UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; "the Act"),

the American Gilsonite Company (ACG)

is authorized to discharge from its wastewater treatment facility located in Township 9 South, Range 24 East, Uintah County, Utah, latitude 40° 3' 40.00" N and longitude 109° 11' 56.09" W,

to various unnamed tributaries of Coyote Wash, a tributary to the White River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective **to be determined upon issuance**

This permit and the authorization to discharge shall expire at midnight, **to be determined upon issuance**

Signed this day of

_____

Debra H. Thomas
Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Definitions.

The *30-day (and monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

The *7-day (and weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the permit. 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.

Daily Maximum (*Daily Max.*) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period.

Daily Minimum (*Daily Min.*) is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

Grab sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

Instantaneous measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

a. Constant time interval between samples, sample volume proportional to flow rate at the 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 of the first 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.

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Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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.

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.

Director means the Regional Administrator of EPA Region 8 or an authorized representative.

EPA means the United States Environmental Protection Agency.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

CWA means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this permit the CWA may be referred to as "the Act".

Sewage Sludge is any solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Whole Effluent Toxicity (WET) is the total toxic effect of an effluent measured directly with a toxicity test. 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 effluent results to be considered valid.

1.2. 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 an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act. Field conditions may dictate that outfall locations be moved, deleted or combined. Outfall locations may be combined or deleted or moved up to 1,320 feet to accommodate conditions in the field without modifying this permit provided that the new outfall location discharges to the same immediate receiving water, notification is provided to EPA (See Part 2.4) prior to moving the outfall, and the notification is signed by the appropriate signatory authority (See Part 6.7). New outfalls may not be added without modifying this permit and reopening it for public notice. (Discharges at any location not authorized under an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act.)

Outfall Serial Number(s)	Description of Discharge Point(s)
001	Discharge from American Gilsonite Company Mines Numbers I-5, I-12, B-38 (Latitude 40° 02' 27" N, Longitude 109° 13' 18" W); S16, T9S, R24E

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002 Discharge from American Gilsonite Company Mine Number I-10
(Latitude 40° 01' 11" N, Longitude 109° 10' 18" W); S24, T9S, R24E

003 Discharge from American Gilsonite Company Mine Number I-30
(Latitude 40° 02' 06" N, Longitude 109° 12' 30" W); S15, T9S, R24E

010 Discharge from American Gilsonite Company Mine Number E-30
(Latitude 40° 03' 42" N, Longitude 109° 10' 56" W); S2, T9S, R24E

013 Discharge from American Gilsonite Company Mine Number LE-5
(Latitude 40° 00' 32.9" N, Longitude 109° 16' 11.7" W); S25, T9S, R23E

015 Discharge from American Gilsonite Company Mine Number I-15
(Latitude 40° 01' 51" N, Longitude 109° 11' 58" W); S15, T9S, R24E

016 Discharge from American Gilsonite Company Mine Number E-31
(Latitude 40° 03' 48" N, Longitude 109° 11' 48" W); S3, T9S, R24E

017 Discharge from American Gilsonite Company Mine Number B-44
(Latitude 40° 02' 13" N, Longitude 109° 13' 47" W); S17, T9S, R24E

020 Discharge from American Gilsonite Company Mine Number E-29
(Latitude 40° 03' 40" N, Longitude 109° 10' 44" W); S2, T9S, R24E

023 Discharge from American Gilsonite Company Mine Number E-27
(Latitude 40° 03' 36" N, Longitude 109° 10' 34" W); S2, T9S, R24E

024 Combined Discharge from American Gilsonite Company Mine Numbers
E-27, E-28, E-29, E-30, E-30E, E-31, E-31E, E-33, E-34 and E-34W
(Latitude 40° 03' 40" N, Longitude 109° 11' 56.09" W); S3, T9S, R24E

028 Discharge from American Gilsonite Company ER/Boiler Condensate
(Latitude 40° 01' 0.3" N, Longitude 109° 10' 21" W); S23, T9S, R24E
The water from this discharge is combined with process water that is conveyed into a non-discharging evaporation lagoon.

029 Discharge from American Gilsonite Company Mine Number B-48
(Latitude 40° 02' 19" N, Longitude 109° 14' 07" W); S17, T9S, R24E

030 Discharge from American Gilsonite Company Mine Number B-50
(Latitude 40° 02' 21" N, Longitude 109° 14' 16" W); S17, T9S, R24E

031 Discharge from American Gilsonite Company Mine Number B-46
(Latitude 40° 02' 14" N, Longitude 109° 13' 57" W); S17, T9S, R24E

032 Discharge from American Gilsonite Company Mine Number B-52
(Latitude 40° 02' 26" N, Longitude 109° 14' 30" W); S17, T9S, R24E

033 Discharge from American Gilsonite Company Mine Number WH-4
(Latitude 39° 59' 42" N, Longitude 109° 11' 05" W); S35, T9S, R24E

034 Discharge from American Gilsonite Company Mine Number E-33
(Latitude 40° 03' 54.2" N, Longitude 109° 11' 31.7" W); S3, T9S, R24E

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035 Discharge from American Gilsonite Company Mine Number E-34W (Latitude 40° 03' 59.7" N, Longitude 109° 11' 49" W); S3, T9S, R24E

036 Discharge from American Gilsonite Company Mine Number B-38 (Latitude 40° 02' 01.7" N, Longitude 109° 13' 08.3" W); S16, T9S, R24E

1.3. Specific Limitations and Self-Monitoring Requirements

1.3.1. Effluent Limitations - Outfalls 001, 002, 003, 010, 013, 015, 016, 017, 020, 023, 024, 028, 029, 030, 031, 032, 033, 034, 035 and 036.

1.3.1.1. General Effluent Limitations:

There shall be no discharge of sanitary wastewater, process water or contact cooling water.

1.3.1.2. **Effective immediately and lasting through the life of this permit**, the quality of effluent discharged by each of the outfalls, except Total Dissolved Solids Loading which is a sum of all outfalls, shall, at a minimum, meet the limitations as set forth below:

Effluent Characteristic	Effluent Limitation		
	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Total Suspended Solids, mg/L	25	35	N/A
Total Dissolved Solids, mg/L	N/A	N/A	3,500
The pH of the effluent shall not be less than 6.5 nor greater than 9.0 in any single sample or analysis.			
The concentration of oil and grease in any single sample shall not exceed 10 mg/L nor shall there be any visible sheen in the receiving water or adjoining shoreline.			
Total Dissolved Solids loading from all outfalls shall not be greater than an annual total of 1,281 tons per year.			
There shall be no discharge of sanitary wastewater, process water or contact cooling water.			

a/ See Definitions, Part 1.1, for definitions.

1.3.2. Self-Monitoring Requirements - Outfall 001, 002, 003, 010, 013, 015, 016, 017, 020, 023, 024, 028, 029, 030, 031, 032, 033, 034, 035 and 036.

Effective immediately and lasting through the effective term of this permit. Sampling and test procedures for pollutants listed in this part shall be in accordance with guidelines promulgated by the Administrator in 40 CFR Part 136, as required in 40 CFR § 122.41(j). At a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred.

Effluent Characteristic	Frequency e/	Sample/Monitoring Type a/
Total Flow, mgd b/	Monthly	Instantaneous
Total Dissolved Solids, mg/L	Monthly	Grab
Total Dissolved Solids, tons/year d/	Monthly	Calculation

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Total Suspended Solids, mg/L	Monthly	Grab
pH, units	Monthly	Grab
Oil and Grease, visual c/	Weekly	Visual/Grab

a/ See Definitions, Part 1.1, for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate (in million gallons per day) during the reporting period and the maximum flow rate observed (in mgd) shall be reported.

For intermittent flows, the approximate volume of water discharged per reporting period and maximum rate of discharge shall be reported.

c/ A weekly visual observation is required. Any discharge shall be visually observed for the presence of a visible sheen and/or floating oil. If a visible sheen is detected, a grab sample shall be taken immediately and analyzed in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

d/ In addition to the monthly sample, the permittee shall calculate the mass of Total Dissolved Solids discharged for each outfall (using concentration and flow), sum the mass of Total Dissolved Solids for all outfalls, and report in the DMR that sum of Total Dissolved Solids in tons per year. Total loading from all outfalls shall be calculated each month. Total annual loading reported on the DMR must reflect the loading from all outfalls on a rolling annual basis. For example:

Daily loading (tons/day) = Concentration (mg/L) * (3.785 gal/L) / (453,592 mg/pound) / (2,000 pounds/ton) * flow (gallons/day)

Monthly loading (tons/month) = daily loading (tons/day) * days/month (days in the month monitored)

Annual loading (tons/year) = sum of the past 12 months of monthly loading

e/ Samples are required when outfalls are discharging. In instances where flow is intermittent, flow measurements should be combined and reported.

1.3.3. Inspection Requirements

The permittee shall inspect its wastewater treatment facilities and discharge outfalls on at least a **weekly** basis. The inspection shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspection shall be performed to determine if proper operation and maintenance procedures are being undertaken at the treatment facility. The permittee shall maintain a notebook recording information obtained during the inspection. At a minimum, the notebook shall include the following:

- Date and time of the inspection;
- Name of the inspector(s);
- The facility's discharge status;
- Identification of operational problems and/or maintenance problems;
- Recommendations, as appropriate, to remedy identified problems;
- A brief description of any actions taken with regard to problems identified; and,
- Other information, as appropriate.

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The permittee shall maintain the notebook in accordance with proper record-keeping procedures see Records Contents (Part 2.6.), and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency.

2. MONITORING, RECORDING AND REPORTING REQUIREMENTS

2.1. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part 1 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 use-disposal practice.

2.2. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Sludge monitoring procedures shall be those specified in 40 CFR Part 503, or as specified in the permit.

2.3. Penalties for Tampering. The Act provides that any person who knowingly falsifies, tampers with, or 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, or by imprisonment for not more than two years, or by both. Second conviction is punishable by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

2.4. Reporting of Monitoring Results. Monthly effluent monitoring results obtained during the previous calendar quarter shall be summarized and reported on **one** Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Until further notice, sludge monitoring results may be reported in the testing laboratory's normal format (there is no EPA standard form at this time), but should be on letter size pages. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part 6.7), and submitted to the EPA Region 8 Policy, Information Management & Environmental Justice Program and the Ute Tribe at the addresses given below:

original to: U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: Director
1595 Wynkoop Street
Denver, Colorado 80202-1129

copy to: Environmental Coordinator
Ute Indian Tribe
P.O. Box 190
Fort Duchesne, Utah 84026

2.5. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136, 40 CFR Part 503, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

2.6. Records Contents. Records of monitoring information shall include:

2.6.1. The date, exact place, and time of sampling or measurements;

2.6.2. The initials or name(s) of the individual(s) who performed the sampling or measurements;

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2.6.3. The date(s) analyses were performed;

2.6.4. The time(s) analyses were initiated;

2.6.5. The initials or name(s) of individual(s) who performed the analyses;

2.6.6. References and written procedures, when available, for the analytical techniques or methods used; and,

2.6.7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

2.7. 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. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site.

2.8. Twenty-four Hour Notice of Noncompliance Reporting.

2.8.1. The permittee shall report any noncompliance which **may endanger health or the environment** as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 8, Site Assessment/Emergency Response Program at (303) 293-1788, the Ute Indian Tribe at (435) 722-3941.

2.8.2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region 8, NPDES Enforcement Unit at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) or the appropriate EPA State Program Manager, and Ute Indian Tribe at (435) 722-3941 (8:00 a.m. - 4:30 p.m. Mountain Time) by the first workday following the day the permittee became aware of the circumstances:

2.8.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part 3.7, Bypass of Treatment Facilities.);

2.8.2.2. Any upset which exceeds any effluent limitation in the permit (See Part 3.8, Upset Conditions.); or,

2.8.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed in Part 1.3.1 of the permit.

2.8.3. In addition to the notifications described in Part 2.8.1 and Part 2.8.2, a written submission shall also be provided to the USEPA, Office of Enforcement, Compliance and Environmental Justice and to the Ute Indian Tribe within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

2.8.3.1. A description of the noncompliance and its cause;

2.8.3.2. The period of noncompliance, including exact dates and times;

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2.8.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,

2.8.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2.8.4. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 2.8.2 above, if the incident has been orally reported in accordance with the requirements of Part 2.8.2.

2.8.5. Reports shall be submitted to the addresses in Part 2.4, Reporting of Monitoring Results.

2.9. 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 2.4 are submitted. The reports shall contain the information listed in Part 2.8.3.

2.10. Inspection and Entry. The permittee shall allow the Regional Administrator, or authorized representative (including an authorized contractor acting as a representative of the Administrator) upon presentation of credentials and other documents as may be required by law, to:

2.10.1. 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 this permit;

2.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

2.10.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

2.10.4. 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.

3. COMPLIANCE RESPONSIBILITIES

3.1. Duty to Comply. The permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The permittee shall give the director advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

3.2. Penalties for Violations of Permit Conditions. The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis. EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517), June 27, 1997 (62 Fed. Reg. 35037-35041), February 13, 2004 (69 Fed. Reg. 7121-7127) and December 11, 2008 (73 Fed. Reg. 75340-75346). On November 6, 2013 (78 Fed. Reg. 66643-66648) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of December 6, 2013, for violations of the Act (including permit conditions) are given below:

3.2.1. Any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation.

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3.2.2. Any person who *negligently* violates section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than 2 years, or both.

3.2.3. Any person who *knowingly* violates section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than 6 years, or both.

3.2.4. Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

3.2.5. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $16,000 per violation, with a maximum amount not to exceed $37,500. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $16,000 per day for each day during which the violation continues, with the maximum amount not to exceed $187,500.

3.3. 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.

3.4. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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 appropriate 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. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

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3.5.1 The permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:

3.5.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;

3.5.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;

3.5.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,

3.5.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).

3.5.2. The permittee shall maintain a daily log in a **bound notebook(s)** containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the notebook shall include the following information:

3.5.2.1. Date and time;

3.5.2.2 Name and title of person(s) making the log entry;

3.5.2.3. Name of the persons(s) performing the activity;

3.5.2.4. A brief description of the activity; and,

3.5.2.5. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or Ute Indian Tribe.

3.6. Removed Substances. Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503) and tribal regulations and in a manner so as to prevent any pollutant from entering any waters of the United States or creating a health hazard. **In addition, the use and/or disposal of sewage sludge shall be done under the authorization of an NPDES permit issued for the use and/or disposal of sewage sludge by the appropriate NPDES permitting authority for sewage sludge.** Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

3.7. Bypass of Treatment Facilities.

3.7.1. 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 Parts 3.7.2 and 3.7.3.

3.7.2. Notice:

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3.7.2.1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the USEPA, Technical Enforcement Program, and Ute Indian Tribe.

3.7.2.2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 2.8, Twenty-four Hour Noncompliance Reporting, to the USEPA, Technical Enforcement Program, and Ute Indian Tribe

3.7.3. Prohibition of bypass.

3.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

3.7.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

3.7.3.1.2. 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

3.7.3.1.3. The permittee submitted notices as required under Part 3.7.2.

3.7.3.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 3.7.3.1.

3.8. <u>Upset Conditions</u>

3.8.1. 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 Part 3.8.2 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

3.8.2. 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:

3.8.2.1. An upset occurred and that the permittee can identify the cause(s) of the upset;

3.8.2.2. The permitted facility was at the time being properly operated;

3.8.2.3. The permittee submitted notice of the upset as required under Part 2.8, Twenty-four Hour Notice of Noncompliance Reporting; and,

3.8.2.4. The permittee complied with any remedial measures required under Part 3.4, Duty to Mitigate.

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

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3.9. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3.10. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

3.10.1. 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":

3.10.1.1. One hundred micrograms per liter (100 ug/L);

3.10.1.2. 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;

3.10.1.3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or,

3.10.1.4. The level established by the Director in accordance with 40 CFR § 122.44(f).

3.10.2. 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":

3.10.2.1. Five hundred micrograms per liter (500 ug/L);

3.10.2.2. One milligram per liter (1 mg/L) for antimony:

3.10.2.3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or,

3.10.2.4. The level established by the Director in accordance with 40 CFR § 122.44(f).

4. STORM WATER MANAGEMENT CONTROLS

The permittee shall identify, describe and implement appropriate facility specific controls that will reduce or prevent pollutants in storm water and include all of the storm water management controls required in Parts 4.1 - 4.11. If there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the US, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity, existing controls shall be modified or additional controls installed. If existing controls need to be modified or if additional controls are necessary, the new controls shall be implemented as soon as reasonable and practicable, but not more than **60 days** after the permittee initially becomes aware of the ineffectiveness of the controls, unless additional time is granted by the permit issuing authority. Failure to take corrective actions within this timeframe is a violation of this permit.

The permittee shall implement the requirements described below throughout the facility unless clearly inapplicable to the facility. If any of the requirements are not applicable to the facility, the permittee shall include a written explanation of inapplicability in the facility's Storm Water Pollution Prevention Plan (SWPPP). The permittee may use alternative controls instead of those provided only if specific justification is included in the facility's SWPPP explaining why the controls cannot be implemented, and what alternative

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controls have been implemented that will reduce or prevent pollutants in storm water discharges at least to the same degree. The permittee has the burden to demonstrate that alternative controls are at least as effective as the required controls. New controls that will replace or modify existing controls that are already adequately addressing a pollutant source are not required to meet any installation schedule (e.g., replacing a control with a less resource-intensive practice).

4.1. Good Housekeeping includes procedures to maintain a clean and orderly facility. The permittee shall:

4.1.1. Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Weekly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;

4.1.2. Implement controls to reduce or prevent material tracking (e.g., sediment, debris) offsite;

4.1.3. Ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;

4.1.4. Cover all stored industrial materials (including salt used for deicing or other commercial or industrial purposes) that can be readily mobilized by contact with storm water;

4.1.5. Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;

4.1.6. Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system. Disposal of rinse/wash waters or industrial materials into the storm drain is a violation of this permit;

4.1.7. Minimize the use of chemicals (e.g., MgCl) for dust suppression and eliminate the use of chemical dust suppressants within 20 feet of a water crossing; and

4.1.8. Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this permit's requirements.

4.2. Identification of Potential Pollutant Sources and Best Management Practices. The permittee shall:

4.2.1. Identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to storm water. Factors to consider include the toxicity of chemicals, 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 substances. For each potential source of pollutants, the permittee shall implement Best Management Practices (BMPs) to reduce the potential of these sources to contribute pollutants to storm water discharges.

4.2.2. Evaluate each of the following sources and install BMPs as necessary:

1) Loading and unloading operations;
2) Outdoor storage activities;
3) Outdoor manufacturing or processing activities;
4) Significant dust or particulate generating processes;
5) On-site waste disposal practices;
6) Salt piles;
7) Procedures and/or products used for deicing and dust suppression; and

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8) Areas where significant spills and significant leaks of toxic or hazardous substances has occurred at the facility.

4.2.3. Maintain a list of spills and leaks that occurred during the year and document them in the semi-annual Comprehensive Facility Inspection.

4.3. Preventative Maintenance includes material handling and waste management and generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling. Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. The permittee shall:

4.3.1. Identify all equipment and systems used outdoors that may spill or leak pollutants;

4.3.2. Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks. Weekly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;

4.3.3. Inspect and maintain storm water management devices (oil/water separators, catch basins, etc.);

4.3.4. Where applicable, drain vehicles intended to be dismantled of all fluids upon arrival at the site, or employ some other equivalent means to prevent spills and leaks;

4.3.5. Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc; and

4.3.6. Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.

4.4. Spill Prevention and Response Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. The permittee shall:

4.4.1. Develop and implement spill response procedures. Response procedures shall include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265;

4.4.2. Provide preventative measures to prevent spills from discharging from the facility via the storm drain. These shall include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

4.4.3. Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and

4.4.4. Identify and train appropriate spill response personnel.

4.5. Material Handling/Waste Management includes practices to minimize exposure of waste materials to storm water. The permittee shall:

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4.5.1. Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;

4.5.2. Divert run-on from material handling/waste management/storage areas;

4.5.3. Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;

4.5.4. Minimize or eliminate (if possible) exposure of lead-acid batteries to runoff or precipitation;

4.5.5. Cover waste disposal containers when not in use;

4.5.6. Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Part 4.4; and

4.5.7. Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

4.6. Employee Training Program ensures that all necessary personnel responsible for implementing the various compliance activities of this permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Training shall address topics such as spill response, good housekeeping and material management practices. The permittee shall:

4.6.1. Prepare or acquire appropriate training manuals or training materials;

4.6.2. Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;

4.6.3. Provide a training schedule; and

4.6.4. Maintain documentation of all completed training classes and the personnel who received training.

4.7. Record Keeping and Quality Assurance relates to the discharger's internal management effort to ensure compliance activities are completed properly and documented. The permittee shall:

4.7.1. Keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual observations, etc.; and

4.7.2. Develop and implement management procedures to ensure that the appropriate staff implements all requirements of this permit.

4.8. Erosion/Sediment Control typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of run-on and run-off away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. It includes sedimentation ponds, silt screens, etc. The permittee shall:

4.8.1. Implement erosion/sediment controls to divert runoff from areas subject to erosion; and

4.8.2. Maintain erosion/sediment controls to achieve optimal performance during storm events.

4.9. Identification of Discharges other than Storm Water. The permittee shall evaluate the storm water conveyance system on the site for the presence of discharges other than storm water. Where dry weather discharges are observed, the operator shall perform illicit discharge detection and elimination

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procedures and provide information in the annual report on the results of any evaluations, the method(s) used, the date of the evaluation(s), and the on-site drainage points that were directly observed during the evaluation(s).

4.10. Periodic Visual Inspections of a Facility are necessary to ensure that the SWPPP addresses any significant changes to the facility's operations or BMP implementation procedures. The permittee shall:

4.10.1. During each reporting year, conduct a minimum of four quarterly visual inspections of all areas of industrial activity and associated potential pollutant sources. The annual comprehensive facility compliance evaluation described in Part 4.11 may substitute for one of the quarterly inspections;

4.10.2. Implement any corrective actions and/or SWPPP revisions resulting from the inspection;

4.10.3. Prepare a summary and status of the corrective actions and SWPPP revisions resulting from the quarterly inspections. This summary shall include a summary of weekly inspections required for the preventative maintenance and good housekeeping control measures and shall be reported in the Annual Report; and

4.10.4. Certify in the Annual Report that each quarterly visual inspection was completed.

4.11. Comprehensive Facility Inspections In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part 4.3, qualified personnel identified by the operator shall make a comprehensive inspection of their storm water management system, at least twice per year (in the spring and fall). These comprehensive inspections shall be documented and summarized in the Annual Report. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs selected. The permittee shall:

4.11.1. Inspect material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in Part 4.2 for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to prevent pollutant discharges, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order;

4.11.2. Conduct repairs or maintenance as identified during the inspection; and

4.11.3. Produce a report summarizing the inspection, personnel making the inspection, the date(s) of the inspection, significant observations, and actions taken in accordance with Part 4.11.2. The report shall be retained for at least three years after the date of the inspection. Significant observations include the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of spills or direct discharges of process water; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report shall also document any incidents of noncompliance observed.

5. STORM WATER POLLUTION PREVENTION PLAN

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for each facility covered by this permit. The SWPPP shall include BMPs that are selected, installed, implemented and maintained in accordance with good engineering practices. (The plan need not be completed by a registered engineer.) Any SWPPP prepared before the effective date of this permit that does not meet all of the requirements listed herein shall be amended to conform to the SWPPP requirements in this permit. Such amendments shall be completed within 60 days of the effective date of this permit.

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5.1. Storm Water Pollution Prevention Plan Contents. The SWPPP shall include the following items, at a minimum:

5.1.1. Industrial Activity Description. The plan shall provide a narrative description of the industrial activity taking place at the site.

5.1.2. Site Map. The plan shall include a site map indicating the following:

1) The areas where industrial activities occur;
2) The locations of storm water outfalls and an approximate outline of the areas draining to each outfall;
3) The locations of paved areas and buildings within the drainage area of each storm water outfall;
4) The locations of each past or present area used for outdoor storage or disposal of significant materials;
5) The locations areas where pesticides, herbicides, soil conditioners, and fertilizers are applied;
6) The locations of wells where fluids from the facility are injected underground;
7) The locations of existing and new structural control measures to reduce pollutants in storm water runoff;
8) The locations of all surface water bodies, including dry water courses, located in or next to the facility, including all surface water bodies within 1 mile of the site;
9) The locations of all surface water bodies within 1 mile of the site;
10) The locations of all storm water conveyances located on site and an indicator of the direction of flow for the conveyances;
11) The locations and sources of run-on to your site;
12) The location and description of non-storm water discharges;
13) Locations of potential pollutant sources as identified in Part 4.2;
14) Locations where significant spills or leaks as identified in Part 4.4 occurred;
15) Locations of storm water inlets and outfalls; and
16) Locations of the following locations where such activities are exposed to precipitation:
    a) Vehicle fueling,
    b) Vehicle equipment maintenance and/or cleaning areas,
    c) Loading/unloading areas,
    d) Liquid storage tanks,
    e) Processing and storage areas,
    f) Access roads, rail cars, and tracks,
    g) Transfer areas for substances in bulk, and
    h) Locations used for the treatment, storage, or disposal of wastes

5.2. SWPPP Administrator. The SWPPP shall identify a specific individual(s) within the plant organization who is responsible for developing the plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the administrator shall address all aspects of the facility's SWPPP.

5.3. Storm Water Management Controls. Each facility covered by this permit shall develop storm water management controls appropriate for the facility as required in Parts 4.1 - 4.11 and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall include a schedule for implementing such controls for each of the areas referenced in Parts 4.1 - 4.11.

5.4. Annual Reports. Summaries from the periodic visual inspections and the comprehensive facility inspections as required in Parts 4.10 and 4.11 shall be included in the SWPPP.

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5.5. EPA Inspection. If the EPA determines that the permittee's discharges may cause, have the reasonable potential to cause, or contribute to an exceedence above any applicable water quality standard, the EPA may require the permittee, within a specified time period, to develop and implement a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns.

5.6. Permittee Review/Change. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the US, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. If existing BMPs need to be modified or if additional BMPs are necessary, the plan changes and implementation shall be completed as soon as reasonable and practicable, but not more than **60 days** after the permittee initially becomes aware of the ineffectiveness of the controls, unless additional time is granted by the permit issuing authority. Amendments to the plan shall be summarized in the next Annual Report. The EPA reserves the right to require additional measures to prevent and control pollution, as needed.

5.7. SWPPP Availability. A copy of the SWPPP shall be provided to the EPA upon request, and within the time frame specified in the request. If the SWPPP is required to be submitted, it shall include a signed certification in accordance with Part 6.7 of the permit, certifying that the SWPPP is complete and meets all permit requirements. All SWPPPs required under this permit are considered reports that shall be available upon request to the public under Section 308(b) of the CWA. However, the operator may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2.

6. GENERAL REQUIREMENTS

6.1. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

6.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,

6.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.

6.1.3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

6.2. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

6.3. 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.

6.4. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

6.5. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking

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and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

6.6. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

6.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

6.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

6.7.2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,

6.7.2.2. 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.)

6.7.3. Changes to authorization. If an authorization under Part 6.7.2 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 Part 6.7.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.7.4. 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."

6.8. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

6.9. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, Subpart B, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

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6.10. 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 Section 311 of the Act.

6.11. 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, tribal or local laws or regulations.

6.12. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

6.13. Transfers. This permit may be automatically transferred to a new permittee if:

6.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

6.13.2. 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,

6.13.3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 6.13.2.

6.14. Permittees in Indian Country. The EPA has not approved the Ute Indian Tribe or the State of Utah to implement the CWA NPDES program on the Ute Indian Reservation. “Indian Country” is defined at 18 U.S.C. § 1151. Therefore, the EPA directly implements the CWA NPDES program on the Ute Indian Reservation.

6.15. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

6.15.1. Water Quality Standards: The water quality standards of 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.

6.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the Ute Tribe and/or EPA for incorporation in this permit.

6.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

6.16. Toxicity Limitation-Reopener Provision . This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.

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