

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

**Authorization to Discharge Under the**  
**Utah Pollutant Discharge Elimination System (UPDES)**

**Multi-Sector General Permit (MSGP) for Storm Water**  
**Discharges Associated with Industrial Activities**

In compliance with the provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 2004*, as amended, operators of storm water discharges associated with industrial activity are authorized to discharge industrial storm water from the specified industrial site to waters of the State in accordance with the eligibility and Notice of Intent requirements, discharges point(s), effluent limitations, inspection and monitoring requirements, and other conditions set forth in this Permit. This Permit is structured as follows:

- General requirements that apply to all permitted facilities are found in Parts I through IX.
- Industry sector-specific requirements are found in Appendix I for Industrial Sectors A through AD.
- Appendix II contains a list of Section 313 Water Priority Chemicals.

This permit shall become effective on January 1, 2024.

This permit and the authorization to discharge shall expire at midnight, December 31, 2028.

Originally signed on December 27, 2023.



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John K. Mackey, P.E.  
Director

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APPENDIX II.

- A. List of “Section 313” Water Priority Chemicals

## **I. COVERAGE UNDER THIS PERMIT**

### **A. Permit Authority and Area**

1. Permitting Authority. Under the *Clean Water Act's National Pollutant Discharge Elimination System* (NPDES) program, the Environmental Protection Agency (EPA) has granted primacy to the state of Utah with its storm water permit program. The *Utah Water Quality Act* and *Utah Administrative Code* (UAC) *R317* authorize the *UPDES* Multi-Sector General Permit (MSGP). *UAC R317-8-1.1* provides that *UPDES* rules are to be compatible with the federal regulations unless *UPDES* rules are more stringent. *UAC R317-8-1.10* adopts the federal regulations applicable to the permit as Utah law. Other parts of *UAC R317* also reference federal regulations applicable as Utah law to this permit. Any reference within the permit to federal regulations has been adopted as Utah law. Whether a provision references a regulation or not, the provisions of the permit are in accordance with the *Utah Water Quality Act* and *UAC R317*. Much of the permit falls under *UAC R317-8-11.3*.
2. Permit Area. The permit covers all areas of the State of Utah except for Indian lands. The State of Utah *Division of Water Quality* (DWQ) does not have permit authority for Indian lands. Storm water permits for Indian lands within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX.

### **B. Eligibility**

1. Discharges Covered. Except for storm water discharges identified under *Part I.C*, this permit shall cover all new and existing point source discharges of storm water to waters of the state that are associated with industrial activity identified under the coverage sections contained in *Appendix I*.
2. Construction. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with construction activities provided that the storm water discharge from the construction activity is authorized by and in compliance with the terms of the *UPDES Storm Water General Permit for Construction Activity*, General Permit Number UTRC00000.
3. Storm Water Not Associated with Industrial Activity. Storm water discharges associated with industrial activity that are authorized by this permit may be combined with other sources of storm water that are not classified as associated with industrial activity pursuant to *UAC R317-8-11.3(6)*.
4. Discharges Subject to New Source Performance Standards. Operators of facilities with stormwater discharges subject to New Source Performance Standards (NSPS) shall have documentation of a final *Director* decision indicating that the *Director* has determined that the storm water discharge will have no direct or indirect impact on the affected receiving waters of the State. This documentation shall be obtained and retained on site by 180 days after submission of the Notice of Intent. The information shall be sent to the appropriate address listed in *Part I.I* of this permit.

Storm water discharges subject to NSPS and that may be covered under this permit include:

- a. **Sector A** - Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas [40 CFR Part 429 Subpart J (established January 26, 1981)]

- b. **Sector C** - Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) [40 CFR Part 418 Subpart A (established April 8, 1974)]
- c. **Sector D** - Runoff from asphalt emulsion facilities [40 CFR Part 443 Subpart A (established July 28, 1975)]
- d. **Sector E** - Runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 20, 1974)]
- e. **Sectors K** - Runoff from hazardous waste and non-hazardous waste landfills [40 CFR Part 445 Subpart A and B (established February 2, 2000)]
- f. **Sectors L** - Runoff from hazardous waste and non-hazardous waste landfills [40 CFR Part 445 Subpart A and B (established February 2, 2000)]
- g. **Sector O** - Runoff from coal storage piles at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)]
- h. **Sector S** - Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures [40 CFR Part 449 (established June 15, 2012)]

NSPS apply only to discharges from those facilities or installations that were constructed after the date of establishment.

C. Limitations on Coverage

The following storm water discharges associated with industrial activity are **not** authorized by this permit:

- 1. Storm water discharges associated with industrial activities that are not listed in *Appendix I* under *Part A.I* of the applicable sector(s);
- 2. Storm water discharges subject to NSPS except as provided in *Part I.B.4*;
- 3. Storm water discharges associated with industrial activity that are mixed with sources of non-storm water other than non-storm water discharges that are:
  - a. In compliance with a different *UPDES* permit; or
  - b. Identified by and in compliance with *Part I.D* of this permit.
- 4. Stormwater discharges associated with industrial activity that are currently covered under an individual *UPDES* permit or an alternative *UPDES* general permit;
- 5. Storm water discharges which are located at a facility where a *UPDES* permit has been terminated (other than at the request of the permittee) or denied, or that are issued a permit in accordance with *Part I.M* of this permit;
- 6. Storm water discharges associated with industrial activity that the *Director* has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard. Where such determinations have been made, the discharger will be notified by the *Director* of additional requirements for treatment or handling of the discharge or that an individual permit application is necessary. The *Director* may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the Storm Water Pollution Prevention Plan;
- 7. Discharges subject to storm water effluent guidelines, not described under *Appendix I*;

8. Storm water discharges associated with industrial activity from inactive mining, inactive landfills, or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified;
9. In accordance with *Part I.L*, storm water discharges associated with oil and gas exploration, production, processing, or treatment facilities unless the facility has had a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to *40 CFR 110.6*, *40 CFR 117.21*, or *40 CFR 302.6* or contributes to a violation of a water quality standard; and
10. Any additional sector specific limitations on coverage included in *Part A.2* of the applicable *Appendix I*.

D. Prohibition of Non-Stormwater Discharges.

1. Storm Water Discharges. Except as provided in *Part I.D.2*, all discharges covered by this permit shall be composed entirely of storm water.
2. Non-Storm Water Discharges.
  - a. Except as provided in *Part I.D.2.b*, discharges other than stormwater must be eliminated or they must be covered under another *UPDES* permit. This includes any sector-specific prohibited non-stormwater discharges identified in *Part A.3* of the applicable *Appendix I*.
  - b. The following are the only non-stormwater discharges authorized by this permit, provided the non-storm water component of the discharge is in compliance with *Part III and Part VII* of this permit:
    - 1) Discharges from emergency and unplanned fire-fighting activities;
    - 2) Fire hydrant flushing;
    - 3) Potable water, including uncontaminated water line flushing;
    - 4) Uncontaminated condensate from air conditioners, coolers and chillers, and other compressors, and from the outside storage of refrigerated gases or liquids;
    - 5) Irrigation and landscape drainage, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
    - 6) Pavement wash waters, provided that detergents or hazardous cleaning products are not used (i.e. bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come in contact with oil and grease deposits, sources of pollutants associated with industrial activities (see *Part VII.D.4*), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (i.e. applying absorbent materials and sweeping, using hydrophobic mops/rags) and the permittee has implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (i.e. filtration, detention, settlement);
    - 7) External building and structure washdown and power wash water that does not use detergents or hazardous cleaning products (i.e. those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and the permittee has implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (i.e. filtration, detention, settlement);
    - 8) Uncontaminated ground water or spring water;
    - 9) Foundation or footing drains where flows are not contaminated with process materials;



- 10) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (i.e. “piped” cooling tower blowdown; drains);
- 11) Water sprayed for dust control or at a truck load wet-down station, provided it is sprayed in a manner as to not cause erosion or to lead to the transport of potential pollutants.
- 12) Spray down of lumber and wood product storage yards at Sector A facilities where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage.
- 13) Dewatering water for Sector G, Sector H, and Sector J facilities that has been treated by appropriate controls as described in *Appendix I.B.*
- 14) Any authorized non-stormwater discharge listed in *Part I.D.2.b* mixed with a discharge authorized by a different *UPDES* permit and/or discharge that does not require *UPDES* permit authorization.

E. Obtaining Authorization to Discharge.

Dischargers of stormwater associated with industrial activity shall use EPA’s NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit a complete and accurate Notice of Intent (NOI), including payment of the appropriate permit fee, to be authorized to discharge under this general permit. The NOI certifies the permittee is eligible for coverage as outlined in *Part I.B.*, has developed a Storm Water Pollution Prevention Plan in accordance with *Part VII.*, and has provided information on the industrial activities and related discharges. As required in *Part I.I.*, the permittee shall submit the NOI electronically via NeT-MSGP, unless the *Director* grants the permittee a waiver from electronic reporting, in which case the permittee may use the paper NOI form found at [stormwater.utah.gov](http://stormwater.utah.gov). NeT-MSGP can be accessed by going to <https://npdes-ereporting.epa.gov/net-msgp/action/login>.

Unless notified by the *Director* to the contrary, owners or operators who submit such notification are authorized immediately to discharge stormwater associated with industrial activity under the terms and conditions of this permit after the NOI is received by the *Director*. The *Director* may, at any time, deny coverage under this permit and may require submittal of an application for an individual *UPDES* permit based on a review of the NOI or other information.

F. Authorization, Expiration, and Renewals.

An annual fee is required to maintain coverage under this permit. The annual fee is due by December 31<sup>st</sup> of each year.

When coverage under this general permit (UTR000000) expires, the NOI must be reauthorized or a new NOI submitted using Net-MSGP for continued coverage under a new or reissued replacement permit. Failure to do so within 60 days of the permit’s expiration date will result in termination of coverage under this permit.

G. Terminating Coverage.

When coverage under this permit is no longer required, a Notice of Termination (NOT) form shall be submitted to terminate coverage. The NOT shall be submitted via NeT-MSGP, unless the *Director* grants the permittee a waiver from electronic reporting, in which case the permittee may use the paper NOT form found at [stormwater.utah.gov](http://stormwater.utah.gov). To access NeT-MSGP, go to [4](https://npdes-</a></p></div><div data-bbox=)

ereporting.epa.gov/net-msgp/action/login. The Permittee shall submit a NOT within 30 days after one of the following conditions occurs:

1. A new owner or operator has received authorization to discharge under this permit. A new owner or operator shall submit a NOI no later than 30 days after a change in the owner or operator, in accordance with *Part I.H*. The termination may be approved when the NOI has been submitted;
2. Operations at the facility have ceased, and there are not and no longer will be discharges of stormwater associated with industrial activity from the facility;
3. Coverage is no longer needed based on one of the exclusions referenced in *Part I.J*, *Part I.K*, or *Part I.L*;
4. Coverage under an individual or alternative general permit has been obtained for all discharges required to be covered; or

Authorization to discharge under this permit terminates at midnight of the day that the permittee is notified that the complete NOT has been processed. If the permittee submits a NOT without meeting one or more of the conditions in *Part I.G*, the NOT is not valid. Until the permittee terminates permit coverage, he or she shall comply with all conditions and effluent limitations in the permit.

H. Modifications to the NOI.

Corrections or updates to the NOI can be done by submitting a “Change NOI” using NeT-MSGP. The change NOI shall be submitted electronically via NeT-MSGP, unless the *Director* grants the permittee a waiver from electronic reporting, in accordance with *Part I.I.2*. If any information supplied in the NOI changes at the facility, the Change NOI shall be submitted with thirty (30) days after the change occurs.

Where a new owner or operator takes over control at an existing facility, the new owner or operator shall submit a new NOI no later than thirty (30) calendar days after the change. The previous owner or operator shall submit a NOT no later than thirty (30) calendar days after coverage for the new permittee becomes active.

I. Electronic Reporting Requirement.

1. Electronic Reporting. The permittee shall submit all NOIs, NOT, No Exposure Certifications, No Discharge Certifications, Annual Reports, and other required reporting information as appropriate electronically, unless the *Director* grants a waiver based on one of the following conditions:
  - a. The facility headquarters is physically located in a geographic area (i.e. zip code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission; or
  - b. The permittee has limitations regarding available computer access or computer capability.
2. Electronic Submittal Waiver. If the permittee wishes to obtain a waiver from submitting a report electronically, he or she must submit a request to the *Director* at the address listed in this Part:

Division of Water Quality  
PO Box 144870  
Salt Lake City, Utah 84114-4870

The request shall include which condition listed in Part I.I.1 is applicable to the permittee and shall be signed in accordance with *Part VII.G*. A waiver may only be considered granted when the permittee receives written confirmation from the *Director* or an authorized representative. A waiver for electronic submittal letter from the *Director* shall be maintained in an accessible format with the Plan.

J. Conditional Exclusion for No Exposure.

Permittees covered by this permit, but who are later able to file a No Exposure Certification (NEC) to be excluded from permitting under *UAC R317-8-11.3* are no longer authorized by nor required to comply with this permit. Those who are no longer required to have permit coverage due to a NEC are required to submit a NOT. Per *Part I.I*, the permittee shall submit the NEC electronically via NeT-MSGP, unless the *Director* grants the permittee a waiver from electronic reporting, in which case he or she may use the paper NEC form found at [stormwater.utah.gov](http://stormwater.utah.gov). To access NeT-MSGP, go to <https://npdes-ereporting.epa.gov/net-msgp/action/login>.

K. Conditional Exclusion for No Discharge.

An industrial facility with a SIC code that requires coverage but does not discharge storm water to waters of the state or to a conveyance to waters of the state are no longer required to comply with this permit. By definition, a discharge to waters of the state includes discharges to surface water or groundwater, as discussed under *UAC R317-8-1.5(59)*. Those who are no longer required to have permit coverage due to a no discharge exclusion are required to submit a NOT. Per *Part I.I*, the permittee shall submit the No Discharge Certification (NDC) form electronically via NeT-MSGP, unless the *Director* grants the permittee a waiver from electronic reporting, in which case he or she may use the paper NDC form found at [stormwater.utah.gov](http://stormwater.utah.gov). To access NeT-MSGP, go to <https://npdes-ereporting.epa.gov/net-msgp/action/login>.

This exclusion is available on a facility-wide basis only and is not applicable to individual discharge points. A no discharge exclusion cannot be obtained if the facility discharges storm water, even if storm water is not exposed to industrial materials or activities. In this situation a NEC Certification, as discussed in *Part II.I*, may be appropriate.

L. Conditional Exclusion for Oil or Gas Facilities.

The operator of an existing or new discharge composed entirely of stormwater from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with *UAC R317-8-11.3(2)(a)(1)*, unless the facility:

1. Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987;
2. Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987;
3. Contributes to a violation of a water quality standard.

The permittee shall pursue and procure coverage under this permit and prepare and implement a Storm Water Pollution Prevention Plan on or before the date 30 calendar days after first knowledge of meeting one of the requirements in this Part.

**M. Requiring an Individual Permit or an Alternate General Permit.**

1. **Director Designation.** The *Director* may require any person authorized by this permit to apply for and/or obtain either an individual *UPDES* permit or an alternative *UPDES* general permit. Any interested person may petition the *Director* to act under this paragraph. The *Director* may require any owner or operator authorized to discharge under this permit to apply for an individual *UPDES* permit, only if the owner or operator has been notified in writing that a permit application is required. This notice shall include:
  - a. A brief statement of the reasons for this decision;
  - b. An alternate application form;
  - c. A statement setting a deadline for the owner or operator to file the application, and
  - d. A statement that on the effective date of issuance or denial of the individual *UPDES* permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate.

Individual permit applications shall be submitted to the address of the DWQ shown in *Part II* of this permit. The *Director* may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit, in a timely manner, an individual *UPDES* permit application as required by the *Director*, then the applicability of this permit to the individual *UPDES* permittee is automatically terminated at the end of the day specified for application submittal.

2. **Individual Permit Application.** Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual permit application with reasons supporting the request to the *Director*.

Individual permit applications shall be submitted to the address of the DWQ shown in *Part II*. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. **Individual or Alternate General Permit Issuance.** When an individual *UPDES* permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

When an individual *UPDES* permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative *UPDES* general permit, the applicability of this permit to the individual *UPDES* permittee is automatically terminated on the date of such denial, unless otherwise specified by the *Director*.

**N. Inactive and Unstaffed Sites.**

Facilities that are inactive and unstaffed are not required to comply with certain permit requirements. In order to be considered inactive and unstaffed, the facility shall not be conducting industrial activities at the site and shall have no industrial materials, operations, or activities exposed to stormwater.

For mining facilities considered as Sector G, Sector H, and Sector J, inactive and unstaffed shall mean a site where mineral mining and/or milling occurred in the past but there are no active mining activities (i.e. activities related to the extraction, removal, or recovery and benefaction of materials,

removal of overburden and waste rock, or site reclamation and closure) and there are no discharge of sediment or other pollutants occurring from the site. An inactive mineral mining facility shall have an identifiable owner or operator.

For landfills and land application sites covered under Sector L, inactive shall mean when, on a permanent basis, the facility will no longer receive waste and has completed closure in accordance with any applicable Federal, State, and/or local requirements.

Facilities that meet the requirements for inactive and unstaffed facilities shall not be required to do the following:

1. Conduct inspections or assessments as discussed in *Part IV*. The permittee shall still be required to conduct the annual comprehensive site compliance evaluation as discussed in *Part IV.C.*;
2. Monitor stormwater discharges as discussed in *Part V*. The permittee shall still be required to submit the annual report during required monitoring years as discussed in *Part V.E*, however, the annual report shall reflect that monitoring was not required due to the facility being inactive or unstaffed for all or select quarters of the calendar year; and
3. Employee training as discussed in *Part III.J* and *Part VII.D.5.c*.

If circumstances change at the facility and industrial materials or activities become exposed to stormwater or the facility becomes active or staffed, this exception no longer applies and the permittee shall immediately resume routine inspections, monitoring, and employee training at the facility.

## II. SPECIAL CONDITIONS

### A. Releases in Excess of Reportable Quantities.

1. Releases of Used Oil. In the event of a release of used oil, the person responsible for the material at the time of the release shall immediately:
  - a. Take appropriate action to minimize the threat to human health and the environment;
    - 1) Stop the release;
    - 2) Contain the release;
    - 3) Clean up and manage properly the released material as described in *UAC R315-15-9*; and
    - 4) If necessary, repair or replace any leaking used oil tanks, containers, and ancillary equipment prior to returning to service.
  - b. Notify the *Utah State Department of Environmental Quality*, 24-hour Environmental Incident Line, (801) 536-4123 for used oil releases exceeding 25 gallons, or smaller releases that pose a potential threat to human health or the environment. Small leaks and drips from vehicles are considered de minimis and are not subject to the release clean-up provisions of *UAC R315-15-9*.
  - c. Within 15 days after any release of used oil that is reported under *Part II.A.1.b*, the person responsible for the material at the time of the release shall submit to the *Director* a written report that contains the following information:
    - 1) The person's name, address, and telephone number;
    - 2) Date, time, location, and nature of the incident;
    - 3) Name and quantity of material(s) involved;
    - 4) The extent of injuries, if any;
    - 5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
    - 6) The estimated quantity and disposition of recovered material that resulted from the incident.
2. Releases of Hazardous Substances or Oil. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable Storm Water Pollution Prevention Plan for the facility.

This permit does not relieve the permittee of the reporting requirements of *40 CFR Part 110*, *40 CFR Part 117*, and *40 CFR Part 302*. Except as provided in *Part II.A.1*, where a leak, spill or other release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either *40 CFR Part 110*, *40 CFR Part 117*, or *40 CFR Part 302*, occurs during a 24-hour period:

- a. Immediately notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of *40 CFR Part 110*, *40 CFR Part 117*, and *40 CFR Part 302*. Additionally, the person responsible for the material at the time of the release shall immediately notify the 24-hour DWQ Environmental Incident Line at (801) 536-4123 as soon as he or she has knowledge of the release; and

- b. Modify the Storm Water Pollution Prevention Plan, required under *Part VII*, within 14 calendar days of knowledge of the release to provide:
  - 1) A description of the release;
  - 2) The circumstances leading to the release; and
  - 3) The date of the release.

In addition, the plan must be reviewed, and modified where appropriate, to identify measures to prevent the reoccurrence of such releases and to respond to such releases; and

- c. Within 14 calendar days of knowledge of the release, submit a written description to the *Director* to include:
  - 1) A description of the incident, including the material released;
  - 2) The date and time of the incident and when it was identified;
  - 3) The estimated amount of material released;
  - 4) The location of the release;
  - 5) Circumstances leading to the release;
  - 6) If the release resulted in a discharge of pollutants to waters of the State, through stormwater or otherwise;
  - 7) A description of immediate actions taken to minimize or prevent the discharge of pollutants;
  - 8) A description of response actions taken, the date and time clean-up were completed or will be complete, and any actions taken to prevent the reoccurrence of such releases in the future;
  - 9) A statement, signed and certified in accordance with *Part VIII.K*.
3. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under *Section 311* of the *Clean Water Act*.

**B. Co-Located Industrial Activity.**

In the case where a facility has industrial activities occurring onsite which are described by any of the activities in other sections of *Appendix I*, those industrial activities are considered to be co-located industrial activities. Storm water discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from other sector-specific sections of *Appendix I* applicable to the co-located industrial activity. The operator of the facility shall determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each coverage section in the NOI form.

**C. Discharge Compliance with Water Quality Standards.**

Dischargers seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. If information on the NOI, required reports, or from other sources indicate that discharges are not controlled as necessary, such that receiving waters of the State will not meet an applicable water quality standard, the *Director*

may require the permittee to implement additional control measures, or require coverage under an individual permit.

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 a violation of an applicable water quality standard, the *Director* will notify the operator of such violation(s) and the 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 in the pollution prevention plan. If violations remain or re-occur, then coverage under this permit will be terminated by the *Director* and an alternative permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the *Water Quality Act* for the underlying violation.

D. Additional State, Municipal, and Environmental Requirements.

If the requirements of this permit appear to be a conflict in with any state, municipal, environmental, or other laws or requirements, the permittee must contact the *Director* within 30 days of knowledge of any discrepancies.

1. State Requirements. 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 *UAC 19-5-117*.
2. Municipal Requirements. Facilities covered by this permit are not relieved from meeting applicable requirements in municipal storm water management programs developed under UPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge.
3. Environmental Requirements. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
4. Other Laws and Requirements. Nothing in this permit shall relieve the permittee from compliance with any other laws affecting storm water discharges.

E. 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.

F. Reopener Clause

1. Applicable Regulations. Permit modification or revocation will be conducted according to *UAC R317-8-5.6* and *UAC R317-8-6.2*.
2. Timing of Permit Modification. The *Director* may elect to modify the permit prior to its expiration, rather than waiting for the new permit cycle, to comply with any new statutory or regulatory requirements.



### **III. CONTROL MEASURES AND EFFLUENT LIMITS**

A. Stormwater Control Measures.

The permittee shall select, design, install, and implement stormwater control measures in accordance with good engineering practices and manufacturer's specification to minimize pollutant discharges.

B. Minimize Exposure.

The permittee shall minimize the exposure of pollutant sources associated with manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff. Minimizing exposure may include locating these industrial materials and activities inside or protecting them with storm resistant coverings

C. Good Housekeeping.

The permittee shall keep clean all areas exposed to stormwater as necessary to minimize potential sources of pollutants. Measures may include practices such as:

1. Sweeping at regular intervals;
2. Storing materials in appropriately labeled containers;
3. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have some form of secondary containment or other treatment or capture method;
4. Minimize the potential for waste, garbage, and floating debris to be discharged by keeping exposed areas free from such materials; and
5. Any sector-specific measures listed in *Part B of Appendix I*, as applicable.

D. Maintenance of Control Measures.

The permittee shall maintain all control measures, equipment, and systems used to maintain compliance with this permit in effective operating condition. The permittee shall conduct maintenance of control measures by:

1. Performing routine inspections and preventative maintenance of stormwater drainages, source controls, treatment systems, equipment, and systems that could fail and result in discharges of pollutants via stormwater;
2. Initiating routine maintenance, repair, or replacement within twenty-four hours from the time such needed actions are identified. The permittee shall take all reasonable steps to minimize and prevent pollutant discharges until the needed actions can be taken; and
3. Any sector-specific measures listed in *Part B of Appendix I*, as applicable.

E. Spill Prevention and Response Procedures.

The permittee shall minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. The permittee shall implement, at a minimum:

1. Procedures to clean up spills and leaks promptly using dry methods, such as absorbents, to prevent the discharge of pollutants;

2. The use of drip pans or absorbents if leaky vehicles or equipment are being stored outdoors;
3. Procedures for regularly inspecting, testing, maintaining, and repairing all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters;
4. Procedures for plainly labeling containers that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
5. Procedures for the proper management of the water priority chemicals, identified in *Appendix II*, as part of the *Emergency Planning and Community Right-to-Know Act* (EPCRA) in liquid storage areas, material storage areas, truck and rail car loading and unloading areas, and transfer and handling areas;
6. Procedures for material storage and handling, including the use of secondary containment or a similarly effective means designed to prevent the discharge of pollutants from these areas;
7. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases;
8. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Contact information must be in locations that are readily accessible and available; and
9. Any sector-specific measures listed in *Part B of Appendix I*, as applicable.

F. Erosion and Sediment Controls.

The permittee must stabilize areas of exposed soils (i.e. vegetation preservation, temporary seeding, permanent seeding, temporary mulching, vegetative buffer strips, etc.) and control runoff using appropriate control measures (i.e. silt fence, straw bales, riprap, treatment, etc.) to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions taken, flow velocity dissipation devices must be placed at discharge locations and within outfall channels, where necessary, to minimize erosion and give proper retention time for pollutants to settle.

G. Management of Stormwater Runoff.

The permittee shall divert, reuse, contain, or treat stormwater runoff in a manner that minimizes pollutants in stormwater discharges from the site (i.e. vegetative swales and other vegetative filtration practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices or other equivalent measures).

H. Stormwater Ponds and Catch Basins.

Stormwater ponds and catch basins shall only contain stormwater. Stormwater ponds and catch basins shall be designed, constructed, operated, and maintained to prevent the discharge of pollutants from the facility to waters of the state. The permittee must account for increased flows from impervious areas and how stormwater will enter and leave the pond to prevent erosion.

I. Washout Operations.

The permittee shall prevent discharges from washing applicators, containers, or vehicles used for making, storing, and/or transporting concrete and other goods and materials (i.e. paint, stucco, oils, curing compounds, etc.) through proper controls, such as the following:

1. Directing wash water into a leak-proof container or leak-proof pit designed so that it does not receive excess storm water runoff and no overflows can occur due to inadequate sizing or precipitation;
2. Handling washout and cleanout wastes appropriately by not co-mingling with stormwater. Appropriate management practices may include:
  - a. Allowing the wash water to evaporate on an impermeable surface and disposing of the residual solids appropriately with other solid waste;
  - b. Having a liquid waste hauler for wash water receive it for proper disposal at a permitted disposal facility;
  - c. Pretreating wash water and obtaining authorization from a permitted treatment facility for disposal of the waste water; and
  - d. Re-use of wash water in the manufacturing process.
3. Locating washing activities as far away as possible from waters of the state and storm water inlets or conveyances. Designate where this activity is appropriate and restrict all washing to this area.

**J. Employee Training.**

The permittee shall conduct training for all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to comply with the permit (i.e., inspectors, maintenance personnel, etc.), including all members of the stormwater pollution prevention team, as identified in *Part VII.D.1.*

1. At a minimum, the following personnel shall understand the requirements of this permit and their specific responsibilities with respect to permit requirements:
  - a. Personnel overseeing the implementation of, revisions to, and amending of the Storm Water Pollution Prevention Plan;
  - b. Personnel who perform installation, inspection, maintenance, and repair of control measures;
  - c. Personnel who work in areas of industrial activity subject to the permit; and
  - d. Personnel who conduct stormwater discharge monitoring as required in *Part V.*
2. Employee training shall focus on topics as applicable to the personnel responsibilities, to include, but not limited to:
  - a. Overview of the Storm Water Pollution Prevention Plan;
  - b. Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
  - c. Location of all the controls required by the permit and how they are to be maintained;
  - d. Proper procedures to follow with respect to pollution prevention requirements; and
  - e. When and how to conduct inspections, record findings, and take corrective actions.

**K. Non-Stormwater Discharges.**

The permittee shall eliminate all non-stormwater discharges not authorized under *Part I.D.2.* If not covered under a separate *UPDES* permit, wastewater, wash water, and any other unauthorized non-stormwater shall be discharged to a sanitary sewer, in accordance with applicable industrial

pretreatment requirements, or otherwise disposed of appropriately (i.e. hauled off site to an appropriate disposal facility, allowed to evaporate, etc.). This permit does not authorize the permittee to discharge to the sanitary sewer. If the facility does connect to the sanitary sewer, the permittee shall be responsible for obtaining the approval and/or permitting from the sanitary sewer operator prior to discharging.

**L. Dust Generation and Vehicle Tracking of Industrial Materials.**

The permittee shall minimize the generation of dust through the appropriate application of water or other dust suppression techniques. Off-site tracking of raw, final, or waste materials shall be minimized through implementing appropriate controls, such as the following:

1. Restricting vehicle use to properly designated exit points;
2. Using appropriate stabilization techniques at all points that exit onto paved roads;
3. Implementing additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicles exiting the facility; and
4. Where sediment has been tracked-out from the facility onto paved roads, sidewalks, or other paved areas outside of the facility, removing deposited sediment before it accumulates significantly and is tracked beyond the immediate vicinity of the facility. Frequency of removal is dependent on industrial operations at the facility, but should be completed at least by the end of each work day. Track-out shall be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. The facility is prohibited from hosing or sweeping tracked-out sediment into any storm water conveyance, storm drain inlet, or water of the state.

**M. Salt Storage Piles or Piles Containing Salt.**

The permittee shall enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces, in order to minimize pollutant discharges. Appropriate measures (i.e. good housekeeping, diversions, containment) shall be implemented to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater from the piles is not discharged or if discharges from the piles are authorized under another *UPDES* permit.

**N. Per- and Polyfluoroalkyl Substances (PFAS) Storage and Release.**

Except for during emergency firefighting activities, the permittee must prevent the contribution of PFAS-containing materials to stormwater discharges, including from all areas that contribute stormwater runoff to the discharge points.

If the permittee uses PFAS containing foams for emergency firefighting, he or she shall evaluate whether foams that do not contain PFAS may be used in some or all types of fires at the facility. If foam containing PFAS is anticipated to be used for emergency firefighting, the permittee shall develop procedures to prevent or minimize releases to stormwater including removal of residuals following the emergency response period.

All identified materials containing PFAS must be identified in *Part VII.D.4* and be contained, collected, and legally disposed of without re-introduction to wastewater, stormwater or surface water. The permittee must exercise due diligence in identifying sources of PFAS at the permitted facility that may be exposed to stormwater. This requirement does not apply to materials released during firefighting emergency response periods. Common materials containing PFAS in industrial activities include, but are not limited to those shown in Table 1.

Table 1. Common substances that contain PFAS in industrial activities <sup>1</sup>

Chemguard foam	MacDermid Macuplex STR
Scotchgard	Plating Process Systems PMS-R
Tridol	Femetrol-140
Dry chemicals used for type B fires	Brite Guard AF-1 fume control
ANKOR WETTING AGENT F	Goretex
Clepo Chrome Mist Control	Teflon or teflon-type coating (including PTFE coatings)
Fumetrol 140 Mist Suppressant	Electrostatic control agents
Benchmark Benchbrite STX	Friction control agents
Benchmark CFS	Dirt repellent
MacDermid Proquel B	Anti-adhesives

<sup>1</sup>. The substances listed may potentially contain PFAS. To verify its presence, review <https://www.epa.gov/chemical-research/research-and-polyfluoroalkyl-substances-pfas> and consult with the manufacturer

#### **IV. INSPECTIONS, ASSESSMENTS, AND EVALUATIONS**

A qualified person, as defined in *Part IX*, shall inspect the facility at the frequency required in this Part for each type of inspection. Individuals identified as qualified personnel shall be included as a member of the pollution prevention team in the Storm Water Pollution Prevention Plan in *Part VII.D.1*. The type of inspections that are required at the facility shall include routine facility inspections, visual stormwater quality assessments, and comprehensive site compliance evaluations.

##### **A. Routine Facility Inspections.**

1. **Inspection Frequency.** The facility shall be inspected by qualified personnel at least **once every quarter** (i.e. once each calendar quarter). Increased inspection frequency may be appropriate for some industrial sectors with certain types of equipment, processes, or areas with significant activities and materials exposed to stormwater, or as specified in *Part C of Appendix I*.
2. **Inspection Procedures.** During routine facility inspections, qualified personnel must inspect all areas covered by the permit, as applicable, including, but not limited to:
  - a. Areas where industrial materials, residues, or trash are exposed to or come in contact with stormwater;
  - b. Areas where industrial activities or materials, identified in *Part VII.D.4*, are exposed to stormwater at the facility;
  - c. Areas where industrial equipment, drums, tanks, or other containers are being stored;
  - d. Areas where offsite tracking of sediment from vehicles entering and exiting the facility occurs;
  - e. Areas where soil erosion has occurred or has the potential to occur as identified in *Part VII.D.3.d.*;
  - f. Areas where unauthorized non-stormwater discharges may be occurring;
  - g. All discharge points;
  - h. All control measures installed at the facility to control stormwater and to prevent pollutant discharges that may need replacement, maintenance, or repair; and
  - i. Any additional areas identified in *Part C of Appendix I*.
3. **Inspection Reports.** Routine facility inspection reports shall be maintained in an accessible format with the Storm Water Pollution Prevention Plan, in accordance with *Part VII.D.7*, and contain, at a minimum:
  - a. The date and time of the inspection;
  - b. The name of the inspector(s);
  - c. If there is a discharge occurring at the facility and the location of the discharge;
  - d. Any stormwater control measures needing maintenance, repair, or replacement;
  - e. Any incidents of noncompliance with the permit; and
  - f. A signed certification in accordance with *Part VIII.K*.

**B. Visual Stormwater Quality Assessments.**

1. Assessment Frequency. The facility shall conduct a visual stormwater quality assessment at least **once every quarter** (i.e. once each calendar quarter).
2. Assessment Procedures. Visual stormwater quality assessments shall consist of a grab sample collected from each discharge point within the first 30 minutes, or if not feasible, as soon as practicable, of when runoff from a storm event begins at the facility. The storm event shall be at least three days (72-hours) from the previous storm event resulting in runoff or discharge at the facility. The assessment shall be conducted during daylight hours and during normal operating business hours. In the case of snowmelt, samples shall be taken during a period with a measurable discharge.

The assessment shall be conducted by:

- a. Collecting the sample in a clean, colorless glass or plastic container;
- b. Examining the sample in a well-lit area and visually assessing it for any potential evidence of stormwater pollution to include:
  - 1) Color (i.e. clear, brown, gray, etc.);
  - 2) Odor (i.e. no smell, sewage, gasoline, bleach, etc.);
  - 3) Clarity (i.e. clear, murky, etc.);
  - 4) Floating solids at the top of the sample;
  - 5) Settled solids at the bottom of the sample;
  - 6) Suspended solids floating within the sample;
  - 7) Foam (i.e. none, thick, thin, etc.);
  - 8) Oil sheen (i.e. no sheen, rainbow, etc.);
  - 9) Any other obvious indicators of stormwater pollution.
3. Assessment Reports. Visual stormwater quality assessments shall be maintained in an accessible format with the Storm Water Pollution Prevention Plan, in accordance with *Part VII.D.7*, and contain, at a minimum:
  - a. The date and time of the sample collection(s);
  - b. The name of the individual(s) conducting the assessment;
  - c. Location of where the sample(s) were grabbed;
  - d. Type of stormwater sampled (i.e. rain, snow melt, etc.);
  - e. Results of any potential evidence of stormwater pollution;
  - f. Probable sources of any potential evidence of stormwater pollution;
  - g. If applicable, why it was not possible to take a sample within the first 30 minutes of discharging; and
  - h. A signed certification in accordance with *Part VIII.K*.

If no visual stormwater quality assessment can be conducted during a calendar quarter due to adverse climatic conditions such as local flooding, high winds, electrical storms, drought, or extended frozen conditions, this should be documented in the assessment for that quarter and maintained with the Plan in an accessible format.

C. Comprehensive Site Compliance Evaluations.

1. Evaluation Frequency. The facility shall conduct a comprehensive site compliance evaluation at least **once per year**.
2. Evaluation Procedures. The comprehensive site compliance evaluation shall provide a detailed look at the industrial activities and materials, selected control measures, and other aspects of the Storm Water Pollution Prevention Plan to determine if changes to the design or implementation are needed at the facility, to include evaluating:
  - a. All industrial activities taking place at the facility and all materials that are located at the facility to ensure they have been identified in the Storm Water Pollution Prevention Plan;
  - b. The control measures that have been installed at the facility to determine if they are adequate, properly designed, and correctly implemented;
  - c. All stormwater management measures, sediment and erosion control measures, and other pollution prevention measures to ensure they are operating correctly;
  - d. The equipment needed to implement the Storm Water Pollution Prevention Plan, such as spill response equipment, to ensure it is adequate and located appropriately throughout the facility as needed;
  - e. The Storm Water Pollution Prevention Plan to ensure it is current with existing facility operations, in accordance with *Part VII.C.*; and
  - f. All associated documents, such as sampling results, inspection reports, and additional permit documents, in accordance with *Part VII.D.9*, to ensure they are accurate and are being maintained with the Storm Water Pollution Prevention Plan in an accessible format.
3. Evaluation Reports. Comprehensive site compliance evaluations shall be maintained in an accessible format with the Storm Water Pollution Prevention Plan, in accordance with *Part VII.D.7*, and contain, at a minimum:
  - a. The date of the evaluation;
  - b. The name of the individual(s) conducting the evaluation;
  - c. Corrections needed in the Storm Water Pollution Prevention Plan in relation to stormwater management measures, sediment and erosion control measures, and other pollution prevention measures;
  - d. Certification that the Storm Water Pollution Prevention Plan is current with existing facility operations, in accordance with *Part VII.C.*;
  - e. Any incidents of noncompliance with this permit. If there are no incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the Storm Water Pollution Prevention Plan and this permit; and
  - f. A signed certification in accordance with *Part VIII.K.*



## **V. MONITORING AND REPORTING REQUIREMENTS**

All permittees covered by the permit shall conduct monitoring for discharges of stormwater associated with industrial activity in accordance with this Part. Required monitoring shall be sector specific and shall include analytical benchmark monitoring and numeric effluent limitation monitoring. Those sectors that are not required to conduct monitoring shall still be required to submit the annual report discussed in this Part.

### **A. Monitoring Types.**

1. **Analytical Benchmark Monitoring.** Analytical benchmark monitoring data shall be used to determine the overall effectiveness of the stormwater control measures in place at the facility and to assist with determining if additional or alternate controls may be needed.
2. **Numeric Effluent Limitation Monitoring.** Numeric effluent limitation monitoring data shall be used for select industrial sectors to determine the concentration of pollutants that may be present in stormwater discharges associated with industrial activities, and to determine if an individual *UPDES* permit is more appropriate to regulate the discharges from the facility, in accordance with *Part I.M.*

### **B. Monitoring Frequency.**

1. **Analytical Benchmark Monitoring Schedule.** Analytical benchmark monitoring of stormwater discharges shall be conducted **at least quarterly** (i.e. once each calendar quarter) in the first (2024) and fourth (2027) calendar year after the effective date of the permit. New permittees who obtain permit coverage during the first (2024) or fourth (2027) calendar year after the effective date of the permit shall monitor stormwater discharges for the remaining quarters of the year after authorization to discharge is obtained.
2. **Numeric Effluent Limitation Monitoring Schedule.** Numeric effluent limitation monitoring shall be conducted **at least annually** for each calendar year the permittee has authorization to discharge.

### **C. Monitoring Locations.**

1. **Discharge Points.** The monitoring requirements contained in this Part shall apply to all discharge points at the facility. Where a facility has two or more discharge points that the permittee reasonably believes discharges substantially identical stormwater effluents (i.e. based on similarities of industrial activities, control measures, exposed materials, and runoff coefficients), the permittee may test the effluent of one discharge point and report that the other discharge point(s) are substantially identical stormwater discharge point(s). If a facility is believed to have substantially identical stormwater discharge points, the discharge monitoring report shall include:
  - a. Identification of the discharge point where effluent testing was done that is substantially identical;
  - b. Location of the substantially identical discharge point;
  - c. Explanation of why the discharge points have substantially identical discharges;
  - d. Estimated total size of the drainage area (acres); and
  - e. Runoff coefficient for the drainage area.

2. Comingled Discharges. If any authorized stormwater discharges comingle with discharges not authorized under this permit, sampling must be conducted at a point before the comingling with the other waste stream occurs, to the extent practicable.
3. Alternative Certification. The permittee shall not be required to conduct analytical benchmark monitoring at discharge points where all materials, activities, intermediate products, final products, activities, operations, and machinery within the drainage area, identified as part of *Part VII.D.3*, were not exposed to stormwater at any time during the required monitoring quarter. If any of the areas identified were exposed at any time during the monitoring quarter, the permittee shall conduct analytical benchmark monitoring as required in *Part V*. If this certification is used, it must be submitted with the annual report as discussed in *Part V.E.3.a*. This option is not available for numeric effluent limitation monitoring.

This alternative certification is not applicable for Sector S facilities.

**D. Monitoring Procedures.**

1. Sample Collection. The permittee shall monitor all stormwater discharge points from the facility for the analytical benchmark monitoring and numeric effluent limitation monitoring parameters listed in *Part E of Appendix I* for the applicable primary industrial sector and any co-located industrial sectors, as described in *Part II.B*.

Monitoring shall consist of at least one grab sample collected from each discharge point within the first 30 minutes, or if not feasible, as soon as possible, of when runoff from a storm event begins discharging from the facility. The storm event shall be at least three days (72-hours) from the previous storm event resulting in a discharge from the facility. Monitoring shall be conducted during daylight hours and during normal operating business hours. In the case of snowmelt, samples shall be taken during a period with a measurable discharge.

When more than one type of monitoring for the same pollutant at the same discharge point is required (i.e. total suspended solids monitoring once per year for numeric effluent limitation monitoring and quarterly for analytical benchmark monitoring at a given discharge point) a single sample shall be used to satisfy both monitoring requirements (i.e. one sample satisfying both the annual numeric effluent limitation sample and one of the four quarterly analytical benchmark monitoring samples).

2. Additional Monitoring. In addition to the required monitoring in this Part, the *Director* may notify the permittee of additional stormwater discharge monitoring parameters that may be needed. Any notice for additional monitoring parameters from the *Director* shall include:
  - a. The start date and estimated end date for the monitoring;
  - b. The frequency of the monitoring (i.e. monthly, quarterly, annually, etc.);
  - c. The location(s) or discharge point(s) where monitoring is required;
  - d. The specific parameters that shall be monitored;
  - e. Reasons for the additional monitoring parameters;
  - f. The required analytical benchmark or numeric effluent limitation concentrations, if applicable; and
  - g. The monitoring parameter reporting requirements.

E. Monitoring Results Reporting.

1. Submitting Annual Report. All sampling results obtained from the required analytical benchmark monitoring, numeric effluent limitation monitoring, and additional monitoring, as discussed in *Part V.D.2*, shall be submitted via NeT-MSGP as an annual report, unless the *Director* grants the permittee a waiver from electronic reporting, as discussed in *Part I.I.2*, in which case the permittee may use the paper discharge monitoring report form found at [stormwater.utah.gov](http://stormwater.utah.gov). To access NeT-MSGP, go to <https://npdes-ereporting.epa.gov/net-msgp/action/login>.

The monitoring parameters applicable to the industrial sector will be prepopulated on the electronic annual report based on the information reported on the NOI. Any parameters required to be sampled, as indicated in *Part V.D*, that are not prepopulated in the annual report shall be added by the permittee when submitting.

If the permittee monitors any pollutant parameter more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data. Calculations for all parameters which require averaging of measurements shall use an arithmetic mean. For averaging purposes, use a value of zero for any individual sample parameter determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

2. Deadline for Submittal. The permittee shall submit the annual report no later than the thirtieth (30) day of January of the calendar year following the required sampling period, as discussed in *Part V.B*. The permittee may choose to update the annual report with quarterly data throughout the monitoring calendar year, but all final data must be submitted by the thirtieth (30) of January deadline.
3. Required Report Contents. For each discharge point at the facility, the permittee shall indicate the monitoring results obtained for each quarter, to include:
  - a. An indication if any monitoring data is available for the specified quarter of the calendar year. In the event the permittee has not done the required monitoring as discussed in this Part for any reason, for a portion or all of a monitoring period, the reasoning shall be indicated for each discharge point to include either:
    - 1) All stormwater was maintained on site and there was no discharge of stormwater to waters of the state from the facility during the monitoring period;
    - 2) There was no qualifying storm event (i.e. storm event or snowmelt large enough to cause a discharge from the facility) during the monitoring period;
    - 3) Monitoring was prevented by adverse weather conditions that created dangerous or impractical conditions for personnel (i.e. local flooding, high winds, tornadoes, electrical storms, extended drought or frozen conditions, etc.).
    - 4) Monitoring was not required at the discharge point (such as for the alternative certification included in *Part V.C.3*);
    - 5) The facility did not have a permit during the monitoring period;
    - 6) The facility terminated permit coverage during the monitoring period; or
    - 7) Any other reason monitoring could not be or was not conducted.
  - b. The storm event or snowmelt that led to the monitoring during the quarter, to include:

- 1) Date of the storm event;
  - 2) Duration of the storm event (hours);
  - 3) Rainfall or snowfall measurement (inches);
  - 4) Estimated total volume of the discharge (gallons); and
  - 5) Time elapsed between the recorded and the previous storm event (days).
- c. The sample results of the monitoring parameters;
  - d. Any additional parameters required to be sampled, as indicated in *Part V.D*, that are not prepopulated, and their sample results;
  - e. Any lab sample results, chain of custody forms, and other supporting information available;
  - f. A certification of the results in accordance with *Part VIII.K*.
4. Monitoring Parameter Exceedances. The limits established for analytical benchmark monitoring are not considered permit violations, but if an exceedance occurs, should be used to identify and modify existing stormwater controls and practices to meet the required limits. The review and modification of controls and practices shall be completed no later than 30 days after the permittee receives lab sample results. Failure to identify controls and practices that need modification to meet the analytical benchmark monitoring limits and documenting them in the Storm Water Pollution Prevention Plan modification log, in accordance with *Part V.D.10*, shall be considered a violation of the permit.

The concentration of pollutants in stormwater discharges shall not exceed numeric effluent limitations. If the numeric effluent limitations are exceeded for any parameter, an exceedance report shall be submitted to the *Director*, in accordance with *Part VIII.K*, no later than 30 days after receiving lab sample results, to include:

- a. The *UPDES* permit number;
- b. The facility name and physical address;
- c. The name of the receiving water or discharge point;
- d. Monitoring data results for the parameters where the exceedance occurred;
- e. An explanation of what caused the violation;
- f. An explanation of what has been done or is planned to be done to prevent the violation in the future; and
- g. Appropriate facility points of contact names and phone numbers.

If the exceedance of a numeric effluent limitation is a result of an unanticipated bypass, upset, or violation of a maximum daily discharge limitation for pollutants listed by the *Director* in the permit to be reported within twenty-four hours, the permittee shall orally report the non-compliance within twenty-four hours and submit a written report within five days in accordance with *Part VIII.L.5.a*.

## VI. CORRECTIVE ACTIONS

### A. Required Corrective Actions.

1. Plan Review and Revision. When any of the following conditions occur or are detected during an inspection, monitoring or other means, or the *Director* or operator of the municipal separate storm sewer systems (MS4) through which the facility discharges informs the permittee that any of the following conditions have occurred, the permittee shall review and revise, as appropriate, the Plan so permit monitoring parameters are met and pollutant discharges are eliminated or minimized:
  - a. An unauthorized release or discharge (i.e. spill, leak, or discharge of non-stormwater not authorized by this permit) occurs at the facility;
  - b. A discharge violates a numeric effluent limit found in *Part V.D*;
  - c. Stormwater controls installed at the facility are not stringent enough for stormwater discharges to be controlled, as necessary, such that receiving waters of the state will meet applicable water quality standards;
  - d. A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained; or
  - e. Whenever a visual assessment, as discussed in *Part IV.B*, shows evidence of stormwater pollution (i.e. color, odor, floating solids, settled solids, suspended solids, sheen, foam).
2. Deadlines for Corrective Actions. The permittee shall immediately take all reasonable steps to minimize or prevent the discharge of pollutants until he or she can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. If additional actions are necessary, the permittee shall complete the corrective actions (i.e. install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery that the condition is not met.

If notified by the *Director*, or an authorized representative, of needed corrective actions, the permittee shall make the required changes to the Plan and shall submit to the *Director* a written certification that the requested changes have been made within 30 days of notification, in accordance with *Part VII.B.3*.

3. Effect of Corrective Action. If the event triggering the review is a permit violation (i.e. non-compliance with a numeric effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this Part is an additional permit violation. The *Director* shall consider the appropriateness and promptness of the corrective action in determining enforcement responses to permit violations.

## **VII. STORM WATER POLLUTION PREVENTION PLAN**

A Storm Water Pollution Prevention Plan (Plan) shall be developed for each facility covered by this permit. The Plan shall be prepared by in accordance with good engineering practices and in accordance with *40 CFR 125.3(d)(2)* or *(3)*, as appropriate. The DWQ recommends that plans be signed by a State registered Professional Engineer (P.E.), particularly where plans are complex, treatment systems are used, and risks to storm water discharges are significant (note: this may be required by some local ordinances in Utah).

The Plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the Plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the Plan required under this part as a condition of this permit.

### **A. Deadlines for Plan Preparation and Compliance.**

1. **New Facilities.** New facilities shall prepare and implement the Plan prior to submitting the NOI, or before commencement of operations at the facility.
2. **Existing Facilities.** For facilities covered under the previous version of this permit who submit a reauthorization, the Plan shall be updated to reflect the conditions and requirements of this permit by February 28, 2024.
3. **Extensions.** Upon a showing of good cause, the *Director* may establish a later date in writing for preparing and achieving compliance with the Plan for a storm water discharge associated with industrial activity.

### **B. Signature and Plan Review.**

1. **Signature and Location.** The Plan shall be signed and dated in accordance with *Part VIII.K*. A current copy of the Plan shall be retained at the facility in an accessible format. For inactive facilities, the Plan may be kept at the nearest office of the permittee.
2. **Plan Availability.** The permittee shall make plans available, upon request, to the *Director*, local agencies approving storm water management plans, interested members of the public, local government officials, and operators of MS4s receiving discharges from the site. The permittee is not required to provide free copies of the plan to interested members of the public, only to allow them access to view the document and copy it at their own expense. The copy of the plan required to be retained in an accessible format at the facility (or the nearest office of the permittee for inactive facilities) must be made available for review at the time of an onsite inspection.
3. **Required Modifications.** The *Director*, or authorized representative, may notify the permittee at any time that the Plan does not meet one or more of the minimum requirements of this permit. Such notification shall identify those provisions of the permit that are not being met by the Plan, and identify which provisions of the Plan require modification in order to meet the minimum requirements of this part. Within 30 days of such notification the permittee shall make the required changes to the Plan and shall submit to the *Director* a written certification that the requested changes have been made.

C. Keeping Plans Current.

The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants to waters of the State. If the Plan proves to be ineffective in eliminating or significantly minimizing the pollutant sources identified under *Part VII.D*, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges, the Plan shall be amended to reflect the needed changes. The Plan should be reviewed by the permittee at least annually to ensure it reflects existing operations and site conditions. Amendments to the Plan may be reviewed by the *Director*, or an authorized representative, in the same manner as *Part VII.B*.

D. Contents of the Plan.

The Plan must include all of the following elements:

1. Pollution Prevention Team. The Plan shall identify individuals, by name or title, who are members of the storm water pollution prevention team as well as their individual responsibilities. The storm water pollution prevention team is responsible for developing the Plan and assisting in its implementation, review, and modification. The activities and responsibilities of the team shall address all aspects of the facility's Plan.
2. Description of Activities at the Facility. The Plan shall provide a brief description of the nature of industrial activities at the facility.
3. Site Map. The Plan shall include a site map showing the location of the following, if applicable:
  - a. Boundaries of the facility property;
  - b. Significant structures and impervious surfaces;
  - c. Directions of stormwater flow (indicated by arrows);
  - d. Areas with high soil erosion potential due to activities, topography, or other factors;
  - e. Stormwater control measures;
  - f. Receiving waters, including wetlands, in the immediate vicinity of the facility;
  - g. Stormwater conveyances, including ditches, pipes, and swales;
  - h. Potential pollutant sources identified in *Part VII.D.4*;
  - i. Where significant spills or leaks, as discussed in *Part VII.D.5.d* have occurred for three years prior to the submission of the NOI and up to the present day;
  - j. Stormwater monitoring points;
  - k. Stormwater discharge points, numbered or labeled, and an outline of the portion of the drainage area located within facility boundaries that drains to the discharge point;
  - l. Where stormwater discharges to the MS4, if applicable;
  - m. Run-on to the site from adjacent properties that may contain significant quantities of pollutants; and
  - n. All other potential pollutant generating activities exposed to precipitation, including but not limited to:
    - 1) Fueling stations;
    - 2) Vehicle and equipment maintenance and cleaning areas;

- 3) Loading and unloading areas;
  - 4) Locations used for the treatment, storage, or disposal of wastes;
  - 5) Liquid storage tanks;
  - 6) Salt storage used for deicing or industrial purposes as described in *Part III.M*.
  - 7) Processing and storage areas; and
  - 8) Activities included in *Appendix I* for the applicable sector(s).
4. Summary of Potential Pollutant Sources. The Plan shall include an inventory of all potential pollutants the industrial activities, materials, and processes at the facility may pose to storm water quality, including those listed in *Part D* of *Appendix I*, as applicable. The inventory shall specifically list:
- a. The activities, materials, and processes located at the facility that may be exposed to precipitation. This includes potential exposure that may occur during any handling, treating, storage, or disposal operations;
  - b. Any significant potential pollutant sources located at the site, to include any water priority chemicals, required to be reported as part of the EPCRA, in *Appendix II*;
  - c. What the pollutants or pollutant parameters of concern are;
  - d. The location at the facility where these industrial materials or activities are being exposed to stormwater;
  - e. The methods or best management practices (BMPs) being used to reduce or eliminate the pollutants in stormwater runoff; and
  - f. A description of any treatment that is being done to the stormwater prior to discharging, if applicable.

A list of typical industrial activities and processes that take place for each industrial sector, along with some associated pollutants and pollutant parameters, and control measures that can be used to help prevent the discharge of pollutants at the facility can be found in the *Industrial Stormwater Fact Sheet Series* at <https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>.

5. Measures and Controls. In addition to any sector-specific requirements in *Part D* of *Appendix I*, the Plan shall indicate how the following components will be implemented at the facility:
- a. Good Housekeeping. Good housekeeping requires that areas which may contribute pollutants to stormwater discharges be maintained in a clean, orderly manner. Good housekeeping includes those practices outlined in *Part III.C*. The Plan shall include, at a minimum:
    - 1) A list of good housekeeping practices implemented at the facility;
    - 2) A schedule or convention that will be used for determining when housekeeping practices will occur (i.e. weekly, when identified, as needed, etc.); and
    - 3) A schedule for routine inspections for leaks and conditions of drums, tanks, and containers.
  - b. Preventative Maintenance. Preventative maintenance procedures shall involve timely inspection, maintenance, and repair of storm water management devices (i.e. cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in



discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. The Plan shall include at a minimum:

- 1) A list of all selected control measures at the facility that need to be inspected or maintained; and
  - 2) The schedule or frequency for inspecting and/or maintaining the selected control measures.
- c. Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the Plan or otherwise responsible for stormwater management, of the components and goals identified in the Plan. Training should be conducted at least annually and should follow the requirements in *Part III.J*. The Plan shall identify, at a minimum:
- 1) The frequency of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing any part of the Plan;
  - 2) A log of the dates on which specific employees received training; and
  - 3) The topic(s) or content discussed during the training.

Employee training logs may be maintained separate from the Plan (i.e. as part of new-employee on-boarding documentation or another facility specific training program), but they must be maintained in an accessible format and be made available upon request in accordance with *Part VIII.H*.

- d. Spill Prevention and Response Procedures. To prevent and respond appropriately to spills, the Plan shall identify:
- 1) Areas where potential spills could contribute pollutants to storm water discharges;
  - 2) Discharge points where potential spills would discharge to waters of the State;
  - 3) Procedures for how material handling and storage are to be conducted;
  - 4) Location of necessary equipment, such as spill kits, to be implemented to clean or contain a spill;
  - 5) Personnel to contact in the event a spill is discovered, both on site and in accordance with *Part II.A*;
  - 6) A response schedule to limit tracking of spilled materials to other areas of the facility; and
  - 7) A list of significant spills of toxic or hazardous pollutants, as identified in *Part II.A*, that have occurred at areas exposed to precipitation or that drain to a storm water conveyance at the facility for three years prior to the submission of the NOI and up to the present day.

The Plan may reference the existence of other plans, such as a Spill Prevention, Control and Countermeasure (SPCC) plan, plans developed for the facility under *Section 311* of the *Clean Water Act*, or BMP Programs otherwise required by a *UPDES* permit for the facility, so long as it meets all of the requirements under this Part. Any other plan referenced to under this Part must be maintained with the Plan and made available for review at the time of inspection.

6. Non-Stormwater Discharge Evaluation. During the first year of this permit, or within the first year of submittal of the *NOI* for new permittees, all discharge points at the facility shall be evaluated for the presence of non-stormwater discharges. The evaluation shall include:
- a. The date of the evaluation;
  - b. Identification of any authorized non-stormwater discharges as listed in *Part I.D.2.b*;
  - c. A description of the evaluation criteria or testing method used (visual observation, sampling, etc.) as well as the results of the evaluation or testing;
  - d. A list of the onsite discharge points or onsite drainage points that were directly observed during the evaluation;
  - e. A certification that is signed in accordance with *Part VIII.K*.

Certification may not be feasible if the facility operator does not have access to an outfall, manhole, or other discharge point that receives the discharge. In such cases, the evaluation shall indicate why the certification at the discharge point was not feasible, along with the identification of potential sources of non-stormwater at the facility that may be expected to be present in the discharge.

7. Inspections, Assessments and Evaluations. The Plan shall document procedures and personnel for performing inspections, assessments, and evaluations to include:
- a. Person(s) or position(s) responsible for conducting inspections;
  - b. Schedule for inspections; and
  - c. Identification of specific areas, materials, and activities to be inspected.

All inspections, assessments, and evaluations shall be conducted in accordance with *Part IV* and all inspection records shall be maintained with the Plan in an accessible format and made available for review during an inspection.

8. Monitoring and Reporting. The Plan shall include the procedures and locations for all types of required monitoring conducted at the site in accordance with *Part V* to include:
- a. The location(s) at the facility where samples are to be collected;
  - b. The parameters that need to be sampled for based on the industrial sector as found in *Part E of Appendix I*;
  - c. The parameter concentration requirements as found in *Part E of Appendix I*; and
  - d. The frequency in which the parameters need to be sampled.

All facility sampling and monitoring results shall be maintained with the Plan in an accessible format and made available for review during an inspection. A copy of all Discharge Monitoring Reports (DMRs) that have been submitted by the facility should be available in the annual reports tab in the NeT-MSGP account for the facility if submitted correctly in accordance with *Part V.E*.

9. Additional Plan Documentation. The following documents shall also be maintained with the Plan in an accessible format and made available for review at the time of inspection:
- a. A copy of the *Multi-Sector General Permit (MSGP) Authorization* email assigning the *UPDES* permit number, and the effective date and expiration date of coverage. A copy of this email can also be obtained in the associated documents tab in the Net-MSGP account for the facility;

- b. A copy of this permit as a hard copy or in an easily accessible electronic format for facility personnel;
  - c. A copy of any other existing *UPDES* permits authorizing discharges of anything other than stormwater as a hard copy or in an easily accessible electronic format; and
  - d. A copy of the electronic submittal waiver letter from the *Director*, in accordance with *Part I.I.2*, if applicable.
10. Modification Log. The Plan shall include a modification log to keep track of changes, corrections, and revisions made since the Plan was created. Modifications made to the Plan as a result of a routine inspection, as a result of a required modification in accordance with *Part VII.B.3*, or any other action shall be logged and include the following:
- a. The date of the modification;
  - b. The modification or correction made to the Plan;
  - c. The reasoning for the modification; and
  - d. The signature of the individual certifying the modification.

**VIII. STANDARD PERMIT CONDITIONS**

A. Duty to Comply.

1. Permittee's Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance is a violation of the *Utah Water Quality Act*, as amended and is grounds for enforcement action; permit termination, revocation and reissuance or modification; or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

a. Negligent Violations. In accordance with *UAC 19-5-115-2*, a person who violates any permit, upon showing that the violation occurred, is subject in a civil proceeding to a civil penalty not to exceed \$10,000 per day of violation.

b. Willful or Gross Negligence. In accordance with *UAC 19-5-115-3*, a person is guilty of a class A misdemeanor and is subject to imprisonment, for a term not exceeding 364 days, and a fine not exceeding \$25,000 per day who, with criminal negligence, discharges pollutants in violation of *UAC 19-5-107(1)* or in violation of any condition or limitation included in this permit.

A person is guilty of a third-degree felony and is subject to imprisonment, for a term not to exceed five years, and a fine not to exceed \$50,000 per day of violation who knowingly discharges pollutants in violation of *UAC 19-5-107(1)* or in violation of any condition or limitation included in this permit.

c. False Statements. In accordance with *UAC 19-5-115-4*, a person is guilty of a third-degree felony and subject to imprisonment, for a term no to exceed five years, and shall be punished by a fine not exceeding \$10,000 per day of violation if that person knowingly makes a false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained by this permit or who falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under the *Utah Water Quality Act*.

d. Knowing Endangerment. In accordance with *UAC 19-5-115-5*, a person is guilty of a second-degree felony and, upon conviction, is subject to imprisonment, for a term of not less than one year nor more than 15 years, and a fine of not more than \$250,000 if that person knowingly violates this permit or knows at that time that the person is placing another person in imminent danger of death or serious bodily injury. If a person is an organization, the organization shall, upon conviction be subject to a fine of not more than \$1,000,000.

B. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of the permit, the permittee shall apply for and obtain a new permit as required in *UAC R317-8-3.1*.

C. Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate.

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

E. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Permit Actions.

The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

G. Property Rights.

This permit does not convey any property rights of any kind, or any exclusive privileges.

H. Duty to Provide Information.

The permittee shall furnish to the *Director*, within a reasonable time, any information which the *Director* may request to determine whether cause exists for modifying, revoking, or terminating the permit to determine compliance with this permit. The permittee shall also furnish to the *Director*, upon request, copies of records required to be kept by the permit.

I. Inspection and Entry.

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under the permit; and
4. Sample or monitor at reasonable times for the purposes of assuring *UPDES* program compliance or as otherwise authorized by the *Utah Water Quality Act* any substances or parameters, or practices at any location.

J. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the *Director* at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and times analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
4. Monitoring shall be conducted according to test procedures approved under *40 CFR 136*, unless other approved test procedures have been specified in the permit as required under *UAC R317-8-4.1(10)(d)*.

K. Signatory Requirement.

All applications, reports, or information submitted to the *Director* shall be signed and certified as follows:

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - 2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership of sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - 1) The chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports. All reports required by the permit and other information requested by the *Director* under *UAC R317-8-11.3(3)* shall be signed by a person described in *Part VIII.K.1*, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in *Part VIII.K.1*;

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
  - c. The written authorization is submitted to the *Director*.
3. Changes to Authorization. If an authorization under *Part VIII.K.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 VIII.K.2* must be submitted to the *Director* prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under *Part VIII.K* shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

5. Electronic Signatures. In accordance with *UAC R317-1-9*, a person may submit Discharge Monitoring Reports and related information only after completion of a Subscriber Agreement in a form designated by the *Director* to ensure that all requirements of 40 CFR 3, EPA's *Cross-Media Electronic Reporting Regulation (CROMERR)* are met; and completion of subsequent steps specified by EPA's *CROMERR*, including setting up a subscriber account.

Any person who submits a Discharge Monitoring Report or related information under the NetDMR program, and who electronically signs the report or related information, is, by providing an electronic signature, making the same certification shown in *Part VIII.K.4*.

L. Reporting Requirements.

1. Planned Changes. The permittee shall give notice to the *Director* as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required only when:
- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in *UAC R317-8-8.3*; or
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit nor to notification requirements under *UAC R317-8-4.1(15)*.
2. Anticipated Noncompliance. The permittee shall give advance notice to the *Director* of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. Transfers. The permit is not transferable to any person except after notice to the *Director*. The *Director* may require modification on and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the *Utah Water Quality Act*, as amended. In some cases, modification, revocation and reissuance is mandatory.

4. Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in the permit. Monitoring results shall be reported as follows:
  - a. Monitoring results must be reported using Net-MSGP as discussed in *Part V.E.1.*
  - b. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under *40 CFR 136* or as specified in the permit according to procedures approved by EPA, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.
5. Twenty-Four Hour Reporting. The permittee shall (orally) report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four hours from the time the permittee becomes aware of the circumstances. (The report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance.) A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances.
  - a. The written submission shall contain:
    - 1) A description of the noncompliance and its cause;
    - 2) The period of noncompliance, including exact dates and times;
    - 3) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
    - 4) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The *Director* may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
  - b. The following shall be included as events which must be reported within twenty-four hours:
    - 1) Any unanticipated bypass which exceeds any effluent limitation in the permit, as indicated in *Part VIII.M*;
    - 2) Any upset which exceeds any effluent limitation in the permit;
    - 3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the *Director* in the permit to be reported within twenty-four hours, as indicated in this Part.
6. Other Non-Compliance. The permittee shall report all instances of noncompliance not reported under *Part VIII.L.5* at the time monitoring reports are submitted. The reports shall contain the information listed in *Part VIII.L.5.a.*
7. Other Information. Where the permittee becomes aware that it failed to submit any relevant fact in a permit application, or submitted incorrect information in its permit application or in any report to the *Director*, it shall promptly submit such facts or information.

**M. Occurrence of a Bypass.**

1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to *Part VIII.M.2* and *Part VIII.M.3.*



2. Prohibition of Bypass.

- a. Bypass is prohibited, and the *Director* may take enforcement action against a permittee for bypass, unless:
  - 1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
  - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - 3) The permittee submitted notices as required under *Part VIII.M.3.*
- b. The *Director* may approve an anticipated bypass, after considering its adverse effects, if the *Director* determines that it will meet the three conditions listed in *Part VIII.M.2.a.*

3. Notice.

- a. Anticipated Bypass. Except as provided in *Part VIII.M.1* and *Part VIII.M.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least 90 days before the date of bypass. The prior notice shall include the following unless otherwise waived by the *Director*:
  - 1) Evaluation of alternatives to the bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
  - 2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the *Director* in advance of any changes to the bypass schedule;
  - 3) Description of specific measures to be taken to minimize environmental and public health impacts;
  - 4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
  - 5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and
  - 6) Any additional information requested by the *Director*.
- b. Emergency Bypass. Where ninety days advance notice is not possible, the permittee must notify the *Director*, and the *Director* of the *Department of Natural Resources*, as soon as it becomes aware of the need to bypass and provide to the *Director* the information in *Part VIII.M.2.a* to the extent practicable.
- c. Unanticipated Bypass. The permittee shall subject notice of an unanticipated bypass to the *Director* as required in *Part VIII.L.5*. The permittee shall also immediately notify the *Director* of the *Department of Natural Resources*, the public and downstream users and shall implement measures to minimize impacts to public health and the environment to the extent practicable.

N. Occurrence of an Upset.

1. Effect of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of *Part VIII.N.2* are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is a final administrative action subject to judicial review.
2. Conditions Necessary for a Demonstration of Upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence, that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in *Part VIII.L.5*; and
  - d. The permittee complied with any remedial measures required under *Part VIII.D*.
3. Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **IX. DEFINITIONS**

### **A. Definitions Pertaining to this Permit**

1. Accessible Format – means in a manner that allows for the permittee, facility employees, the *Director*, authorized representatives, and other applicable individuals to easily obtain, review, modify, and sign documents or reports. Any documents or reports being maintained electronically shall be able to be accessed, emailed, or printed upon request.
2. Active mining activities – means activities related to the extraction, removal or recovery, and beneficiation of material from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities.
3. 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 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
4. Bypass – means the intentional diversion of waste streams from any portion of a treatment facility.
5. Clean Water Act – formerly referred to as the *Federal Water Pollution Control Act* or *Federal Water Pollution Control Act Amendments of 1972*, as subsequently amended (33 U.S.C. 1251 et seq.).
6. Coal Pile Runoff – means the stormwater runoff from or through any coal storage pile.
7. Co-Located Industrial Activity – means any industrial activities, excluding the primary facility industrial activity, located on-site that are covered under more than one of the coverage sections in *Appendix I*. Facilities with co-located industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section in which a co-located industrial activity is described.
8. Control Measures – means any stormwater control or other method used to prevent or reduce the discharge of pollutants to waters of the state.
9. Corrective Action – means any action taken, or required to be taken, to:
  - a. Repair, modify, or replace any stormwater control used at the site;
  - b. Clean up and dispose of spills, releases, or other deposits found on the site; or
  - c. Remedy a permit violation.
10. Daily Maximum – means the highest allowable daily discharge.
11. Director – means the *Director* of the Utah Division of Water Quality.
12. DMR – Discharge Monitoring Report. A report of the results of stormwater monitoring required by the permit.
13. DWQ – the Division of Water Quality. The State agency authorized by the EPA to administer the *National Pollutant Discharge Elimination System* (NPDES) permitting program, described in the *Clean Water Act Section 402*, within the State of Utah (except for Indian lands). Since jurisdiction is limited to the State of Utah, the program administered by the DWQ is called the *Utah Pollutant Discharge Elimination System* (UPDES).

14. Discharge Point – means the location where collected and concentrated stormwater flows are discharged from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a water of the state.
15. Earth-disturbing activities conducted prior to active mining activities – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:
  - a. Activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (i.e. for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
  - b. Construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and require a construction storm water permit.
16. Effective Operating Condition – means a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.
17. Effluent Limitation Guidelines – means a regulation published by the EPA under *Section 304(b)* of the *Clean Water Act* to adopt or revise effluent limitations.
18. EPA – the United States Environmental Protection Agency.
19. Feasible – means technologically possible and economically practicable and achievable in light of best industry practices.
20. Grab Sample – means individual samples collected over a period not exceeding 15 minutes and that are representative of conditions at the time the sample is collected. All samples must be representative of the volume and nature of the monitored discharge flow and shall be taken at times which reflect the full range and concentration of effluent parameters normally expected to be present.
21. Hazardous Waste – means any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment.
22. Hazardous Substance – means any substance designated under *40 CFR Part 116*.
23. Inactive mining facility – means a site or portion of a site where mining and/or milling occurred in the past but there are no active mining operations occurring, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive mining facility has an identifiable owner or operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require a *UPDES* industrial stormwater permit.
24. Infeasible – means not technologically possible or not economically practicable and achievable in light of best industry practices.
25. Land Application Unit – means an area where wastes are applied onto or incorporated into the soil surface (i.e. excluding manure spreading operations) for treatment or disposal.

26. Landfill – means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.
27. Minimize – means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.
28. MS4 – Municipal Separate Storm Sewer System. Large or medium MS4s shall mean all MS4s that are either:
  - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census at the issuance date of this permit, Salt Lake City is the only city in Utah that falls in this category;
  - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties. At the issuance date of this permit Salt Lake County is the only county that falls in this category and the County only manages the system for facilities owned by the County; or
  - c. owned or operated by a municipality other than those described in paragraph a. or b. and that are designated by the *Director* as part of the large or medium municipal separate storm sewer system.
29. New Discharger – means any building, structure, facility, or installation:
  - a. from which there is or may be a discharge of pollutants;
  - b. that did not commence the discharge of pollutants at a particular site prior to August 13, 1979;
  - c. which is not a new source; and
  - d. which has never received a finally effective *UPDES* permit for discharges at that site. This definition includes an indirect discharger which commenced discharging into waters of the state after August 13, 1979.
30. New Source – means any building, structure, facility, or installation from which there is or may be a direct or indirect discharge of pollutants, the construction of which commenced:
  - a. after promulgation of EPA's standards of performance under *Section 306* of the *Clean Water Act* which are applicable to such source; or
  - b. after proposal of Federal standards of performance in accordance with *Section 306* of the *Clean Water Act* which are applicable to such source, but only if the Federal standards are promulgated in accordance with *Section 306* within 120 days of their proposal.
31. NOI – Notice of Intent. The form required for authorization of coverage under the MSGP.
32. Non-Stormwater Discharges – means discharges that do not originate from storm events.
33. NOT – Notice of Termination. The form required for terminating coverage under the MSGP.
34. NPDES – the National Pollutant Discharge Elimination System defined by *40 CFR 122.2* as national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of *Clean Water Act*.
35. NSPS – New Source Performance Standards. Technology-based standards for facilities that qualify as new sources under *40 CFR 122.2* and *40 CFR 122.29*.

36. Operator – means any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:
  - a. The entity has operational control over industrial activities, including the ability to make modifications to those activities; or
  - b. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (i.e. the entity is authorized to direct workers at a facility to carry out activities required by the permit).
37. Outfall – see “Discharge Point.”
38. Overburden – means any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.
39. Owner – means the person having legal ownership of property on which industrial activity is taking place. Except in the case of leased property, an owner is the party that has ultimate control over the industrial operation. This is the lessor in the case of leased property.
40. Person – means any individual, corporation, partnership, association, company or body politic, including any agency or instrumentality of the United States government.
41. Point Source – means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm-water runoff or return flows from irrigated agriculture.
42. Pollutant – defined in *40 CFR 122.2*. A partial listing from this definition includes: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
43. Pollution – means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the State, unless such alteration is necessary for the public health and safety. Alterations which are not consistent with the requirements of the *Clean Water Act* and implementing regulations shall not be deemed to be alterations necessary for the public health and safety. A discharge not in accordance with *Utah Water Quality Standards*, stream classification, and *UPDES* permit requirements, including technology-based standards shall be deemed to be pollution.
44. Qualified Personnel – means those who are knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and who possess the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.
45. Process Wastewater – means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
46. Runoff Coefficient – means the fraction of total rainfall that will appear at a conveyance as runoff.
47. Run-On – means sources of stormwater that drain from land located upslope or upstream from the regulated facility in question.

48. Saline Water or Saltwater – means a waterbody with salinity that is equal to or exceeds 10 parts per thousand 95 percent or more of the time.
49. Section 313 Water Priority Chemicals – are chemical or chemical categories that:
- a. are listed at *40 CFR 372.65* pursuant to *Section 313* of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as Title III of the *Superfund Amendments and Reauthorization Act (SARA)* of 1986);
  - b. are present at or above threshold levels at a facility subject to *EPCRA Section 313* reporting requirements; and
  - c. meet at least one of the following criteria:
    - 1) are listed in *Appendix D* of *40 CFR Part 122* on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
    - 2) are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the *Clean Water Act* at *40 CFR 116.4*; or
    - 3) are pollutants for which EPA has published acute or chronic water quality criteria. See *Appendix II* of this permit. This appendix was revised based on the final rulemaking EPA published in the *Federal Register*, Vol. 60, No. 189 on September 29, 1995.
50. Significant Materials – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of the *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)*; any chemical the facility is required to report pursuant to the *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
51. Site – means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.
52. Spill – means the release of a hazardous or toxic substance from its container or containment.
53. Stormwater – means precipitation runoff, snow melt runoff, and surface runoff and drainage.
54. Stormwater Discharges Associated with Construction Activity – a discharge of pollutants in stormwater runoff from areas where land-disturbing activities (i.e. clearing, grading, or excavating) occur, or where construction materials or equipment storage or maintenance (i.e. fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (i.e. concrete or asphalt batch plants) are located.
55. Stormwater Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the *UPDES* program. For the categories of industries identified in *UAC R317-8-11.3(6)(d)*, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in *40 CFR Part 401*); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and

- areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities include those that are federally, state, or municipally owned or operated that meet the description of the facilities listed in *UAC R317-8-11.3(6)(d)*.
56. Uncontaminated Discharge – means a discharge that does not cause or contribute to an exceedance of applicable water quality standards.
  57. UAC – Utah Administrative Code. The administrative rules for the State of Utah.
  58. Upset – means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  59. Waste Pile – means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
  60. Waters of the State – includes all streams, lakes, ponds, marshes, watercourses, 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 that 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 or wildlife, shall not be considered to be "waters of the State."  
  
The exception for confined bodies of water does not apply to any waters which meet the definition of "waters of the United States" under *40 CFR 122.2*. Waters are considered to be confined to and retained within the limits of private property only if there is no discharge or seepage to either surface water or groundwater. Waters of the State includes "wetlands" as defined in the *Federal Clean Water Act*.
  61. Wetlands – means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
  62. UPDES – Utah Pollutant Discharge Elimination System. The State-wide program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the *Utah Water Quality Act*.

B. Abbreviations and Acronyms.

1. BMPs – Best Management Practices
2. CFR – United States Code of Federal Regulations
3. CGP – Construction General Permit
4. CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
5. DEQ – Utah Department of Environmental Quality



6. DMR – Discharge Monitoring Report
7. DOGM – Utah Division of Oil, Gas, and Mining
8. DWQ – Utah Division of Water Quality
9. ELG – Effluent Limitation Guideline
10. EPA – United States Environmental Protection Agency
11. EPCRA – Emergency Planning and Community Right-to-Know Act
12. MDG – Million Gallons Per Day
13. MS4 – Municipal Separate Storm Sewer System
14. MSGP – Multi-Sector General Permit
15. NDC – No Discharge Certification
16. NEC – No Exposure Certification
17. NeT-MSGP – NPDES eReporting Tool
18. NOI – Notice of Intent
19. NOT – Notice of Termination
20. NPDES – National Pollutant Discharge Elimination System
21. NRC – National Response Center
22. NSPS – New Source Performance Standards
23. NTU – Nephelometric Turbidity Unit
24. P.E. – Professional Engineer
25. PFAS – Per- and Polyfluoroalkyl Substances
26. Plan – Stormwater Pollution Prevention Plan
27. POTW – Publicly Owned Treatment Works
28. RCRA – Resource Conservation and Recovery Act
29. SARA – Superfund Amendments and Reauthorization Act
30. SDS – Safety Data Sheet
31. SIC – Standard Industrial Classification
32. SMCRA – Surface Mining Control and Reclamation Act
33. SPCC – Spill Prevention, Control, and Countermeasures
34. UAC – Utah Administrative Code
35. UPDES – Utah Pollutant Discharge Elimination System

**APPENDIX I**

SECTOR-SPECIFIC REQUIREMENTS FOR  
INDUSTRIAL ACTIVITY  
(LISTED A THROUGH AD)

(INSERT THE APPROPRIATE SECTOR(S))

**APPENDIX II**

**SECTION 313 WATER PRIORITY CHEMICALS**

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
75-07-0	Acetaldehyde.
107-02-8	Acrolein.
107-13-1	Acrylonitrile.
309-00-2	Aldrin[1,4:5,8-Dimethanonaphthalene, 1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 8, 8a hexahydro-(1.alpha., 4.alpha., 4a.beta., 5.alpha., 8.alpha., 8a.beta.)-].
107-05-1	Allyl Chloride.
7429-90-5	Aluminum (fume or dust).
7664-41-7	Ammonia.
62-53-3	Aniline.
120-12-7	Anthracene.
7440-36-0	Antimony.
7647189	Antimony pentachloride.
28300745	Antimony potassium tartrate.
7789619	Antimony tribromide.
10025919	Antimony trichloride.
7783564	Antimony trifluoride.
1309644	Antimony trioxide.
7440-38-2	Arsenic.
1303328	Arsenic disulfide.
1303282	Arsenic pentoxide.
7784341	Arsenic trichloride.
1327533	Arsenic trioxide.
1303339	Arsenic trisulfide.
1332-21-4	Asbestos (friable).
542621	Barium cyanide.
71-43-2	Benzene.
92-87-5	Benzidine.
100470	Benzonitrile.

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
218019	Benzo(a)phenanthrene.
50328	Benzo(a)pyrene.
205992	Benzo(b)fluoranthene.
205823	Benzo(j)fluoranthene.
207089	Benzo(k)fluoranthene.
189559	Benzo(rst)pentaphene.
56553	Benzo(a)anthracene.
100-44-7	Benzyl chloride.
7440-41-7	Beryllium.
7787475	Beryllium chloride.
7787497	Beryllium fluoride.
7787555	Beryllium nitrate.
111-44-4	Bis(2-chloroethyl) ether.
75-25-2	Bromoform.
74-83-9	Bromomethane (Methyl bromide).
85-68-7	Butyl benzyl phthalate.
7440-43-9	Cadmium.
543908	Cadmium acetate.
7789426	Cadmium bromide.
10108642	Cadmium chloride.
7778441	Calcium arsenate.
52740166	Calcium arsenite.
13765190	Calcium chromate.
592018	Calcium cyanide.
133-06-2	Captan [1H-Isoindole-1,3(2H)-dione,3a,4,7, 7a-tetrahydro-2-[(trichloromethyl)thio]-].
63-25-2	Carbaryl [1-Naphthalenol, methylcarbamate].
75-15-0	Carbon disulfide.

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
1563662	Carbofuran.
56-23-5	Carbon tetrachloride.
57-74-9	Chlordane [4,7-Methanoindan,1,2,4,5,6,7,8,8- octachloro-2,3,3a,4,7,7a-hexahydro-].
7782-50-5	Chlorine.
59-50-7	4-Chloro 3-methyl phenol.
59-50-7	p-Chloro-m-cresol.
108-90-7	Chlorobenzene.
75-00-3	Chloroethane (Ethyl chloride).
67-66-3	Chloroform.
74-87-3	Chloromethane (Methyl chloride).
95-57-8	2-Chlorophenol.
106-48-9	4-Chlorophenol.
75729	Chlorotrifluoromethane.
1066304	Chromic acetate.
11115745	Chromic acid.
10101538	Chromic sulfate.
7440-47-3	Chromium.
1308-14-1	Chromium (Tri).
10049055	Chromous chloride.
7789437	Cobaltous bromide.
544183	Cobaltous formate.
14017415	Cobaltous sulfamate.
7440-50-8	Copper.
108-39-4	m-Cresol.
9548-7	o-Cresol.
106-44-5	p-Cresol.
4170303	Crotonaldehyde.

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
1319-77-3	Cresol (mixed isomers).
142712	Cupric acetate.
12002038	Cupric acetoarsenite.
7447394	Cupric chloride.
3251238	Cupric nitrate.
5893663	Cupric oxalate.
7758987	Cupric sulfate.
10380297	Cupric sulfate, ammoniated.
815827	Cupric tartrate.
57-12-5	Cyanide.
506774	Cyanogen chloride.
333415	Diazinon.
94-75-7	2,4-D [Acetic acid, (2,4-dichlorophenoxy)-].
226368	Dibenz(a,h)acridine.
224420	Dibenz(a,j)acridene.
5385751	Dibenzo(a,e)fluoranthene.
192654	Dibenzo(a,e)pyrene.
53703	Dibenzo(a,h)anthracene.
189640	Dibenzo(a,l)pyrene.
191300	Dibenzo(a,h)pyrene.
194592	7,H-Dibenzo(c,g)carbazole.
106-93-4	1,2-Dibromoethane (Ethylene dibromide).
84-74-2	Dibutyl phthalate.
1929733	2,4 D Butoxyethyl ester.
94804	2,4 D Butyl ester.
2971382	2,4 D Chlorocrotyl ester.
1918009	Dicamba.

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
95-50-1	1,2-Dichlorobenzene.
541-73-1	1,3-Dichlorobenzene.
106-46-7	1,4-Dichlorobenzene.
91-94-1	3,3'-Dichlorobenzidine.
75-27-4	Dichlorobromomethane.
107-06-2	1,2-Dichloroethane (Ethylene dichloride).
75434	Dichlorofluoromethane.
540-59-0	1,2-Dichloroethylene.
120-83-2	2,4-Dichlorophenol.
78-87-5	1,2-Dichloropropane.
10061026	trans-1,3-Dichloropropene.
542-75-6	1,3-Dichloropropylene.
62-73-7	Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester].
115-32-2	Dicofol [Benzenemethanol, 4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-(trichloromethyl)-].
177-81-7	Di-(2-ethylhexyl) phthalate (DEHP).
84-66-2	Diethyl phthalate.
124403	Dimethylamine.
57976	7,12-Dimethylbenz(a)anthracene.
105-67-9	2,4-Dimethylphenol.
131-11-3	Dimethyl phthalate.
534-52-1	4,6-Dinitro-o-cresol.
51-28-5	2,4-Dinitrophenol.
121-14-2	2,4-Dinitrotoluene.
606-20-2	2,6-Dinitrotoluene.
117-84-0	n-Dioctyl phthalate.
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene).
94111	2,4-D Isopropyl ester.



**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
106-89-8	Epichlorohydrin.
1320189	2,4-D Propylene glycol butyl ether ester.
330541	Diuron.
100-41-4	Ethylbenzene.
106934	Ethylene dibromide.
50-00-0	Formaldehyde.
76-44-8	Heptachlor [1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene].
118-74-1	Hexachlorobenzene.
319846	alpha-Hexachlorocyclohexane.
87-68-3	Hexachloro-1,3-butadiene.
77-47-4	Hexachlorocyclopentadiene.
67-72-1	Hexachloroethane.
7647-01-0	Hydrochloric acid.
74-90-8	Hydrogen cyanide.
7664-39-3	Hydrogen fluoride.
193395	Indeno[1,2,3-cd]pyrene.
7439-92-1	Lead.
301042	Lead acetate.
7784409	Lead arsenate.
7645252	Do.
10102484	Do.
7758954	Lead chloride.
13814965	Lead fluoborate.
7783462	Lead fluoride.
10101630	Lead iodide.
10099748	Lead nitrate.
7428480	Lead stearate.

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
1072351	Do.
52652592	Do.
7446142	Lead sulfate.
1314870	Lead sulfide.
592870	Lead thiocyanate.
58-89-9	Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro-(1.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-].
14307258	Lithium chromate.
121755	Malathion.
108-31-6	Maleic anhydride.
592041	Mercuric cyanide.
10045940	Mercuric nitrate.
7783359	Mercuric sulfate.
592858	Mercuric thiocyanate.
7782867	Mercurous nitrate.
7439-97-6	Mercury.
72-43-5	Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-].
80-62-6	Methyl methacrylate.
75865	2-Methylactonitrile.
3697243	5-Methylchrysene.
298000	Methyl parathion.
7786347	Mevinphos.
300765	Naled.
91-20-3	Naphthalene.
7440-02-0	Nickel.
15699180	Nickel ammonium sulfate.
37211055	Nickel chloride.
7718549	Do.

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<b>CAS Number</b>	<b>Common Name</b>
12054487	Nickel hydroxide.
14216752	Nickel nitrate.
7786814	Nickel sulfate.
7697-37-2	Nitric acid.
98-95-3	Nitrobenzene.
88-75-5	2-Nitrophenol.
100-02-7	4-Nitrophenol.
5522430	1-Nitropyrene.
62-75-9	N-Nitrosodimethylamine.
86-30-6	N-Nitrosodiphenylamine.
621-64-7	N-Nitrosodi-n-propylamine.
56-38-2	Parathion [Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester].
87-86-5	Pentachlorophenol (PCP).
85018	Phenanthrene.
108-95-2	Phenol.
7664-38-2	Phosphoric acid.
7723-14-0	Phosphorus (yellow or white).
1336-36-3	Polychlorinated biphenyls (PCBs).
7784410	Potassium arsenate.
10124502	Potassium arsenite.
7778509	Potassium bichromate.
7789006	Potassium chromate.
151508	Potassium cyanide.
2312358	Propargite.
75-56-9	Propylene oxide.
91-22-5	Quinoline.
7782-49-2	Selenium.

**SECTION 313 WATER PRIORITY CHEMICALS**

<b>CAS Number</b>	<b>Common Name</b>
7446084	Selenium oxide.
7440-22-4	Silver.
7761888	Silver nitrate.
7631892	Sodium arsenate.
7784465	Sodium arsenite.
10588019	Sodium bichromate.
7775113	Sodium chromate.
143339	Sodium cyanide.
7632000	Sodium nitrite.
10102188	Sodium selenite.
7782823	Do.
7789062	Strontium chromate.
NA	Strychnine and salts.
100-42-5	Styrene.
7664-93-9	Sulfuric acid.
79-34-5	1,1,2,2-Tetrachloroethane.
127-18-4	Tetrachloroethylene (Perchloroethylene).
935-95-5	2,3,5,6-Tetrachlorophenol.
78002	Tetraethyl lead.
7440-28-0	Thallium.
10031591	Thallium sulfate.
108-88-3	Toluene.
8001-35-2	Toxaphene.
52-68-6	Trichlorfon [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethylester].
120-82-1	1,2,4-Trichlorobenzene.
71-55-6	1,1,1-Trichloroethane (Methyl chloroform).
79-00-5	1,1,2-Trichloroethane.

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<b>CAS Number</b>	<b>Common Name</b>
79-01-6	Trichloroethylene.
95-95-4	2,4,5-Trichlorophenol.
88-06-2	2,4,6-Trichlorophenol.
121448	Triethylamine.
7440-62-2	Vanadium (fume or dust).
108-05-4	Vinyl acetate.
75-01-4	Vinyl chloride.
75-35-4	Vinylidene chloride.
108-38-3	m-Xylene.
95-47-6	o-Xylene.
106-42-3	p-Xylene.
1330-20-7	Xylene (mixed isomers).
7440-66-6	Zinc (fume or dust).
557346	Zinc acetate.
14639975	Zinc ammonium chloride.
14639986	Do.
52628258	Do.
1332076	Zinc borate.
7699458	Zinc bromide.
3486359	Zinc carbonate.
7646857	Zinc chloride.
557211	Zinc cyanide.
7783495	Zinc fluoride.
557415	Zinc formate.
7779864	Zinc hydrosulfite.
7779886	Zinc nitrate.
127822	Zinc phenolsulfonate.

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**SECTION 313 WATER PRIORITY CHEMICALS**

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<b>CAS Number</b>	<b>Common Name</b>
1314847	Zinc phosphide.
16871719	Zinc silicofluoride.
7733020	Zinc sulfate.

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