

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

**FACILITY CONTACT INFORMATION**

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**INTRODUCTION**

The Federal Clean Water Act requires that storm water discharges from certain types of facilities be authorized under storm water discharge Permits. (See 40 CFR 122.26.) The goal of the storm water Permits program is to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas. The Utah Department of Transportation (UDOT) is divided into four geographical areas called regions, which covers Utah statewide. A brief description of each region is below.

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

**DESCRIPTION OF DISCHARGE**

This Permit covers new or existing discharges composed entirely of storm water from the storm water drainage system within UDOT jurisdiction Statewide.

## **BACKGROUND**

The State of Utah was granted primacy in the National Pollutant Discharge Elimination System (NPDES) program by USEPA in 1987. In Utah, storm water discharge Permits are issued by the Utah Department of Environmental Quality, Division of Water Quality (the “Division”). Utah’s program is known as the Utah Pollutant Discharge Elimination System (UPDES) Program. The narrative requirements of this Permit are intended to reduce the discharge of pollutants to Waters of the State to the maximum extent practicable (MEP), meet permit requirements, and meet water quality standards through the development and implementation of a Storm Water Management Program (SWMP). UDOT is required to develop and implement a SWMP which involves implementation of a variety of Best Management Practices (BMPs) to reduce the discharge of pollutants from the MS4. MEP is the standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve through implementation of BMPs included in their SWMPs. Storm Water Management Program requirements are the controls used in place of numeric limits to achieve a reduction of pollutants in the storm water discharge from MS4s. A SWMP is comprised of six minimum control measures that must be developed and implemented. These measures include:

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

UDOT must develop a SWMP that meets the requirements of the six minimum measures and protects Waters of the State from pollution, contamination, and/or degradation. Additionally, UDOT must also implement programs for Industrial and High Risk Runoff and Wet Weather Monitoring. The BMPs employed to reduce pollutants to the MEP may be tailored to the unique local concerns that may exist and the different possible pollutant control strategies. The Division may evaluate the proposed storm water BMPs to determine if they meet the requirements of this Permit and if a reduction to the MEP can be achieved. Evaluation of the effectiveness of a SWMP and application of the MEP standard should be an iterative process. The standard of MEP and the necessary modifications to the SWMP should continually adapt to current conditions and BMP effectiveness. UDOT must continually assess the effectiveness of the current BMPs and expand or better tailor the BMPs to comply with this Permit and protect water quality, and to satisfy the appropriate water quality requirements of the *Utah Water Quality Act*.

## **PERMIT CHANGES**

The format of this Permit has been modified for ease of referencing specific citations. Basic requirements within each minimum control measure have been expanded with more specific descriptions in order to clarify the intent of each minimum control measure. Thorough documentation of all BMPs has been emphasized throughout the Permit. Significant changes within permit sections are described below:

## **Storm Water Management Program Evaluation**

As mentioned in Part 3.0 of this Statement of Basis, it is imperative that UDOT have an iterative process for evaluating the effectiveness of their SWMP. Therefore, within **180** days after the effective date of this Permit, UDOT shall have an ongoing process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate Permit compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation as stated in Part 4.1.2. of the Permit.

All MS4 Permits require the development and implementation of a SWMP which contains the details of the implementation of Permit requirements. Therefore, provisions in the SWMP are enforceable as Permit requirements and should therefore be available for public review and comment as described in Parts 4.2.2.2. and 4.2.2.3. UDOT must secure the resources necessary to meet all requirements of this permit as indicated in Part 4.1.2.2.

## **Nitrogen and Phosphorus Reduction**

The significant increase in recent years of nitrogen and phosphorus in water bodies across the country has intensified water quality problems. Too much nitrogen and phosphorus can cause serious water quality problems. Nutrient pollution impairs drinking water, endangers aquatic life and threatens the recreational use of Utah's streams, rivers, and lakes.

The Division of Water Quality (DWQ) is currently at work on a nutrient reduction plan tailored to the unique needs of Utah waters. DWQ has already identified numerous watersheds in the state that are affected by high nutrient levels. In an effort to reverse this disturbing trend, DWQ, in partnership with a comprehensive team of key stakeholders, established a working group to develop acceptable benchmarks for nitrogen and phosphorus and develop nutrient reduction programs to reduce nutrient loads entering the state's waters.

As part of Utah's adaptive management approach, site-specific strategies that account for the differences in water bodies and their sources of nutrient pollution must be addressed. Therefore, all MS4 Permittees must incorporate specific measurable goals regarding the need to reduce nutrients in storm water. Compliance with this requirement can be achieved by determining sources that are contributing to, or have the potential to contribute, nutrients to the waters receiving the MS4 discharge authorized under this Permit. Permittees must then prioritize these targeted sources and distribute educational materials or equivalent outreach accordingly. More information on nutrients in Utah's waters can be found at <http://www.nutrients.utah.gov/index.htm>.

## **Illicit Discharge Detection and Elimination**

Field assessment activities such as dry weather screening were a requirement of the previous Permit and continue to be a requirement in this Permit. In addition to dry weather screening of all outfalls, this Permit requires UDOT to implement a specific minimal inspection schedule for areas more likely to have illicit discharges, as indicated in 4.2.3.3.2. This schedule consists of inspecting at least **20 percent** of these priority areas within one year of receiving coverage under this Permit and continuing to assess an additional 20 percent each year thereafter for the Permit term as described in Part 4.2.3.3.2. A specific requirement to publicly list and publicize a hotline

or other local telephone number for public reporting of spills and other illicit discharges is indicated in Part 4.2.3.9.

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

The previous Permit required UDOT to develop and implement requirements for construction site operators to implement appropriate erosion and settlement control best management practices. This Permit further clarifies this requirement by stating that UDOT shall require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) as further described in Part 4.2.4.1.1. Part 4.2.4.3.1 requires UDOT to review these SWPPPs.

Part 4.2.4.5. requires training for MS4 staff in the fundamentals of erosion prevention and sediment control and in how to review SWPPPs.

The evaluation of opportunities for use of low impact design (LID) and green infrastructure, as well as the encouraged use where possible, is required to be incorporated into the SWPPP review process (Part 4.2.4.3.3). Although the terms “LID” and “Green Infrastructure” were not used in the previous permit, BMPs which could be considered as such were discussed in the Post-Construction minimum control measure of the previous permit and are also discussed in this Permit.

Monthly inspections of all new construction sites that disturb one acre or more, or are part of a common plan of development or sale, and biweekly inspections of priority construction sites defined in Part 4.2.4.3.4. are required.

The Construction Storm Water Inspection Form (Checklist) found on the Division’s website at <http://www.deq.utah.gov/Permits/water/updes/stormwatercon.htm> is required to be used for construction site inspections (Part 4.2.4.4.1).

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

As of May 11, 2010, rainwater harvesting is now legal in the state of Utah. Therefore the harvest and use of storm water has been included in this minimum control measure, specifically Parts 4.2.5.3.2 and 4.2.5.3.3. Further information on rainwater harvesting can be found at <http://waterrights.utah.gov/forms/rainwater.asp>.

The ordinance or other regulatory mechanism must include a provision for both construction-phase inspection and post-construction access for UDOT to inspect long-term storm water BMPs on private properties that discharge to the MS4 as described in Part 4.2.5.5.1.

The development of a general plan to address the potential of retrofitting existing post-construction structural controls is addressed in Part 4.2.5.3.3.

Adequate training of all staff involved in permitting, planning, and review is required in 4.2.5.6.

Long-term storm water management plans are required to be reviewed for long-term storm water management measures (post-construction) prior to construction (Part 4.2.5.4.1).

Structural long-term storm water management BMPs shall be inspected at least once during installation (Part 4.2.5.5.2), inspected annually by UDOT and maintained as necessary (4.2.5.5.3). The property owner/operator or third party may conduct an inspection in lieu of UDOT through a maintenance agreement and with annual certification provided by the owner/operator or third party (Part 4.2.5.5.1). If an owner/operator or third party conducts operation and maintenance, through a maintenance agreement, UDOT is required to verify and ensure proper maintenance of those structures at least once during the Permit term.

### **Pollution Prevention and Good Housekeeping for Municipal Operations**

In April, 2010, EPA issued the “Municipal Separate Storm Sewer System Permit Improvement Guide” which contains much more descriptive requirements for the Pollution Prevention/Good Housekeeping Minimum Control Measure (MCM). Therefore, UDOT maintenance facilities/stations covered under the Sector P MSGP will be covered under this reissued UDOT MS4 Permit. The SWPPPs generated for compliance for the Sector P MSGP must be updated to reflect the requirements of this Permit.

Low impact development (LID) techniques should be considered for all new and redeveloped municipal facilities.

UDOT-owned facilities have weekly, quarterly comprehensive, and quarterly visual inspection requirements (Part 4.2.6.6.).

All UDOT-owned or operated structural storm water BMPs must be inspected annually to ensure that they are properly maintained to reduce the discharge of pollutants into receiving waters (Part 4.2.6.4.6).

### **Industrial and High Risk Runoff**

UDOT must address storm water runoff from industrial facilities that directly connect to UDOT’s MS4. UDOT is required to provide education and outreach to promote proper management of potential pollutants in storm water discharges from industrial facilities adjacent to UDOT right-of-way. The Division does not require the Permittee to conduct systematic inspections of the industrial discharger in this renewal Permit; however, the Division has added a reporting requirement to notify the Division of any industrial facilities that the Permittee believes are having a negative impact on water quality. If UDOT finds that an industrial facility has illicitly connected or is illegally discharging to their system, UDOT must follow the provisions outlined in the Illicit Discharge Detection and Elimination minimum control measure of their Permit.

### **Wet Weather Monitoring**

UDOT must re-evaluate, revise and implement a wet weather monitoring program which will characterize their runoff from roadways and maintenance facilities and evaluate the performance of their controls. The monitoring program shall consist of monitoring sites statewide (in a minimum of 2 of the 4 UDOT Regions) and shall include the current UDOT monitoring site (outfall to Jordan River at Murray Golf Course). Additional monitoring sites will be selected with a minimum distribution as follows:

25% Establish baseline storm water runoff and discharge data from UDOT roadways:

25% Evaluate performance of controls for roadway runoff; and  
25% Evaluate the effectiveness of BMPs at UDOT maintenance facilities.

UDOT must submit a revised monitoring plan to the Division for approval prior to commencing monitoring and prepare and submit a monitoring report with each annual report.

### **Reporting**

UDOT must submit an annual report to the Division by October 1 following each year of the Permit term (reporting period of 7/1 – 6/30). UDOT may continue to submit the annual report using the same format as the previous Permit term.

### **Record Keeping**

UDOT shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by or used to demonstrate compliance with this Permit, for at least five years as stated in Part 5.4.4. Some records, as in the case of common plans of development, may need to be retained longer than five years.

### **PERMIT DURATION**

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

### **PUBLIC NOTICE AND COMMENT PERIOD**

This Permit will be announced in the *Salt Lake Tribune* and the *Deseret News* and also posted on the Utah Division of Water Quality's Public Notice website at:  
<http://www.deq.utah.gov/NewsNotices/notices/water/index.htm>

### **COMMENTS RECEIVED AND DWQ RESPONSES**

The 30-day public notice began on September 30, 2015, and ended on October 30, 2015, with public comments received from the Utah Department of Transportation. DWQ responses were provided to UDOT. Staff recommends issuance of the renewal permit with the modifications as noted in the response to comments.

This Permit and Fact Sheet were drafted by Rhonda Thiele, MS4 Program Coordinator, and Jeanne Riley, Storm Water Specialist, Utah Division of Water Quality, November 25, 2015.