using 100 percent effluent on the single species found to be more sensitive, once every week for up to five consecutive weeks.

If two (2) consecutive tests (not including the scheduled quarterly or monthly test which triggered the search for a pattern of toxicity) do not result in acute toxicity, no further accelerated testing will be required and no pattern of toxicity will be found to exist. The permittee will provide written verification to the Executive Secretary within 5 days, and resume routine monitoring.

A pattern of toxicity is established if one of the following occurs:

1. If two (2) consecutive test results (not including the scheduled quarterly or monthly test which triggered the search for a pattern of toxicity) indicate acute toxicity, this constitutes an established pattern of toxicity.
2. If consecutive tests continue to yield differing results each time, the permittee will be required to conduct up to a maximum of five (5) acute tests (not including the scheduled quarterly or monthly test which triggered the search for a pattern of toxicity). If three out of five test results indicate acute toxicity, this will constitute an established pattern of toxicity.

14. Preliminary Toxicity Investigation.

1. When a pattern of toxicity is detected the permittee will notify the Executive Secretary in writing within 5 days and begin an evaluation of the possible causes of the toxicity. The permittee will have 15 working days from demonstration of the pattern of toxicity to complete a Preliminary Toxicity Investigation (PTI) and submit a written report of the results to the Executive Secretary. The PTI may include, but is not limited to, additional chemical and biological monitoring, examination of pretreatment program records, examination of discharge monitoring reports, a thorough review of the testing protocol, evaluation of treatment processes and chemical use, inspection of material storage and transfer areas to determine if a spill may have occurred, and similar procedures.
2. If the PTI identifies a probable toxicant and/or a probable source of toxicity, the permittee shall submit, as part of its final results, written notification of that effect to the Executive Secretary. Within thirty days of completing the PTI the permittee shall submit for approval a control program to control effluent toxicity and shall proceed to implement such plan within seven days following approval. The control program, as submitted to or revised by the Executive Secretary, may be incorporated into the permit.
3. If no probable explanation for toxicity is identified in the PTI, the permittee shall notify the Executive Secretary as part of its final report, along with a schedule for conducting a Phase I Toxicity Reduction Evaluation (TRE) (See *Part I.D.15, Toxicity Reduction Evaluation*).

4. If toxicity spontaneously disappears during the PTI, the permittee shall submit written notification to that effect to the Executive Secretary as part of the reporting requirements of paragraph 1 of this section.

15. Toxicity Reduction Evaluation (TRE).

If toxicity is detected and it is determined by the Executive Secretary that a TRE is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. The purpose of the TRE will be establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity.

A TRE may include but is not limited to one, all, or a combination of the following:

1. Phase I - Toxicity Characterization
2. Phase II - Toxicity Identification Procedures
3. Phase III - Toxicity Control Procedures
4. Any other appropriate procedures for toxicity source elimination and control

If the TRE establishes that the toxicity cannot be immediately eliminated the permittee shall submit a proposed compliance plan to the Executive Secretary. The plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to the Executive Secretary, this permit may be reopened and modified.

If the TRE shows that the toxicity is caused by a toxicant(s) that may be controlled with specific numerical limitations, the permittee may:

1. Submit an alternative control program for compliance with the numerical requirements.
2. If necessary, provide a modified biomonitoring protocol which compensates for the pollutant(s) being controlled numerically.

If acceptable to the Executive Secretary, this permit may be reopened and modified to incorporate any additional numerical limitations, a modified compliance schedule if judged necessary by the Executive Secretary, and/or a modified biomonitoring protocol.

Failure to conduct an adequate TRE, or failure to submit a plan or program as described above, or the submittal of a plan or program judged inadequate by the Executive Secretary, shall be considered a violation of this 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 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 September 28, 1992. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality and to EPA at the following addresses:

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

copy to: United States Environmental Protection Agency Region VIII
Denver Place
999 18th Street, Suite 500
Denver, Colorado 80202-2466
Attention: Water Management Division
Compliance Branch (8WM-C)

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any 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.H.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, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state 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 III, 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 III, 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 and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the 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.
- P. Toxicity Limitation -Reopener Provision.
- This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the biomonitoring protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:
1. Toxicity was detected late in the life of the permit near or past the deadline for compliance.
 2. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the Executive Secretary agrees with the conclusion.
 3. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the Executive Secretary agrees that numerical controls are the most appropriate course of action.
 4. Following the implementation of numerical control(s) of toxicant(s), the Executive Secretary agrees that a modified biomonitoring protocol is necessary to compensate for those toxicants that are controlled numerically.
 5. The TRE reveals other unique conditions or characteristics which, in the opinion of the Executive Secretary, justify the incorporation of unanticipated special conditions in the permit.