

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

Authorization to Discharge Municipal Storm Water Under the
Utah Pollutant Discharge Elimination System (UPDES)

UPDES PERMIT NUMBER UTS000001

This Permit is issued in compliance with the provisions of the Utah Water Quality Act, Utah Code Title 19, Chapter 5, (the "Act"), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et. seq., as amended to date), and the rules and regulations made pursuant to those statutes, to the

JORDAN VALLEY MUNICIPALITIES, specifically,

SALT LAKE COUNTY, BLUFFDALE CITY, COTTONWOOD HEIGHTS, DRAPER CITY, GREATER SALT LAKE MUNICIPAL SERVICE DISTRICT, HERRIMAN CITY, HOLLADAY CITY, MIDVALE CITY, MILLCREEK, MURRAY CITY, RIVERTON CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, TAYLORSVILLE CITY, WEST JORDAN CITY, AND WEST VALLEY CITY

This modified Permit shall become effective on **DATE.**

This Permit and the authorization to discharge shall expire at midnight, February 25, 2025, except as described in Part 6.3 of this Permit.

Signed this **DATE**

John K. Mackey, P.E.
Director

**UPDES PERMIT FOR DISCHARGES FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

TABLE OF CONTENTS

1.0	Coverage Under this Permit	4
1.1.	Authority to Discharge	4
1.2.	Permit Area and Eligibility	4
1.3.	Local Agency Authority	6
1.4.	Limitations on Coverage	6
1.5.	Co-Permittee(s) and Co-Permittee Accountability	6
1.6.	Documents the Co-Permittees Shall Develop to Append the Permit	7
2.0	Notice of Intent and Storm Water Management Program Requirements	9
2.1.	New Applicants	9
2.2.	Contents of the Notice of Intent	10
2.3.	Storm Water Management Program Plan Description for Renewal Co-Permittees	11
3.0.	Special Conditions.....	12
3.1.	Discharges to Water Quality Impaired Waters.....	12
3.2.	Jordan River Watershed Wide Escherichia coli (E. coli) TMDL.....	12
3.3.	Nitrogen and Phosphorus Reduction.....	14
4.0	Storm Water Management Program	15
4.1.	Requirements.....	15
4.2.	Minimum Control Measures	16
4.3.	Industrial and High Risk Runoff (Phase I Co-Permittee Only)	35
4.4.	Sharing Responsibility	38
4.5.	Reviewing and Updating Storm Water Management Programs.....	39
5.0	Narrative Standard, Monitoring, Recordkeeping and Reporting.....	41
5.1.	Narrative Standard.....	41
5.2.	General Monitoring and Sampling Requirements.....	41
5.3.	Analytical Monitoring	42
5.4.	Non-analytical Monitoring.....	42
5.5.	Record keeping.....	42
5.6.	Reporting.....	43
5.7.	Legal Authority	43
6.0	Standard Permit Conditions	45
6.1.	Duty to Comply	45
6.2.	Penalties for Violations of Permit Conditions	45
6.3.	Duty to Reapply	45
6.4.	Need to Halt or Reduce Activity not a Defense	45
6.5.	Duty to Mitigate	45
6.6.	Duty to Provide Information	45
6.7.	Other Information.....	46
6.8.	Signatory Requirements	46
6.9.	Availability of Reports	47
6.10.	Penalties for Falsification of Reports	47
6.11.	Penalties for Tampering	47
6.12.	Property Rights.....	47
6.13.	Severability	47
6.14.	Requiring a Different Permit.....	47
6.15.	State/Federal Laws	48
6.16.	Proper Operation and Maintenance.....	48
6.17.	Monitoring and Records.....	48

6.18. Monitoring Procedures.....49
6.19. Inspection and Entry.....49
6.20. Permit Actions.....49
6.21. Storm Water-Reopener Provision.....49
7.0 Definitions..... 50

DRAFT

1.0 Coverage Under this Permit

1.1. Authority to Discharge

This Permit authorizes the discharge, to waters of the state of Utah, of storm water from Co-Permittees defined in Part 1.2. of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

1.2. Permit Area and Eligibility

1.2.1. This Permit covers all the following separate jurisdictional areas located within Greater Salt Lake County as follows:

1.2.1.1. Areas covered under “Phase I” provisions in this Permit which includes unincorporated Salt Lake County. This permitted area covers all areas within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from, the municipal separate storm sewer(s) owned or operated by Salt Lake County and also includes all Salt Lake County owned and operated storm drainage facilities (“countywide facilities”) that are not owned or operated by the Greater Salt Lake Municipal Service District (MSD); and

1.2.1.2. Areas covered under “Phase II” provisions in this Permit which includes:

1.2.1.2.1 Salt Lake County “countywide” facilities owned and maintained by Salt Lake County that are within Greater Salt Lake County, but outside of the boundaries of Salt Lake City and unincorporated Salt Lake County that are not owned or operated by the MSD; and

1.2.1.2.2 Incorporated areas within Salt Lake County, which are defined as small municipal separate storm sewer systems as defined in *Utah Administrative Code (UAC) R317-8-3.9* and listed below:

- Bluffdale City
- Cottonwood Heights
- Draper City
- Greater Salt Lake Municipal Service District
- Herriman City
- Holladay City
- Midvale City
- Millcreek City
- Murray City
- Riverton City
- Sandy City
- South Jordan City
- South Salt Lake City
- Taylorsville City

- West Jordan City
 - West Valley City
- 1.2.1.2.3 Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.
- 1.2.1.3. No operator of a Small MS4 described in 40 CFR 122.32 may discharge from that system without authorization from the *Director*. (See Utah Administrative Code Section R317-8-3.9(1)(h)(1)(a), which sets forth the Permitting requirement, and R317-8-1.10(13), which incorporates 40 CFR 122.32 by reference). Authorization to discharge under the terms and conditions of this Permit is granted if:
- 1.2.1.4. The operator submits a Notice of Intent (NOI) in accordance with Part 2.0 of this Permit;
- 1.2.1.5. The MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census;
- 1.2.1.6. The operator is ordered by the *Director* to obtain coverage under this Permit, as provided in the UPDES rules, R317-8.
- 1.2.2. The following are types of authorized discharges:
- 1.2.2.1. *Storm water discharges*. This Permit authorizes storm water discharges to waters of the state from the Small MS4s identified in 1.2.1., except as excluded in Part 1.4.
- 1.2.2.2. *Non-storm water discharges*. The following non-storm water discharges do not need to be addressed unless the Co-Permittee or the *Director* identifies these discharges as significant sources of pollutants to waters of the state or as causing or contributing to a violation of water quality standards:
- Water line flushing
 - Landscape irrigation
 - Diverted stream flows
 - Rising ground waters
 - Uncontaminated ground water infiltration
 - Uncontaminated pumped ground water
 - Discharges from potable water sources
 - Footing drains
 - Foundation drains
 - Air conditioning condensate
 - Irrigation water
 - Springs
 - Water from crawl space pumps
 - Individual residential car washing
 - Flows from riparian habitats and wetlands
 - Dechlorinated swimming pool discharges
 - Residual street wash water

- Dechlorinated water reservoir discharges
- Discharges or flows from emergency firefighting activity

1.3. Local Agency Authority

This Permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within their jurisdiction.

1.4. Limitations on Coverage

This Permit does not authorize:

- 1.4.1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined not to be a substantial contributor of pollutants to waters of the state.
- 1.4.2. Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-3.9(6)(c)*.
- 1.4.3. Storm water discharges associated with construction activity as defined in *UAC R317-8-3.9(6)(d)(10)* and *R317-8-3.9(6)(d)(11)*.
- 1.4.4. Storm water discharges currently covered under another Permit.
- 1.4.5. Discharges that would cause or contribute to in-stream exceedances of water quality standards as contained in *UAC R317-2*.
- 1.4.6. Discharges of any pollutant into any waters of the state for which a Total Maximum Daily Load (TMDL) has been approved by EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the conditions and requirements of Part 3.1. of this Permit are complied with.

1.5. Co-Permittee(s) and Co-Permittee Accountability

- 1.5.1. The following entities are Co-Permittees covered in this Permit:
 - 1.5.1.1. All entities listed in Permit Parts 1.2.1.1., 1.2.1.2.1, and 1.2.1.2.2, and;
 - 1.5.1.2. Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.

Each Co-Permittee is individually accountable for:

- 1.5.2. Permit compliance for discharges from portions of the MS4 where it is the operator and for areas within its legal jurisdiction, unless another Co-Permittee has agreed in

writing to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

- 1.5.3. Development of a Storm Water Management Program (SWMP) as further described in Part 4.0., in the MS4 area of their jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.4. Implementation of a SWMP and ensuring that the six minimum control measures described in Part 4.2. are implemented for portions of the MS4 where it is the operator and in areas within its legal jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.5. Permit compliance (all or part), development of a SWMP (all or part), and implementation of the SWMP (all or part) in an area outside of the Co-Permittees legal municipal jurisdiction if the Co-Permittee has agreed to the added responsibility as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.6. Cooperation in compiling any shared portions of the annual reporting requirements listed in Part 5.6., except that a Co-Permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator as specified in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.7. Phase I Co-Permittee, Salt Lake County, shall provide wet weather monitoring as described in Appendix III if required by the *Director*.
- 1.5.8. Phase I Co-Permittee, Salt Lake County shall comply with the additional Industrial and High Risk Runoff Permit requirements contained in Part 4.3. if industrial and high-risk runoff commercial sites meeting the criteria identified in Part 4.3.1. are located within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from, the municipal separate storm sewer(s) owned or operated by Salt Lake County and also including all Salt Lake County owned and operated storm drainage facilities (“countywide facilities”) that are not owned or operated by the Greater Salt Lake Municipal Service District (MSD).

1.6 Documents the Co-Permittees Shall Develop to Append the Permit

The following documents shall be developed and signed (in accordance with Part 6.8. *Signatory Requirements*) by the Co-Permittees, and will append the Permit as enforceable Permit conditions binding on the Co-Permittees:

- 1.6.1. Appendix I: *Co-Permittee Identification and Accountability* shall contain:
 - 1.6.1.1. A list of all Co-Permittees covered by this Permit, a description of the legal jurisdiction of the Co-Permittees, MS4 boundaries, and the date the Co-Permittee is officially included as a Co-Permittee under this Permit (the Permit shall be modified as a minor modification, not requiring public notice, pursuant to *UAC R317-8- 5.6(3)(d)* to officially include additional Co-Permittees);

- 1.6.1.2. Where Permit compliance and SWMP development and implementation accountability is transferred, all or part, to another Co-Permittee, a description of where (on which Co-Permittee) the accountability falls. The description shall assign clear and distinct accountability to the Co-Permittees involved as to who is responsible for what Permit compliance issues, who is to develop what portions of a SWMP, and who is to implement what portions of the SWMP;
- 1.6.1.3. Any necessary agreements, contracts, or memorandum of understanding (MOUs) between Co-Permittees and/or other municipal (or non-municipal) entities that affect the implementation and operation of SWMP.
- 1.6.2. Timing for Development & Inclusions or Exclusions of Co-Permittees:
 - 1.6.2.1. The *Co-Permittee Identification and Accountability* document must be updated within 30 days of issuance of this Permit;
 - 1.6.2.2. The *Co-Permittee Identification and Accountability* document shall be updated immediately for each new inclusion or exclusion of a Co-Permittee.
- 1.6.3. Appendix II: *Storm Water Management Plan* (for each MS4 listed in *Appendix I*):
 - 1.6.3.1. The purposes, objectives, and the required contents of Appendix II are listed in Part 4.0 of this Permit.
- 1.6.4. Appendix III: *Storm Water Wet and Dry Weather Monitoring Plans*:
 - 1.6.4.1. The purposes, objectives, and the required contents for Appendix III are listed in Part 5.2 of this Permit.
 - 1.6.4.2. Modifications to this document shall be approved with a signature by the *Director*.
- 1.6.5. Modification and Maintenance of Appendices:
 - 1.6.5.1. Co-Permittees shall keep the documents in the appendices current and up to date and attempt to achieve the purpose and objectives of the required document;
 - 1.6.5.2. All modifications to the appendix documents shall show proof that it was submitted to the *Director* (a received date stamp from the Division of Water Quality, or verification e-mail from DWQ would be sufficient), and if required, it shall show that it was approved by the *Director* (a signature by the *Director* by an approval statement on the document, a separate letter signed by the *Director* approving of the modification, or similar is sufficient);
 - 1.6.5.3. Each Appendix shall maintain a record of the original document, each modification, and the date the modification was made;
 - 1.6.5.4. The *Director* may at any time make a written determination that parts or all of the appendix documents are unacceptable, wherein the Co-Permittee(s) must make modifications to the unacceptable parts within 30 days, or within a time frame specified by the *Director*.

2.0 Notice of Intent and Storm Water Management Program Requirements

2.1 New Applicants

The requirements of this Part apply only to Co-Permittees **not** covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **New Applicants**. Co-Permittees that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. Renewal Applicants, and have submitted a notice of intent (NOI) at least 180 days prior to the expiration date of the previous Permit, shall instead follow the requirements of Part 2.3.

2.1.1. New applicants shall meet the following application requirements. The Notice of Intent (NOI) shall include submittal of the Storm Water Management Program (SWMP) document. Detailed information on SWMP requirements can be found in Part 4.0 of this Permit.

2.1.2. Within 180 days of notification from the *Director*, the operator of the MS4 shall submit a NOI form as provided by the Division at <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>. (The *Director* retains the right to grant permission for a later submission date upon good cause shown). One original completed NOI shall be submitted, by mail or hand delivery to:

Attention: MS4 Program Coordinator
General Permitting Section
Department of Environmental Quality
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, UT 84114-4870

2.1.3. Late submittal of an NOI is prohibited (unless permission has been granted by the *Director*). If a late NOI is submitted, authorization is only for discharges that occur after Permit coverage is granted. The *Director* reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.1.4. Where application is made by a new applicant that has assumed operational control of an MS4 for which coverage under this Permit was previously held by a separate entity, the *Director* may determine that the new applicant shall comply with the Permit requirements in this Permit, as directed for Renewal Permittees. Notification shall be made by the *Director* of this requirement in writing to the New Applicant prior to issuance of Permit coverage

2.1.5. Implementation of the Co-Permittee's SWMP shall include the six minimum control areas, including Measurable Goals, described in Part 4.2. Measurable Goals for each of the program areas shall include, as appropriate, the year by which the Co-Permittee will undertake required actions, including interim milestones and the frequency of the action if applicable.

2.1.6. Implementation of the Co-Permittee's SWMP as described in the Co-Permittee's application is required to begin within 30 days after the completed application is

submitted. The Co-Permittee shall fully develop and implement the SWMP as discussed in Part 4.0 of the Permit by the end of the Permit term unless a more restrictive timeframe is indicated.

- 2.1.7. If an Operator is designated by the *Director* as requiring Permit coverage later than one year after the effective date of this General Permit, the *Director* may approve alternative deadlines that would allow the Co-Permittee to have its program areas implemented.

2.2. Contents of the Notice of Intent

The Notice of Intent requires, at a minimum, the following information:

- 2.2.1. Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP;
- 2.2.2. Name(s)/ identification of waters of the state as defined by UAC R317-1-1.32 that receive discharges from the Co-Permittee's MS4;
- 2.2.3. Name of the person responsible for overseeing implementation and coordination of the SWMP;
- 2.2.4. Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Co-Permittee that were considered in the development of the SWMP;
- 2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan shall be detailed enough for the Division to determine the Co-Permittee's general strategy for complying with the required items in each of the six minimum control measures in the SWMP document (see Part 4.2 of this Permit);
- 2.2.6. Information on the chosen Best Management Practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this Permit and, as appropriate, the timeframe by which the Co-Permittee will achieve required actions, including interim milestones;
- 2.2.7. Co-Permittees shall each submit an NOI and individual SWMP document which will clearly identify the areas of the MS4 for which each of the Co-Permittees are responsible. Co-Permittees which are relying on another entity(ies) to satisfy one or more of their Permit obligations shall include with the NOI, a summary of the Permit obligations that will be carried out by the other entity(ies). During the term of the Permit, Co-Permittees may terminate or amend shared responsibility arrangements by notifying the *Director*, provided this does not alter implementation deadlines.
- 2.2.8. Certification and signature requirements in accordance with Part 6.8.

2.3. Storm Water Management Program Plan Description for Renewal Co-Permittees

- 2.3.1. The requirements of this part apply only to **Renewal Co-Permittees** that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001. New applicants are not required to meet the requirements of this Part and instead shall follow the requirements of Part 2.0.
- 2.3.2. Renewal Co-Permittees shall submit a **revised SWMP document** to the *Director* within 180 days of the effective date of this Permit, which includes at a minimum, the following information:
- 2.3.2.1. Permit number;
- 2.3.2.2. MS4 location description and map;
- 2.3.2.3. Information regarding the overall water quality concerns, priorities, and measurable goals specific to the Co-Permittee that were considered in the development and/or revisions to the SWMP document;
- 2.3.2.4. A description of the program elements that will be implemented (or are already being implemented) in each of the six minimum control measures (see Part 4.0);
- 2.3.2.5. A description of any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous MS4 Permit for each of the six minimum control measures;
- 2.3.2.6. A description of how the Co-Permittee intends to meet the Permit requirements as described in Part 4.0 by either referencing existing program areas that already meet the Permit requirements or a description and relevant measurable goals that include, as appropriate, the year by which the Co-Permittee will achieve required actions, including interim milestones.
- 2.3.2.7. Indicate the joint submittal (s) of Co-Permittees (if applicable) and the associated responsibility (ies) in meeting requirements of the SWMP.
- 2.3.2.8. Certification and signature requirements in accordance with Part 6.8.
- 2.3.2.9. The revised SWMP document shall contain specific details for complying with the required items in each of the six minimum control measures contained within the SWMP document (See Part 4.2.).

3.0. Special Conditions

3.1. Discharges to Water Quality Impaired Waters

- 3.1.1. Applicability: Co-Permittees shall:
- 3.1.1.1. Determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e., impaired) waterbody. A 303(d) list of impaired water bodies is available at <https://wq.deq.utah.gov/>. Water quality impaired waters means any segment of surface waters that has been identified by the Division as failing to support classified uses. If the Co-Permittee has discharges meeting these criteria, the Co-Permittee shall comply with Part 3.1.2. and Part 3.2., if applicable, and if no such discharges exist, the remainder of this Part 3.1 does not apply.
- 3.1.1.2. If the Co-Permittee has “303(d)” discharges described above, the Co-Permittee must also determine whether a Total Maximum Daily Load (TMDL) has been developed by the Division and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee must comply with all requirements associated with the TMDL (see Part 3.2.) as well as the requirements of Part 3.1.2. below. If no TMDL has been approved, the Co-Permittee must comply with Part 3.1.2. below and any TMDL requirements once it has been approved. TMDL requirements may be put into effect at any time during this Permit term.
- 3.1.2. Water Quality Controls for Discharges to Impaired Water bodies. If the Co-Permittee discharges to an impaired waterbody, the Co-Permittee shall include in its SWMP document a description of how the Co-Permittee will control the discharge of the pollutants of concern. This description must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures must be presented in the order of priority with respect to controlling the pollutants of concern.
- 3.1.3. Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the *Director* will notify the Co-Permittee of such violation(s). The Co-Permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the *Director*. If violations remain or re-occur, coverage under this Permit may be terminated by the *Director* and an alternative general Permit or individual Permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the *Utah Water Quality Act* for the underlying violation.

3.2. Jordan River Watershed Wide *Escherichia coli* (*E. coli*) TMDL

- 3.2.1. Co-Permittees that discharge to waters listed on the Utah 303(d) list as impaired for *E.coli* for which storm water is a contributing source per the *Jordan River Watershed Wide E.coli TMDL* must update their SWMP document within **180 days** to include a written plan (*TMDL Compliance Plan*) addressing the pollutant reduction requirements of the TMDL as it relates to MS4s. The *Jordan River E. coli TMDL MS4 Guidance Document* available on the division’s website will provide supplemental information to assist MS4s in compliance with the below Permit requirements.

- 3.2.2. The *TMDL Compliance Plan* will supplement and build-on the six (6) minimum control measures identified in Part 4.2 of this permit. The Permittee must develop, fund, and implement source control BMPs that reduce the discharge of *E. coli*. The *TMDL Compliance Plan* must address the following:
- 3.2.2.1. Identify potential sources of *E. coli* in the MS4 and target specific audiences that may be contributing to the *E. coli* sources. Provide and document education and outreach given to the target audiences on the impacts to water quality associated with these types of discharges and BMPs that can be implemented to reduce the discharge of *E. coli*.
- 3.2.2.1.1. The Co-Permittee can meet the requirements of permit part 3.2.2.1. through contribution to a collaborative program (e.g., storm water coalition) that evaluates, identifies, and targets sources, as well as, provides outreach that addresses *E. coli*.
- 3.2.2.2. The Co-Permittee must maintain a written or mapped inventory of areas in the MS4 that are potential sources of *E. coli* (areas with septic, dense waterfowl areas, dog parks, etc.).
- 3.2.2.2.1. The Co-Permittee must create a plan to prioritize reduction activities to address the areas and sources identified in the inventory. The plan must include BMPs the permittee will implement over the permit term (structural and non-structural).
- 3.2.2.2.2. The Co-Permittee must add the inventoried areas to the priority areas identified in permit part 4.2.3.3.1. and begin inspecting the additional priority areas annually at a minimum and documenting the inspections on an inspection form.
- 3.2.2.2.3. The Co-Permittee must add the inventoried areas to the priority areas identified in permit part 4.2.6.6.2. for street sweeping and storm sewer system maintenance and begin maintaining the areas at the same frequency. The Permittee's road and parking lot sweeping and storm drain system maintenance SOPs should identify all priority areas (including *E. coli* sources) and must include a schedule that includes priority area frequency.
- 3.2.2.3. The Co-Permittee must evaluate their written inventory of potential "high priority" permittee owned and/or operated facilities (Permit Part 4.2.6.1.) and identify sites that have potential sources of *E. coli*. Permittees must add to their inventory any Permittee owned or operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli*. Sites that have been identified as potential sources of *E. coli* must have BMPs (structural or nonstructural) that reduce the potential of the discharge of *E. coli*.
- 3.2.2.4. The Co-Permittee must evaluate the potential *E. coli* generating activities below to determine whether existing SOPs should target reduction of *E. coli* discharge or if additional SOPs should be developed for the reduction of *E. coli* discharge from the MS4:
- Roads, highways, and parking lots: Surface cleaning and controlling litter
 - Parks and open space: Lake and lagoon maintenance
 - Parks and open space: Mowing/Trimming/Planting
 - Storm water collection and conveyance system: Inspection and Cleaning of Stormwater Conveyance Structures, Controlling Illicit Connections and Discharges, Controlling Illegal Dumping

- Material storage areas: Solid Waste Collection, Controlling Litter, Controlling Illegal Dumping
 - Storm water collection and conveyance system: Water line Maintenance, Sanitary Sewer Maintenance, Spill/Leak/Overflow Control, Response, and Containment.
- 3.2.2.5. The Co-Permittee must promote the use of Low Impact Development (LID) controls for which *E. coli* (listed a bacteria) has a medium or high pollutant removal effectiveness, as identified in the *Guide to Low Impact Development within Utah, Appendix C* on the division’s website: <https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf>.
- 3.2.2.6. The Co-Permittee must add potential *E. coli* reduction as a criterion for ranking when evaluating the Permittees retrofit plan (Permit Part 4.2.6.9.).
- 3.2.3. The Co-Permittee must report annually on their TMDL compliance by submitting the TMDL Compliance Report section within the annual report form on the Division’s website. The first TMDL Compliance Report within the annual report will be due to the Division by October 1, 2024. The reporting will include identification of problem areas for which source control BMPs were developed, the cost, and the anticipated pollutant reduction.

3.3. Nitrogen and Phosphorus Reduction

- 3.3.1. As part of the Co-Permittee's Storm Water Management Program (SWMP), all Co-Permittee’s must specifically address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges from the MS4.
- 3.3.1.1. The Co-Permittee can meet the requirements of this section through contribution to a collaborative program (e.g., storm water coalitions) to evaluate, identify, target, and provide outreach that addresses sources within the Co-Permittee’s watershed.
- 3.3.1.2. The Co-Permittee must determine and target sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nitrogen and phosphorus to the waters receiving the discharge authorized under this Permit.
- 3.3.1.3. The Co-Permittee shall prioritize which targeted sources are likely to obtain a reduction in nitrogen and phosphorus discharges through education. The Co-Permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach must describe storm water quality impacts associated with nitrogen and phosphorus in storm water runoff and illicit discharges, the behaviors of concern, and actions that the target source can take to reduce nitrogen and phosphorus. The Co-Permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Permit Part 4.2.1.

4.0 Storm Water Management Program

Co-Permittees covered under the previous Jordan Valley Municipalities Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems, i.e. **Renewal Co-Permittees**, are expected to have fully implemented all of the following six minimum control measures as required in the previous permit term. Co-Permittees that were newly designated during the previous Permit term have 5 years from the date of their submitted NOI to develop, fully implement and enforce their Storm Water Management Program (SWMP). A Renewal Co-Permittee must continue to implement its SWMP designed to reduce the discharge of pollutants from the MS4 as described in the application and submittals provided in accordance with the previous Jordan Valley Municipalities Permit, while updating its SWMP document pursuant to this permit. This Permit does not extend the compliance deadlines set forth in the previous Jordan Valley Municipalities MS4 Permit unless specifically noted. All requirements contained in this renewal permit are effective immediately unless an alternative timeframe is indicated.

4.1. Requirements

- 4.1.1. All Co-Permittees shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants to the Maximum Extent Practicable from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the *Utah Water Quality Act*. The SWMP must include the six minimum control measures described in Part 4.2 of this Permit.
 - 4.1.1.1. The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0. of this Permit.
- 4.1.2. Each Co-Permittee shall have an ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate Permit compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.
 - 4.1.2.1. Each Co-Permittee shall track the number of inspections performed, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be provided to the *Director* upon request and used by the *Director* to determine compliance with this Permit.
 - 4.1.2.2. Each Co-Permittee shall secure the resources necessary to meet all requirements of this Permit. Each Co-Permittee shall conduct an annual analysis of the capital and operation and maintenance expenditures needed, allocated, and spent as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required. Each Co-Permittee must submit a summary of its fiscal analysis with each annual report.
- 4.1.3. The SWMP document shall include BMPs that the Co-Permittee or another entity will implement for each of the storm water minimum control measures.

- 4.1.3.1. The measurable goals for each of the BMPs shall include, as appropriate, the months and years in which the Co-Permittee will undertake required actions, including interim milestones and the frequency of the actions.
- 4.1.3.2. The SWMP document shall indicate the person or persons responsible for implementing or coordinating the BMPs contained within the SWMP document.
- 4.1.3.3. Within 180 days of the effective date of the Permit, the Co-Permittee shall revise the SWMP document to clearly identify the roles and responsibilities of all offices, departments, divisions, or sub-sections and if necessary other responsible entities and it shall include any necessary agreements, contracts, or memorandum of understanding (MOUs) between said entities that affect the implementation and operation of the SWMP. Necessary agreements, contracts, and MOUs shall deal with coordination or clarification of the responsibilities associated with the detection and elimination of improper connections or illicit discharges to the MS4, BMP coordination or other coordinated programs or sensitive issues of unclear or overlapping responsibility. Such agreements, contracts, and MOUs shall be retained by the Co-Permittees as required by the SWMP document.
- 4.1.3.4. Failure to meet these requirements with a good faith effort and within the timeframes set forth may result in an enforcement action by the *Director*.

4.2. Minimum Control Measures

Co-Permittees covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **Renewal Co-Permittees**, are expected to have fully implemented Storm Water Management Programs (SWMPs) that reflect the permit requirements of the previous permit cycle. A Renewal Co-Permittee shall continue to implement its SWMP as described in the application and submittals provided in accordance with the previous Jordan Valley Municipalities MS4 Permit, while updating its SWMP document pursuant to this renewal Permit to achieve pollutant reductions to the Maximum Extent Practicable from the MS4, as specified in Part 4.1. This Permit does not extend the compliance deadlines set forth in the previous MS4 Permit or any corrective action plans and associated schedules unless specifically noted.

To achieve pollutant reductions to the Maximum Extent Practicable, Co-Permittees shall include the following six minimum control measures in the SWMP:

4.2.1. Public Education and Outreach on Storm Water Impacts

The Co-Permittee shall implement a public education and outreach program to promote behavior change by the public to reduce water quality impacts associated with pollutants in storm water runoff and illicit discharges. Outreach and education efforts shall include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness. The educational program shall include documented education and outreach efforts for the following four audiences: (1) residents, (2) institutions, industrial and commercial facilities, (3) developers and contractors (construction), and (4) MS4 owned or operated facilities. The minimum performance measures which should be based on the land uses and target audiences found within the community include:

- 4.2.1.1. Target specific pollutants and pollutant sources determined by the Co-Permittee to be impacting, or have the potential to impact, the beneficial uses of receiving water. This includes providing information which describe the potential impacts from storm water discharges; methods for avoiding, minimizing, reducing and /or eliminating the adverse impacts of storm water discharges; and the actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities, based on the land uses and target audiences found within the community;
- 4.2.1.2. Provide and document information given to the general public of the Co-Permittee's prohibitions against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall focus on those topics most relevant to the community: maintenance of septic systems; effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); benefits of onsite infiltration of storm water; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet waste.
- 4.2.1.3. Provide and document information given to institutions, industrial, and commercial facilities on an annual basis of the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall focus on those topics most relevant to the community: proper lawn maintenance (use of pesticides, herbicides and fertilizer); benefits of appropriate onsite infiltration of storm water; building and equipment maintenance (proper management of waste water); use of salt or other deicing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage and management of materials and dumpsters (cover and pollution prevention); and proper management of parking lot surfaces (sweeping). This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.
- 4.2.1.4. Provide and document information given to engineers, construction contractors, developers, development review staff, and land use planners concerning the development of storm water pollution prevention plans (SWPPPs) and BMPs for reducing adverse impacts from storm water runoff from development sites. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.
- 4.2.1.5. Provide and document information and training given to MS4 engineers, development and plan review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) chosen within the SWMP.
- 4.2.1.6. An effective program shall show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved. The Co-Permittee must define the specific messages for each audience. The Co-Permittee must identify methods that will be used to evaluate the effectiveness of the

educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.

- 4.2.1.7. The Co-Permittee shall include written documentation or rationale as to why particular BMPs were chosen for its public education and outreach program.

4.2.2. *Public Involvement/Participation*

The Co-Permittee shall implement a program that complies with applicable State and Local public notice requirements. The SWMP shall include ongoing opportunities for public involvement and participation, but at a minimum two (2) times annually. Permittees can meet this requirement through advisory panels, public hearings, watershed committees, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities. The Co-Permittee should involve potentially affected stakeholder groups, which include but is not limited to, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations. The minimum performance measures are:

- 4.2.2.1. Co-Permittees shall adopt a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP document including development and adoption of all required ordinances or regulatory mechanisms.
- 4.2.2.2. Renewal Co-Permittees shall make the revised SWMP document available to the public for review and input within **180** days from the effective date of this Permit. New Permittees shall make the SWMP document available to the public for review and input within **180** days of receiving notification from the *Director* of the requirement for Permit coverage.
- 4.2.2.3. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. The Co-Permittee shall post the latest version of the SWMP within 180 days from the effect date of the Permit on their website and shall clearly denote a specific contact person and phone number or email address to allow the public to review and provide input for the life of the Permit.

4.2.3. *Illicit Discharge Detection and Elimination (IDDE)*

All Co-Permittees shall revise as necessary, implement and enforce an IDDE program to systematically find and eliminate sources of non-storm water discharges from the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed below. The IDDE program shall be described in writing, incorporated as part of the Co-Permittee's SWMP document, and contain the elements detailed in this part of the Permit. The minimum performance measures are:

- 4.2.3.1. Maintain a current storm sewer system map of the MS4, showing the location of all municipal storm sewer outfalls with the names and location of all State waters that receive discharges from those outfalls, storm drain pipe and other storm water conveyance structures within the MS4.
- 4.2.3.2. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and sanitary sewer overflows (“SSOs”) into the storm sewer system, require removal of such discharges consistent with Part 4.2.3.6. of this Permit, and implement appropriate enforcement procedures and actions. The Co-Permittee must apply escalating enforcement procedures as necessary for the severity of violation and/or the recalcitrance of the violator. Exceptions are discharges pursuant to a separate UPDES Permit (other than the UPDES Permit for discharges from the MS4) and non-storm water discharges listed in Part 1.2.2.2.
- 4.2.3.2.1. The Co-Permittee’s IDDE program must have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Co-Permittee’s SWMP shall include a reference or citation of the authority the Co-Permittee will use to implement all aspects of the IDDE program.
- 4.2.3.3. Implement a written plan to detect and address non-storm water discharges to the MS4, including spills, illicit connections, sanitary sewer overflows and illegal dumping. The plan shall include:
- 4.2.3.3.1 Written systematic procedures for locating and listing the following **priority areas** likely to have illicit discharges (if applicable to the jurisdiction):
- Areas with older infrastructure that are more likely to have illicit connections;
 - Industrial, commercial, or mixed use areas;
 - Areas with a history of past illicit discharges;
 - Areas with a history of illegal dumping;
 - Areas with onsite sewage disposal systems;
 - Areas with older sewer lines or with a history of sewer overflows or cross-connections; and
 - Areas upstream of sensitive water bodies; and,
 - Other areas the Co-Permittee determines to be likely to have illicit discharges
- The Co-Permittee shall document the basis for its selection of each **priority area** and create a list of all **priority areas** identified in the system. This **priority area** list shall be updated annually to reflect changing priorities.
- 4.2.3.3.2 Field inspections of areas which are determined to be a **priority area** as identified in Permit Part 4.2.3.3.1 must be conducted annually at a minimum. Priority area inspection activities shall utilize an inspection form to document findings.

- 4.2.3.3.3 Dry weather screening (see Definition 7.13) for the purpose of verifying outfall locations and detecting illicit discharges that discharge within the Co-Permittee's jurisdiction to a receiving water. All outfalls shall be inspected at least once during the 5-year Permit term. Dry weather screening activities shall utilize an inspection form to document findings.
- 4.2.3.3.4 If the Co-Permittee discovers or suspects that a discharger may need a separate UPDES permit (e.g., Industrial Storm Water Permit, Dewatering Permit), the Co-Permittee shall notify the *Director*.
- 4.2.3.4. Implement standard operating procedures (SOPs) or similar type of documents for tracing the source of an illicit discharge; including procedures such as: visual inspections, and when necessary, opening manholes, using mobile cameras, using field tests of selected chemical parameters as indicators of discharge sources, collecting and analyzing water samples for the purpose of determining sanctions or penalties, and/or other detailed inspection procedures.
- 4.2.3.5. Implement SOPs or similar type of documents for characterizing the nature of, and the potential public or environmental threat posed by, any illicit discharges found by or reported to the Co-Permittee by the hotline or other telephone number described in 4.2.3.9. These procedures shall include detailed instructions for evaluating how the discharge shall be immediately contained and steps to be taken for containment of the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge.
- 4.2.3.5.1. When the source of a non-storm water discharge is identified and confirmed, the Co-Permittee shall record the following information in an inspection report: the date the Co-Permittee became aware of the non-storm water discharge, the date the Co-Permittee initiated an investigation of the discharge, the date the discharge was observed, the location of the discharge, a description of the discharge, the method of discovery, date of removal, repair, or enforcement action; date, and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The decision process for utilizing analytical monitoring shall be fully documented in the inspection report.
- 4.2.3.6. Implement SOPs or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated.

- 4.2.3.6.1. Upon detection of an illicit discharge, the Co-Permittee shall take actions to require immediate cessation of illicit discharges pursuant to Part 4.2.3.2.1. of this Permit. Upon confirmation of responsible parties, the Permittee shall take all necessary actions in accordance with its enforcement procedures pursuant to Part 4.2.3.6. of this Permit.
- 4.2.3.6.2. Although Co-Permittees are required to prohibit illicit discharges within their boundaries and to take appropriate action to detect and address any violations, this Permit does not impose strict liability on Co-Permittees.
- 4.2.3.6.3. All IDDE investigations shall be thoroughly documented and may be requested at any time by the *Director*. If a Co-Permittee is unable to meet the minimum performance measures outlined in Parts 4.2.3.5. or 4.2.3.6., the Co-Permittee must immediately submit to the *Director* written documentation or rationale describing the circumstances why compliance with the minimum performance measures was not possible. All IDDE documentation shall be retained by the Co-Permittee as required by the SWMP document.
- 4.2.3.7. Co-Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- 4.2.3.8. Co-Permittees shall promote or provide services for the collection of household hazardous waste.
- 4.2.3.9. Co-Permittees shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. A written record must be kept of all calls received, all follow-up actions taken, and any feedback received from public education efforts.
- 4.2.3.9.1. The Co-Permittee shall develop a written spill/dumping response SOPs or similar type of document and a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity other than the Co-Permittee. The procedure and list shall be incorporated as part of the IDDE program and incorporated into the Co-Permittee's SWMP document. The list must be maintained and updated as changes occur.
- 4.2.3.10. Co-Permittees shall adopt and implement procedures for program evaluation and assessment which includes maintaining a database for mapping, tracking of the number and type of spills or illicit discharges identified; and inspections conducted.
- 4.2.3.11. Co-Permittees shall at a minimum, require that all staff, contracted staff, or other responsible entities, that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4 including office personnel who might receive initial reports of illicit discharges, receives annual training in the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. Co-Permittees shall require all new hires are trained within 60 days of hire date and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods for staffing. Training shall include how to identify a spill, an improper disposal, or an

illicit connection to the MS4 and proper procedures for reporting the illicit discharge. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall include a summary of such training in the annual report.

- 4.2.3.12. The *Director* reserves the right to request documentation or further study of a particular non-storm water discharge of concern, to require a reasonable basis for allowing the non-storm water discharge and excluding the discharge from the Co-Permittee's program, and to require inclusion of the discharge in the Co-Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

4.2.4. Construction Site Storm Water Runoff Control

All Co-Permittees shall revise as necessary, implement and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre according to the minimum performance measures listed below. Public and private projects, including projects proposed by the Co-Permittee's own departments and agencies, shall comply with these requirements. The minimum performance measures are:

- 4.2.4.1. Revise as necessary and enforce an ordinance or other regulatory mechanism that requires the use of erosion and sediment control practices at construction sites. The ordinance or other regulatory mechanism shall ensure compliance with all requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at construction.stormwater.utah.gov. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and to construction projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre.
- 4.2.4.1.1. The ordinance or other regulatory mechanism shall require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements shall ensure compliance with all requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities.
- 4.2.4.1.2. The ordinance or other regulatory mechanism shall include a provision for access by qualified personnel to inspect construction sites as well as storm water BMPs on private properties that discharge to the MS4.

- 4.2.4.1.3. Co-Permittees shall require construction sites with a land disturbance of greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre, obtain coverage under the current UPDES Storm Water General Permits for Construction Activities. Coverage can be obtained by completing an NOI as well as renewed online at: <https://deq.utah.gov/water-quality/updes-ereporting#construction>
- 4.2.4.2. Develop a written enforcement strategy to ensure the ordinance or other regulatory mechanism is followed which shall include:
- 4.2.4.2.1. Specific processes and sanctions to minimize the occurrence of violations, obtain compliance from violators which shall include appropriate, escalating enforcement procedures and actions including an appeals process that is published in a publicly accessible location.
- 4.2.4.2.2. Must document and track all enforcement actions.
- 4.2.4.3. Development and implementation of a checklist for pre-construction SWPPP review that is consistent with the requirements of the current UPDES Storm Water General Permits for Construction Activities and keep records for, at a minimum, all construction sites that disturb greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre, to ensure plans are complete and in compliance with State regulations. Co-Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer. Prior to construction, the Co-Permittee shall:
- 4.2.4.3.1. Conduct a pre-construction meeting which includes a review of the site design, the planned operations at the construction site, planned BMPs during the construction phase, the planned BMPs to be used to manage runoff created after development, as well as the Co-Permittee's enforcement policy.
- 4.2.4.3.2. The Permittee must develop procedures for receiving and considering information and comments submitted by the public on proposed projects
- 4.2.4.3.3. Identify priority construction sites considering the following factors at a minimum:
- Soil erosion potential;
 - Site slope;
 - Project size and type;
 - Sensitivity of receiving water bodies (impaired or high quality waters);
 - Proximity to receiving water bodies; and,
 - Non-storm water discharges and past record of non-compliance by the operators of the construction site.
- 4.2.4.4. All Co-Permittees shall develop and implement SOPs or similar type of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. An individual or entity who prepares a SWPPP for a construction project may not perform the construction site inspections required of Part 4.2.4.4.1 and 4.2.4.4.3 on behalf of the Co-Permittee. The Co-Permittee shall have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program. These

procedures and regulatory authorities shall be written and documented in the SWMP. The construction site storm water runoff control inspection program shall provide:

- 4.2.4.4.1. Inspections of all new construction sites with a land disturbance of greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre at least monthly by qualified personnel using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>

A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollutant prevention, who possesses the skills to assess conditions at effectiveness of any storm water controls selected and installed to meet the requirements of this permit, such as but not limited to the following:

- Utah Registered Storm Water Inspector (RSI)
- Certified Professional in Erosion and Sediment Control (CPESC)
- Certified Professional in Storm Water Quality (CPSWQ)
- Certified Erosion, Sediment, and Storm Water Inspector (CESSWI)
- Certified Inspector of Sediment and Erosion Control (CISEC)
- National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET)
- Certified Stormwater Inspector Construction (CSI-Construction)
- Qualified Compliance Inspector of Stormwater (QCIS)
- EPA NPDES Construction General Permit Inspector Training

- 4.2.4.4.2. The Co-Permittee shall inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Co-Permittee shall include in its SWMP document a procedure for being notified by construction operators/owners of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted. This procedure must be provided to the construction operator/owner before active construction begins.

- 4.2.4.4.3. Inspections by the MS4 of priority construction sites shall be conducted at least every two weeks using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>

- 4.2.4.4.4. Co-Permittees may utilize an electronic site inspection tool in place of up to one-half of on-site MS4 inspections at a construction site provided that the Co-Permittee demonstrates to the Director that the tool meets the requirements of Part 4.2.4.

- 4.2.4.4.5. Based on site inspection findings, the Co-Permittee shall take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the Co-Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.

- 4.2.4.5. The Co-Permittee shall ensure that all staff whose primary job duties are related to implementing the construction storm water program, including permitting, SWPPP

review, construction site inspections, and enforcement, are annually trained to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training must extend to third-party inspectors and planreviewers as well. The Co-Permittee shall ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

- 4.2.4.6. Co-Permittees shall implement a procedure to maintain records of all projects disturbing greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. Co-Permittees shall keep records which include but are not limited to, site plan reviews, SWPPPs, inspections and enforcement actions including verbal warnings, stop work orders, warning letters, notices of violation, and other enforcement records. Co-Permittees must keep records of these projects for five years or until construction is completed, whichever is longer.

4.2.5. *Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)*

All Co-Permittees shall revise as necessary, implement and enforce a program to address post-construction storm water runoff to the MS4 from private and public new development and redevelopment construction sites meeting the thresholds below. The water quality considerations of this minimum control measure do not replace or substitute for water quantity or flood management requirements implemented on the local level for new development or redevelopment sites. The water quality controls may be incorporated into the design of structures intended for flow control; or water quality control may be achieved with separate control measures. The program must apply to private and public development sites.

The minimum performance measures are:

- 4.2.5.1. Post-construction Controls. The Co-Permittee's new development/redevelopment program must have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs must be selected that address pollutants known to be discharged or anticipated to be discharged from the site.
- 4.2.5.1.1. The Co-Permittee's new development/redevelopment program should include non-structural BMPs such as requirements and standards to minimize development in areas susceptible to erosion and sediment loss; to minimize the disturbance of native soils and vegetation; to preserve areas that provide important water quality benefits; to implement measures for flood control; and to protect the integrity of natural resources and sensitive areas.
- 4.2.5.1.2. Retention Requirement. Each Co-Permittee must develop and define a specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review.

By **July 1, 2020**, new development projects that disturb land greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre must manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. The 80th percentile rainfall event is the event whose precipitation total is greater than or equal to 80 percent of all storm events over a given period of record.

By **July 1, 2020**, redevelopment projects that disturb greater than or equal to one acre, including projects less than an acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre must provide a site-specific and project-specific plan aimed at net gain to onsite retention or a reduction to impervious surface to provide similar water quality benefits. If a redevelopment project increases the impervious surface by greater than 10%, the project shall manage rainfall on-site, and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater.

- 4.2.5.1.3. Low Impact Development Approach. By **July 1, 2020**, the program shall include a process which *requires* the evaluation of a Low Impact Development (LID) approach for all projects subject to the requirements in 4.2.5.1.2. A LID approach promotes the implementation of BMPs that allow storm water to infiltrate, evapotranspire or harvest and use storm water on site to reduce runoff from the site and protect water quality.

Guidance for implementing LID can be found in DWQ's LID controls which are appropriate for use in the State of Utah can be found in *A Guide to Low Impact Development within Utah* (the Guide), available on DWQ's website.

Co-Permittees must allow for use of a minimum of five LID practices from the list in Appendix C of the Guide. If a Co-Permittee has not adopted specific LID practices from Appendix C, any LID approach that meets 4.2.5.1.2 and is feasible may be used to meet this requirement.

- 4.2.5.1.4. Since 2010, rainwater harvesting is legal in the State of Utah. Depending on the volume of rainwater collected and stored for beneficial use, the Co-Permittee must meet the requirements of the Utah Division of Water Rights to harvest rainwater found on their website: <http://waterrights.utah.gov/forms/rainwater.asp>.
- 4.2.5.1.5. Feasibility. If meeting the retention standards described in Part 4.2.5.1.2 is infeasible, a rationale shall be provided for the use of alternative design criteria. The new or redevelopment project must document and quantify that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls are infeasible due to constraints. LID infeasibility may be due to one or more of the following conditions: high

groundwater, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others.

Guidance for assessing and documenting site conditions can be found in DWQ's "A Guide to Low Impact Development within Utah" Appendix B "Storm Water Quality Report Template" located on the DWQ website at: <https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf>.

A MS Word version can be found on DWQ's website at: <https://documents.deq.utah.gov/water-quality/stormwater/DWQ-2018-013750.docx>.

4.2.5.2. Regulatory Mechanism. Develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. The ordinance or other regulatory mechanism must require BMP selection, design, installation, operation and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4. The Co-Permittee shall implement an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. The Co-Permittee's ordinance or other regulatory mechanism must include an appeals process.

4.2.5.2.1. The Co-Permittee must include enforcement provisions in the ordinance or other regulatory mechanism, including procedures that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators which must include appropriate, escalating enforcement procedures and actions.

4.2.5.2.2. The Co-Permittee must maintain documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4. Documentation must include:

- How long-term storm water BMPs were selected;
- The pollutant removal expected from the selected BMPs; and
- The technical basis which supports the performance claims for the selected BMPs.

All Co-Permittees shall adopt and implement SOPs or similar type of documents for site inspection and enforcement of post-construction storm water control measures. These procedures shall be designed to achieve adequate ongoing long-term operation and maintenance of approved storm water control measures.

4.2.5.2.3. The ordinance or other regulatory mechanism shall include provisions for post-construction access for Co-Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, in lieu of requiring that the Co-Permittee's staff inspect and maintain storm water controls on private property, require private property owner/operators or qualified third parties to

conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. If the Co-Permittee requires a maintenance agreement addressing maintenance requirements for any control measures installed on site the agreement shall allow the Co-Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the Co-Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed.

- 4.2.5.2.4. Permanent structural BMPs shall be inspected at least once during installation by qualified personnel. Prior to closing out a construction permit, the Co-Permittee shall verify that long-term BMPs were constructed as designed.
- 4.2.5.2.5. Inspections and any necessary maintenance must be conducted at least every other year or as necessary to maintain functionality of the control by either the Co-Permittee or, if applicable, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Co-Permittee must inspect those storm water control measures at least once every five years, or more frequently as determined by the Co-Permittee to verify and ensure that adequate maintenance is being performed. Following an inspection, if there is an observed failure of a facility to perform as designed, the Co-Permittee must document its findings in an inspection report which includes the following:
- Inspection date;
 - Name and signature of inspector;
 - Project location
 - Current ownership information
 - A description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures;

Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and re-inspection dates.

- 4.2.5.3. Plan Review. Co-Permittees shall:
- 4.2.5.3.1. Adopt and implement procedures for site plan review which incorporate consideration of water quality impacts. The procedures shall apply through the life of the project from conceptual design to project closeout.
- 4.2.5.3.2. Review post-construction plans for, at a minimum, all new development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre, to ensure that the plans include long-term storm water management measures that meet the requirements of this minimum control measure.
- 4.2.5.4. Inventory. The Co-Permittee shall maintain an inventory of all post-construction structural storm water control measures installed and implemented at new

development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre. This inventory must include both public sites and private sector sites that were developed since the Co-Permittee obtained coverage by this permit or the date that post-construction requirements came into effect, whichever is later; and are located within the Co-Permittee's service area.

- 4.2.5.4.1. Each entry to the inventory must include basic information on each project, such as project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries shall include the following for each project:
- Short description of each storm water control measure (type, number, design or performance specifications);
 - Short description of maintenance requirements (frequency of required maintenance and inspections); and
 - Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).
- 4.2.5.4.2. Based on inspections conducted pursuant to Part 4.2.5.2.5, the Co-Permittee must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site.
- 4.2.5.5. Training. Co-Permittees shall ensure that all staff involved in post-construction storm water management including those that conduct plan review, annual maintenance inspections, and enforcement, receive appropriate training. Training shall be provided or made available for staff in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. The Co-Permittees must ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

4.2.6. *Pollution Prevention and Good Housekeeping for Municipal Operations*

All Co-Permittees must implement a program for Co-Permittee-owned or operated facilities, operations and structural storm water controls that includes SOPs, pollution prevention BMPs, storm water pollution prevention plans or similar type of documents and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and waters of the state. All components of the program shall be included in the SWMP document and must identify the department responsible for performing each activity described in this section. The Co-Permittee shall develop an inventory of all such Co-Permittee-owned or operated facilities. The Co-Permittee must review this inventory annually and update as necessary.

4.2.6.1. As a minimum requirement, the Co-Permittees shall develop and keep current a written inventory of all the following potential “high priority” facilities that are owned or operated by the Co-Permittee and all the storm water controls that may include but is not limited to:

- Composting facilities
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling and transfer facilities
- Incinerators
- Landfills
- Landscape maintenance facilities on municipal property
- Materials storage yards
- Pesticide storage facilities
- Public buildings, including libraries, police stations, fire stations, municipal buildings, and similar Co-Permittee-owned or operated buildings
- Public parking lots
- Public golf course maintenance facilities
- Public swimming pool maintenance facilities
- Public works yards
- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Street repair and maintenance facilities and or shed sites
- Vehicle storage and maintenance yards
- Co-Permittee-owned and/or maintained structural storm water controls

4.2.6.2. All Co-Permittees shall assess the written inventory of Co-Permittee-owned or operated facilities, operations and storm water controls identified in Part 4.2.6.1. and make a list of common pollutants that may originate from these facilities and how to prevent them from entering the storm water system. A description of the assessment process and findings shall be included in the SWMP document.

4.2.6.3. Based on the assessment required in Part 4.2.6.2., the Co-Permittee shall identify as “high-priority” those facilities or operations that have:

1. pollutants stored at the site,
2. the identification of improperly stored materials,
3. potential pollutant-generating activities performed outside (e.g. changing automotive fluids)
4. close proximity upstream to fresh water and water bodies, including but not limited to streams, canals, rivers, ponds and lakes,
5. potential discharge of pollutant(s) of concern to impaired water(s).

The Co-Permittee shall provide water quality control measures and BMPs at all high-priority sites designed to target the specific pollutants generated onsite, and/or the pollutants associated with the impaired waters. The Co-Permittee shall monitor the control measures and BMPs regularly to verify that the BMPs are functioning. Control measures, BMPs, and monitoring schedules shall be specified in the Co-Permittee's SWMP.

- 4.2.6.4. The Co-Permittee shall update the SWMP to include a list of "high priority" facilities according to 4.2.6.3 and prepare a Storm Water Pollution Prevention Plan (SWPPP) for each facility within 180 days from the effective date of this permit. Each "high priority" facility shall implement a SWPPP outlining measure to prevent pollutants to enter the storm drain system from each of these facilities. The SWPPP shall include a site map showing the following information:

- Property boundaries
- Buildings and impervious surfaces;
- Directions of storm water flow (use arrows);
- Locations of structural control measures;
- Location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not;
- Locations of all storm water conveyances including ditches, pipes, basins, inlets, and swales;
- Locations where the following activities are exposed to storm water:
 - Fixed fueling operations;
 - Vehicle and equipment maintenance and/or cleaning areas;
 - Brine making areas;
 - Loading/unloading areas;
 - Materials or waste storage or disposal areas;
 - Liquid storage tanks;
 - Process and equipment operating areas;
- Locations where significant spills or leaks have occurred;
- Locations of all visual storm water monitoring points;
- Locations of storm water inlets and outfalls, with a unique identification code for each outfall and an approximate outline of the areas draining to each outfall
- Locations of all non-storm water discharges;
- Locations of sources of run-on to your site from adjacent property.

- 4.2.6.5. The following inspections shall be conducted at "high priority" Co-Permittee-owned or operated facilities:

- 4.2.6.5.1. Monthly visual inspections: The Co-Permittee must perform monthly visual inspections of “high priority” facilities and related storm water outfalls in accordance with the developed SOPs to verify the performance of the BMPs and all othersystems designed and placed to eliminate any pollutant discharge. The monthly inspections shall be tracked in a log for every facility and records kept with the SWMP document. The inspection log should also include any identified deficiencies and the corrective actions taken to fix the deficiencies.
- 4.2.6.5.2. Semi-Annual comprehensive inspections: At least twice per year, a comprehensive inspection of “high priority” facilities, including all storm water controls, must be performed, with specific attention paid to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar pollutant-generating areas. The semi-annual inspection results shall be documented and records kept with the SWMP document. This inspection shall be done in accordance with the developed SOPs. An inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.
- 4.2.6.5.3. Annual visual observation of storm water discharges: At least once per year, the Co-Permittee shall visually observe the quality of the storm water discharges from the “high priority” facilities during the first half hour of a measurable storm (unless climate conditions preclude doing so, in which case the Co-Permittee shall attempt to evaluate the discharges once during the wet season). Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls shall be remedied to prevent discharge to the storm drain system. Visual observations shall be documented and records kept with the SWMP document. This inspection must be done in accordance with the developed SOPs. The inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.
- 4.2.6.6. Co-Permittees shall develop and implement SOPs to protect water quality at each of the facilities owned or operated by the Co-Permittee and/or activities conducted by the Co-Permittee including but not limited to those listed below:
- Buildings and facilities;
 - Material storage areas, heavy equipment storage areas and maintenance areas;
 - Parks and open space;
 - Vehicle and Equipment;
 - Roads, highways, and parking lots; and
 - Storm water collection and conveyance system.
- 4.2.6.6.1. SOPs shall address the following practices to ensure they are protective of water quality:
- Use, storage and disposal of chemicals;
 - Storage of salt, sand, gravel, landscaping materials, asphalt and other materials;
 - Waste and trash management;
 - Cleaning, washing, painting and other maintenance activities including cleaning of maintenance equipment, building exteriors, trash containers;
 - Sweeping roads and parking lots;
 - Proper application, storage, and disposal of fertilizer, pesticides, and herbicides including minimization of use;

- Lawn maintenance and landscaping activities including proper disposal of lawn clipping and vegetation;
 - Proper disposal of pet wastes;
 - Vehicle maintenance and repair activities including use of drip pans and absorbents under or around leaky vehicles and equipment;
 - Vehicle/equipment storage including storing indoors where feasible;
 - Vehicle fueling including placing fueling areas under cover in order to minimize exposure where feasible;
 - Road and parking lot maintenance, including pothole repair, pavement marking, sealing and repaving;
 - Cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas;
 - Right-of-way maintenance, including mowing, herbicide and pesticide application;
 - Municipally-sponsored events such as large outdoor festivals, parades or street fairs;
 - Regular inspection, cleaning, and repair of storm water conveyance and structural storm water controls; and
 - Any activities or operations not listed above that would reasonably be expected to discharge contaminated runoff.
- 4.2.6.6.2. SOPs must include a schedule for Co-Permittee owned road and parking lot sweeping and storm drain system maintenance including regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Co-Permittees must prioritize sweeping and storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, the condition of the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors.
- 4.2.6.6.3. Co-Permittees must ensure and document proper disposal methods of all waste and wastewater removed during cleaning and maintenance of the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. Materials removed from the MS4 should be dewatered in a contained area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The solid material will need to be stored and disposed of properly to avoid discharge during a storm event. Any other treatment and disposal measures shall be reviewed and approved by the *Director*. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill. The solid material shall be stored and disposed of in accordance to federal, state and local laws.
- 4.2.6.6.4. Co-Permittees must ensure that vehicle, equipment and other wash waters are not discharged to the MS4 or waters of the state. This Permit strictly prohibits such discharges. The Co-Permittee must minimize discharges to waters of the state that are associated with snow disposal and melt.
- 4.2.6.6.5. The Co-Permittee shall develop a spill prevention plan in coordination with the local fire department.

- 4.2.6.6.6. All Co-Permittees must maintain an inventory of all floor drains inside all Co-Permittee-owned or operated buildings. The inventory shall be kept current. The Co-Permittee shall ensure that all floor drains discharge to appropriate locations.
- 4.2.6.7. The Co-Permittee shall be responsible for ensuring, through contractually-required documentation and/or periodic site visits that contractors performing O&M activities for the Co-Permittee are using appropriate storm water controls and following the standard operating procedures, storm water control measures, and good housekeeping practices of the Co-Permittee.
- 4.2.6.8. The Co-Permittee must develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the Co-Permittee or that discharge to the MS4. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process shall be included in the SWMP document. 4.2.6.8.1 Existing flood management structural controls shall be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and determinations should be included in the SWMP document.
- 4.2.6.9. The Co-Permittee must develop a plan to retrofit existing developed sites that the Co-Permittee owns or operates that are adversely impacting water quality. The retrofit plan must be developed to emphasize controls that infiltrate, evapotranspire or harvest and use storm water discharges. The plan shall include a ranking of retrofit sites based on the following criteria:
- Proximity to waterbody
 - Status of waterbody to improve impaired water bodies and protect unimpaired water bodies
 - Hydrologic condition of the receiving waterbody
 - Proximity to sensitive ecosystem or protected area
 - Any upcoming sites that could be further enhanced by retrofitting storm water controls
- 4.2.6.10. Co-Permittees shall require that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training that shall address the importance of protecting water quality, the requirements of this Permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, SOPs and SWPPPs for the various Co-Permittee-owned or operated facilities and procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. Co-Permittees shall document and maintain records of the training provided and the staff in attendance. The Co-Permittees must ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

4.3. Industrial and High Risk Runoff (Phase I Co-Permittee Only)

Phase I Co-Permittee (Salt Lake County) shall continue to develop and implement an inspection and oversight program to monitor and control pollutants in storm water discharges to the MS4 from industrial facilities. Phase I regulations specify that several key elements shall be included in Phase I storm water management programs. These elements include: adequate legal authority to require compliance and inspect sites, inspection of priority industrial and commercial facilities, establishing control measure requirements for facilities that may pose a threat to water quality, and enforcing storm water requirements. If the Phase I Co-Permittee does not have industrial or high risk runoff in their jurisdiction, Part 4.3 will not be required.

The following permit requirements apply to only Phase I Co-Permittee (Salt Lake County):

4.3.1. The Phase I Co-Permittee must maintain an inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. The inventory shall be updated annually, at a minimum, and made available for review by the *Director* upon request.

4.3.1.1. The inventory must include the following minimum information for each industrial and commercial site/source:

- Name
- Address
- Physical location of storm drains and other conveyance structures receiving discharge
- Name of receiving water
- Pollutants potentially generated by the site/source
- Identification of whether the site/source is (1) tributary to an impaired water body segment (i.e., whether it is listed under Section 303(d) of the *Clean Water Act*) and (2) whether it generates pollutants for which the water body segment is impaired.
- A narrative description including the standard industrial classification (SIC) codes, which best reflects the principal products or services provided by each facility.

4.3.1.2. At a minimum, the following sites/sources shall be included in the inventory:

Commercial Sites/Sources:

- Automobile and other vehicle body repair or painting
- Automobile (or other vehicle) parking lots and storage facilities
- Automobile repair, maintenance, fueling, or cleaning
- Building material retailers and storage
- Cement mixing or cutting
- Eating or drinking establishments (e.g., restaurants), including food markets
- Equipment repair, maintenance, fueling, or cleaning
- Golf courses, parks and other recreational areas/facilities
- Landscaping
- Masonry

- Mobile automobile or other vehicle washing
- Mobile carpet, drape or furniture cleaning
- Nurseries and greenhouses
- Painting and coating
- Pest control services
- Pool and fountain cleaning
- Portable sanitary services
- Power washing services
- Retail or wholesale fueling

Industrial Sites/Sources

- Industrial Facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the Multi Sector General Permit or individual UPDES permit
 - Facilities subject to Title III of the Superfund Amendments and Reauthorization Act (SARA)
 - Hazardous waste treatment, disposal, storage and recovery facilities
- 4.3.1.3. All other commercial or industrial sites/sources tributary to an impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired.
- 4.3.1.4. All other commercial or industrial sites/sources that the Co-Permittee determines may contribute a significant pollutant load to the MS4 including those that the Co-Permittee may have a history of past water quality problems.
- 4.3.2. The Co-Permittee shall require industrial and commercial facilities listed in the inventory included in Part 4.3.1.2. to select, install, implement, and maintain storm water control measures as necessary to minimize storm water pollution.
- 4.3.2.1. The Co-Permittee is required to notify industrial and commercial sites of any control measure requirements pertaining to their site and their responsibility to implement and comply with the requirements.
- 4.3.2.2. The Co-Permittee may need to require industrial and commercial facilities that discharge into impaired water bodies to implement additional controls as necessary to prevent the discharge of pollutants of concern.
- 4.3.3. The Co-Permittee shall prioritize all facilities on the basis of the potential for water quality impact using criteria such as pollutant sources on site, pollutants of concern, proximity to a water body, and violation history of the facility.
- 4.3.3.1. The Co-Permittee shall describe in its SWMP document the process for prioritizing facilities.
- 4.3.4. The Co-Permittee is required to conduct inspections of all industrial and commercial facilities at least once during this Permit term with the highest priority facilities receiving more frequent inspections.

- 4.3.4.1. For facilities with no exposure of commercial or industrial activities to storm water, no inspections are required. However, the Co-Permittee shall continue to track these facilities for significant change in the exposure of their operations to storm water.
- 4.3.4.2. All industrial and commercial facility inspections shall at a minimum:
- Evaluate the facility's compliance with this permit's Part 4.3.2. requirement to select, design, install, and implement storm water control measures;
 - Conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharge of pollutants to storm water;
 - Verify whether the facility is required to be authorized under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities and whether the facility has in fact obtained such permit coverage;
 - Evaluate the facility's compliance with any other relevant local storm water requirements;
- 4.3.4.3. At a minimum, the Co-Permittee shall document the following for each inspection:
- The inspection date and time;
 - The name(s) and signature(s) of the inspectors;
 - Weather information and a description of any discharges occurring at the time of the inspection;
 - Any previously unidentified discharges of pollutants from the site;
 - Any control measures needing maintenance or repairs;
 - Any failed control measures that need replacement;
 - Any incidents of noncompliance observed; and
 - Any additional control measures needed to comply with this permit's requirements.
- 4.3.4.4. Inspection findings must be tracked to ensure inspections are conducted at a frequency consistent with the prioritization process required in Part 4.3.3.1.
- 4.3.5. The Co-Permittee must ensure that all necessary follow up inspections and enforcement activities are conducted as necessary to require implementation and maintenance of all storm water control measures.
- 4.3.6. The Co-Permittee must ensure that all staff whose primary job duties are implementing the industrial storm water program are trained annually, at a minimum, to conduct facility inspections. All new hires must be trained within 60 days upon hire. The training must cover what is required under this permit in terms of storm water control measures, the requirements of the Multi-Sector General Permit for Discharges Associated with Industrial Activities or other related local requirements, the Co-Permittee's site inspection and documentation protocols, and enforcement procedures. Co-Permittees shall document and maintain records of the training provided and the staff the staff in attendance.

4.4. Sharing Responsibility

- 4.4.1. Implementation of one or more of the six minimum measures may be shared with another entity, or the entity may fully take over the measure. A Co-Permittee may rely on another entity only if:
- 4.4.2. The other entity, in fact, implements the control measure;
- 4.4.3. The particular control measure, or component of that measure, is at least as stringent as the corresponding Permit requirement; and
- 4.4.4. The other entity agrees to implement the control measure through a written agreement. This obligation shall be maintained as part of the description given in the Co-Permittee's SWMP document. If the other entity agrees to report on the minimum control measure, the Co-Permittee must supply the other entity with the reporting requirements contained in Part 5.6. of this Permit. If the other entity fails to implement the control measure, then the Co-Permittee remains liable for any discharges due to that failure to implement.

DRAFT

4.5. Reviewing and Updating Storm Water Management Programs

- 4.5.1. Storm Water Management Program Review: All Co-Permittees must conduct, at a minimum, an annual review of the SWMP document in conjunction with preparation of the annual report required in Part 5.6.
- 4.5.2. *Storm Water Management Program Update*: A Co-Permittee may change the SWMP document during the life of the Permit in accordance with the following procedures:
 - 4.5.2.1. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP document may be made at any time upon written notification to the *Director*.
 - 4.5.2.2. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternative BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the *Director*. An analysis should include:
 - 4.5.2.2.1. For Phase I Co-Permittee, Salt Lake County, a review of monitoring data, any changes in monitoring methods and parameters, considerations for how to change monitoring to improve information gathered from data, considerations about what kind of information is most useful for assessing storm water, and another look at what or how assessments can be made to track water quality as impacted by storm water.
 - 4.5.2.3. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternate BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the *Director*. An analysis must include:
 - 4.5.2.3.1. An explanation of why the BMP is ineffective or infeasible,
 - 4.5.2.3.2. Expectations or report on the effectiveness of the replacement BMP, and
 - 4.5.2.3.3. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced, or has achieved those goals.
- 4.5.3. Change requests or notifications must be made in writing and signed in accordance with Part 6.8.
- 4.5.4. Change requests or notifications will receive confirmation and approval or denial in writing from the *Director*.
- 4.5.5. Storm Water Management Program Updates required by the *Director*: The *Director* may require changes to the SWMP as needed to:

- 4.5.5.1. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
- 4.5.5.2. Include more stringent requirements necessary to comply with new Federal regulatory requirements; or
- 4.5.5.3. Include such other conditions deemed necessary by the *Director* to comply with the goals and requirements of the *Clean Water Act*.

DRAFT

5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

5.1. Narrative Standard

It shall be unlawful, and a violation of this Permit, for the Co-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.

5.2. General Monitoring and Sampling Requirements

- 5.2.1. Wet Weather Monitoring: Co-Permittees with jurisdictions within Phase I areas must implement a wet weather monitoring program that is appended to this Permit in Appendix III as required by the *Director*. The program may be modified provided the modification (s) meets the requirements of this section and Part 1.6.4. The Co-Permittee must meet the objectives of the monitoring program as listed below:
 - 5.2.1.1. Assess storm water impacts to in-stream water quality, hydrology, geomorphology, habitat, and biology;
 - 5.2.1.2. Provide data to estimate annual cumulative pollutant loadings from the MS4;
 - 5.2.1.3. Estimate event mean concentrations and pollutants in discharges from major outfalls;
 - 5.2.1.4. Identify and prioritize portions of the MS4 requiring additional controls, and;
 - 5.2.1.5. Identify water quality improvements or degradation.
- 5.2.2. Phase I Co-Permittee, Salt Lake County, must select monitoring locations as needed to best characterize the purpose of the objective listed above and be representative of the area covered by the Permit and be within the Co-Permittee's jurisdiction. If the Phase I Co-Permittee does not have jurisdiction over facilities that will meet the purpose of the objectives outlined above, wet weather monitoring will not be required.
 - 5.2.2.1. If required, the latest version of Salt Lake County's *Sampling Plan for Representative Storm Monitoring* must be placed in Appendix III within 90 days of issuance of this Permit. The *Sampling Plan for Representative Storm Monitoring* must attempt to address monitoring of a representative storm for the area.
 - 5.2.2.2. Phase I Co-Permittee, Salt Lake County, may modify the sampling plan and submit the modified plan for approval by the *Director*. All modifications to the sampling plan must be approved by the *Director*.
 - 5.2.2.3. The minimum monitoring to be conducted each year must be a planned wet weather monitoring frequency of twice a year, subject to the occurrence of appropriate storm

events. If the Phase I Co-Permittee is not able to accomplish the planned monitoring frequency the Phase I Co-Permittee must submit detailed reasons and weather data showing why it was not possible.

- 5.2.3. Dry Weather Screening: Phase I Co-Permittee, Salt Lake County, must continue its dry weather screening efforts and include the latest version of its *Sampling Plan for Dry Weather Screening* in Appendix III and submitted to the *Director* within 90 days of issuance of this Permit.
- 5.2.3.1. The *Sampling Plan for Dry Weather Screening* must include the screening methodology used for screening all outfalls of the MS4 at least once during the permit term. The inventory of outfalls and associated maps must be kept current. Phase I Co-Permittee, Salt Lake County, must also comply with the requirements of Part 4.2.3.3.2 of this Permit and address priority areas identified in Part 4.2.3.3.1 to detect illicit discharges within one year of receiving coverage from this Permit, and field assessing an additional 20 percent of the identified high priority waters of the state or other high priority area each year thereafter.
- 5.2.4. Phase I Co-Permittee, Salt Lake County, must at a minimum, annually train all staff involved with Wet Weather Monitoring and Dry Weather Screening. The Co-Permittee must document and maintain records of the training provided and the staff in attendance.

5.3. Analytical Monitoring

Phase II Co-Permittees are not required to conduct analytical monitoring (see definition in Part 7.3) during the effective term of this Permit, with the following exceptions:

- 5.3.1. Water quality sampling may be required for compliance with TMDLs, pursuant to Part 3.1. of this Permit.
- 5.3.2. Sampling or testing may be required for characterizing illicit discharges pursuant to Parts 4.2.3.4., 4.2.3.5., and 4.2.3.5.1 of this Permit.
- 5.3.3. In the event that the Phase II MS4 elects to conduct analytical monitoring as part of its Storm Water Management Program, the Co-Permittee is required to comply with Part 6.18. of this Permit.

5.4. Non-analytical Monitoring

- 5.4.1. Non-analytical monitoring (see definitions in Part 7.0) such as visual dry weather screening is required to comply with Part 4.2.3.3.2 of this Permit.

5.5. Record keeping

- 5.5.1. Co-Permittees must keep all supplementary documents associated with this Permit (e.g., Storm Water Management Program (SWMP) document, SWMP

Implementation Schedule) current and up to date to achieve the purpose and objectives of the required document.

- 5.5.2. All modifications to supplementary documents must be submitted to the *Director* in accordance with Parts 4.5. and 6.8.
- 5.5.3. The *Director* may at any time make a written determination that parts or all of the supplementary documents are not in compliance with this Permit, wherein the Co-Permittee shall make modifications to these parts within a time frame specified by the *Director*.
- 5.5.4. The Co-Permittee must retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by or used to demonstrate compliance with this Permit, for at least five years from the date of the record. This period may be explicitly modified by alternative provisions of this Permit or extended by request of the *Director* at any time.
- 5.5.5. The Co-Permittee must make records, including the Notice of Intent (NOI) and the SWMP document, available to the public if requested.

5.6. Reporting

- 5.6.1. Each Co-Permittee must submit an annual report to the *Director* by October 1 for the reporting period of July 1 to June 30 of each year of the Permit term.
- 5.6.2. The report must be submitted using the report form provided on the *Division's* website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>
- 5.6.2.1. The Phase I Co-Permittee, Salt Lake County must submit a summary of five years of wet weather monitoring and assess trends and make conclusions (This timeframe takes into account the previous Permit conditions and reporting requirements, some of the data was required by the previous Permit term).
- 5.6.3. Each Co-Permittee must sign and certify the annual report in accordance with Part 6.8.
- 5.6.4. Signed copies of the annual report and all other reports required herein, must be submitted directly to the DWQ electronic document system at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>

5.7. Legal Authority

Each Co-Permittee must ensure legal authority exists to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, Permit, contract, order or inter-jurisdictional agreements with Co-Permittees with existing legal authority to:

- 5.7.1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity (including construction activity);
- 5.7.2. Effectively prohibit illicit and non-storm water discharges through ordinance, or other regulatory mechanism, into the MS4 and must be able to implement appropriate enforcement procedures and actions;
- 5.7.3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
- 5.7.4. Control through interagency agreements among Co-Permittees the contribution of pollutants from one portion of the MS4 to another;
- 5.7.5. Require compliance with conditions in ordinances, permits, contract or orders; and
- 5.7.6. Conduct all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this Permit.

DRAFT

6.0 Standard Permit Conditions

6.1. Duty to Comply

The Co-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 Permit coverage. The Co-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.

6.2. 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 or 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.

6.3. 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 must be submitted at least **180 days** before the expiration date of this Permit. Continuation of expiring Permits must be governed by regulations promulgated at *UAC R317-8-5* and any subsequent amendments.

6.4. 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 otherwise permitted activities in order to maintain compliance with the conditions of this Permit.

6.5. Duty to Mitigate

The Permittee must 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.

6.6. Duty to Provide Information

The Permittee must furnish to the *Director*, within a time specified by the *Director*, any information which the *Director* 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 *Director*, upon request, copies of records required to be kept by this Permit.

6.7. 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.

6.8. Signatory Requirements

All notices of intent, storm water management programs, storm water pollution prevention plans, reports, certifications or information either submitted to the *Director* or that this Permit requires to be maintained by the Permittee, shall be signed, dated and certified as follows:

- 6.8.1. All Permit applications must be signed by either a principal executive officer or ranking elected official.
- 6.8.2. All reports required by the Permit and other information requested by the *Director* must 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:
 - 6.8.2.1. The authorization is made in writing by a person described above and submitted to the *Director*, and,
 - 6.8.2.2. 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.
 - 6.8.2.3. Changes to authorization. If an authorization under *Part 6.8.2.* 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 6.8.2.* must be submitted to the *Director* prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 6.8.3. *Certification.* Any person signing documents under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware

that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.9. Availability of Reports

Except for data determined to be confidential under the Government Records Access and Management Act (*see* particularly Utah Admin. Code § 63-2-309) and Utah Admin. Code § 19-1-3-6, all reports prepared in accordance with the terms of this Permit must be available for public inspection at the office of the Division. As required by the *Act*, Permit applications, Permits and effluent data shall not be considered confidential.

6.10. 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. Utah Admin. Code § 19-5-115(4)

6.11. 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 must, 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.

6.12. 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.

6.13. 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.

6.14. Requiring a Different Permit

The *Director* may require the Co-Permittee authorized by this Permit to obtain an individual *UPDES* Permit. Any interested person may petition the *Director* to take action under this paragraph. The *Director* may require the Permittee authorized to discharge under this Permit to apply for an individual *UPDES* Permit only if the Permittee has been notified in writing that a

Permit application is required. This notice must include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of the municipal *UPDES* Permit, coverage under this Permit shall automatically terminate. Permit applications must be submitted to the address of the Division shown in *Part 5.5* of this Permit. The *Director* may grant additional time to submit the application upon request of the applicant. If the municipality fails to submit in a timely manner a municipal *UPDES* Permit application as required by the *Director*, then the applicability of this Permit to the Permittee is automatically terminated at the end of the day specified for application submittal.

6.15. State/Federal 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* and *Section 510* of the *Clean Water Act* or any applicable Federal or State transportation regulations.

6.16. Proper Operation and Maintenance

The Co-Permittee must 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 and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when necessary to achieve compliance with the conditions of the Permit.

6.17. Monitoring and Records

- 6.17.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- 6.17.2. The Permittee must retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the *Director* at any time.
- 6.17.3. Records of monitoring information must include:
 - 6.17.3.1. The date, exact place, and time of sampling or measurements;
 - 6.17.3.2. The name(s) of the individual(s) who performed the sampling or measurements;
 - 6.17.3.3. The date(s) and time(s) analyses were performed;

- 6.17.3.4. The name(s) of the individual(s) who performed the analyses;
- 6.17.3.5. The analytical techniques or methods used; and
- 6.17.3.6. The results of such analyses.

6.18. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under *Utah Admin. Code R317-2-10*, unless other test procedures have been specified in this Permit.

6.19. Inspection and Entry

The Permittee shall allow the *Director* or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- 6.19.1. 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;
- 6.19.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Permit; and
- 6.19.3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- 6.19.4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by law, any substances or parameters at any location.

6.20. 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 re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

6.21. Storm Water-Reopener Provision

At any time during the duration (life) of this Permit, this Permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to waters of the state.

7.0 **Definitions**

Definitions related to this Permit and small municipal separate storm sewers (MS4s).

“40 CFR” refers to Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.

"Act" means the *Utah Water Quality Act*.

“Analytical monitoring” refers to monitoring of water bodies (streams, ponds, lakes, etc.) or of storm water, according to UAC R317-2-10 and 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants,” or to State or Federally established protocols for biomonitoring or stream bio-assessments.

“Beneficial Uses” means uses of the waters of the state, which include but are not limited to: domestic, agricultural, industrial, recreational, and other legitimate beneficial uses.

“Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“CWA” means *The Clean Water Act of 1987*, formerly referred to as the Federal Water Pollution Control Act.

"Co-Permittee" means any operator of a regulated Small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated Small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is only responsible for complying with the conditions of this Permit relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1).

“Control Measure” refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the state.

“Common plan of development or sale” means one plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, Permit application, zoning request, computer design, etc.), physical demarcation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.

“Developed site” means a parcel or property that was previously in commercial, industrial, institutional, governmental, or residential use. A parcel that was previously in an agricultural use would not be considered to be a developed site.

“Director” means the director of the Utah Division of Water Quality, otherwise known as the Executive Secretary of the Utah Water Quality Board.

“Division” means the Utah Division of Water Quality.

"Discharge" for the purpose of this Permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

"Dry weather screening" is monitoring done in the absence of storm events to discharges representing, as much as possible, the entire storm drainage system for the purpose of obtaining information about illicit connections and improper dumping.

“Escalating enforcement procedures” refers to a variety of enforcement actions in order to apply as necessary for the severity of the violation and/or the recalcitrance of the violator.

“Entity” means a governmental body or a public or private organization.

"EPA" means the United States Environmental Protection Agency.

“General Permit” means a Permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual Permits being issued to each discharger.

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“High quality waters” means any water, where, for a particular pollutant or pollutant parameter, the water quality exceeds that quality necessary to support the existing or designated uses, or which supports an exceptional use.

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) or to waters of the state.

“Impaired waters” means any segment of surface waters that has been identified by the *Director* as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List.

“Large MS4” *Large municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the current Decennial Census by the Bureau of the Census.

“Low Impact Development” (LID) is an approach to land development (or re-development) that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

"MS4" is an acronym for "municipal separate storm sewer system".

"Maximum Extent Practicable" (MEP) is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by paragraph 402(p)(3)(B)(iii) of the *Federal Clean Water Act (CWA)*, which reads as follows: "Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants."

"Medium MS4" *Medium municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census

"Monitoring" refers to tracking or measuring activities, progress, results, etc.;

"Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to paragraphs R317-8-1.6(4), (7), & (14), or designated under UAC R317-8-3.9(1)(a)5:

that is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the state;

that is designed or used for collecting or conveying storm water;

which is not a combined sewer; and

which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

"NOI" is an acronym for "Notice of Intent" to be covered by this Permit and is the mechanism used to "register" for coverage under a general Permit.

"Non-analytical monitoring" refers to monitoring for pollutants by means other than UAC R317-2-10 and 40 CFR 136, such as visually or by qualitative tools that provide comparative or rough estimates.

"Operator" is the person or entity responsible for the operation and maintenance of the MS4.

"Outfall" means a point source as defined by UAC R317-8-1.5(34) at the point where a municipal separate storm sewer discharges to waters of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state.

"Phase II areas" means areas regulated under UPDES storm water regulations encompassed by Small MS4's (see definition 7.39.).

“Priority construction site” means a construction site that has potential to threaten water quality when considering the following factors: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-storm water discharges and past record of non-compliance by the operators of the construction site.

“Redevelopment” is the replacement or improvement of impervious surfaces on a developed site.

“Runoff” is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to waters of the state either directly or through a collection and conveyance system. Runoff includes storm water and water from other sources that travels across the land surface.

“SWMP” is an acronym for storm water management program. The SWMP document is the written plan that is used to describe the various control measures and activities the Permittee will undertake to implement the storm water management plan.

“SWPPP” is an acronym for storm water pollution prevention plan.

“Small municipal separate storm sewer system” is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all Small MS4s located in “urbanized areas” (UAs) as defined by the Bureau of the Census (unless waived by the UPDES Permitting authority), and on a case-by-case basis those Small MS4s located outside of UAs that the UPDES Permitting authority designates.

This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

“SOP” is an acronym for standard operating procedure which is a set of written instructions that document a routine or repetitive activity. For the purpose of this Permit, SOPs should emphasize pollution control measures to protect water quality with details specific to the location.

"Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

“Storm water management program” means a set of measurable goals, actions, and activities designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable and to protect water quality.

“TMDL” is an acronym for “Total Maximum Daily Load” and in this Permit refers to a study that: 1) quantifies the amount of a pollutant in a stream; 2) identifies the sources of the pollutant; and 3) recommends regulatory or other actions that may need to be taken in order for the impaired waterbody to meet water quality standards.

“Urbanized area” is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

“waters of the state” means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water,

surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be “waters of the state” under this definition (“UAC” R317-1-1).

DRAFT