

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

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

**UPDES PERMIT NUMBER UTS000001**

This Permit is issued in compliance with the provisions of the Utah Water Quality Act, Utah Code §§ 19-5-101 *et seq.* (the “Act”), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.* (“CWA”), and the rules and regulations made pursuant to those statutes, to

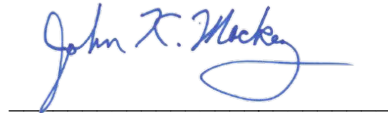
SALT LAKE COUNTY (“Permittee”)

who is hereby authorized to discharge, in accordance with monitoring requirements and other provisions as set forth in this Permit, from all portions of the municipal separate storm sewer system owned and operated by the Permittee, to waters of the state.

This Permit shall become effective on **February 26<sup>th</sup>, 2025**.

This Permit and the authorization to discharge shall expire at 11:59 pm on **February 30<sup>th</sup>, 2030**, except as described in Part 6.3.

Signed this **twenty-sixth day of February 2025**.



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John K. Mackey, P.E.  
Director

**UPDES PERMIT FOR DISCHARGES FROM  
SALT LAKE COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

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## **1.0 Coverage Under this Permit**

### **1.1 Authority to Discharge**

The Permittee is authorized to discharge storm water and limited non-storm water to waters of the state as identified in Part 1.2. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4.

### **1.2 Permit Area and Eligibility**

1.2.1 This Permit covers the following areas located within unincorporated Salt Lake County:

1.2.1.1 All areas within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from the municipal separate storm sewers (“MS4”) owned or operated by the Permittee that are not owned or operated by the Greater Salt Lake Municipal Service District (“MSD”).

1.2.1.2 “Countywide facilities” owned or operated by the Permittee that are within Salt Lake County.

1.2.2 This Permit covers the following authorized discharges:

1.2.2.1 *Storm water discharges.* The Permittee is authorized to discharge storm water to waters of the state from the MS4 as identified in Part 1.2.1., except as excluded in Part 1.4.

1.2.2.2 *Non-storm water discharges.* The following non-storm water discharges are authorized unless the Permittee or the Director identifies these discharges as significant sources of pollutants to waters of the state, or as causing or contributing to a violation of water quality standards: 1) water line flushing; 2) landscape irrigation; 3) diverted stream flows; 4) rising ground waters; 5) uncontaminated ground water infiltration; 6) uncontaminated pumped ground water; 7) discharges from potable water sources; 8) footing drains; 9) foundation drains; 10) air conditioning condensate; 11) irrigation water; 12) lawn watering runoff; 13) springs; 14) water from crawl space pumps; 15) individual residential car washing; 16) flows from riparian habitats and wetlands; 17) dechlorinated swimming pool discharges; 18) residual street wash water; 19) dechlorinated water reservoir discharges; and 20) discharges or flows from emergency firefighting activity.

### **1.3 Local Agency Authority**

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

### **1.4 Prohibited Discharges**

The Permittee is prohibited from discharging:

1.4.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined not to be a substantial contributor of pollutants to waters of the state.

1.4.2 Storm water discharges associated with industrial activity as defined in Utah Admin. Code R317-8-11(11.3)(6)(c).

- 1.4.3 Storm water discharges associated with construction activity as defined in Utah Admin. Code R317-8-11(11.3)(6)(e).
- 1.4.4 Discharges that would cause or contribute to in-stream exceedances of water quality standards identified in Utah Admin. Code R317-2-14.
- 1.4.5 Discharges of any pollutant into any waters of the state for which a Total Maximum Daily Load (“TMDL”) has been approved by EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the Permittee complies with the conditions and requirements of Part 3.1.

## **1.5 Documents the Permittee Shall Develop to Append the Permit**

The Permittee shall develop and sign the following documents, in accordance with Part 6.8., and will append the documents the Permit:

- 1.5.1 Appendix I: *Storm Water Management Plan (“SWMP”)* – The Permittee shall include in its SWMP all requirements listed in Parts 3 and 4.
- 1.5.2 Appendix II: *Responsible Entity Identification and Accountability* – The Permittee shall include any necessary agreements, contracts, or memorandum of understanding (“MOUs”) between the Permittee and other municipal or non-municipal entities that affect the implementation and operation of the SWMP. Necessary agreements, contracts, and MOUs shall address coordination or clarification of the responsibilities associated with the detection and elimination of improper connections or illicit discharges to the MS4, BMP coordination or other coordinated programs or sensitive issues of unclear or overlapping responsibility.
- 1.5.3 Revisions and Maintenance of Appendices:
  - 1.5.3.1 The Permittee shall keep all Appendices up to date and be able to demonstrate efforts made to achieve the purpose and objectives of each Appendix.
  - 1.5.3.2 The Permittee shall provide evidence that all revisions to the Appendices were submitted to the Director (e.g. Division of Water Quality (“Division”) Electronic Portal Confirmation, Division e-mail verification)), and if required by Part 1.5.3 or Part 4.5.2.2, the Permittee shall provide evidence that the revision was approved by the Director (e.g. a document or letter signed by the Director indicating that the modification was approved).
  - 1.5.3.3 For each Appendix, the Permittee shall maintain a record of the original document, each revision, the date the revision was made, and if applicable, the date the Director approved the revision.
  - 1.5.3.4 The Director may, at any time, make a written determination that all of or part of any Appendix is insufficient and does not comply with the Permit. If such a determination is made, the Permittee shall make revisions to the insufficient part(s) within 30 days or by an alternative timeframe approved by the Director.

## **2.0 Application Requirements**

The Permittee shall submit an Application and individual SWMP document at least **180 days** before the

expiration of this Permit according to Part 6.3.

## **2.1 Contents of the Application**

Permittee shall include in its Application, at a minimum, the following information:

- 2.1.1 Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP.
- 2.1.2 The Permittee's type and legal status as a Federal, State, private, or other public entity other than Federal or State.
- 2.1.3 A map which identifies the land for which the Permittee is requesting authorization to discharge; the names/identification of waters of the state that receive discharges from the Permittee's MS4; and a summary description of the overall water quality concerns and priorities of those waters.
- 2.1.4 The number of people that are served by the municipal separate storm sewer system;
- 2.1.5 Name, title of the person responsible for overseeing implementation and coordination of the SWMP;
- 2.1.6 Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development of the SWMP;
- 2.1.7 Information on the chosen Best Management Practices ("BMPs") and the measurable goals for each of the storm water minimum control measures in Part 4.2 and, as appropriate, the timeframe by which the Permittee will achieve required actions, including interim milestones;
- 2.1.8 If the Permittee is relying on another entity(ies) to satisfy one or more of its Permit obligations, the Permittee shall include with the Application a summary of the Permit obligations that will be carried out by the other entity(ies). During the term of the Permit, the Permittee may terminate or amend shared responsibility arrangements by notifying the Director, provided this does not alter implementation deadlines.
- 2.1.9 Certification and signature requirements in accordance with Part 6.8.

### 3.0 Special Conditions

#### 3.1 Discharges to Water Quality Impaired Waters

##### 3.1.1 Applicability:

- 3.1.1.1 The Permittee's storm water discharges to the Jordan River and its tributaries, which are listed as impaired for various parameters on Utah's 303(d) list, and is available at <https://wq.deq.utah.gov/>. Water quality impaired waters means any segment of surface waters that has been identified by the Director as failing to support classified uses. The Permittee has discharges meeting these criteria, and the Permittee shall comply with Part 3.1.2. and Part 3.2. The Permittee shall review the 303(d) list biennially after the Division's Integrated Report is released, and determine whether additional impairments to the Jordan River were identified during the previous Integrated Report cycle. The Permittee shall update the SWMP accordingly, as needed, to address newly added impairments.
- 3.1.1.2 The Permittee shall determine whether a TMDL has been developed by the Director and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee shall comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. below. Part 3.2. identifies requirements for the Jordan River *Escherichia coli* ("*E. coli*") TMDL. If no TMDL has been approved, the Permittee shall comply with Part 3.1.2. below and any TMDL requirements once it has been approved. TMDL requirements may be put into effect at any time during this Permit term.
- 3.1.2 The Permittee shall include in its SWMP document a description of how the Permittee will control the discharge of the pollutants of concern from any impaired waterbodies. This description shall identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures shall be presented in the order of priority with respect to controlling the pollutants of concern.
- 3.1.3 Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Director will notify the Permittee of such violation(s). 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 as required by the Director. If violations remain or re-occur, coverage under this Permit may be terminated by the Director and an alternative UPDES Permit may be issued. Compliance with this requirement does not preclude the State from taking an enforcement action as provided by the Utah Water Quality Act for the underlying violation.

#### 3.2 Jordan River Watershed Wide *E. coli* TMDL

- 3.2.1 The Permittee discharges to waters listed on the Utah 303(d) list as impaired for *E. coli* (listed as bacteria) for which storm water is a contributing source per the *Jordan River Watershed Wide E. coli TMDL*. The Permittee's SWMP shall include a written *TMDL Compliance Plan* addressing the pollutant reduction requirements of the TMDL as it relates to MS4s. The *Jordan River E. coli TMDL MS4 Guidance Document* available on the Division's website will provide supplemental information to assist the Permittee with compliance with the Permit requirements below.
- 3.2.2 The *TMDL Compliance Plan* will supplement and build-on the six (6) minimum control measures identified in Part 4.2. The Permittee shall develop, fund, and implement source control BMPs that reduce the discharge of *E. coli*. The *TMDL Compliance Plan* shall address the following:

- 3.2.2.1 Education. The Permittee shall identify potential sources of *E. coli* in the MS4 and target specific audiences that may be contributing to the *E. coli* sources. The Permittee shall provide and document education and outreach given to the target audiences on the impacts to water quality associated with these types of discharges and BMPs that can be implemented to reduce the discharge of *E. coli*.
- 3.2.2.1.1 The Permittee may meet the requirements of Part 3.2.2.1. through contribution to a collaborative program, e.g., storm water coalition, that evaluates, identifies, and targets sources, as well as, provides outreach that addresses *E. coli*.
- 3.2.2.2 *E. coli* Inventory. The Permittee shall identify sites that have potential sources of *E. coli* and shall maintain a written or mapped inventory of those areas in the MS4 that are potential sources of *E. coli*, such as areas with septic, dense waterfowl areas, dog parks, etc. (“inventoried *E. coli* areas”). The inventoried *E. coli* areas shall include any Permittee owned or operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli*.
- 3.2.2.2.1 *E. coli* Reduction Prioritization. The Permittee shall create a plan to prioritize reduction activities to address the areas and sources identified in the inventoried *E. coli* areas. The *E. coli* reduction prioritization plan shall include structural and nonstructural BMPs to reduce the potential of the discharge of *E. coli*. The Permittee shall implement these controls for the duration of the permit term.
- 3.2.2.2.2 The Permittee shall add the inventoried *E. coli* areas to the priority areas identified per Part 4.2.3.3.1. and begin inspecting the inventoried *E. coli* areas annually, at a minimum, and documenting the inspections on an inspection form.
- 3.2.2.2.3 The Permittee shall add the inventoried *E. coli* areas to the priority areas identified in Part 4.2.6.7.2. for street sweeping and storm sewer system maintenance and maintain the inventoried *E. coli* areas at the same frequency. The Permittee’s road and parking lot sweeping and storm drain system maintenance standard operating procedures (“SOPs”) shall include the inventoried *E. coli* areas and shall include a maintenance schedule that includes these areas.
- 3.2.2.3 “High Priority” Facility Inventory. The Permittee shall evaluate their written inventory of potential “high priority” permittee owned and/or operated facilities, as required by Part 4.2.6.1., and identify sites that have potential sources of *E. coli*. The Permittee shall add to their inventory any Permittee owned or operated dog parks, parks with open water, sites with septic, or properties that are known potential sources of *E. coli*. Sites that have been identified as potential sources of *E. coli* shall include structural or nonstructural BMPs.
- 3.2.2.4 SOP Evaluation. The Permittee shall evaluate the following potential *E. coli* generating activities to determine whether existing SOPs target reduction of *E. coli* discharge, or if additional SOPs should be developed for the reduction of *E. coli* discharge from the MS4: 1) roads, highways, and parking lots: surface cleaning and controlling litter; 2) parks and open space: lake and lagoon maintenance; mowing/trimming/planting; 3) storm water collection and conveyance system: inspection and cleaning of stormwater conveyance structures; controlling illicit connections and discharges; controlling illegal dumping; 4) material storage areas: solid waste collection; controlling litter; controlling illegal dumping; and 5) storm water collection and conveyance system: water line maintenance, sanitary sewer maintenance, spill/leak/overflow control, response, and containment.

- 3.2.2.5 The Permittee shall promote the use of Low Impact Development (“LID”) controls for which *E. coli* has a medium or high pollutant removal effectiveness, as identified in the Guide to Low Impact Development within Utah, Appendix C on the Division’s website: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.
- 3.2.2.6 The Permittee shall add potential *E. coli* reduction as a criterion for ranking when evaluating the Permittees retrofit plan per Part 4.2.6.10.
- 3.2.3 **TMDL Compliance Report.** The Permittee shall submit a TMDL Compliance Report with its Annual Report required by Part 5.6. The TMDL Compliance Report shall include identification of problem areas for which source control BMPs were developed, the cost, and the anticipated pollutant reduction.

### **3.3 Nitrogen and Phosphorus Reduction**

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



## 4.0 Storm Water Management Plan

The Permittee shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the Act. The SWMP shall include the six minimum control measures described in Part 4.2, as well as the requirements identified in Parts 3 and 4.1.

### 4.1 Requirements

4.1.1 The Permittee shall submit a revised SWMP document to the Director within **180 days** of the effective date of this Permit, which includes at a minimum, the following:

4.1.1.1 Permit number;

4.1.1.2 Mapping. MS4 location description and map, whether electronic or hard copy, that shows the location of each storm sewer outfall, storm drain pipe and other storm water conveyance structures, and the name and location of each water of the state that receives discharges from the MS4;

4.1.1.3 Description of any water quality concerns, priorities, and measurable goals specific to the Permittee that were considered in the development and/or revisions to the SWMP;

4.1.1.4 A description of the program elements that have been or will be implemented in each of the six minimum control measures required under Part 4.2;

4.1.1.5 Description of any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous “Jordan Valley Municipalities” Permit for each of the six minimum control measures;

4.1.1.6 A description of how the Permittee intends to meet the requirements described in Parts 3 and 4 by either referencing existing program areas that already meet the requirements, or a description and relevant measurable goals that include, as appropriate, the year by which the Permittee will achieve required actions, including interim milestones.

4.1.2 The SWMP shall indicate the person(s) responsible for implementing or coordinating the BMPs contained within the SWMP.

4.1.3 The SWMP shall include the certification and signature requirements in Part 6.8.

4.1.4 The Permittee shall have an ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.

4.1.4.1 The Permittee shall track the number of inspections performed, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be provided to the Director upon request and used by the Director to determine compliance with this Permit.

4.1.4.2 The Permittee shall secure the resources necessary to meet all requirements of this Permit. The Permittee shall conduct an annual analysis of the capital and operation and maintenance

expenditures needed, allocated, and spent, as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required. The Permittee shall submit a summary of its fiscal analysis with each Annual Report required by Part 5.6.

- 4.1.5 The Permittee shall ensure the SWMP clearly identifies the roles and responsibilities of all offices, departments, Directors, or sub-sections, and if necessary, other responsible entities. The Permittee shall include any necessary agreements, contracts, or MOUs between itself and any responsible entities that affect the implementation and operation of the SWMP. Such agreements, contracts, and MOUs shall be contained in Appendix II: *Responsible Entity Identification and Accountability*.
- 4.1.6 Failure to meet these requirements with a good faith effort and within the timeframes set forth is a violation of this Permit and may result in an enforcement action by the Director.

#### **4.2 Minimum Control Measures**

The six minimum control measures that shall be included in the SWMP are:

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

The Permittee shall implement a public education and outreach program to promote behavior change by the public to reduce water quality impacts associated with pollutants in storm water runoff and illicit discharges. Outreach and educational efforts shall include a multimedia approach and shall be targeted and presented to specific audiences relevant to the MS4 for increased effectiveness.

The educational program shall include documented education and outreach efforts for the following four audiences: 1) residents; 2) construction developers and contractors; 3) MS4 owned or operated facility employees; and 4) MS4 land use planning and engineering employees.

The Permittee shall define the specific messages for each audience. The Permittee shall identify methods that will be used to evaluate the effectiveness of the educational messages and the overall education program. An effective program shall show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.

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

The minimum performance measures, which should be based on the land uses and target audiences found within the community, include:

- 4.2.1.1 The Permittee shall target specific pollutants and pollutant sources determined by the Permittee to be impacting, or have the potential to impact, the beneficial uses of receiving water. This includes: 1) providing information which describes the potential impacts from storm water discharges; 2) methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of storm water discharges; and 3) the actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities, based on the land uses and target audiences found within the community.

- 4.2.1.2 **Residents.** The Permittee shall provide and document education and outreach given to the **general public** of the Permittee's prohibitions against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. The Permittee shall, at a minimum, consider the following topics: 1) maintenance of septic systems; 2) effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); 3) benefits of onsite infiltration of storm water; 4) effects of automotive work and car washing on water quality; 5) proper disposal of swimming pool water; and 6) proper management of pet waste. These topics are not inclusive and the Permittee shall focus on those topics most relevant to the community.
- 4.2.1.3 **Construction Developers and Contractors.** The Permittee shall provide and document education and outreach given to **engineers, construction contractors, developers, development review staff, and land use planners** concerning the development of storm water pollution prevention plans ("SWPPPs") and BMP use, to reduce adverse impacts from storm water runoff from development sites. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.
- 4.2.1.4 **MS4 Owned or Operated Facility Employees.** The Permittee shall provide and document education and training given to employees of **Permittee-owned or operated facilities** concerning the Permittee's prohibition against illicit discharges and improper disposal of waste and the impacts to water quality associated with these types of discharges. The Permittee shall, at a minimum, consider the following topics: 1) equipment inspection to ensure timely maintenance; 2) proper storage of industrial materials with emphasis on pollution prevention; 3) proper management and disposal of wastes; 4) proper management of dumpsters; 5) minimization of use of salt and other de-icing materials, including covering/prevention of runoff to the MS4 and ground water contamination; 6) benefits of appropriate on-site infiltration in areas with low exposure to industrial materials such as roofs or employee parking; and 7) proper maintenance of parking lot surfaces, including sweeping.
- 4.2.1.5 **MS4 Land Use Planning and Engineering Employees.** The Permittee shall provide and document information and training given to **MS4 engineers, development and plan review staff, land use planners, and other parties**, as applicable, regarding LID practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated BMPs chosen within the SWMP.

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

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

The minimum performance measures are:

- 4.2.2.1 The Permittee shall adopt a program or policy directive to create opportunities for the public to provide input during the decision-making processes involving the development, implementation and update of the SWMP, including development and adoption of all required ordinances or regulatory mechanisms.

- 4.2.2.2 The Permittee shall make the revised SWMP available to the public for review and input prior to submission to the Division.
- 4.2.2.3 The Permittee shall post the latest version of the SWMP within **180 days** from the effective date of the Permit on their website and shall clearly denote a specific contact person and phone number or email address to allow the public to review and provide input for the duration of the Permit. The Permittee shall keep a current version of the SWMP available on its website for public review and input for the duration of the Permit.

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

The Permittee shall revise, as necessary, implement and enforce an Illicit Discharge and Elimination (“IDDE”) program to systematically find and eliminate sources of non-storm water discharges to the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed below. The IDDE program shall be described in writing, included in the Permittee’s SWMP document, and contain the elements detailed in this Part.

The minimum performance measures are:

- 4.2.3.1 The Permittee shall maintain a current storm sewer system map of the MS4, showing the location of all municipal storm sewer outfalls with the names and location of all waters of the state that receive discharges from those outfalls, storm drain pipe and other storm water conveyance structures within the MS4.
- 4.2.3.2 The Permittee shall prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and sanitary sewer overflows into the storm sewer system. The Permittee shall require removal of such discharges consistent with Part 4.2.3.4.3., and implement appropriate enforcement procedures and actions. The Permittee shall have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary based on the severity of violation and/or the failure of the violator to address the violation(s). Discharges pursuant to a separate UPDES Permit and non-storm water discharges listed in Part 1.2.2.2. are exempt.
  - 4.2.3.2.1 The Permittee shall have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority may be an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program shall include a reference or citation of the authority the Permittee will use to implement the IDDE program.
- 4.2.3.3 IDDE Plan. The Permittee shall prepare and implement a written plan to detect and address non-storm water discharges to the MS4, including spills, illicit connections, sanitary sewer overflows and illegal dumping.

The plan shall include:

- 4.2.3.3.1 Priority Area Identification. Written systematic procedures for locating and listing the following priority areas likely to have illicit discharges, if applicable, including: 1) areas with older infrastructure that are more likely to have illicit connections; 2) industrial, commercial, or mixed-use areas; 3) areas with a history of past illicit discharges; 4) areas with a history of illegal

dumping; 5) areas with onsite sewage disposal systems; 6) areas with older sewer lines or with a history of sewer overflows or cross-connections; 7) areas upstream of sensitive water bodies; and 8) other areas the Permittee determines to be likely to have illicit discharges.

The Permittee shall document the basis for its selection of each priority area and create a list of all priority areas identified in the system. This priority area list shall be updated annually to reflect changing priorities.

- 4.2.3.3.2 Priority Area Inspections. The Permittee shall conduct field inspections of priority areas identified in Part 4.2.3.3.1 annually at a minimum, and utilize an inspection form to document findings.
- 4.2.3.3.3 Dry Weather Screening Inspections. The Permittee shall inspect/conduct dry weather screenings at all outfalls at least once during the Permit term, and utilize an inspection form, whether electronic or hard copy, to document findings, so as to verifying outfall locations and detect illicit discharges that discharge within the Permittee's jurisdiction to a receiving water.
- 4.2.3.3.4 Other Permitting. If the Permittee discovers or suspects that a discharger may require a separate UPDES permit (e.g., Industrial Storm Water Permit, Dewatering Permit), the Permittee shall notify the Director within 30 days.
- 4.2.3.3.5 The Permittee shall inform public employees, the general public, and any other relevant audiences of hazards associated with illicit discharges and improper disposal of waste.
- 4.2.3.3.6 The Permittee shall promote or provide services for the collection of household hazardous waste.
- 4.2.3.3.7 The Permittee shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. A written record shall be kept of all calls received, all follow-up actions taken, and any feedback received from public education efforts.
- 4.2.3.4 SOPs. The Permittee shall implement the following SOPs in its IDDE program:
  - 4.2.3.4.1 Tracing Illicit Discharges SOP. The Permittee shall implement an SOP for tracing the source of an illicit discharge. The SOPs should include procedures such as: 1) visual inspections; 2) opening manholes when necessary; 3) using mobile cameras; 4) using field tests of selected chemical parameters as indicators of discharge sources; 5) collecting and analyzing water samples for the purpose of determining sanctions or penalties; and/or 6) other detailed inspection procedures.
    - 4.2.3.4.1.1 When the source of an illicit non-storm water discharge is identified and confirmed, the Permittee shall record the following information in an inspection report: 1) the date the Permittee became aware of the non-storm water discharge; 2) the date the Permittee initiated an investigation of the discharge; 3) the date the discharge was observed; 4) the location of the discharge; 5) a description of the discharge; 6) the method of discovery; 7) date of removal, repair, or enforcement action; and 8) date and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The inspection report shall document the decision process for utilizing analytical monitoring.

- 4.2.3.4.2 Characterizing Illicit Discharges SOP. The Permittee shall implement SOPs for characterizing the nature of illicit discharges and the potential public or environmental threat posed by the discharges when found by or reported to the Permittee by the hotline or other telephone number described in Part 4.2.3.3.7. These procedures shall include detailed instructions for determining the substance of the illicit discharge. If a substance is unknown, the Permittee shall have procedures for evaluating or referring substance characterization to an alternative entity.
- 4.2.3.4.3 Ceasing Illicit Discharges SOP. The Permittee shall implement SOPs for ceasing the illicit discharge, including, 1) notification of appropriate authorities; 2), notification of the property owner; 3) technical assistance for removing the source of the discharge or otherwise eliminating the discharge; 4) follow-up inspections; and 5) escalating enforcement and legal actions if the discharge is not eliminated. The SOP shall include detailed instructions for evaluating how the discharge will be immediately contained, and steps to contain the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge. Illicit discharges to the MS4 are prohibited and any such discharges are a continuing violation of this Permit until they are eliminated.
- 4.2.3.4.3.1 Upon detection of an illicit discharge, the Permittee shall take actions to require immediate cessation of illicit discharges pursuant to Part 4.2.3.2.1. Upon confirmation of responsible parties, the Permittee shall take all necessary actions in accordance with its enforcement procedures pursuant to Part 4.2.3.2.
- 4.2.3.4.4 Spill and Improper Disposal Response SOP. The Permittee shall develop and implement an SOP for spill and improper disposal response, including a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incident response, even if it is a different entity, other than the Permittee. The SOP shall be incorporated as part of the IDDE program. The SOP shall be maintained and updated as changes occur.
- 4.2.3.4.5 Program Evaluation and Assessment SOP. The Permittee shall implement SOPs for program evaluation and assessment that includes maintaining a database for mapping; tracking the number and type of spills or illicit discharges identified; and inspections conducted.
- 4.2.3.5 Records. The Permittee shall thoroughly document all IDDE investigations. The Permittee shall provide inspection reports to the Director upon request. All IDDE documentation shall be retained for a period of five years. This period may be extended by the Director at any time.
- 4.2.3.6 Training. The Permittee shall, at a minimum, require that all staff, contracted staff, or other responsible entities, that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4 receives annual training on the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. Office personnel who might receive initial reports of illicit discharges, should also receive the annual training. The Permittee shall require that all new hires are trained within 60 days of hire date and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing. Training shall include how to identify a spill, an improper disposal, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge. The Permittee shall keep and maintain training records that include dates, activities or course descriptions, and names and positions of staff in attendance.
- 4.2.3.7 The Director reserves the right to request documentation or further investigation of a particular

non-storm water discharge of concern, to determine a reasonable basis for allowing the non-storm water discharge to the MS4 and excluding the discharge from the Permittee's program. The Director may require inclusion of the discharge in the Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

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

The Permittee shall revise, as necessary, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from qualifying construction sites, as defined in Part 7.0., according to the minimum performance measures listed below. Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements. The Permittee may meet these requirements through coordination with another regulated MS4; however, the Permittee shall retain documentation that the requirements of part 4.2.4. have been met.

The minimum performance measures are:

- 4.2.4.1 **Regulatory Authority**. The Permittee shall revise, as necessary, and enforce an ordinance or other regulatory mechanism that requires the use of erosion and sediment control practices at construction sites. The ordinance or other regulatory mechanism shall ensure compliance with all requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at [construction.stormwater.utah.gov](http://construction.stormwater.utah.gov). The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall apply, at a minimum, to qualifying construction sites, as defined by Part 7.0.
  - 4.2.4.1.1 The ordinance or other regulatory mechanism shall require construction operators to prepare a SWPPP and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste. This includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements shall be equivalent with the SWPPP requirement set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at: [construction.stormwater.utah.gov](http://construction.stormwater.utah.gov).
  - 4.2.4.1.2 The Permittee shall require construction operators to obtain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the construction operator's project. Coverage can be renewed or obtained online by completing a Notice of Intent ("NOI") or renewal request at: <https://npdes-ereporting.epa.gov/net-cgp>.
  - 4.2.4.1.3 The ordinance or other regulatory mechanism shall include a provision for access by a qualified person, as defined in Part 7.0, to inspect construction sites, including storm water BMPs, on private properties that discharge to the MS4.
- 4.2.4.2 **Enforcement Strategy**. The Permittee shall develop a written enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.

The enforcement strategy shall include:

- 4.2.4.2.1 A SOP that includes specific processes and sanctions to minimize the occurrence of violations and obtain compliance from violators. The SOP shall include appropriate escalating

enforcement procedures and actions, including an appeals process that is published in a publicly accessible location. The SOP shall clearly define who has authority to implement enforcement procedures.

4.2.4.2.2 Documentation and tracking of all enforcement actions.

4.2.4.3 Pre-Construction Review. The Permittee shall develop and implement a checklist for pre-construction SWPPP review that is consistent with the requirements of the current UPDES Storm Water General Permits for Construction Activities. The checklist shall include consideration of potential water quality impacts and procedures for pre-construction review.

Prior to construction, the Permittee shall:

4.2.4.3.1 Conduct a pre-construction SWPPP meeting which includes: 1) a review of the site design, 2) the planned operations at the construction site, 3) planned BMPs during the construction phase, 4) the planned BMPs to manage runoff created after development, as well as the Permittee's enforcement policy.

4.2.4.3.2 Develop procedures for receiving and considering information and comments submitted by the public on proposed projects

4.2.4.3.3 Determine whether the site is a priority construction site, as defined in Part 7.0.

4.2.4.4 Construction Site Storm Water Runoff Control Inspection Program. The Permittee shall implement and document a construction site storm water runoff control inspection program to ensure compliance with all requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities.

The program shall include the following:

4.2.4.4.1 Oversight Inspections SOP. The Permittee shall develop and implement SOPs for construction site inspection of construction storm water pollution control measures. The SOPs shall clearly define who is responsible for site inspections, and include procedures for the inspections, documentation, and follow-up identified in Parts 4.2.4.4.2. - 4.2.4.4.6. The Permittee's construction site storm water runoff control inspection program shall include a procedure for being notified by construction operators/owners of completion of active construction so that the Permittee may conduct verification of final stabilization and removal of all temporary control measures. The Permittee shall provide this procedure to the construction operator/owner before active construction begins. If inspections are contracted outside of the MS4, an individual or entity who prepares a SWPPP for a construction project may not perform the construction site inspections required of Parts 4.2.4.4.1.1. - 4.2.4.4.1.3. on behalf of the Permittee. The Permittee shall have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program.

4.2.4.4.2 Monthly Inspections. The Permittee shall conduct monthly inspections of all new qualifying construction sites, as defined in Part 7.0. These inspections shall be conducted by a qualified person, as defined in Part 7.0., using the Construction Storm Water Inspection Form (Checklist) found on the Division's MS4 website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.

4.2.4.4.3 Priority Inspections. The Permittee shall conduct inspections of priority construction sites, as



defined in Part 7.0., at least every two (2) weeks. These inspections shall be conducted by a qualified person, as defined in Part 7.0., using the Construction Storm Water Inspection Form (Checklist) found on the Division's MS4 website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.

- 4.2.4.4.4 Other Inspections. The Permittee shall conduct inspections of all phases of construction, as required by Part 4.2.4.4.5., including, 1) prior to land disturbance, 2) during active construction, and 3) following active construction. These inspections shall be conducted by a qualified person, as defined in Part 7.0., using the Construction Storm Water Inspection Forms (Checklist) found on the Division's MS4 website at: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.
- 4.2.4.4.5 Electronic Oversight Inspections. The Permittee shall utilize an electronic site inspection to conduct MS4 oversight inspections at construction sites. The oversight inspection shall meet the requirements of Part 4.2.4. The Permittee may complete an on-site inspection if the Permittee has a documented reason for justifying an on-site oversight inspection. Circumstances that may be considered documented reasons include, but are not limited to, inadequate characterization in electronic site inspections of site conditions or portions of a site; verified complaints; or any other evidence of noncompliance with Permit conditions that warrants an on-site inspection. The Permittee shall provide 48-hours advance notice of on-site inspection in this case unless there is an imminent threat of a discharge. The Permittee may resolve documented reasons for inspection under this paragraph electronically in lieu of onsite inspection.
- 4.2.4.4.6 Inspection Follow-up. Based on site inspection findings, the Permittee shall take all necessary follow-up actions, e.g., re-inspection, enforcement, to ensure compliance in accordance with the Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.
- 4.2.4.5 Training. The Permittee shall provide annual training to all staff whose primary job duties are related to implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement. The Permittee shall also provide such training to third-party inspectors and plan reviewers. The Permittee may provide the training or may utilize outside training. The Permittee shall ensure that all new staff is trained within 60 days of hire date, and annually thereafter, at a minimum. The Permittee shall provide follow-up training, as needed, to address changes in procedures, methods, or staffing. The Permittee shall keep training records that contain, at a minimum, dates, activities or course descriptions, and names and positions of staff or third-party attendees in attendance.
- 4.2.4.6 Record Retention. The Permittee shall maintain records of all qualifying construction sites, as defined in Part 7.0. The Permittee shall keep records which include but not limited to, site plan reviews, SWPPPs, inspections, and enforcement actions including any verbal warnings, stop work orders, warning letters, notices of violation, and any other enforcement conducted. The Permittee shall be able to demonstrate that each construction site's SWPPP is complete and in compliance with state regulations. The Permittee shall keep records of these projects for five years or until construction is completed, whichever is longer.
- 4.2.5 ***Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)***

The Permittee shall revise, as necessary, implement, and enforce a program to address post-

construction storm water runoff to the MS4 from private and public new development and redevelopment construction sites meeting the thresholds below (“new development/redevelopment program”). The water quality considerations of this minimum control measure do not replace or substitute water quantity or flood management requirements implemented on the local level for new development or redevelopment sites. The Permittee may incorporate water quality controls into the design of structures intended for flow control; or the Permittee may use separate control measures to achieve water quality controls. The new development/redevelopment program shall apply to private and public development sites, including roads.

The minimum performance measures are:

- 4.2.5.1 Post-construction Controls. The Permittee’s new development/redevelopment program shall have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs shall be selected that address pollutants known to be discharged or anticipated to be discharged from new development or redevelopment sites.
- 4.2.5.1.1 Non-Structural Controls. The Permittee’s new development/redevelopment program shall include non-structural BMPs. The Permittee shall consider non-structural BMPs, including, requirements and standards to: 1) minimize development in areas susceptible to erosion and sediment loss; 2) minimize the disturbance of native soils and vegetation; 3) preserve areas that provide important water quality benefits; 4) implement measures for flood control; and 5) protect the integrity of natural resources and sensitive areas.
- 4.2.5.1.2 Retention Requirement. The Permittee shall develop and define a specific hydrologic method(s) for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review.

The Permittee shall require the following conditions for new development and redevelopment projects are qualifying construction sites, as defined in Part 7.0:

**New development projects** shall manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80<sup>th</sup> percentile rainfall event or a predevelopment hydrologic condition, whichever is less. This objective shall be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, have evapotranspiration and/or harvest<sup>1</sup> and reuse of rainwater. The 80<sup>th</sup> percentile rainfall event is the event whose precipitation total is greater than or equal to 80 percent of all storm events over a given period of record.

**Redevelopment projects** shall provide a site-specific and project-specific plan aimed at net gain to onsite retention or a reduction to impervious surface to provide similar water quality benefits. If a redevelopment project increases the impervious surface by greater than 10%, the project shall manage rainfall on site, and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80<sup>th</sup> percentile rainfall event. This objective shall be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, have evapotranspiration and/or harvest<sup>1</sup> and reuse of rainwater.

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<sup>1</sup> Since 2010, rainwater harvesting is legal in the State of Utah. Depending on the volume of rainwater collected and stored for beneficial use, the Permittee shall meet the requirements of the Utah Division of Water Rights to harvest rainwater found on their website: <http://waterrights.utah.gov/forms/rainwater.asp>.

4.2.5.1.3 Low Impact Development Approach. The Permittee's new development/redevelopment program shall include a process which requires the evaluation of a LID approach for all projects subject to the requirements in Part 4.2.5.1.2. A LID approach promotes the implementation of BMPs that allow storm water to infiltrate, have evapotranspiration or harvest<sup>1</sup> and use storm water on site to reduce runoff from the site and protect water quality. Guidance for implementing LID can be found in DWQ's LID controls which are appropriate for use in the State of Utah can be found in *A Guide to Low Impact Development within Utah* (the Guide), available on the Division's MS4 website: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>. The Permittee shall allow for use of a minimum of five LID practices from the list in Appendix C of the Guide. If the Permittee has not adopted specific LID practices from Appendix C, any LID approach that meets Part 4.2.5.1.2 and is feasible may be used to meet this requirement.

4.2.5.1.4 Feasibility. The Permittee's new development/redevelopment program shall include a process to evaluate a site's feasibility to implement LID controls. If the Permittee determines that it is infeasible for a site to meet retention standards described in Part 4.2.5.1.2, the Permittee shall provide a rationale for the use of alternative design criteria. The new development or redevelopment project shall document and quantify that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls are infeasible due to constraints. LID infeasibility may be due to one or more of the following conditions: high ground water, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or any other justifiable constraint.

Guidance for assessing and documenting site conditions can be found in the Guide in Appendix B "Storm Water Quality Report Template" located on the Division's MS4 website. A Word version can also be found on the Division's MS4 website: <https://deq.utah.gov/water-quality/municipal-separate-storm-sewer-system-ms4s-permits-updes-permits>.

4.2.5.2 Regulatory Authority. The Permittee shall develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0. The ordinance or other regulatory mechanism shall require BMP selection, design, installation, operation, and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4. The Permittee shall implement an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. The Permittee's ordinance or other regulatory mechanism shall include an appeals process.

4.2.5.2.1 Enforcement Authority. The Permittee shall include enforcement provisions in the ordinance or other regulatory mechanism. The regulatory mechanism shall include procedures with specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators. These processes and sanctions shall include appropriate, escalating enforcement procedures and actions.

4.2.5.2.2 Regulatory Mechanism Documentation. The Permittee shall maintain documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4.

Documentation shall include: 1) how long-term storm water BMPs were selected; 2) the pollutant removal expected from the selected BMPs; and 3) the technical basis which supports

the performance claims for the selected BMPs.

4.2.5.2.3 Access. The ordinance or other regulatory mechanism shall include provisions for post-construction access for the Permittee to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may require private property owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality, in lieu of the Permittee. If the Permittee requires a maintenance agreement addressing maintenance requirements for any control measures installed on site, the agreement shall allow the Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The maintenance agreement shall also allow the Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator and bill or recoup costs from the property owner/operator as needed.

4.2.5.3 Plan Review. The Permittee shall:

4.2.5.3.1 Adopt and implement SOPs for site plan review that incorporate consideration of water quality impacts. The SOPs shall apply through the life of the project from conceptual design to project closeout.

4.2.5.3.2 Review post-construction plans for, at a minimum, all new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0., to ensure that the plans include long-term storm water management measures that meet the requirements of this minimum control measure.

4.2.5.4 Inspections. The Permittee shall adopt and implement SOPs for site inspection and enforcement of post-construction storm water control measures. These SOPs shall ensure adequate ongoing long-term operation and maintenance of approved storm water control measures.

4.2.5.4.1 The Permittee shall inspect, using a person who has been appropriately trained as identified in Part 4.2.5.6., permanent structural BMPs at least once during installation. Upon completion, the Permittee shall verify that long-term BMPs were constructed as designed. The Permittee shall document these inspections.

4.2.5.4.2 Permittee shall conduct inspections and any necessary maintenance at least every other year, or as necessary, to maintain functionality of the control by either the Permittee, or, if applicable, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Permittee shall inspect those storm water control measures at least once every five years, or more frequently, as determined by the Permittee, to verify and ensure that adequate maintenance is being performed. Following an inspection, if there is an observed failure of a facility to perform as designed, the Permittee shall document its findings in an inspection report.

The inspection report shall include the following: 1) inspection date; 2) name and signature of inspector; 3) project location; 4) current ownership information; 4) a description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and 5) specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and re-inspection dates.

- 4.2.5.5 Inventory. The Permittee shall maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redevelopment sites that are qualifying construction sites, as defined in Part 7.0. This inventory shall include both public sites and private sector sites that were developed since the Permittee obtained coverage under this Permit or the date that post-construction requirements came into effect, whichever is later.
- 4.2.5.5.1 Each entry to the inventory shall include basic information on each project, such as project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries shall include the following for each project: 1) short description of each storm water control measure (type, number, design or performance specifications); 2) short description of maintenance requirements (frequency of required maintenance and inspections); and 3) inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).
- 4.2.5.5.2 Based on inspections conducted pursuant to Parts 4.2.5.4.1. and 4.2.5.4.2., the Permittee shall update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site.
- 4.2.5.6 Training. The Permittee shall ensure that all staff involved in post-construction storm water management, including those that conduct plan review, annual maintenance inspections, and enforcement, receive appropriate training. Training shall be provided or made available for staff in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. Training records shall be kept and include, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.

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

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

The minimum performance measures are:

- 4.2.6.1 Inventory. The Permittee shall develop and keep current a written inventory of all the below potential "high priority" facilities that are owned or operated by the Permittee and all the associated storm water controls, at a minimum. The Director may add additional facilities to the list, as needed.

The inventory shall include, but is not limited to, the following facilities: 1) composting facilities; 2) equipment storage and maintenance facilities; 3) fuel farms; 4) hazardous waste disposal

facilities; 5) hazardous waste handling and transfer facilities; 6) incinerators; 7) landfills; 8) landscape maintenance on municipal property; 9) materials storage yards; 10) pesticide storage facilities; 11) public buildings, including libraries, police stations, fire stations, municipal buildings, restrooms, and similar Permittee-owned or operated buildings; 12) public parking lots; 13) public golf course maintenance facilities; 14) public swimming pool maintenance facilities; 15) public works yards; 16) public marinas or boat launches; 17) recycling facilities; 18) salt storage facilities and de-icing storage facilities; 19) solid waste handling and transfer facilities; 20) street repair and maintenance facilities and/or shed sites; 21) vehicle storage and maintenance yards; 22) airports; 23) animal control facilities; 24) vehicle salvage yards; 25) chemical storage facilities; and 26) transportation hubs, including bus stations.

- 4.2.6.2 Assessment of Possible Pollutants. The Permittee shall develop an assessment process to assess the written inventory of Permittee-owned or operated facilities, operations, and storm water controls identified in Part 4.2.6.1. and make a list of common pollutants that may originate from these facilities and how to prevent them from entering the storm water system. A description of the assessment process and findings shall be included in the SWMP.
- 4.2.6.3 Identification of “High Priority” Facilities. Based on the assessment required in Part 4.2.6.2., the Permittee shall identify as “high priority” those facilities or operations that have: 1) pollutants stored at the site; 2) improperly stored materials; 3) potential pollutant-generating activities performed outside (e.g. changing automotive fluids); 4) close proximity to fresh water and water bodies, including but not limited, to streams, canals, rivers, ponds and lakes; or 5) potential to discharge pollutant(s) of concern to impaired water(s). A description of the assessment process and findings shall be included in the SWMP.
- 4.2.6.4 Control Measures at “High Priority” Facilities. The Permittee shall implement water quality control measures and BMPs at all “high priority” facilities designed to target the specific pollutants generated on site, and/or the pollutants associated with the impaired waters. The Permittee shall monitor the control measures and BMPs regularly to verify that the BMPs are functioning. Control measures, BMPs, and monitoring schedules shall be specified in the Permittee’s SWMP.
- 4.2.6.5 SWPPPs for “High Priority” Facilities. The Permittee shall prepare a SWPPP for each high-priority facility within 180 days from the effective date of this Permit. Permittee shall implement a SWPPP at each “high priority” facility that outlines measures to prevent pollutants from entering the storm drain system and contains an inspection schedule of the facility.

The SWPPP shall include a site map showing the following information: 1) Facility Address; 2) Staff/contact information for the facility; 3) Property boundaries; 4) Buildings and impervious surfaces; 5) Directions of storm water flow using arrows; 6) Locations of structural control measures; 7) Facility BMPs (non-structural); 8) Location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not; 9) Locations of all storm water conveyances including ditches, pipes, basins, inlets, and swales; 10) Locations where significant spills or leaks have occurred; 11) Locations of all visual storm water monitoring points; 12) Locations of storm water inlets and outfalls, with a unique identification code for each outfall and an approximate outline of the areas draining to each outfall; 13) Locations of all non-storm water discharges; 14) Locations of sources of run-on to the site from adjacent properties; and 15) Locations where on-site activities may be exposed to storm water, including, but not limited to fixed fueling operations; vehicle and equipment maintenance and/or cleaning areas; brine making areas; loading/unloading areas; waste storage or disposal areas; liquid storage tanks; process and equipment operating areas; and materials storage or disposal

areas.

- 4.2.6.6 “High Priority” Facility Inspections. The Permittee shall conduct the following inspections at “high priority” Permittee-owned or operated facilities:
- 4.2.6.6.1 Monthly visual inspections. The Permittee shall perform monthly visual inspections of “high priority” facilities and related storm water outfalls in accordance with the inspection SOPs to verify the performance of the BMPs and all other systems designed and placed to eliminate pollutant discharges. The Permittee shall track the monthly inspections in a log for every facility, and shall keep or reference the location of the inspection records within the facility’s SWPPP. The inspection log shall include any identified deficiencies and the corrective actions taken to fix the deficiencies.
- 4.2.6.6.2 Semi-Annual comprehensive inspections. The Permittee shall perform a comprehensive inspection of “high priority” facilities, including all storm water controls, at least twice per year. The semi-annual inspection shall specifically consider waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar pollutant-generating areas. The Permittee shall document the semi-annual inspection results on an inspection report and shall keep or reference the location of the inspection records within the facility’s SWPPP. The semi-annual inspection shall be done in accordance with the inspection SOPs. The inspection report shall include any identified deficiencies and the corrective actions taken to remedy the deficiencies.
- 4.2.6.6.3 Annual visual observation of storm water discharges. The Permittee shall visually observe the quality of the storm water discharges from the “high priority” facilities at least once per year. The Permittee shall remedy any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls as soon as practicable, but at a minimum, before the next storm event to prevent discharge to the storm drain system. The Permittee shall document visual observations on an inspection report and shall keep or reference the location of the records of the visual observations within the facility’s SWPPP. This inspection shall be done in accordance with the inspection SOPs. The inspection report shall include any identified deficiencies and the corrective actions taken to remedy the deficiencies.
- 4.2.6.7 Operations and Maintenance SOPs. The Permittee shall develop and implement SOPs to protect water quality at each of the facilities owned or operated by the Permittee and/or activities conducted by the Permittee including, but not limited to: 1) buildings and facilities; 2) material storage areas; 3) heavy equipment storage areas and maintenance areas; 4) parks and open spaces; 5) vehicle and equipment; 6) roads, highways, and parking lots; and 7) storm water collection and conveyance systems.
- 4.2.6.7.1 SOPs shall address the following practices to ensure they are protective of water quality: 1) use, storage and disposal of chemicals; 2) storage of salt, sand, gravel, landscaping materials, asphalt and other materials; 3) waste and trash management; 4) cleaning, washing, painting and maintenance activities including: cleaning of maintenance equipment, building exteriors, and trash containers; 5) sweeping roads and parking lots; 6) proper application, storage, and disposal of fertilizer, pesticides, and herbicides and minimizing their use; 7) lawn maintenance and landscaping activities including: proper disposal of lawn clipping and vegetation; 8) green waste deposited in the street; 9) proper disposal of pet wastes; 10) vehicle maintenance and repair activities including: use of drip pans and absorbents under or around leaky vehicles and equipment; 11) vehicle/equipment storage including storing indoors where feasible; 12) vehicle fueling including placing fueling areas under cover in order to minimize exposure where

feasible; 13) road and parking lot maintenance, including: pothole repair, pavement marking, sealing, and repaving; 14) cold weather operations, including: plowing, sanding, application of deicing compounds, and maintenance of snow disposal areas; 15) right-of-way maintenance, including: mowing, herbicide and pesticide application; 16) Permittee-sponsored events such as large outdoor festivals, parades, or street fairs and the clean-up following these events; 17) regular inspection, cleaning, and repair of storm water conveyance and structural storm water controls; 18) graffiti removal; and 19) any activities or operations not listed above that would reasonably be expected to discharge contaminated runoff.

- 4.2.6.7.2 SOPs shall include a schedule for Permittee owned road and parking lot sweeping and storm drain system maintenance. The SOPs shall include regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. The Permittee shall prioritize sweeping and storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, most recent assessment the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors.
- 4.2.6.7.3 The Permittee shall ensure and document proper disposal methods of all waste and wastewater removed during cleaning and maintenance of the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. The materials removed from the MS4 shall be dewatered in a contained area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The solid material shall be stored and disposed of properly to avoid discharge during a storm event. Any other treatment and disposal measures shall be reviewed and approved by the Director. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill. Permittee shall store and dispose of the solid material in accordance to federal, state and local laws.
- 4.2.6.7.4 The Permittee shall ensure that vehicle, equipment, and other wash waters are not discharged to the MS4 or waters of the state. The Permittee shall minimize discharges to waters of the state that are associated with snow disposal and melt.
- 4.2.6.7.5 Spill Prevention Plan. The Permittee shall develop a spill prevention plan in coordination with the local fire department.
- 4.2.6.7.6 Floor Drain Inventory. The Permittee shall maintain an inventory of all floor drains inside all Permittee-owned or operated buildings. The Permittee shall ensure that all floor drains discharge to appropriate locations. The inventory shall be updated as necessary to ensure accuracy.
- 4.2.6.8 Outside Contracting. The Permittee is responsible for ensuring, through contractually-required documentation and/or periodic site visits, that contractors performing operations and maintenance activities for the Permittee are using appropriate storm water controls and following all of the Permittee's SOPs, storm water control measures, and good housekeeping practices.
- 4.2.6.9 Flood Management Controls Assessment Process. The Permittee shall develop and implement a process to assess the water quality impacts and the design of all new flood management structural controls that are associated with the Permittee or that discharge to the MS4. This process shall include consideration of controls that minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process shall be included in the SWMP.



- 4.2.6.9.1 The Permittee shall assess existing flood management structural controls to determine whether changes or additions are necessary to improve water quality. A description of this process and determinations should be included in the SWMP.

- 4.2.6.10 Retrofit Plan. The Permittee shall develop a plan to retrofit existing developed sites that the Permittee owns or operates that are adversely impacting water quality. The retrofit plan shall be developed to emphasize controls that infiltrate, have evapotranspiration, or harvest and use storm water.

The retrofit plan shall include a ranking of retrofit sites based on the following criteria: 1) proximity to a waterbody; 2) current assessment of the waterbody with the goal to improve impaired waterbodies and protect unimpaired waterbodies; 3) hydrologic condition of the receiving waterbody; 4) proximity to sensitive ecosystem or protected area; and 5) any sites that could be further enhanced by retrofitting storm water controls.

- 4.2.6.11 Training. The Permittee shall require that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training. The annual training shall address the importance of protecting water quality, the requirements of this Permit, O&M requirements, inspection procedures, ways to prevent or minimize impacts to water quality by how they perform their job activities SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as, procedures for reporting water quality concerns, including potential illicit discharges. Training records shall be kept and contain, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall document and maintain records of the training provided and the staff in attendance. The Permittee shall ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.

### **4.3 Industrial and High-Risk Runoff**

The Permittee does not have industrial or high-risk runoff from industrial facilities in its jurisdiction, so Part 4.3 is not be required. If at any time conditions change, the Permittee shall notify the Director at least **180 days** in advance of this change.

### **4.4 Sharing Responsibility**

- 4.4.1 The Permittee may share implementation of one or more of the six minimum measures with another entity, or may fully delegate implementation to another entity. A Permittee may rely on another entity only if:

- 4.4.1.1 The other entity, in fact, implements the control measure;

- 4.4.1.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding Permit requirement; and

- 4.4.1.3 The other entity agrees to implement the control measure through a written agreement. This obligation shall be maintained and fully described in the Permittee's SWMP, and the agreement must be included in Appendix I. If the other entity agrees to report on the minimum control measure, the Permittee shall supply the other entity with the reporting requirements contained in Part 5.6. If the other entity fails to implement the control measure, the Permittee remains

responsible and liable for any discharges due to that failure to implement.

- 4.4.1.4 The Permittee shall conduct training of the responsible entity on the Permit requirements and applicable SOPs.

#### **4.5 Review and Revision of Storm Water Management Program**

- 4.5.1 Storm Water Management Program Review. The Permittee shall conduct and document, at a minimum, an annual review of the SWMP in conjunction with preparation of its Annual Report required by Part 5.6.

- 4.5.2 Storm Water Management Program Update. The Permittee may revise its SWMP during the Permit term in accordance with the following procedures:

- 4.5.2.1 Revisions Requiring Director Notification. Revisions that add components, controls, requirements or BMPs to the SWMP may be made at any time upon written notification to the Director.

- 4.5.2.2 Revisions Requiring Director Approval. Revisions that reduce or replace any component, control, requirement or BMP in the SWMP is prohibited, unless it the component, control, requirement or BMP is ineffective or infeasible. The Permittee shall document the BMP's ineffectiveness or infeasibility, and shall replace the BMP with an alternative BMP. The Permittee shall provide the Director with a description of the alternative BMP and the analysis of ineffectiveness or infeasibility of the replaced BMP for approval.

An analysis of ineffectiveness or infeasibility shall include: 1) an explanation of why the BMP is ineffective or infeasible; 2) expectations or report on the effectiveness of the replacement BMP; and 3) an explanation of why the replacement BMP is expected to achieve the goals of the BMP to be replaced, or has achieved those goals.

- 4.5.2.2.1 The Permittee shall not implement any revision requiring Director approval until the Permittee has received approval, in writing, from the Director.

- 4.5.3 The Permittee shall make SWMP revision requests or notifications in writing and signed in accordance with Part 6.8.

- 4.5.4 Director Required SWMP Revisions. The Director may require revisions to the SWMP to:

- 4.5.4.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the Permittee;
- 4.5.4.2 Include more stringent requirements necessary to comply with new Federal regulatory requirements; or
- 4.5.4.3 Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the CWA.

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

### **5.1 Narrative Standard**

It shall be unlawful, and a violation of this Permit, for the Permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

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

The Permittee is not required to conduct wet-weather monitoring, as the Permittee does not have jurisdiction over the political boundaries relevant to this requirement. If at any time conditions change, the Permittee shall notify the Director at least **180 days** in advance of this change.

### **5.3 Analytical Monitoring**

The Permittee is not required to conduct analytical monitoring (see definitions in Part 7.0) during the effective term of this Permit, with the following exceptions:

- 5.3.1 Water quality sampling may be conducted to identify pollutants of concern pursuant to Part 3.1.
- 5.3.2 The Permittee may be required to sample or test for characterizing illicit discharges pursuant to Parts 4.2.3.7.1. - 4.2.3.7.3.
- 5.3.3 If the Permittee elects to conduct analytical monitoring as part of its SWMP, the Permittee is required to comply with Part 6.18.

### **5.4 Non-analytical Monitoring**

- 5.4.1 The Permittee is required to conduct non-analytical monitoring (see definitions in Part 7.0), such as visual dry weather screening, to comply with Part 4.2.3.3.3.

### **5.5 Record keeping**

- 5.5.1 The Permittee shall keep all documents required by this Permit current and up to date to ensure the purpose and objectives of the required documents are achieved.
- 5.5.2 The Permittee is required to submit all revisions to supplementary documents to the Director in accordance with Parts 1.5.3, 4.5.2.2. and 6.8.
- 5.5.3 The Director may, at any time, make a written determination that parts or all of the supplementary documents are not in compliance with this Permit. If such a determination is made, the Permittee shall make modifications to these parts within a time frame specified by the Director.
- 5.5.4 The Permittee 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 from the date of the

record. This period may be extended by the Director at any time.

- 5.5.5 The Permittee shall make records, including the Application and the SWMP, available to the public if requested.

## **5.6 Reporting**

- 5.6.1 The Permittee shall submit an Annual Report to the Director by October 1 for the reporting period of July 1 to June 30 of each year for the duration of the Permit.
- 5.6.2 The Permittee shall submit its Annual Report using the report form provided on the Division's website.
- 5.6.3 The Permittee shall sign and certify its Annual Report in accordance with Part 6.8.
- 5.6.4 The Permittee shall submit signed copies of its Annual Report to the Division's electronic document system at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>

## **5.7 Legal Authority**

The Permittee shall ensure legal authority exists to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, Permit, contract, order or inter-jurisdictional agreements with other MS4s with existing legal authority to:

- 5.7.1 Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity (including construction activity);
- 5.7.2 Effectively prohibit illicit and non-storm water discharges into the MS4 and to implement appropriate enforcement procedures and actions;
- 5.7.3 Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
- 5.7.4 Control through interagency agreements among other MS4s the contribution of pollutants from one portion of the MS4 to another;
- 5.7.5 Require compliance with conditions in ordinances, permits, contract or orders; and
- 5.7.6 Conduct all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this Permit.

## **6.0 Standard Permit Conditions**

### **6.1 Duty to Comply**

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit application. 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.

### **6.2 Penalties for Violations of Permit Conditions**

The Act provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation, and higher penalties for willful or negligent violations.

### **6.3 Duty to Reapply**

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The Permittee shall submit the application at least **180 days** before the expiration date of this Permit. Continuation of expiring Permits shall be governed by Utah Admin. Code R317-8-3(3.1)(4)(d).

### **6.4 Need to Halt or Reduce Activity not a Defense**

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

### **6.5 Duty to Mitigate**

The Permittee 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.

### **6.6 Duty to Provide Information**

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

### **6.7 Other Information**

When the Permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or any report to the Director, the Permittee shall promptly submit such facts or information.

### **6.8 Signatory Requirements**

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

- 6.8.1 All Permit applications shall be signed by either a principal executive officer or ranking elected official.
- 6.8.2 All reports required by the Permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 6.8.2.1 The authorization is made in writing by a person described above and submitted to the Director; and,
- 6.8.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- 6.8.2.3 Changes to authorization. If an authorization under Part 6.8.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 6.8.2. shall be submitted to the Director prior to, or together with, any reports, information, or applications required to be signed by an authorized representative.
- 6.8.3 *Certification.* Any person signing documents under this Part 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## **6.9 Availability of Reports**

Except for data determined to be confidential under the Government Records Access and Management Act (*see* particularly Utah Code § 63G-2-309) and Utah Code § 19-1-306(1) *et seq.*, all reports prepared in accordance with this Permit shall be available for public inspection at the office of the Division. As required by the Act, Permit applications, Permits and effluent data shall not be considered confidential.

## **6.10 Penalties for Falsification of Reports**

Per Utah Code § 19-5-115(4)(a), any person who knowingly makes a false material statement, representation, or certification in any application, record, report, plan or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment, or both.

### **6.11 Penalties for Tampering**

Per Utah Code § 19-5-115(4)(b), any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment, or both.

### **6.12 Property Rights**

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

### **6.13 Severability**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby.

### **6.14 Requiring a Different Permit**

The Director may require the Permittee to obtain another UPDES Permit. The Director may require the Permittee to apply for another UPDES Permit only if the Permittee has been notified in writing that a Permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, as necessary, a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of the UPDES Permit, coverage under this Permit shall automatically terminate. Permit applications shall be submitted to the address of the Division of Water Quality shown in Part 5.5. The Director may grant additional time to submit the application upon request. If the Permittee fails to submit, in a timely manner, a UPDES Permit application as required by the Director, then the applicability of this Permit is automatically terminated at the end of the day specified for application submittal.

### **6.15 State/Federal Laws**

Nothing in this Permit shall be construed to preclude the Division 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 Utah Code § 19-5-117 and 33 U.S.C. § 1370 or any applicable Federal or State transportation regulations.

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

### **6.17 Monitoring and Records**

6.17.1 The Permittee shall ensure all samples and measurements taken for the purpose of monitoring are representative of the monitored activity.

6.17.2 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 the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by the Director at any time.

6.17.3 The Permittee shall include the following information in all monitoring records:

6.17.3.1 The date, exact place, and time of sampling or measurements;

6.17.3.2 The name(s) of the individual(s) who performed the sampling or measurements;

6.17.3.3 The date(s) and time(s) analyses were performed;

6.17.3.4 The name(s) of the individual(s) who performed the analyses;

6.17.3.5 The analytical techniques or methods used; and

6.17.3.6 The results of such analyses.

## **6.18 Monitoring Procedures**

The Permittee shall conduct monitoring according to test procedures approved under Utah Admin. Code R317-2-10. Monitoring results shall be reported in the Annual Report required by Part 5.6.

## **6.19 Inspection and Entry**

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

6.19.1 Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records shall be kept under the conditions of this Permit;

6.19.2 Have access to and copy at reasonable times, any records that shall be kept under the conditions of this Permit;

6.19.3 Inspect at reasonable times any facilities or equipment, including monitoring and control equipment; and

6.19.4 Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by law, any substances or parameters at any location.

## **6.20 Permit Actions**

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition.



## **6.21 Storm Water-Reopener Clause**

At any time during the duration of this Permit, this Permit may be reopened and modified, following proper administrative procedures, according to Utah Admin. Code R317-8-5(5.6) and Utah Admin. Code R317-8-6(6.2), to include any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to waters of the state.

## **6.22 Planned Changes**

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the countywide facilities or the portion of the MS4 owned or operated by the Permittee that are not owned or operated by the MSD.

## **6.23 Transfers**

This Permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

## **6.24 Twenty-four Hour Reporting**

6.24.1 The Permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to the Division 801-536-4300 or the 24-hour answering service 801-536-4123 within 24 hours from the time the Permittee becomes aware of the circumstances.

6.24.2 The Permittee shall also provide a written report within 5 days of the time the Permittee becomes aware of the circumstances. The Permittee shall include in the written 5 day report: 1) a description of the noncompliance and its cause; 2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and 3) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

6.24.2.1 For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, the Permittee shall include in the written 5 day report, in addition to the data described in Part 6.24.1, the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (*e.g.*, manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

6.24.2.2 The Permittee shall submit all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events electronically to the Division's electronic document system at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>.

## **6.25 Other Noncompliance**

The Permittee shall report all instances of noncompliance not reported under Part 6.24 in its Annual Report required under Part 5.6.

## **6.26 Occurrence of a Bypass**

6.26.1 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 is for essential maintenance to assure efficient operation. Essential maintenance bypasses are not subject to Parts 6.26.2 and 6.26.3 of this permit.

### **6.26.2 Prohibition of Bypass**

6.26.2.1 Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

6.26.2.1.1 Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;

6.26.2.1.2 There were no feasible alternatives to bypass, such as the use of auxiliary treatment 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

6.26.2.1.3 The Permittee submitted notices as required under Part 6.26.3.

6.26.2.2 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 Parts 6.26.2.1.1.-6.26.2.1.3.

### **6.26.3 Notice.**

6.26.3.1 Anticipated bypass. Except as provided in Part 6.26.2. and in Part 6.26.3.2. if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:

6.26.3.1.1 Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages:

6.26.3.1.2 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;

6.26.3.1.3 Description of specific measures to be taken to minimize environmental and public health impacts;

6.26.3.1.4 A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;

6.26.3.1.5 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,

6.26.3.1.6 Any additional information requested by the Director.

- 6.26.3.2 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 6.26.3.1.1.-6.26.3.1.6. to the extent practicable.
- 6.26.3.3 Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the Director as required under 6.24., Twenty-Four Hour Reporting. 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 environment to the extent practicable.

## **6.27 Upset Conditions**

- 6.27.1 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part 6.27.2. of this permit are met. Director's administrative determination regarding a claim of upset shall not be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
- 6.27.2 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:
- 6.27.2.1 An upset occurred and that the permittee can identify the cause(s) of the upset;
- 6.27.2.2 The permitted facility was at the time being properly operated;
- 6.27.2.3 The permittee submitted notice of the upset as required under Part 6.24., Twenty-four Hour Notice of Noncompliance Reporting; and,
- 6.27.2.4 The permittee complied with any remedial measures required under Part 6.5., Duty to Mitigate.
- 6.27.3 Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## 7.0 Definitions

Definitions related to this Permit:

“Act” means the Utah Water Quality Act.

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

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

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

“CWA” means The Clean Water Act, also referred to as the Federal Water Pollution Control Act.

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

“Countywide facilities” means facilities within Salt Lake County that are owned or operated by Salt Lake County.

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

“Director” means the Director of the Utah Division of Water Quality.

“Division” means the Utah Division of Water Quality.

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

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

“Electronic site inspection” means geo-located and time-stamped photos taken, evaluated, and submitted electronically by the applicant to the municipal system.

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

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

“EPA” means the United States Environmental Protection Agency.

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

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

“Illicit discharge” means any discharge to an MS4 that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) or to waters of the state.

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

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

“Low Impact Development” or “LID” is an approach to land development or redevelopment that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. Some practices that have been used to adhere to these principles include, but are not limited to, bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

“MS4” means “municipal separate storm sewer system.”

“Maximum Extent Practicable” or “MEP” is the technology-based discharge standard for MS4s established by 33 U.S.C. § 1342(p)(3)(B)(iii), which reads “Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.”

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

“Monitoring” refers to tracking or measuring activities, progress, results, etc.

“Municipal separate storm sewer system” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to Utah Admin. Code R317-8-1(1.6)(4), (8), & (15), or designated under Utah Admin. Code R317-8-11(11.3)(1)(a)(6) and Utah Admin. Code R317-8-11(11.3)(1)(a)(6)(b).

- that is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the state;
- that is designed or used for collecting or conveying storm water;
- which is not a combined sewer; and
- which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 C.F.R. § 122.2.

“Non-analytical monitoring” refers to monitoring for pollutants by means other than Utah Admin. Code R317-2-10 and 40 C.F.R. § 136, such as visually or by qualitative tools that provide comparative or rough estimates.

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

“Outfall” means a point source as defined by Utah Admin. Code R317-8-1(1.6)(11) at the point where a municipal separate storm sewer discharges to waters of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state.

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

“Qualified person” means a person knowledgeable in the principles and practice of erosion and sediment controls and pollutant prevention, who possesses the skills to assess conditions at effectiveness of any storm water controls selected and installed to meet the requirements of this Permit, including, but not limited to: Utah Registered Storm Water Inspector (“RSI”); Certified Professional in Erosion and Sediment Control (“CPESC”); Certified Professional in Storm Water Quality (“CPSWQ”); Certified Erosion, Sediment, and Storm Water Inspector (“CESSWI”); Certified Inspector of Sediment and Erosion Control (“CISEC”); National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (“NICET”); Certified Stormwater Inspector Construction (“CSI-Construction”); Qualified Compliance Inspector of Stormwater (“QCIS”); and EPA NPDES Construction General Permit Inspector Training.

“Qualifying Construction Site” means construction sites with a land disturbance of greater than or equal to one acre. This includes projects less than one acre that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre, where Common plan of development or sale means one plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, Permit application, zoning request, computer design, etc.), physical demarcation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.

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

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

“Storm Water Management Plan” or “SWMP” means the written plan that is used to describe the various control measures and activities the Permittee will undertake to implement the storm water management plan.

“SWPPP” means storm water pollution prevention plan.

“Small municipal separate storm sewer system” or “Small MS4” is any MS4 not already covered by the

Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all Small MS4s located in “urbanized areas” (“UAs”) as defined by the Bureau of the Census (unless waived by the UPDES Permitting authority), and on a case-by-case basis those Small MS4s located outside of UAs that the UPDES Permitting authority designates.

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

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

“Storm water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.

“Storm water discharge associated with industrial activity” means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. Additional information on what is considered industrial activity may be found in Utah Admin. Code 317-8-11(1.3)(6)(c).

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

“The Permittee” means Salt Lake County MS4.

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

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

“Waters of the state” means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be “waters of the state” under this definition. *See Utah Admin. Code R317-1-1.*