

FACT SHEET STATEMENT OF BASIS

JORDAN VALLEY MUNICIPALITIES STORM WATER PERMIT

UPDES PERMIT NUMBER UTS000001

PERMIT MODIFICATION

1.0. Introduction

The Federal Clean Water Act requires that storm water discharges from certain types of facilities be authorized under stormwater discharge Permits. (See 40 CFR 122.26.) The goal of the stormwater 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 as well. This expansion of the program to include small MS4s is referred to as Phase II.

The State of Utah was granted primacy in the National Pollutant Discharge Elimination System (NPDES) program by USEPA in 1987. In Utah, stormwater 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 (MEP) and meet water quality standards through the development and implementation of a Storm Water Management Program (SWMP).

This Permit serves as a modification and replacement of the previous Jordan Valley Municipalities Permit UTS000001, issued February 26, 2020. According to EPA guidance, each Co-Permittee’s original designation of Small or Medium-sized MS4 will remain the same for the renewed Permit and associated permit cycle regardless of any increase or decrease in population. This Permit covers new or existing discharges composed entirely of stormwater from both Phase I and Phase II Co-Permittees within Salt Lake County.

2.0. Background

Both Phase I and Phase II Co-Permittees are required to develop and implement a SWMP which includes a variety of Best Management Practices (BMPs) to reduce the discharge of pollutants from the MS4. MEP is the standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve through implementation of BMPs included in their SWMPs. There are no numeric effluent limitations included in this Permit. SWMP requirements are the controls used in place of numeric limits to achieve a reduction of pollutants in the stormwater discharge from small MS4s. A SWMP is comprised of six minimum control measures which include:

- 1) Public Education and Outreach
- 2) Public Involvement/Participation
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Storm Water Runoff Control
- 5) Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)
- 6) Pollution Prevention and Good Housekeeping for Municipal Operations

The Co-Permittees must develop a SWMP that meets the requirements of the six minimum measures and protects state waters from pollution, contamination, and/or degradation. The Permit allows the MS4 flexibility to determine appropriate BMPs to satisfy each of the six minimum control measures. The BMPs employed to reduce pollutants to the MEP may be different for each small MS4 given the unique local concerns that may exist and the different possible pollutant control strategies. The Division may evaluate the Co-Permittees' proposed stormwater BMPs to determine if they meet the requirements of this Permit and if an improvement to the MEP can be achieved. Evaluation of the effectiveness of a SWMP and application of the MEP standard should be an iterative process. The standard of MEP and the necessary modifications to the SWMP should continually adapt to current conditions and BMP effectiveness. The Co-Permittees must continually assess the effectiveness of the current BMPs and expand or better tailor the BMPs to comply with this Permit and protect water quality, and to satisfy the appropriate water quality requirements of the *Utah Water Quality Act*.

3.0. Notable Changes Made Since the Last Permit Renewal

The last permit renewal was issued on February 26, 2020. In this Permit Modification (July 3, 2023) significant changes were made in regard to the Special Conditions section. This section was updated to include requirements of MS4s under the *Jordan River Watershed Wide Escherichia coli (E. coli) TMDL*.

Since the most recent Permit Renewal (February 26, 2020), some spelling edits, changes to grammar, minor language changes, sentencing restructuring, and formatting have been completed. URL links were updated in instances where the links had broken.

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 rewording, but did not change the overall permit requirement. The notable changes are identified below and are broken down by Permit Part.

Notice of Intent and Storm Water Management Program Requirements

2.1 New Applicants

Permit part 2.1.2. was updated to General Permitting Section to reflect the name change of the section overseeing Storm Water Permitting for the State of Utah.

Special Conditions

3.1. Discharges to Water Quality Impaired Waters

Permit Part 3.1.1.1. was updated to include language referencing the *Jordan River Watershed Wide Escherichia coli (E. coli) TMDL* included in permit section 3.2.

Permit Part 3.1.1.2. was updated to include language referencing the *Jordan River Watershed Wide Escherichia coli (E. coli) TMDL* included in permit section 3.2.

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

Permit section 3.2. under section 3.0 Special Conditions has been modified to include specific requirements of the *Jordan River Watershed Wide Escherichia coli (E. coli) TMDL*. The Section 3.2. heading was changed from Nitrogen and Phosphorus Reduction to Jordan River Watershed Wide *Escherichia coli (E. coli) TMDL*.

Permit part 3.2.1. requires that permittees that discharge to waters listed on Utah 303(d) list as impaired for *E. coli* for which stormwater is a contributing source per *the Jordan River Watershed Wide E. coli TMDL* must update their SWMP document **within 180 days** of the permit modification. This SWMP update will include a *TMDL Compliance Plan* that addresses the pollutant reduction requirements of the TMDL and this permit modification. Permittees that discharge to the Jordan River and its tributaries are required to implement SWMP changes under Section 3.2.

Permit part 3.2.2. requires that the *TMDL Compliance Plan*, designed to reduce the discharge of *E. coli*, be based on the six (6) minimum control measures found in Section 4.2. of this permit. Source control BMPs must be developed, funded, and implemented to reduce the discharge of *E. coli* within the permittee's jurisdiction.

Permit part 3.2.2.1. requires the permittee identifies sources of *E. coli* within the jurisdiction. Once sources of *E. coli* are identified, specific audiences potentially contributing to the *E. coli* sources must be targeted. Target audiences must be educated on the impacts to water quality and the BMPs that can be implemented to reduce/eliminate *E. coli* discharges. Education and outreach efforts must be documented within the *TMDL Compliance Plan* contained within the MS4's SWMP document.

Permit part 3.2.2.1.1. allows for collaborative programs (e.g., stormwater coalition) to assist providing outreach materials that evaluate, identify, and target sources for *E. coli*. Education and outreach efforts must be documented within the *TMDL Compliance Plan* contained within the MS4's SWMP document.

Permit part 3.2.2.2. requires that potential sources of *E. coli* within the MS4 are inventoried (either written or mapped). Areas to consider for this inventory include areas with septic, dense waterfowl areas, dog parks, etc.). Inventoried areas must be documented within the *TMDL Compliance Plan* contained within the MS4's SWMP document.

Permit part 3.2.2.2.1. requires that the inventoried areas identified in permit part 3.2.2.2. have a plan created to prioritize *E. coli* reduction activities for those areas. The plan must include structural and non-structural BMPs to be implemented over the permit term.

Permit part 3.2.2.2.2. requires that the inventoried areas identified in permit part 3.2.2.2. are added to the list of areas considered a priority area likely to have an illicit discharge (see permit part 4.2.3.3.1.). Any additional priority areas identified by the inventory must be inspected using an inspection form, annually at a minimum.

Permit part 3.2.2.2.3. requires that the inventoried areas identified in permit part 3.2.2.2. are considered a priority area for street sweeping and storm sewer system maintenance. Any road, parking lot, sweeping, and storm drain system maintenance SOPs created by the permittee should identify all priority areas (including *E. coli* sources) and the schedule of maintenance.

Permit part 3.2.2.3. requires that the current "high priority" permittee owned and/or operated facilities be evaluated to identify sites that have potential sources of *E. coli*. Permittee owned and/or

operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli* must be added to the inventory criteria for “high priority” sites (see Permit Part 4.2.6.1.). Any sites identified with potential sources of *E. coli* must implement structural or nonstructural BMPs.

Permit part 3.2.2.4. requires that preexisting SOPs be evaluated and updated to include considerations for the reduction of *E. coli*. The following activities must be evaluated to ensure that the current SOPs target reduction of *E. coli* discharge: Surface cleaning and controlling litter; Lake and lagoon maintenance; Mowing/Trimming/Planting; Inspection and Cleaning of Stormwater Conveyance Structures, Controlling Illicit Connections and Discharges, Controlling Illegal Dumping to stormwater collection and conveyance structures; Solid Waste Collection, Controlling Litter, Controlling Illegal Dumping of solid waste; Water line Maintenance, Sanitary Sewer Maintenance, Spill/Leak/Overflow Control, Response, and Containment. If current SOPs do not encompass these activities, new SOPs should be created to target the reduction of *E. coli* discharge if the activities are applicable to the MS4.

Permit part 3.2.2.5. requires that Low Impact Development (LID) controls, identified within the *Guide to Low Impact Development within Utah, Appendix C*, where *E. coli* (listed as a bacteria) has a medium or high pollutant removal effectiveness be promoted. The Guide to Low Impact Development within Utah, Appendix C is available on the division’s website: <https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf>.

Permit part 3.2.2.6. requires that when ranking retrofit plans for the MS4, potential *E. coli* reduction be considered as a criterion (see Permit part 4.2.6.9.).

Permit part 3.2.3. requires that TMDL compliance be reported annually by October 1 with the annual report form. The *TMDL Compliance Report* will be a component of the annual report form. The first TMDL Compliance Report will be due to DWQ by October 1, 2024. The TMDL Compliance Report includes identification of problem areas where *E. coli* source control BMPs were developed, the cost, and the anticipated pollutant reduction.

Guidance related to these requirements is available on the Division’s website.

Basis for Permit Modification

This permit modification updates the permit to reflect the Jordan River watershed *E. coli* Total Maximum Daily Load (TMDL) approved in February of 2023. Permit part 3.1.1.2. requires MS4 permittees to comply with all requirements associated with any approved TMDLs on stormwater discharge locations upstream of an impaired waterbody. The modification adds a permit section (Permit part 3.2.) that identifies the requirements of the Jordan River Watershed Wide *E. coli* TMDL.

A TMDL analysis was completed by the Utah Division of Water Quality (DWQ) to address *E. coli* exceedances throughout the Jordan River watershed. A TMDL analysis determines the amount of an identified pollutant that a waterbody can receive and still support its beneficial uses and meet state water quality standards. Once the location and magnitude of exceedances, as well as all potential sources, are identified, controls are implemented to reduce pollutant loading until the waterbody is brought back into compliance with water quality standards.

Surface waters are monitored as part of Utah’s bacteriological monitoring program for pathogens that originate from fecal pollution from human and animal waste. It is not feasible to monitor for all pathogens in water, but by analyzing for certain indicator organisms, it is possible to assess potential health risks. Utah samples for *E. coli* concentrations in surface waters using USEPA guidelines (EPA, 2012). Common sources of *E. coli* include failing septic systems, leaking sewer lines, grazed pastures, confined feedlots, wildlife, and dog parks (Benham, 2006). Bacteria from these sources, some of which may be pathogenic or disease causing, are washed into surface waters during rainfall

or snowmelt or are deposited directly in the water. These pathogenic bacteria pose a threat to human health usually through ingestion.

The potential sources of *E. coli* that may be contributing to the water quality impairments in a watershed are characterized as either point or nonpoint sources. Point sources are spatially discrete and regulated under UPDES permits. Nonpoint sources are spatially distributed. Stormwater discharges can be either nonpoint source or point source, and they are regulated under multiple permit programs.

Stormwater is a significant contributor to *E. coli* loading to surface waters in the Jordan River watershed. MS4 individual and general permits will serve as a regulatory mechanism for working toward the goals of the TMDL. Permittees that discharge to the Jordan River and its tributaries are required to implement permit requirements in Section 3.2. Permittees that discharge to the Jordan River and its tributaries are required to implement SWMP changes under Section 3.2. and TMDL requirements.

Storm Water Management Program

4.2.2. Public Involvement/Participation

Permit Part 4.2.2. 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 4.2.2.2. was updated from 120 days to 180 days for the requirement for renewal Co-Permittees to make the revised SWMP document available to the public for review and input. This is consistent with the requirement for New Permittees in this section.

Permit Part 4.2.2.4. was removed because it was duplicative of Permit Part 4.2.2.

Permit Part 4.2.3.6.1. was updated to improve clarity and readability. The reference to Permit part 4.2.3.6. was included to direct any potential enforcement actions to the established SOPs developed by the permittee for situations involving illicit discharges.

Permit Part 4.2.4.1. was updated to remove the language, “Existing local requirements to apply stormwater controls at sites less than 1 acre or not part of a Common Plan of Development may be retained.” Removing this language doesn’t affect the authority of municipalities from implementing local guidelines and requirements. It clarifies that DWQ isn’t placing any restrictions on local requirements.

Permit Part 4.2.4.3.2. was added 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 4.2.4.4.1. was updated to reflect new trainings that satisfy the definition of a “qualified person.” Updates included adding Certified Stormwater Inspector Construction (CSI-Construction), Qualified Compliance Inspector of Stormwater (QCIS), and EPA NPDES Construction General Permit Inspector Training. The Utah Department of Transportation Environmental Control Supervisor (ECS) training was removed as it was determined to be insufficient as a stand-alone training. This update is consistent with an upcoming Construction General Permit (CGP) update.

4.0. 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 modified Permit will be set to expire on February 25, 2025, five years after the effective date of reissuance.

5.0 Drafted By

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Jeanne Riley, General Permitting Section Manager

6.0. Remand Rule

The State of Utah, Department of Environmental Quality, Division of Water Quality has established the terms and conditions to meet the requirements of 40 CFR 122.34 using the Comprehensive (Traditional) approach, where all required permit terms and conditions are established in the Jordan Valley Municipalities Storm Water General Permit.

7.0 Public Notice

Began: May 16, 2023

Ended: June 16, 2023

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

The Public Notice 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.

8.0 Addendum to FSSOB

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

9.0 Responsiveness Summary

No comments were received.