

**FACT SHEET STATEMENT OF BASIS  
UTAH DEPARTMENT OF TRANSPORTATION  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)  
UPDES PERMIT NUMBER UTS000003  
PHASE 1 PERMIT RENEWAL**

**BACKGROUND**

The Federal Clean Water Act requires that storm water discharges from certain types of facilities be authorized under storm water discharge Permits (See 40 CFR 122.26.). The goal of the storm water Permits program is to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas. The original 1990 regulation (Phase I) covered municipal (i.e., publicly-owned) storm sewer systems for municipalities over 100,000 population. The regulation was expanded in 1999 to include smaller municipalities. This expansion of the program to include small MS4s is referred to as Phase II. This Permit covers new or existing discharges composed entirely of storm water statewide. The Utah Department of Transportation (UDOT) is divided into four geographical areas called regions, which covers Utah statewide. A brief description of each region is below:

- Region 1: Covers the northern part of the state from North Salt Lake northward, including the following counties: Davis, Weber, Morgan, Box Elder, Cache and Rich. Region One headquarters is located in Ogden.
- Region 2: Includes densely populated urban areas along the Wasatch Front, and sparsely populated rural and desert lands, including Salt Lake County, Summit County and Tooele County. Region two headquarters is located in Salt Lake City.
- Region 3: Includes Utah, Juab, Wasatch, Duchesne, Uintah and Daggett Counties. Region three headquarters is located in Orem.
- Region 4: Includes Millard, Beaver, Iron Washington, Carbon, Emery, Grand, San Juan, Sanpete, Sevier, Wayne, Piute, Garfield and Kane counties. Region four headquarters is located in Richfield

The State of Utah was granted primacy in the National Pollutant Discharge Elimination System (NPDES) program by USEPA in 1987. In Utah, storm water discharge Permits are issued by the "Director". Utah's program is known as the Utah Pollutant Discharge Elimination System (UPDES) Program. The requirements of this Permit are intended to reduce the discharge of pollutants to the maximum extent practicable and meet water quality standards through the development and implementation of a Storm Water Management Program (SWMP).

This Permit serves as a re-issuance or replacement of the previous UDOT Municipal Separate Storm Sewer (MS4) Permit, UTS000003, issued December 3, 2015. This Permit is intended to cover new or existing discharges composed entirely of storm water from the UDOT MS4, which is required by the State to obtain permit coverage.

## PERMIT REQUIREMENT SYNOPSIS

The Permittee must develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants to the maximum extent practicable from the MS4, protect the water quality, and satisfy the appropriate water quality requirements of the *Utah Water Quality Act*. The SWMP must include six (6) minimum control measures. UDOT is expected to have fully implemented the six (6) minimum control measures (MCM) included in the previous permit. The six (6) MCM are listed below, with a brief, but not all-encompassing synopsis provided:

### Public Education and Outreach on Storm Water Impacts

The public education and outreach MCM requires the Permittee to implement a public education and outreach program to promote behavior change by the public to reduce impacts associated with pollutants in storm water runoff and illicit discharges. The program must target a variety of audiences, including: (1) residents; (2) institutions, industrial, and commercial facilities; (3) developers and contractors (construction); and (4) UDOT employees and contracted staff. The training should touch on topics including, but not limited to, the prevention of illicit discharges and improper waste disposal. All provided education is required to be well documented and available to the *Director* upon request.

### Public Involvement/Participation

The public involvement/participation MCM requires the Permittee to implement a program that complies with applicable state and local public notice requirements. The Permittee must allow for public input on the SWMP document and make it publically available for review **180 days** from the effective date of this permit and a current version shall be made available for public review for the life of this permit. The SWMP shall include ongoing opportunities for public involvement and participation.

### Illicit Discharge Detection and elimination (IDDE)

The IDDE MCM requires the Permittee to implement and enforce an IDDE program to systematically find and eliminate sources of non-storm water discharges from the MS4 and implement procedures to prevent illicit connections and discharges. The Permittee must have a program that consists of a variety of documents, which may include, ordinances (or other regulatory mechanism), SOPs, plans, and/or procedures that target the prohibition, identification, prevention, and remediation of illicit discharges and improper disposal of waste. The Permittee must have adequate legal authority to detect, investigate, eliminate, and enforce against non-storm water discharges.

### Construction Site Storm Water Runoff Control

The construction site storm water runoff control MCM requires the Permittee to implement and enforce a program to reduce pollutants in storm water runoff to the MS4 from construction sites with land disturbance greater than, or equal to one acre and for those projects that qualify for UDOT's MS4 Compliance Plan. The Permittee must have a regulatory mechanism in place that requires operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply any sediment and erosion control Best Management Practices (BMPs), as necessary to protect water

quality. The Permittee must have a written enforcement strategy that includes appropriate escalating enforcement procedures and an appeals process. The MCM also lists specific inspection and project review requirements.

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

The post-construction storm water management MCM requires the Permittee to 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. The Permittee must require the retention of an 80<sup>th</sup> percent rainfall event or the achievement of pre-development hydrologic conditions for new development. The program must include a process which requires the evaluation of a Low Impact Development (LID) approach.

Pollution Prevention and Good Housekeeping for UDOT Facilities and Operations

The pollution prevention and good housekeeping MCM requires the Permittee to implement a program for Permittee-owned or operated facilities, operations, and structural storm water controls. All components of the program must be included in the SWMP document and identify the party responsible for performing any activities required by this MCM. The Permittee is required to maintain an inventory of “high priority” facilities that are owned or operated by the Permittee and any associated storm water controls. The program must include training, inspection procedures and frequencies, and SOPs designed to protect water quality at each of the facilities owned or operated by the Permittee, among other items.

**CHANGES FROM PREVIOUS PERMIT**

Since the previous Permit, some spelling edits, changes to grammar, minor language changes, sentencings restructuring, and formatting have been completed. These changes were made to improve readability and clarify the requirements of this permit. These changes are not explicitly mentioned below unless it updates/adds requirements, has the potential to impact how a Permittee may implement their program, or were considered a significant restructure or re-wording, but did not change the overall permit requirement. The notable changes are identified below and are broken down by Permit Part:

Throughout the Permit the word “*Division*” was replaced with “*Director*”, where applicable.

Throughout the permit reference to submitting and Notice of Intent, as it related to coverage under a UPDES MS4 permit has been replaced with Application.

**1.0 Coverage Under this Permit**

*1.2. Permit Area and Eligibility*

Permit Part 1.2.1. was updated to add UDOT-owned properties, and UDOT-owned or operated facilities.

Permit Part 1.2.2.1. was updated to clarify that storm water discharges identified in Permit Part 1.4 are excluded from coverage under this permit.

Permit Part 1.2.2.2. was updated to clarify that non-storm water discharges of dechlorinated residential swimming pool water does not need to be addressed (unless otherwise identified as a significant source). Residential was added to be consistent with Health Department requirements.

#### *1.5 Documents the Permittee shall Development to Append the Permit*

Permit Part 1.5.4.1. was updated to reflect that UDOT must be able to demonstrate that an effort was made to achieve the purpose and objective of the required documents, rather than just attempt.

Permit Part 1.5.4.2. the language was updated to reflect updated methods for submittal verifications and evidence of *Director* approval (when necessary).

Permit Part 1.5.4.3. was updated to include the date the *Director* approved the Modification (if applicable).

### **2.0 Application Requirements**

Permit Part 2.0 and 2.1 were updated to indicate that UDOT will be required to submit an application, rather than an NOI, 180 before permit expiration.

### **3.0 Special Conditions**

#### *3.1 Discharges to Water Quality Impaired Waters*

Permit Part 3.1.1.1. clarifies that a water quality impaired waters means any segment of surface waters that has been identified by the *Director* as failing to support one or more of its designated uses. The previous permit identified them as classified use, but the language was changed to be consistent with Utah Administrative Code (UAC) R317-2-6.

Permit Part 3.1.1.2. clarifies that if in the future, a TMDL is developed and approved for a 303 (d) listed waterbody for which the Permittee discharges, the Permittee will be required to meet the requirements of that TMDL once approved, as well as, any requirements outlined in Part 3.1.2.

### **4.0 Storm Water Management Program**

#### *4.1 Requirements*

Multiple Parts in this section were re-numbered, updated, or added. These are not explicitly called out unless it is an updated or added requirement.

Permit Part 4.1.6. was added to indicate that the SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0 of the Permit.

Permit Part 4.1.7. (previously 4.1.2.) was updated to remove the timeframe of 90 days because that deadline has passed and the permittee should have already implemented this permit part into their program.

Permit Part 4.1.9. was added to notify the Permittee that failure to meet the listed requirements with a good faith effort and within the timeframes set forth, may result in an enforcement action by the *Director*.

#### *4.2.1. Public Education and Outreach on Storm Water Impacts*

Target audience (2) was updated to replace “businesses” with “institutions”.

Permit Part 4.2.1.2. was restructured to clarify that the Permittee must provide and document education and outreach given to the general public on the Permittee’s prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges.

Permit Part 4.2.1.3. was restructured to clarify that the Permittee must provide and document education and outreach given to institutions, industrial, and commercial facilities on an annual basis on the Permittee’s prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges.

Permit Part 4.2.1.5. clarifies that the Permittee must provide and document education and training given to employees of Permittee-owned or operated facilities concerning the Permittee’s prohibition against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges.

The requirement of the Permittee to provide outreach activities that promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by commercial and private applicators and distributors, previously Permit Part 4.2.1.7. was removed because it was duplicative of other parts of this section.

Permit Part 4.2.1.7. has removed the prescribed method of evaluation, to allow for the MS4 to determine what the best method to evaluate their program is.

#### *4.2.2. Public Involvement/ Participation*

Permit Part 4.2.2.1. was updated to provide specific requirements for Permittees to meet this minimum control measure. The part was updated to indicate that opportunities for public involvement and participation must occur two (2) times a year at a minimum. This change provides clarity on what is needed to meet permit requirements

Permit Part 4.2.2.3. (Previously 4.2.2.1) was updated to require the Permittee to post the latest version of the SWMP on its webpage within 180 days of the effective date of the Permit.

Previous Permit Parts 4.2.2.2. through 4.2.2.4.1 were removed because they were duplicative of other sections of this Permit.

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

Permit Part 4.2.3.2. clarifies that The Permittee must have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary based on the severity of violation and/or the failure of the violator to address the violation(s).

The requirements for priority areas inspections and dry weather screening have been separated into two distinct Permit citations (Permit Parts 4.2.3.3.2 and 4.2.3.3.3, respectively) to improve clarity. Dry weather screening of “priority” outfalls must be conducted at least twice every 5 years (Permit Part 4.2.3.3.3). UDOT is required to submit a 5-year priority area inspection plan within **90-days** of the effective day of the permit.

Permit Part 4.2.3.3.4. was moved from another Permit Part updated to require the Permittee to notify the Director within **30 days**, if they discover or suspect a discharger may need a separate UPDES Permit.

Permit Part 4.2.3.6.2. was added and indicates that although the Permittee is required to prohibit illicit discharges within their boundaries, the MS4 Permit does not impose strict liability on the Permittee.

Permit Part 4.2.3.6.3. (previously 4.2.3.6.) was updated to remove the requirement that the Permittee immediately notify the *Division* if they are unable to meet the IDDE MCM. This was removed because UDOT should have a fully implemented program at this time.

Permit Part 4.2.3.11. was updated to include that new hires should be trained within 60 days of hire, and annually thereafter.

#### *4.2.4. Construction Site Storm Water Runoff Control*

The threshold for construction site storm water runoff control has been clarified by removing reference to “common plan of development.” The permittee requires an MS4 Compliance Plan for projects disturbing less than 1 acre and references to this plan were added to this MCM, where applicable.

Permit Part 4.2.4.1.2. was added, which requires the permittee to require construction operators to obtain coverage under the current UPDES Storm Water General permit for Construction Activities for the duration of the project.

Permit Part 4.2.4.2.1 has added an appeals process as part of the procedures to ensure compliance to be posted in a publicly available location. An appeals process will allow a construction operator to appeal an enforcement option.

Permit Part 4.2.4.3. has updated to change the requirement for preconstruction SWPPP review SOP or similar type of document to a SWPPP review checklist.

Permit Part 4.2.4.3.1 has changed the pre-construction SWPPP review requirement to a preconstruction meeting requirement.

Permit Part 4.2.4.3.4. was added to meet the requirements of 40 CFR 122.34 (4) (i) (E). This part requires the Permittee to develop procedures for receiving and considering information and comments submitted by the public on proposed projects

Permit Part 4.2.4.3.5. has clarified the factors for determining a priority construction site.

Permit Part 4.2.4.4. was updated to clarify that if the SWPPP and inspections were contracted out, then the 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 Permittee.

Permit Part 4.2.4.4.1 has added the requirements for qualified Permittee storm water inspectors and adds that inspections must occur monthly (at a minimum) on all new construction sites with a land disturbance of greater than or equal to one acre.

Permit Part 4.2.4.4.2. was updated to add that the notification procedures need to be provided to the construction operator/owner before active construction begins.

Permit Part 4.2.4.5. has added language that requires the Permittee to ensure annual training of staff as well as the training of new hires within **60 days** of hire.

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

The threshold for long-term storm water management has been clarified to “construction sites with a land disturbance of greater than or equal to one acre.

#### Modified Post-Construction Retention Standard

Permit Part 4.2.5.1.2 requires all new development projects meeting the applicable threshold, to manage rainfall on-site, and prevent the off-site discharge of runoff associated with precipitation less than or equal to the 80th percentile rainfall event. 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. Guidance related to this requirement is available on the Division’s website at <https://deq.utah.gov/water-quality/low-impact-development>. If not feasible, a rationale must be provided for the use of alternative design criteria.

Redevelopment projects meeting the applicable threshold that increase the impervious surface by greater than 10%, 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 water quality volume-based methodology will reduce the runoff from a site from the small frequently occurring storms which have a strong negative cumulative impact on receiving water quality.

#### Rationale for Post-Construction Retention Standard

The Division has determined that the retention standards outlined in Section 4.2.5, meet the intent of the maximum extent practicable (MEP) standard to prevent or minimize water quality impacts from new and redevelopment post-construction storm water management through clear, specific, and measurable requirements.

In reviewing literature, evaluation of the diversity of site conditions and climates around the state, and consulting with practicing design engineers, the Division determined that the 80th percentile event represents the MEP for retention in the UDOT’s permit area. In addition, the Division has made this standard identical to the standard used in the renewal of Permit UTR090000 which is

applicable to small municipal separate storm sewer systems (MS4s) across the state and UTS000001, which is for the Jordan Valley Municipalities.

In developing this standard, the Division reviewed literature and design guidelines for storm water quality management throughout the intermountain west. The purpose of the post construction retention standard is to maintain or restore stable hydrology in receiving waters and protect water quality by reducing the effect of first-flush events on receiving waters. The Division recognizes the cascading water quality effects of development to include increases in pollutant sources, storm water runoff, and the erosional impacts of storm events. These effects are associated with increased impervious cover and activities associated with developed lands.

The Division reviewed the following studies related to storm water runoff and water quality volume: Guo and Urbonas, 1996 and Urbonas, Roesner, and Guo, 1996. These studies formed the basis of a recommendation by the Water Environment Federation and American Society of Civil Engineers (1998) that stormwater quality treatment facilities (i.e., post-construction BMPs) be based on the capture and treatment of runoff from storms ranging in size from "mean" to "maximized" storms (70th to 90th percentile storm). The Division selected the 80th percentile as a mid-range target, based in part on this recommendation. The Division determined that retention of the "maximized" storm was impractical for Utah.

Further, the Division determined that the Urban Storm Drainage Criteria Manual developed for the State of Colorado is applicable to Utah's climate and topography. The USDCM states that "capturing and properly treating this volume [80th percentile storm] should remove between 80 and 90% of the annual total suspended solids (TSS) load, while doubling the capture volume was estimated to increase the removal rate by only 1 to 2%." Based on this analysis, an increase to the 90th percentile storm, as proposed in a previous draft of the Permit, would result in a negligible improvement in water quality. Further, this standard is consistent with other similarly situated states in the intermountain west, such as Montana (0.5") and Colorado (80th percentile storm).

This final Permit also clarifies that implementation of the post-construction retention standard applies only if impervious surface area increases by greater than 10%. It would be impractical to require that any size redevelopment meet the new retention standard because redevelopment projects that do not increase surface area by greater than 10% would often not be able to meet the standard without removing existing impervious surfaces. Further, this change allows UDOT to work within the context of existing storm water master plans and proceed with retrofits of existing facilities through requirements identified in section 4.2.6.9. of the Permit.

#### Low Impact Development Requirements

The Permit requires that the post-construction retention standard be accomplished through the use of a combination of practices: site design (including reduction in impervious cover), structural and non-structural controls, Low Impact Development practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. This requirement is described in Permit Part 4.2.5.1.3.

The Permittee must allow for use of a minimum of five LID practices from the list in Appendix C of "A Guide to Low Impact Development within Utah." If a Co-Permittee has not adopted specific LID guidelines, any LID approach that meets permit requirements and is feasible may be used to meet this requirement.



If a LID approach cannot be utilized, the Permittee must document an explanation of the reasons preventing this approach and the rationale for alternative criteria per Permit Part 4.2.5.1.5. Guidance for assessing and documenting site conditions and feasibility 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>.

The definition of LID infeasibility has been expanded to include high groundwater, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others.

#### Other Changes to Section 4.2.5.

Permit Part 4.2.5.2. (Previously 4.2.5.5.) was updated to include that the Permittee shall implement an enforcement strategy and implement the enforcement provisions of the regulatory mechanism. The Permittee's regulatory mechanism must include an appeals process.

Previous Permit Part 4.2.5.3.3 requiring a retrofit plan has been moved to Permit Part 4.2.6 Pollution Prevention and Good Housekeeping for UDOT Facilities and Operations.

Permit Part 4.2.5.4. (Previously 4.2.5.7.) was updated to clarify UDOT's inventory must include both public and private sector sites located within the Permittee's service area that were developed since the Permittee obtained coverage by this permit or the date that post-construction requirements came into effect, whichever is later.

Permit Part 4.2.5.6. (Previously 4.2.5.6.) was updated to require that all staff involved in post-construction storm water management, planning and review, and inspections and enforcement be trained on an annual basis. New hires must be trained within 60 days of hire.

#### *4.2.6. Pollution Prevention and Good Housekeeping for UDOT Facilities and Operations*

This minimum control measure has been reorganized to more clearly outline the requirements for "high priority" Permittee-owned facilities and overall SOP development and implementation for all facilities and operations. Guidance for evaluating "high priority" Permittee-owned facilities and preparing SOPs will be developed as separate Fact Sheets by the Division.

Permit Part 4.2.6.1. added that the *Director* maintains the authority to add additional "high priority" facilities to the list as needed. The following facility types were added to the "high priority" facility list: landscape maintenance on UDOT property, public buildings (including: restrooms); de-icing storage facilities; animal control facilities; chemical storage facilities; and transportation hubs (including bus stations). It also removed Permittee owned and/or maintenance structural storm water controls from the list.

Permit Part 4.2.6.2. was updated to remove the listed typical urban pollutants and instead requires the Permittee to make their own list of common pollutants.

Permit Part 4.2.6.4. was added to require the Permittee to 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 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 Permittee's SWMP.

Permit Part 4.2.6.5. requires the Permittee to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for each “high-priority” the Permittee-owned or operated facility within **180 days** from the effective date of this Permit. The SWPPP must identify potential sources of pollution, describe and ensure implementation of practices that are to be used to reduce pollutants in storm water discharges associated with activity at the facility and must include a site map showing the information required in Permit Part 4.2.6.4. The previous Permit required SOPs to address many of these requirements and these SOPs, provided that they meet the Permit requirements, may be used as part of this SWPPP document. SOPs must be tailored to the Permittee, facility, or operational procedure and must not contain generic descriptions of UDOT activities.

In Permit Part 4.2.6.6.1, visual inspection frequency has been reduced from weekly to monthly.

In Permit Part 4.2.6.6.2, comprehensive inspection frequency has been reduced from quarterly to semi-annually

In Permit Part 4.2.6.6.3, visual observation frequency has been reduced from quarterly to annually.

Permit Part 4.2.6.7. identifies the types of Permittee owned or operated facilities that require SOPs.

Permit Part 4.2.6.7.1. identifies practices that require SOPs to ensure water quality is protected.

Permit Part 4.2.6.7.6. requires the Permittees to maintain an inventory of all floor drains inside all “high priority” Permittee-owned or operated buildings and ensure that all floor drains discharge to appropriate locations. The inventory shall be updated as necessary to ensure accuracy. The Permittee must inventory and map the floor drains in all Permittee-owned or operated buildings by the end of this permit term (5 years).

Permit Part 4.2.6.8. has moved from Long-Term Storm Water Management in New Development and Redevelopment MCM to this MCM.

Permit Part 4.2.6.9. requires that all employees, contracted staff, and other responsible entities involved in construction, operation, or maintenance job functions that are likely to impact storm water quality be trained on an annual basis. New hires must be trained within 60 days of hire.

#### *4.3 Industrial High Risk Runoff*

Permit Part 4.3.3. staff whose primary job duties are implementing the industrial storm water program are trained annually, at a minimum, to conduct education and outreach. All new hires must be trained within 60 days upon hire

Permit Part 4.3.4. was updated to include that the permittee should develop and implement SOPs for identifying existing industrial connections, as well as, adding new ones.

Permit Part 4.3.4.1. required the Permittee to inventory and map existing and new industrial connections.

#### *4.5. Reviewing and Updating Storm Water Management Programs*

Permit Part 4.5.2.1. was updated to clarify that changes that reduce or replace any component, control, or requirement of the SWMP document is not authorized, unless it meets requirements outlined in Part 4.4.2.2.

### **5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting**

#### *5.2. General Monitoring and Sampling Requirements*

Permit Part 5.2.1. was updated to remove the deadlines of 6 months and 12 months because the deadlines have passed and UDOT should have already implemented the wet weather monitoring plan.

Permit Part 5.2.1.1. was added to require the assessment of storm water impacts to in-stream water quality, hydrology, geomorphology, habitat, and biology.

Permit Part 5.2.4.1. was updated to change “all outfalls” to “priority outfalls” and the screening frequency from once a permit term, to twice.

Permit Part 5.2.4.1. was added to identify the criteria used to identify “priority” outfalls for dry weather screenings.

Permit Part 5.2.4.2. was added to require the Permittee to develop a mechanism to identify and add “priority” outfalls, as needed.

#### *5.4 Reporting*

Permit Part 5.4.2. requires the Permittee to use the report form provided on the Division’s website for their annual report or an equivalent form.

Permit Part 5.4.4. was updated to change the submittal of the report to be via the DWQ electronic portal system, instead of by mail.

### **7.0 Definitions**

“Impaired waters” was updated to include language that was consistent with *UAC R317-2*, in regards to designated uses.

The definition of NOI was updated to refer to the NOI required to apply for a UPDES Construction General Permit, rather than for coverage under this permit.

The following definitions were removed: bypass, Indian Country, land disturbance, measurable storm event, common plan of development.

The following definitions were added: developed site, medium MS4, Phase II areas, MS4 Compliance Plan.

## **PERMIT DURATION**

As stated in UAC R317-8-5.1(1), UPDES permits shall be effective for a fixed term, not to exceed five (5) years. Therefore, this Renewal Permit shall be effective for 5 years after the effective date of its issuance.

## **DRAFTED BY**

Leanna Littler-Woolf, MS4 Coordinator / Interim Manager  
Utah DEQ-DWQ General Permitting Section

## **PUBLIC NOTICE**

Began: July 13, 2021  
Ended: August 13, 2021

Comments will be received at:           195 North 1950 West  
  PO Box 144870  
  Salt Lake City, UT 84114-4870

The Public Noticed of the draft permit was published on the Department Website.

During the public comment period provided under R317-8-6.5, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments will be considered in making the final decision and shall be answered as provided in R317-8-6.12.

## **ADDENDUM TO FSSOB**

During finalization of the Permit certain dates, references, spelling edits and minor language corrections were completed. Due to the nature of these changes they were not considered Major and the permit is not required to be re-Public Noticed.

## **RESPONSIVENESS SUMMARY**

No comments were received.

DWQ-2021-016127